



# **METROPOLITAN PLANNING COMMISSION**

## **DRAFT MINUTES**

**April 27, 2017**  
**4:00 pm Regular Meeting**

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

### **MISSION STATEMENT**

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The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

Commissioners Present:  
Greg Adkins, Chair  
Jessica Farr, Vice Chair  
Jeff Haynes  
Lillian Blackshear  
Ron Gobbell  
Brenda Diaz  
Jennifer Hagan-Dier  
Dr. Pearl Sims  
Councilmember Burkley Allen

Staff Present:  
Doug Sloan, Executive Director  
Bob Leeman, Deputy Director  
Carrie Logan, Assistant Director, Special Projects  
George Rooker, Special Projects Manager  
Kelly Adams, Administrative Services Officer III  
Lucy Kempf, Planning Manager II  
Anita McCaig, Planner III  
Andrew Collins, Planner III  
Marty Sewell, Planner III  
Lisa Milligan, Planner III  
Latisha Birkeland, Planner II  
Patrick Napier, Planner II  
Shawn Shepard, Planner II  
Abbie Rickoff, Planner II  
Dara Sanders, Planner II  
Jessica Buechler, Planner I  
Gene Burse, Planner I  
Anna Grider, Planner I  
Elham Daha, Planner I  
Craig Owensby, Public Information Officer  
Macy Amos, Legal

## Notice to Public

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

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

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

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

### Writing to the Commission

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

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

### Speaking to the Commission

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

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

### Legal Notice

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



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

# MEETING AGENDA

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## A: CALL TO ORDER

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

## B: ADOPTION OF AGENDA

Ms. Hagan-Dier moved and Ms. Blackshear seconded the motion to adopt the agenda. (8-0)

## C: APPROVAL OF APRIL 13, 2017 MINUTES

Mr. Gobbell moved and Mr. Haynes seconded the motion to approve the April 13, 2017 minutes. (8-0)

## D: RECOGNITION OF COUNCILMEMBERS

Councilmember Hagar spoke in favor of Items 5a-f.

Councilmember Anthony Davis spoke in favor of Item 17 and Items 5a-f.

Councilmember Mina Johnson spoke in favor of BL2017-608 without the amendment.

Councilmember Pulley spoke in favor of Items 5a-f and Item 22.

Councilmember Scott Davis spoke in favor of Items, 12, 13, and 19.

Councilmember Karen Johnson spoke in favor of Item 3 and Item 18.

Councilmember Henderson spoke in favor of Item 16 and in favor of BL2017-608 without the amendment as the amendment confuses things.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL

**1. 2016SP-062-001**  
EARHART SUBDIVISION SP

**4a. 2017SP-027-001**  
THE BELAIR MANSION

**4b. 2017HL-004-001**  
2250 LEBANON PIKE

**5b. 2017Z-005TX-001**

**5c. 2017Z-006TX-001**

**6. 2016Z-044PR-001**

**8. 2017Z-041PR-001**

**9. 2015S-165-001**  
2044 STRAIGHTWAY

**12. 2016SP-097-001**  
2525 GALLATIN AVENUE SP

**20. 2016Z-120PR-001**

**28. 103-79P-005**

**RIVERFRONT SHOPPING CENTER LOT 4**

**30. 2017S-082-001  
RESUBDIVISION OF LOTS 3 & 4 ON THE PLAT SHOWING  
THE DIVISION OF THE JOHN B. COWDEN PROPERTY**

Ms. Farr arrived at 4:49 p.m.

Mr. Haynes moved and Dr. Sims seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

Ms. Diaz recused herself from Items 4a and 4b.

Chairman Adkins recused himself from Items 5b and 5c.

Ms. Blackshear recused herself from Item 12.

**F: CONSENT AGENDA ITEMS**

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

**2. 2017SP-012-001  
730 OLD HICKORY BOULEVARD**

**3. 2017SP-024-001  
3413 OLD ANDERSON SP**

**7. 2017Z-032PR-001**

**10. 2016S-199-001  
HAYNIES CENTRAL PARK PLAN RESUB OF LOTS 59-62**

**11. 2008SP-021-003  
1800 WEST END AVE (AMEND)**

**13. 2017SP-030-001  
EDWIN STREET SP**

**14. 2017SP-032-001  
HICKORY HOLLOW PARKWAY SP**

**15. 2017Z-010TX-001**

**16. 2017Z-011TX-001**

**17. 2017NHC-002-001**

**19. 2016Z-075PR-001**

**22. 2017Z-038PR-001**

**23. 2017Z-047PR-001**

**24. 2017Z-049PR-001**

- 25. 83-85P-001**  
RANSOM PLACE PUD (REVISION)
- 26. 269-84P-001**  
TULIP GROVE ROAD PUD (REVISION)
- 27. 84-87P-004**  
THE CROSSINGS OF HICKORY HOLLOW PUD (REVISION)
- 31. 2017S-089-001**  
CLEARVIEW, RESUB OF LOT 58
- 32. 2017S-093-001**  
WILLARD ADAMS PROPERTY
- 34. Contract Renewal for Elham Daha**
- 35. Urban Design Overlays' Development Review Process Update**
- 39. Accept the Director's Report and Approve Administrative Items**

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

Ms. Blackshear recused herself from Item 27.

## G: ITEMS TO BE CONSIDERED

### 1. 2016SP-062-001

#### EARHART SUBDIVISION SP

Council District 12 (Steve Glover)

Staff Reviewer: Patrick Napier

A request to rezone from RS15 to SP-R zoning for property located at Earhart Road (unnumbered), approximately 1,000 feet south of John Hagar Road, (69.76 acres), to permit up to 180 units, requested by T-Square Engineering, Inc., applicant; KDS Investments GP, owner.

**Staff Recommendation: Defer to the May 11, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016SP-062-001 to the May 11, 2017, Planning Commission Meeting. (8-0)**

### 2. 2017SP-012-001

#### 730 OLD HICKORY BOULEVARD

Council District 22 (Sheri Weiner)

Staff Reviewer: Latisha Birkeland

A request to rezone from R15 to SP-R zoning on property located at 730 Old Hickory Boulevard, approximately 500 feet northwest of Charlotte Pike, (4.07 acres), to permit up to 49 residential units, requested by Dale & Associates, Inc., applicant; Corinne Knight, owner.

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

#### APPLICANT REQUEST

**Rezoned to allow 49 residential units.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R15) to Specific Plan-Residential (SP-R) zoning on property located at 730 Old Hickory Boulevard, approximately 500 feet northwest of Charlotte Pike, (4.07 acres), to permit up to 49 residential units.

#### **Existing Zoning**

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 11 lots with 2 duplex lots for a total of 13 units.*

#### **Proposed Zoning**

Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development

This proposal supports goals for infill development. 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. Sidewalks will be provided along Old Hickory Boulevard to establish a new pedestrian network.

#### **BELLEVUE 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.

Consistent with Policy?

Yes. The proposed SP is consistent with the T3 Suburban Neighborhood Evolving Policy. The proposed development provides for additional housing choices within the neighborhood. The proposed sidewalk along Old Hickory Boulevard will start a pedestrian network where none exists today. The development is also respectful of the existing development patterns by providing similar setbacks as the surrounding properties along Old Hickory Boulevard.

**PLAN DETAILS**

The site is located at 730 Old Hickory Boulevard, on the east side of Old Hickory Boulevard. The site is approximately 4.07 acres in size and is currently in use as a single-family residence.

The plan proposes a total of 49 units with one access drive along Old Hickory Boulevard. A total of 14 units will have frontage along Old Hickory Boulevard. Additional units are placed throughout the site. Six units will be oriented around a large open space in the middle of the proposed plan. Garage parking is available for 20 units with surface parking for all other units. The plan includes a 6 foot wide sidewalk and an 8 foot wide grass strip along Old Hickory Boulevard, consistent with the requirements of the Major and Collector Street Plan. Internal sidewalks are provided throughout the development connecting units to the public sidewalk. The plan also includes a 10 foot wide scenic arterial landscape buffer as required per the Zoning Ordinance.

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

**ANALYSIS**

The proposed site plan is consistent with the T3 Neighborhood Evolving Policy in this location and supports one critical planning goal. This development would create additional housing diversity within the area and provides a new pedestrian network along Old Hickory Boulevard.

**FIRE DEPARTMENT RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Unless a hydrologic determination is provided showing the conveyance along OHB is a wet weather conveyance, all disturbances within the buffers shall be removed (water quality features, sidewalks, etc.) unless an approved SWMC variance is obtained.
- Any conveyances (ditches, etc.) that traverse this property shall be routed through the site via ditches and / or pipes with PUDE's. No buildings shall encroach within said easement.

**HARPETH VALLEY UTILITY DISTRICT**

**Approve**

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- If sidewalks are required with this project then they are to be shown on the plans per the MCSP and per MPW standards and specifications. Sidewalks are to be located within dedicated ROW.
- Indicate solid waste and recycling plan for the development, multiple locations or modified pickup schedule are required with this scale of development. Curb side containers for this site appear to be inadequate.
- Comply with MPW Traffic Engineer conditions

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Provide adequate sight distance at access drive. Construct a left turn lane on OHB with adequate transition at access drive. Refurbish pavement markings at OHB and Charlotte Pk intersection.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	4.07	2.9 D	14 U	134	11	15

\*Based on 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)	4.07	-	49 U	421	28	45

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+287	+17	+30

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **R15** district: **3** Elementary **2** Middle **2** High

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

The proposed SP-R zoning district would generate one less student than what is typically generated under the existing R15 zoning district. Students would attend Gower Elementary, H.G. Hill Middle School and Hillwood High School. H.G. Hills Middle School has been identified as over capacity. There is no capacity within the cluster for additional middle school students. This information is based upon data from the school board last updated November 2016.

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

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

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses in the SP shall be limited to a maximum of 49 residential units.
2. Revise purpose note to reflect a maximum of 49 units.
3. A type "B" landscape buffer yard shall be installed along the northern and southern property lines.
4. Provide sidewalk connection to Old Hickory Boulevard south of unit number 45.
5. Each unit shall have a sidewalk connection to the proposed sidewalk along Old Hickory Boulevard.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
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.

**Approved with conditions and disapproved without all conditions. (9-0) Consent Agenda**

**Resolution No. RS2017-125**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-012-001 is Approved with conditions and disapproved without all conditions. (9-0)**

**CONDITIONS**

1. Uses in the SP shall be limited to a maximum of 49 residential units.
2. Revise purpose note to reflect a maximum of 49 units.
3. A type "B" landscape buffer yard shall be installed along the northern and southern property lines.
4. Provide sidewalk connection to Old Hickory Boulevard south of unit number 45.
5. Each unit shall have a sidewalk connection to the proposed sidewalk along Old Hickory Boulevard.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
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.

**3. 2017SP-024-001**

**3413 OLD ANDERSON SP**

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Patrick Napier

A request to rezone from AR2a to SP-R zoning on property located at 3413 Old Anderson Road, approximately 400 feet north of Anderson Road (1.23 acres), to permit nine residential units, requested by Dale and Associates, applicant; Tennessee Avenue Development, LLC, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit up to nine residential units.**

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan-Residential (SP-R) zoning on property located at 3413 Old Anderson Road, approximately 400 feet north of Anderson Road (1.23 acres), to permit nine residential units.

**Existing Zoning**

Agricultural/Residential (AR2A) requires a minimum lot size of two acres and 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 duplex lot for a total of 2 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.

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

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

Consistent with Policy?

Yes. The proposed SP is consistent with the T3 NM policy and is appropriate given the site's location in a suburban area. The T3 NM policy is intended to retain the existing character of the neighborhood. Given the existing uses surrounding the site, the proposed layout and form of the SP will provide an appropriate transition from the single-family housing in the neighborhood to the multi-family housing located directly adjacent to this site.

**PLAN DETAILS**

The site consists of one parcel located at 3413 Old Anderson Road. The site contains 1.23 acres and is developed with one single-family home. Old Anderson Road is designated as a local street.

The proposed SP includes nine detached residential dwelling units. Four units will front Old Anderson Road and five units will front interior courtyard space located to the rear of the site. A minimum setback of 30 feet is being provided for all units fronting Old Anderson Road. This setback distance will help to achieve a consistent character and provide an appropriate transition between the surrounding single and multi-family structures.

The site will contain a single point of access from Old Anderson Road. All units will contain two-car garages and will be rear loaded. Additional guest parking is being provided on site. Sidewalks will be provided along Old Anderson Road consistent with the local street standards, 5 foot sidewalk and 4 foot grass strip. Units fronting Old Anderson Road will have a pedestrian connection to the public sidewalk. The units located to the rear of the site will have internal pedestrian connections which provide access to the proposed sidewalk along Old Anderson Road.

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

**ANALYSIS**

The proposed plan is consistent with the T3 Suburban Neighborhood Maintenance Policy. This development would provide an additional housing choice within the neighborhood and provides for an appropriate transition given the surrounding land use pattern.

**FIRE DEPARTMENT RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Provide adequate sight distance at access drive.

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)	1.23	0.5 D	0 U	-	-	-

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)	1.23		10 U	96	8	11

Traffic changes between maximum: **AR2a and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+96	+8	+11

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **AR2-A** district: **0** Elementary **0** Middle **0** High

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

The proposed SP-R zoning district would generate 4 additional students than what is typically generated under the existing AR2-A zoning district. Students would attend Smith Springs Elementary, J.F. Kennedy Middle School and Antioch High School. There is capacity for additional students in Smith Springs Elementary and J.F. Kennedy Middle School. Antioch High school is identified as being full. There is capacity for additional High School students within the adjacent cluster. This information is based upon data from the school board last updated November 2016.

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

1. Will this project include any affordable or workforce housing units? It has not yet been determined.
2. If so, how many and what is the percentage of the entire development? Not yet determined
3. How will you enforce the affordability requirements? See above
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 9 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 RM9 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. 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.
5. 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.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Michael Garrigan, 516 Heather Place, spoke in favor of the application. They had a lengthy discussion about the dangerous curves and have done everything possible to satisfy everyone's concerns.

Ollie Cole, 3409 Old Anderson Rd, spoke in opposition to the application due to safety concerns.

Fran Cole, 3409 Old Anderson Rd, spoke in opposition to the application due to traffic and safety concerns.

Councilmember Johnson requested a deferral to the May 11, 2017 Planning Commission meeting.

**Chairman Adkins closed the Public Hearing.**

**Councilmember Allen moved and Ms. Diaz seconded the motion to defer to the May 11, 2017 Planning Commission meeting with the Public Hearing to remain closed. (9-0)**

**The Metropolitan Planning Commission deferred 2017SP-024-001 to the May 11, 2017, Planning Commission Meeting, and closed the public hearing. (9-0)**

**4a. 2017SP-027-001**

**THE BELAIR MANSION**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Latisha Birkeland

A request to rezone from R8 and RS20 to SP-MU zoning on properties located at 2250 and 2254 Lebanon Pike, Lebanon Pike (unnumbered) and Revere Place (unnumbered), at the northeast corner of Briley Parkway and Lebanon Pike, within the Downtown Donelson Urban Design Overlay District (5.92 acres), to permit a mixed-use development, requested by Barge Cauthen and Associates, applicant; Lewis and Connie James, owners. (See associated case # 2017HL-004-001)

**Staff Recommendation: Withdraw.**

**The Metropolitan Planning Commission withdrew 2017SP-027-001. (7-0-1)**

**4b. 2017HL-004-001**

**2250 LEBANON PIKE**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Latisha Birkeland

A request to apply a Historical Landmark Overlay District on property located at 2250 Lebanon Pike, at the northeast corner of Lebanon Pike and Briley Parkway, zoned R8, within the Downtown Donelson Urban Design Overlay District (1.85 acres), requested by Councilmember Jeff Syracuse, applicant; Lewis and Connie James, owners. (See associated case # 2017SP-027-001)

**Staff Recommendation: Defer to the May 11, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2017HL-004-001 to the May 11, 2017, Planning Commission Meeting. (7-0-1)**

**5a. 2017Z-004TX-001**

BL2017-608

Staff Reviewer: Carrie Logan

An ordinance amending sections 17.04.060 , 17.08.030, 17.16.250, and 17.16.070 of the Metropolitan Code of Laws to establish distinct land uses for "Short term rental property – Owner- Occupied" and "Short term rental property – Not Owner-Occupied", and establishing a phase out date in year 2021 for "Short term rental property – Not Owner-Occupied", requested by Councilmembers Larry Hagar, Kevin Rhoten, Angie Henderson, Mina Johnson, and Freddie O'Connell.

**Staff Recommendation: Approve substitute ordinance. Also approve Amendment No. 1 should Metro Council decide to consider the amendment.**

**5b. 2017Z-005TX-001**  
BL2017-609  
Staff Reviewer: Carrie Logan

On Consent: No  
Public Hearing: Open

An ordinance amending section 17.16.250.E of the Metropolitan Code of Laws to establish a 12-month moratorium on the issuance of new Type 2 and Type 3 short term rental property permits and permit numbers for properties zoned for single and two-family residential use, requested by Councilmembers Steve Glover, Robert Swope, Sheri Weiner, and Burkley Allen

**Staff Recommendation: Withdraw.**

**5c. 2017Z-006TX-001**  
BL2017-610  
Staff Reviewer: Carrie Logan

On Consent: No  
Public Hearing: Open

An ordinance amending section 17.16.250.E of the Metropolitan Code of Laws to establish a 36-month moratorium on the issuance of new Type 2 and Type 3 short term rental property permits for properties zoned for single and two-family residential use, requested by Councilmember Nancy VanReece.

**Staff Recommendation: Withdraw.**

**5d. 2017Z-007TX-001**  
BL2017-611  
Staff Reviewer: Carrie Logan

On Consent: No  
Public Hearing: Open

An ordinance amending Section 17.16.250 of the Metropolitan Code of Laws to require the consent of adjacent property owners, Home Owner Associations, Condominium Associations, or other such community associations prior to issuance of a Short Term Rental Property permit, requested by Councilmember Fabian Bedne.

**Staff Recommendation: Disapprove.**

**5e. 2017Z-009TX-001**  
BL2017-653  
Staff Reviewer: Carrie Logan

On Consent: No  
Public Hearing: Open

A request to amend Section 17.16.250 of the Metropolitan Code of Laws to revise the list of acceptable documents establishing owner-occupation, requested by Councilmembers Burkley Allen and Fabian Bedne.

**Staff Recommendation: Approve.**

**5f. 2017Z-012TX-001**  
BL2017-685  
Staff Reviewer: Carrie Logan

On Consent: No  
Public Hearing: Open

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties, requested by Councilmember Sheri Weiner.

**Staff Recommendation: Disapprove as submitted. Suggest a replacement ordinance.**

#### **TEXT AMENDMENTS**

Ordinances to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties.

In February 2015, Metro Council approved Ordinance No. BL2014-909, which established Short Term Rental Property (STRP) as a use accessory to residential uses 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. BL2016-492, which moved all of the standards from Title 6 to Title 17, was approved by Metro Council on February 21, 2017.

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

**BL2017-608** revises the Zoning Code to create two uses: STRP (Owner-Occupied) and STRP (Not Owner-Occupied). STRP (Owner-occupied) would remain as an accessory use to residential uses. STRP (Not Owner-Occupied) would be a commercial use that is permitted with conditions in zoning districts where multi-family residential uses and hotels are permitted, which does not include AG, AR2a, R, R-A, RS and RS-A zoning districts. This ordinance would allow permits issued under previous regulations to be renewed prior to their expiration until June 28, 2019.

**BL2017-609** establishes a 12 month moratorium on new Type 2 and Type 3 permits in R and RS zoning districts.

**BL2017-610** establishes a 36 month moratorium on new Type 2 and Type 3 permits in R and RS zoning districts.

**BL2017-611** requires a statement that the applicant has notified any Home Owner Associations, Condominium Associations, or other such community associations prior to issuance of a STRP permit and a statement as to whether those organizations object to the STRP.

**BL2017-653** adds two forms of identification to the list of documents acceptable to demonstrate owner-occupation.

**BL2017-685** allows an online marketplace operator to submit aggregate data and apply for permits on behalf of a STRP operator, and allows Metro to request that operators with violations or operators without permits be removed from an online marketplace. Reduces occupancy to more than twice the number of sleeping rooms plus four or ten persons, whichever is lower. Reduces census tract limitation outside the Urban Zoning Overlay (UZO) from 3% to 2.5%

## **ANALYSIS**

NashvilleNext provides the following guidance for home-based businesses:

Element: Economic & Workforce Development

Goal: EWD 1

Nashville will have a thriving economy, built on a diversity of economic sectors that are nationally and internationally competitive, mid- to large-size businesses that provide a large and diverse number of employment opportunities, and entrepreneurial and small businesses that support our quality of life.

Policy: EWD 1.1

Support entrepreneurs and small businesses by providing locations to develop and grow new businesses, business development training, support for small-business and start-up districts, and clear laws and regulations.

Action: Create rules that allow home-based businesses in existing neighborhoods without disrupting the character and enjoyment of those neighborhoods.

There is dispute among stakeholders regarding the degree to which STRPs, especially not owner-occupied STRPs, disrupt the character and enjoyment of neighborhoods. When Title 17 was first amended to define STRPs and permit them as a use accessory to residential uses, the information presented to staff reflected a home-sharing model, where home owners were frequently present when transient guests were present. Over time, a segment of the STRP market has been not owner-occupied STRPs, which operate more like a commercial use because homeowners are not on the property throughout the stay of the guests, resulting in a lack of oversight and accountability to neighbors. BL2017-608 would continue to allow home-sharing as owner-occupied STRPs, but prohibit not owner-occupied STRPs in AG, AR2a, R, R-A, RS and RS-A districts.

BL2017-609 and BL2017-610 have been requested for withdrawal by the sponsors.

Current STRP regulations require that an application include a statement 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.” As amended, BL2017-611 would require a statement that the applicant has notified the Home Owners Association, Condominium Association, or other such community association which governs the proposed STRP property. It also requires the applicant to advise “the department of codes administration of any objection or opposition to the application by any such association of which the applicant is aware.” This opposition would not be a basis for the denial of the STRP permit and can only lead to confusion regarding the purpose and effect of the declaration. The Department of Law should be consulted as to whether Metro can enforce HOA or other private agreements.

BL2017-653 adds two additional types of documentation for owner-occupation, which allows applicants without traditional forms of identification to prove owner-occupancy:

- current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.) and
- current automobile, life or health insurance policy.

BL2017-685 inserts requirements for the online marketplace operator in the issuance of a use permit for the individual STRP permit holder. If Metro Council desires to create standards for the online marketplace operator, those requirements are better included in Title 6, since they are not related to land use regulations. This ordinance allows online marketplace operators to submit permits on behalf of a short term rental operator. While this method allows some online marketplace operators to require permits for registration, Planning suggests working with online

marketplace operators so that the platforms can require permits, but still allow Metro to verify the permit requirements. Additionally, this ordinance allows Metro to “request that it voluntarily remove a listing from the online marketplace,” but does not require the online marketplace operator to remove the listing. It should be noted that Metro or any other entity could already make this request. The ordinance also sets out an administrative subpoena process. However, Metro Charter Section 18.10 states:

The council, the civil service commission, the board of education and every other officer and agency of the metropolitan government authorized to conduct investigations or to hold hearings shall have power to compel the attendance of witnesses and the production of books, papers and records pertinent to the investigation or hearing, and to administer oaths to witnesses. If any person fails or refuses to obey a reasonable order for attendance or reasonable order for the production of books and papers, the council, board or other agency is authorized to apply to the chancery court for an order requiring that the order of the council, board or other agency be obeyed.

Furthermore, the online marketplace operator would submit data to Metro, but only aggregate data of all listings, making it unusable for Metro either for permitting or tax audits. Lastly, BL2017-685 reduces the limit of single-family and two-family permits for census tracts outside of the UZO and limits occupancy to twice the number of sleeping rooms plus four or ten persons, whichever is lower. If the Metro Council chooses to accomplish the goals of BL2017-685, standards for online marketplace could be provided in Title 6 of the Metro Code as shown at the end of this report.

### **ENFORCEMENT**

No matter which STRP standards are in place, enforcement of the standards will remain an issue. The Planning Department suggests that Metro create an administrative review process, which could include hearing complaints against STRP operators, levying fines in excess of the judicial fine limitation of \$50, and coordinating with the Department of Codes Administration and Police Department. It is important for Metro to continue to work with online marketplace operators to understand how their platforms can facilitate enforcement.

If an administrative review process is in place and there are standards in place for the Online Marketplace itself, the Metro Council may consider amending BL2017-608 to allow a limited number of STRP (Not Owner-occupied) in AG, AR2a, R, R-A, RS and RS-A with additional standards. These standards include limiting occupancy to twice the number of sleeping rooms plus four or ten, whichever is less and limiting the number of permits within the UZO to 3% per census tract and outside the UZO to 2.5% per census tract. As an option for the Metro Council, the amendment is also included at the end of this report. With substantial fines and aggressive enforcement, the STRP (Not Owner-occupied) use has the potential to exist in neighborhoods without disrupting the character and enjoyment of those neighborhoods, which is the standard included in NashvilleNext.

### **ZONING ADMINISTRATOR RECOMMENDATION**

BL2017-608 – Approve substitute and approve amendment.

BL2017-609 – Withdraw.

BL2017-610 – Withdraw.

BL2017-611 – Disapprove.

BL2017-653 – Approve.

BL2017-685 – Disapprove as currently drafted.

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### **STAFF RECOMMENDATION**

Staff recommends the following:

- Approve Substitute Ordinance BL2017-608 to insert “properly issued and maintained” into Section 8, to clarify that no new STRP permit can be issued from the date of the revocation, and to allow permit applications to be submitted by an Online Marketplace. Also approve Amendment No. 1 should the Metro Council decide to consider allowing STRP (Not Owner-occupied) in AG, AR2a, R, R-A, RS and RS-A with an administrative review process and standards for an Online Marketplace.
- Withdraw BL2017-609 and BL2017-610.
- Disapprove BL2017-611. If the Metro Council proceeds with BL2017-611, the ordinance should be amended to delete the word “pending.”
- Approve BL2017-653.
- Disapprove BL2017-685. Suggest a replacement ordinance for Online Marketplace standards in Title 6.

Additionally, staff recommends removing all fees from the STRP standards and suggesting a fee resolution, included below, consistent with other Zoning Code permitting fees. The review fees should be increased, in order to reflect Metro’s time in reviewing STRP applications, administering the program and enforcing STRP standards.

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### **SUBSTITUTE ORDINANCE NO. BL2017-608**

**Staff recommendation: Approve substitute and Amendment No. 1, included below**

**An ordinance amending sections 17.04.060 , 17.08.030, 17.16.250, and 17.16.070 of the Metropolitan Code of Laws to establish distinct land uses for “Short term rental property – Owner-Occupied” and “Short term rental property – Not Owner-Occupied”, and establishing a phase out date in year 2021 for “Short term rental property – Not Owner-Occupied” (Proposal No. 2017Z-004TX-001).**

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

Section 1. That Section 17.04.060 of the Metropolitan Code of Laws is hereby amended by deleting the definition for “Short term rental property (STRP)” therein and substituting the following in lieu thereof:

“Short term rental property (STRP) – Owner-Occupied” means an owner-occupied 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.

“Short term rental property (STRP) – Not Owner-Occupied” means a residential dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

Section 2. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby amended by deleting “Short term rental property (STRP)” in its entirety.

Section 3. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby further amended by adding “Short term rental property (STRP) – Owner-Occupied” as an accessory (A) use in AG, AR2a, RS80 through RS3.75, R80 through R6-A, RM2 through RM20-A, RM40 through RM100-A, MHP, MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, ON, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC-North, DTC-South, DTC-West, DTC- Central, SCN, SCC, IWD, IR and IG.

Section 4. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby further amended by adding under Commercial Uses “Short term rental property (STRP) – Not Owner-Occupied” as a use permitted with conditions (PC) in RM2 through RM20-A, RM40 through RM100-A, MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

Section 5. That section 17.16.250.E of the Metropolitan Code of Laws is hereby further amended by changing the name from “Short term rental property (STRP).” to “Short term rental property (STRP) – Owner-Occupied.”

Section 6. That Section 17.16.250.E of the Metropolitan Code is hereby amended by deleting subsection 17.16.250.E.1 in its entirety and substituting the following in lieu thereof:

1. Permit required. 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 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.

Section 7. That section 17.16.250.E.2.b.v of the Metropolitan Code of Laws is hereby further amended by deleting the first “that.”

Section 8. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding a new subsection E.2.c.:

An online marketplace operator may, with consent of the STRP operator, submit an application on behalf of an STRP operator. The online marketplace provider shall provide to the city the following information for any such STRP permit application: The name of the person applying and their phone number and email address; the STRP address; the STRP owner's tax assessment address (if different than the STRP address); and permit type. Required affidavit and documentation of Owner-occupation shall be provided by the STRP owner/operator.

Section 9. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E.4.i.ii(1), renumbering the remaining subsections and adding a new subsection E.4.i.ii(2).

An online marketplace operator may, with consent of the STRP operator, submit an application on behalf of an STRP operator. The online marketplace provider shall provide to the city the following information for any such STRP permit application: The name of the person applying and their phone number and email address; the STRP address; the STRP owner's tax assessment address (if different than the STRP address); and permit type. Required affidavit and documentation of Owner-occupation shall be provided by the STRP owner/operator.

Section 107. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding the following as subsection 17.16.070.U thereto and renumbering the remaining sections.

U. Short term rental property (STRP) – Not Owner-Occupied.

1. 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 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.
2. Application.
  - a. 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.



- b. 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:
    - i. 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;
    - ii. 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.
    - iii. 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. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
    - iv. A statement 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.
  - c. An online marketplace operator may, with consent of the STRP operator, submit an application on behalf of an STRP operator. The online marketplace provider shall provide to the city the following information for any such STRP permit application: The name of the person applying and their phone number and email address; the STRP address; the STRP owner's tax assessment address (if different than the STRP address); and permit type. Required affidavit shall be provided by the STRP owner/operator.
3. 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. Regulations.
- a. 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.
  - b. 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. In all sleeping areas.
      - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
      - iii. In each story within the sleeping unit, including basements.
  - c. 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.
  - d. No food shall be prepared for or served to the transient by the permit holder.
  - e. The principal renter of a STRP unit shall be at least twenty-one years of age.
  - f. 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.
  - g. 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 for any guest shall be thirty consecutive days.
  - h. 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.
  - i. Expiration and renewal of permit.
    - i. A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
    - ii. 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:
      - (1) ~~the payment of a fifty dollar renewal fee; and~~
      - ~~(2) a statement verified by affidavit that:~~
        - (a) includes all of the information required in an application under Section 17.16.250.E.2; and
        - (b) the STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
- (2) An online marketplace operator may, with consent of the STRP operator, submit an application on behalf of an STRP operator. The online marketplace provider shall provide to the city the following information for any such STRP permit application: The name of the person applying and their phone number and email address; the STRP address; the STRP owner's tax assessment address (if different than the STRP address); and permit type. Required affidavit shall be provided by the STRP owner/operator.

- iii. 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.
  - iv. 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 Section 17.16.250.E.2.
  - j. 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.
  - k. 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.
  - l. Denial or Revocation of Permit.
    - i. 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.
    - ii. 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.
    - iii. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
    - iv. 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.
    - v. 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 from the date of the revocation.
    - vi. The penalty for operating a short term rental property without a permit shall be:
      - (1) 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) 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:
        - (a) the testimony of the STRP operator;
        - (b) the testimony of neighbors or others with knowledge of the STRP operation;
        - (c) evidence that the operator was informed of the requirement and disregarded this information;
        - (d) evidence that the operator had looked into requirements and misunderstood them;
        - (e) prior or repeat offenses by the operator under this section; and
        - (f) whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.
      - (3) 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.
- Section ~~118~~. Notwithstanding the foregoing, properly issued and maintained permits issued under previous regulations may be renewed prior to their expiration until June 28, 2019.
- Section ~~129~~. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.
- Section ~~130~~. This Ordinance shall take effect from and after its enactment and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.
- Sponsored by: Larry Hagar, Kevin Rhoten, Angie Henderson, Mina Johnson, Freddie O'Connell

**Amendment No. 1**  
**TO**  
**SUBSTITUTE ORDINANCE NO. BL2017-608**

Mr. President –

I move to amend Ordinance No. BL2017-608 as follows:

I. By amending Section 4 by deleting it in its entirety and substituting therefore the following:

Section 4. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby further amended by adding under Commercial Uses "Short term rental property (STRP) – Not Owner-Occupied" as a use permitted with conditions (PC) in AG, AR2a, RS80 through RS3.75, R80 through R6-A, RM2 through RM20-A, RM40 through RM100-A, MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

II. By amending Section 6 by adding the following at the end of subsection 17.16.250.E.1:

Only one permit for STRP (Owner-occupied) or STRP (Not Owner-occupied) shall be issued per lot in Single-Family and One and Two-Family zoning districts.

III. By amending Section 10 by deleting subsection 17.16.070.U.1 and substituting therefore the following:

1. Permit required.

a. 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 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. Only one permit for STRP (Owner-occupied) or STRP (Not Owner-occupied) shall be issued per lot in Single-Family and One and Two-Family zoning districts.

b. Limits on quantities. For census tracts that overlap with the Urban Zoning Overlay (UZO) District, no more than three percent of the single-family or two-family residential units within each census tract shall be permitted as STRP (Not owner-occupied). For all other census tracts, no more than two and a half percent of the single-family or two-family residential units within each census tract shall be permitted as STRP (Not owner-occupied).

IV. By amending Section 10 by deleting subsection 17.16.070.U.4.f and substituting therefore the following:

f. Maximum occupancy. In R, R-A, RS and RS-A districts, 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 or ten, whichever is less. In all other districts, 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.

V. By amending Section 11 by deleting it in its entirety and renumbering the remaining Sections.

~~Section 11. Notwithstanding the foregoing, properly issued and maintained permits issued under previous regulations may be renewed prior to their expiration until June 28, 2019.~~

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**ORDINANCE NO. BL2017-609**

**Staff recommendation: Withdraw**

**An ordinance amending section 17.16.250.E of the Metropolitan Code of Laws to establish a 12-month moratorium on the issuance of new Type 2 and Type 3 short term rental property permits and permit numbers for properties zoned for single and two-family residential use (Proposal No. 2017Z-005TX-001).**

WHEREAS, Nashville has witnessed an exponential growth in the number of non-owner occupied short term rental property (STRP) units following the initial allowance of STRPs as an accessory use, many of which are owned and operated by investors; and

WHEREAS, at the January 3, 2017, Metropolitan Council public hearing, the Council was presented with evidence detailing neighborhood concerns with the operation of non-owner occupied STRPs, including public intoxication, lewdness, and loud noise; and

WHEREAS, despite a large and growing volume of complaints from neighborhood residents regarding STRPs, a report submitted December 20, 2016 by Fiscal Choice Consulting, LLC confirmed that no STRP property owner has had a permit revoked for code violations; and

WHEREAS, the report by Fiscal Choice Consulting, LLC further recited a lengthy number of recommendations for improvements to the Metropolitan Department of Codes Administration, particularly within the Property Standards Division; and

WHEREAS, barring immediate and drastic changes to the efficacy of property standards enforcement, it is necessary to avoid further exacerbating the problem and to promptly halt further increases in the number of non-owner occupied STRPs within residential areas until more effective regulatory methods can be adopted; and

WHEREAS, enacting a limited duration moratorium of 12 months, in good faith, upon non-owner occupied STRPs in residential areas will provide time for the Council to study the effectiveness of the increased enforcement efforts and to develop a comprehensive plan and appropriate zoning ordinances for the consideration of non-owner occupied STRPs in the future.

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

Section 1. That section 17.16.250.E of the Metropolitan Code is hereby amended by adding the following as subsection 17.16.250.E.5:

5. Moratorium. Beginning May 1, 2017 and continuing for 12 months thereafter, a moratorium shall be placed upon the issuance of any new permit for the operation of any Type 2 or Type 3 STRP located within the RS and R zoning districts or within a SP district that permits a STRP in single or two-family dwellings. This moratorium shall not preclude the renewal of STRP permits to (a) current permit holders in good standing who have committed no more than two (2) violations of section 17.16.250.E within the preceding 12-month period, or (b) applicants with current STRP applications on file with the Metropolitan Department of Codes Administration.
- Section 2. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.
- Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.
- Sponsored by: Steve Glover, Robert Swope, Sheri Weiner, Burkley Allen

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**ORDINANCE NO. BL2017-610**

**Staff recommendation: Withdraw**

**An ordinance amending section 17.16.250.E of the Metropolitan Code of Laws to establish a 36-month moratorium on the issuance of new Type 2 and Type 3 short term rental property permits for properties zoned for single and two-family residential use (Proposal No. 2017Z-006TX-001).**

WHEREAS, the emergence and popularity of short term rental property (STRP) units has paralleled Nashville's popularity as a tourist destination city, thereby providing an available alternative to hotel and motel operations and affording greater flexibility to tourists and visitors; and

WHEREAS, STRP units have begun contributing significantly to the Metropolitan Government tax revenues through the Hotel Occupancy Privilege Tax assessed upon STRP units pursuant to chapter 5.12 of the Metropolitan Code of Laws, a portion of which proceeds are dedicated for appropriation to the Barnes Fund for Affordable Housing; and

WHEREAS, Nashville has nevertheless witnessed an exponential growth in the number of non-owner occupied short term rental property (STRP) units following the initial allowance of STRPs as an accessory use, many of which are owned and operated by investors; and

WHEREAS, at the January 3, 2017, Metropolitan Council public hearing, the Council was presented with evidence detailing neighborhood concerns with the operation of non-owner occupied STRPs, including public intoxication, lewdness, and loud noise; and

WHEREAS, despite a large and growing volume of complaints from neighborhood residents regarding STRPs, a report submitted December 20, 2016 by Fiscal Choice Consulting, LLC confirmed that no STRP property owner has had a permit revoked for code violations; and

WHEREAS, the report by Fiscal Choice Consulting, LLC further recited a lengthy number of recommendations for improvements to the Metropolitan Department of Codes Administration, particularly within the Property Standards Division; and

WHEREAS, barring immediate and drastic changes to the efficacy of property standards enforcement, it is necessary to avoid further exacerbating the problem and to promptly halt further increases in the number of non-owner occupied STRPs within residential areas until more effective regulatory methods can be adopted; and

WHEREAS, enacting a limited duration moratorium of 36 months, in good faith, upon non-owner occupied STRPs in residential areas will provide time for the Council to study the effectiveness of the increased enforcement efforts and to develop a comprehensive plan and appropriate zoning ordinances for the consideration of non-owner occupied STRPs in the future.

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

Section 1. That section 17.16.250.E of the Metropolitan Code is hereby amended by adding the following as subsection 17.16.250.E.5:

5. Moratorium. Beginning May 1, 2017 and continuing for 36 months thereafter, a moratorium shall be placed upon the issuance of any new permit for the operation of any Type 2 or Type 3 STRP located within the RS and R zoning districts or within a SP district that permits a STRP in single or two-family dwellings. This moratorium shall not preclude the renewal of STRP permits to (a) current permit holders in good standing who have committed no more than two (2) violations of section 17.16.250.E within the preceding 12-month period, or (b) applicants with current STRP applications on file with the Metropolitan Department of Codes Administration.

Section 2. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Nancy VanReece

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**ORDINANCE NO. BL2017-611**  
**as amended by Amendment No. 1**  
**on March 7, 2017**

**Staff recommendation: Disapprove**

**An ordinance amending Section 17.16.250 of the Metropolitan Code of Laws to require the consent of adjacent property owners, Home Owner Associations, Condominium Associations, or other such community associations prior to issuance of a Short Term Rental Property permit (Proposal No. 2017Z-007TX-001).**

WHEREAS, short term rental property (STRP) units pose potential disruption to the quality of life for neighborhoods and other residential areas; and  
WHEREAS, to reduce the potential for such disruption, STRP permit applicants should obtain the consent of adjacent property owners as well as any Home Owners Association, Condominium Association, or other such community association that governs the proposed STRP property.  
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT NASHVILLE AND DAVIDSON COUNTY:

~~Section I. That section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting subsection 17.16.250.E.2.iii in its entirety and substituting the following in lieu thereof:~~

~~iii. Proof of the consent to the issuance of a STRP permit by each owner of each adjacent property prior to filing the application. Such proof of consent shall consist of a statement signed and dated by each adjacent property owner(s) verifying that the STRP permit may be issued with his/her consent.~~

Section II. That section 17.16.250 of the Metropolitan Code of Laws is hereby further amended by deleting subsection 17.16.250.E.2.v in its entirety and substituting the following in lieu thereof:

v. A statement that the applicant has (a) notified in writing any Home Owners Association, Condominium Association, or other such community association which governs the proposed STRP property as to the pending STRP permit application; (b) advised the department of codes administration of any objection or opposition to the application by any such association of which the applicant is aware; and (c) confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Home Owners Association Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.; ~~and (b) that any Home Owners Association, Condominium Association, or other such community association which governs the proposed STRP property has consented to the STRP permit.~~

Section 36. 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.

Sponsored by: Fabian Bedne

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**ORDINANCE NO. BL2017-653**

**Staff recommendation: Approve**

**An ordinance amending Section 17.16.250 of the Metropolitan Code of Laws to revise the list of acceptable documents establishing owner-occupation (Proposal No. 2017Z-009TX-001).**

WHEREAS, short term rental property (STRP) units pose potential disruption to the quality of life for neighborhoods and other residential areas; and  
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT NASHVILLE AND DAVIDSON COUNTY:

Section I. That section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting subsection 17.16.250.E.2.B.iv in its entirety and substituting the following in lieu thereof:

iv. For owners applying for an owner-occupied permit, two documents giving proof of owner-occupation shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for short term rental. Acceptable documentation includes: (a) Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); (e) current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or (i) a bank statement.

Section 2. 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.

Sponsored by: Burkley Allen, Fabian Bedne

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**ORDINANCE NO. BL2017-685**

**Staff recommendation: Disapprove and suggest a replacement ordinance included below for Online Marketplace standards in Title 6.**

**An ordinance to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties (Proposal No. 2017Z-012TX-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 Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E (1) b (iii). in its entirety and substituting with the following new subsection E (1) b (iii):

iii. Limits on quantities: No more than two and a half percent of the residential units within each census tract outside of the UZO that includes an RS district shall be permitted as Type 2 non-owner occupied short-term rental use. No more than three percent of the single-family or two-family residential units within each UZO census tract shall be permitted as Type 2 non-owner-occupied short-term rental use. Existing Type 2 STRP permit holders located within a census tract that has reached the cap referenced above, as of the date this ordinance becomes effective, will continue to be allowed to apply for renewal.

Section 2. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding a new subsection E. (2) c.:

An online marketplace operator may, with consent, submit the application on behalf of an STRP operator. The online marketplace provider shall provide to the city the following information for any such STRP permit application: The name of the person applying and their phone number and email address; the STRP address; the STRP owner's tax assessment address (if different than the STRP address); and permit type.

Section 3. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E (4) f. in its entirety and substituting with the following new subsection E (4) f.:

f. 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 or ten persons, whichever is lower. 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.

Section 4. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding subsection E. (4) i (v).:

An online marketplace operator may, with consent, submit a renewal application on behalf of an STRP operator. The online marketplace shall provide the city the same information as in 17.04.060 subsection E. (2) f as part of any such renewal application.

Section 5. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding subsection E. (4) I (vii) and (viii).

vii. The City may contact the online marketplace operator to request that it voluntarily remove a listing from the online marketplace.

viii. No online marketplace operator shall be held responsible for content created or controlled by its users or otherwise be held liable for violations of this Chapter committed by its users.

Section 6. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding subsection E. (5).

5. Online marketplace data sharing

a. The online marketplaces that list STRPs and that submit STRP applications with consent to the city, must provide certain information about activity on the online marketplace on a monthly basis. This information includes:

- i. The total number of STRPs listed on the online marketplace during the applicable reporting period;
- ii. Aggregated statistics regarding the total number of nights that STRPs on the platform were rented to guests during the applicable reporting period;
- iii. Aggregated statistics regarding the number of nights that STRPs on the online marketplace are booked for rental during the remaining months of the applicable calendar year;
- iv. Aggregated statistics regarding the STRP permit type for each listing; and
- v. The total amount of tax collected by the platform and remitted to the city.

In providing the information required by this subsection, the online marketplace is not required to provide personally identifiable information.

b. The City shall have the authority to issue a subpoena for information from the online marketplace. Any such administrative subpoena shall:

- i. Be submitted in writing by the City attesting that the City has reasonable belief that a STRP may be in violation of this Chapter.
- ii. Be sent to the online marketplace by certified and registered mail; and
- iii. Be related to a specific investigation by the City relating to a single STRP that is specifically identified in the subpoena, and alleges the specific violations of this Article or of applicable provisions in the Comprehensive Zoning Ordinance.
- iv. The online marketplace shall notify their user of the information requested in the subpoena within 10 days of receipt of the subpoena and produce the responsive records within 30 days of providing notice to the user, except to the extent that the platform has provided written objections or the user or platform has sought relief in a court of competent jurisdiction.

Section 7. This Ordinance shall take effect six months after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Sheri Weiner, Anthony Davis, Robert Swope

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**SUGGESTED REPLACEMENT FOR ORDINANCE NO. BL2017-685**

**An ordinance to amend Title 6 of the Metropolitan Code, Zoning Regulations, pertaining to Online Marketplace of Short Term Rental Properties.**

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 Chapter 6.28 of the Metropolitan Code is hereby amended by inserting Section 6.28.030 (Online Marketplace):

6.29.030 Online Marketplace

A. Defined. "Online Marketplace" means any person or entity that provides a digital platform for compensation, through which a third party offers to rent a short term rental property (STRP).

B. Standards

1. Listing of STRPs.

- a. The online marketplace shall require the permit number issued to the STRP-applicant prior to placing the relevant property as a STRP on the online marketplace site.
- b. The listing shall expire with the STRP permit period and require renewal of the STRP permit prior to relisting.
- c. The online marketplace shall remove a listing from the online marketplace within 10 days after the contact for the online marketplace receives written notification from the Metropolitan Government that a STRP permit has been revoked or that the STRP is operating without a permit.

2. Monthly reports. The online marketplace shall provide information about activity in the previous month on the online marketplace by the 15<sup>th</sup> of each month. This information includes:

- a. The total number of owner-occupied STRPs in each census tract listed on the online marketplace during the applicable reporting period;
- b. The total number of not owner-occupied STRPs in each census tract listed on the online marketplace during the applicable reporting period;
- c. By STRP permit number, the number of days each STRP was rented during the applicable reporting period and the rates at which the STRP was rented during the applicable reporting period.
- d. Aggregated statistics regarding the total number of nights that STRPs on the platform were rented to guests during the applicable reporting period;
- e. Aggregated statistics regarding the number of nights that STRPs on the online marketplace are booked for rental during the remaining months of the applicable calendar year;
- f. Aggregated statistics regarding the STRP permit type for each listing; and
- g. The total amount of tax collected by the online marketplace and remitted to the city.

Section 2. This Ordinance shall take effect three months 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.

**FEE RESOLUTION**  
**RESOLUTION NO. RS2017-\_\_\_\_\_**

**A resolution to add new categories to the fee structure associated with the processing and review of Zoning Administrator applications associated with Title 17 of the Metropolitan Code.**

WHEREAS, pursuant to Sections 17.40.740 and 17.40.750 of the Metropolitan Code of Laws, the adoption of a new fee structure may be accomplished by resolution; and,

WHEREAS, an amendment to the fee structure to add new categories to defray the cost of a type of zoning permit review; and,

WHEREAS, the Metro Council finds it fitting and proper to revise the zoning application fees in order to add these new categories of fees to the fee structure to partially defray the cost to provide the review services provided by The Metropolitan Government of Nashville and Davidson County.

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

Section 1. That the application fee schedule for the additional categories of fees, attached as Exhibit A hereto, is hereby approved.

Section 2. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Exhibit A

Fee Description	Current Fee	Proposed Fee
Initial STRP application	\$50	\$500.00
STRP renewal application	\$50	\$250.00

Mr. Adkins left the meeting at 8:36 p.m.

Ms. Logan presented the staff recommendation for Items 5a, 5d, 5e, and 5f.

Mr. Haynes moved and Ms. Hagan-Dier seconded the motion to suspend the rules for Rule 7b.7 to open up all comments both for and against. (8-0)

Councilmember Hagar spoke in favor of BL2017-608 without the amendment.

Laura Spanjian, 2028 Buffalo Terrace, spoke in favor of BL2017-608 as amended.

Megan McCrea, 1006 Southside Place, spoke in favor of BL2017-608 as amended.

John Summers, 5000 Wyoming Ave, spoke in favor of BL2017-608 without the amendment as it is premature.

Charlotte Cooper, 3409 Trimble Rd, spoke in favor of BL2017-608 without the amendment, in opposition to 685, and in favor of a fee resolution.

Omid Yamini, 1204 N 2<sup>nd</sup> St, spoke in favor of BL2017-608 without the amendment.

Julie Ryan Caputo, 606B Hume St, spoke in favor of BL2017-608 without the amendment. The amendment is inconsistent; businesses don't belong in residential areas.

Sam Cooper, 848 Highland Crest Dr, spoke in opposition all the way.

LeighAnn Rodd, 712 Setliff Place, spoke in favor of BL2017-608 without the amendment.

Nona Davidson, 4413 Warner Place, spoke in favor of BL2017-608 without the amendment.

Julie Obregon, 1989 Lavergne Ct, spoke in favor of BL2017-608 as amended.

Karen Rich, 4401 Honeywood Dr, spoke in favor of BL2017-608 without the amendment. Short term rentals are driving up housing prices, driving down neighborhood integrity, and limiting neighbor interaction.

Matthew Bond, 35119 Golf St, spoke in favor of BL2017-608 without the amendment.

Hunter Rost, 4604 Villa Green Dr, spoke in favor of BL2017-608 without the amendment.

Nell Levin, 1611 Forrest Ave, spoke in favor of BL2017-608 without the amendment. Short term rentals negatively affect housing prices.

Baylor Swindell, 3814 Abbott Martin Rd, spoke in favor of BL2017-608 as amended.

Leslie Key, 1411 Fatherland St, spoke in favor of BL2017-608 without the amendment.

Lisa Kirk Levine, 6205 Vosswood Dr, spoke in favor of BL2017-608 as amended.

Diane Sesler, 1912 Shelby Ave, spoke in favor of BL2017-608 as amended.

David Sesler, 1914 Shelby Ave, spoke in favor of BL2017-608 as amended.

Pam Sylakowski, 1529 Ferguson Ave, spoke in favor of BL2017-608 without the amendment.

Luka Milicevic, 704 Somerset Farms Ct, spoke in favor of BL2017-608.

Colin Schiller, 1103 Joseph Ave, spoke in favor of BL2017-608 as amended.

Rick Ames, 3307 Orleans Dr, spoke in favor of BL2017-608 as amended.

Adam Vollrath, 322 Wilburn St, spoke in favor of BL2017-608 as amended.

Alex Self, 1009B N 5<sup>th</sup> St, spoke in favor of BL2017-608 as amended.

William Huffman, 2500 N Berry's Chapel Rd, spoke in favor of BL2017-608 as amended.

Stephanie Borek, 4515 Beacon Dr, spoke in favor of BL2017-608 without the amendment. Short term rentals are not suitable for residential areas.



Amy Walters, 7750 Sawyer Brown Rd, spoke in favor of BL2017-608 as amended. Codes needs to be given the money it needs to efficiently enforce current legislation.

Paul Walters, 7750 Sawyer Brown Rd, spoke in favor of BL2017-608 as amended.

Joan Wilson, 713 Lakeshore Point, spoke in favor of BL2017-608 as amended.

Brad Pennington, 1129 Archer St, spoke in favor of BL2017-608 as amended.

Kim Sorenson, 2627 Miami Ave, spoke in favor of BL2017-608 without the amendment.

Staria Clark, 1101 Laurel St, spoke in favor of BL2017-608 as amended.

Carol Williams, 800 Russell St, spoke in favor of BL2017-608 without the amendment.

Deborah Vahle, 2445 Eastland Ave, spoke in favor of BL2017-608 as amended.

Molly Collins, 1313 Greenwood Ave, spoke in favor of BL2017-608 as amended.

Karla Livingston, 2115 Yeaman Place, spoke in favor of BL2017-608 as amended.

Roger Livingston, 2115 Yeaman Place, spoke in favor of BL2017-608 as amended.

Dave Rich, 518 Skyview Drive, spoke in favor of BL2017-608 as amended.

Brian Foster, 1025 Warren Lane, spoke in favor of BL2017-608 as amended.

Tim Weeks, 6101 Hagars Grove Pass, spoke in favor of BL2017-608 without the amendment. The amendment guts the bill.

Logan Key, 1411 Fatherland St, spoke in favor of BL2017-608 without the amendment. The amendment is inconsistent with the bill and with the General Plan.

Bill Terry, 4641 Villa Green Dr, spoke in favor of BL2017-608 without the amendment. Short term rentals are motels in residential areas.

Ashley Craft, Caldwell Lane, spoke in favor of BL2017-608 as amended.

Bobby Brekin, 424 Church Street, spoke in favor of BL2017-608 as amended.

Brandon McDonald, 3759 Homeland Drive, spoke in favor of BL2017-608 as amended.

Grace Renshaw, 220 Mockingbird Rd, spoke in favor of BL2017-608 without the amendment.

Deidre Duker, 1130 Woodvale Drive, spoke in favor of BL2017-608 as amended.

CJ Hicks, 1702 Ashwood Ave, spoke in favor of BL2017-608 as amended.

Laura Rost, 4604 Villa Green, spoke in favor of BL2017-608 without the amendment.

Susannah Scott-Barnes, 700 Crescent Rd, spoke in favor of BL2017-608 without the amendment.

Bob Hopkins, 1300 Shelby Ave, spoke in favor of BL2017-608 without the amendment. Short term rentals do not belong in residential areas.

Devin McLish, 3102 Wellington Ave, spoke in favor of BL2017-608 as amended.

Ann Roberts, 210 Jackson Blvd, spoke in favor of BL2017-608 without the amendment.

Mary Wester, 1717 Nottingham Place, spoke in favor of BL2017-608 as amended.

Kelly Govea, 612B N 2<sup>nd</sup> St, spoke in favor of BL2017-608 as amended.

Darrell Bengson, 2816 Blair Blvd, spoke in favor of BL2017-608 without the amendment.

Kenneth Stephens, 305 Woodwind Ct, spoke in favor of BL2017-608 as amended.

John Stern, 1437 Winding Creek Dr, spoke in favor of BL2017-608 without the amendment.

James Sweeney, West Eastland Ave, spoke in favor of BL2017-608 as amended.

Brett Diaz, 925A Russell St, spoke in favor of BL2017-608 as amended.

Meredith Alexa Herndon, 1215 5<sup>th</sup> Ave N, spoke in favor of BL2017-608 as amended.

Diana Fernandez, 5600 Country Dr, spoke in favor of BL2017-608 as amended.

Giachery Lizarraga, 3740 Stevens Lane, spoke in favor of BL2017-608 as amended.

Stephanie Utterback, 1109 Cahal Ave, spoke in favor of BL2017-608 as amended.

Matt Utterback, 1109 Cahal Ave, spoke in favor of BL2017-608 as amended.

Mark Govea, 612B N 2<sup>nd</sup> St, spoke in favor of BL2017-608 as amended.

James Weaver, 511 Union St, spoke in favor of BL2017-608 as amended.

Councilmember Withers spoke in favor of BL2017-608 without the amendment and clarified that the sponsors of the bill were not consulted on the amendment. It is a significant departure from the intent of the sponsors.

Councilmember Henderson spoke in favor of BL2017-608 without the amendment. This is not an appropriate land use in neighborhoods.

Councilmember Hagar spoke in favor of BL2017-608 without the amendment and clarified that no one approached any sponsor or co-sponsor about the amendment.

**Ms. Farr closed the Public Hearing.**

Councilmember Allen explained that this process was started to protect quality of life in neighborhoods. The hope was that the regulations and the enforcement of those would make a difference from the beginning but that has not been the case. There is value in finding out how better enforcement can work. If BL2017-608 passes, amended or not, there is still a two year period to work on enforcement and see what happens.

Ms. Diaz spoke in favor of BL2017-608 without the amendment based on land use. It seems the amendment would require more hoops, enforcement, and regulations. BL2017-608 alone seems very efficient.

Mr. Haynes spoke in favor of BL2017-608 without the amendment. He recommended that Type 2 fees be double the Type 1 fees.

Ms. Hagan-Dier spoke in favor of BL2017-608 without the amendment. Non-owner occupied is not a residential use; it is commercial activity and should be regulated as such. The commission has stated that commercial uses should not be in residential areas.

Ms. Blackshear spoke in favor of BL2017-608 without the amendment. Enforcement is needed, but regardless, non-owner occupied short term rentals is not a residential use.

Dr. Sims spoke in favor of BL2017-608 without the amendment. Neighborhoods need to be preserved as they are defined in NashvilleNext. Residential must be separate from commercial.

**Mr. Haynes moved and Ms. Hagan-Dier seconded the motion to approve BL2017-608 with substitute ordinances. (8-0)**

**Mr. Haynes moved and Ms. Hagan-Dier seconded the motion to disapprove Amendment #1. (6-2)  
Councilmember Allen and Mr. Gobbell voted against.**

**Ms. Diaz moved and Mr. Haynes seconded the motion to disapprove BL2017-611. (8-0)**

**Councilmember Allen moved and Ms. Diaz seconded the motion to approve BL2017-653. (8-0)**

**Ms. Hagan-Dier moved and Dr. Sims seconded the motion to disapprove BL2017-685. (8-0)**

Approved substitute ordinance. (8-0) Disapproved amendment 1 (6-2)

**Resolution No. RS2017-126**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-004TX-001 is Approved with a substitute ordinance. (8-0) Disapproved amendment 1 (6-2)

Disapproved. (8-0)

**Resolution No. RS2017-127**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-007TX-001 is Disapproved. (8-0)

Approved. (8-0)

**Resolution No. RS2017-128**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-009TX-001 is Approved. (8-0)

Disapproved. (8-0)

**Resolution No. RS2017-129**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-012TX-001 is Disapproved (8-0)

**6. 2016Z-044PR-001**

Council District 16 (Mike Freeman)  
Staff Reviewer: Latisha Birkeland

A request to rezone from R10 to CS zoning for a portion of property located at 981 Murfreesboro Pike, at the southwest side of the intersection of Millwood Drive and Murfreesboro Pike (0.70 acres), requested by Tune, Entrekin & White, PC, applicant; and Likes Family Trust C/O Robert J. Likes, owner.

**Staff Recommendation: Defer to the May 11, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016Z-044PR-001 to the May 11, 2017, Planning Commission Meeting. (8-0)**

**7. 2017Z-032PR-001**

Council District 21 (Ed Kindall)  
Staff Reviewer: Shawn Shepard

A request to rezone from RS5 to R6-A zoning on property located at 2401 Alameda Street, at the southwest corner of Alameda Street and 24th Avenue North (0.18 acres), requested by Rhythm Homes and Development, LLC, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential – Alternative (R6-A) zoning on property located at 2401 Alameda Street, at the southwest corner of Alameda Street and 24th Avenue North (0.18 acres).

**Existing Zoning**

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

One and Two-Family Residential – Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of one duplex lot for a total of two units.*

**History**

The Metro Planning Commission considered this proposal at the March 23, 2017, Planning Commission meeting. A public hearing was held. The applicant was not present at the hearing, and no one spoke in favor of the proposal. One member of the public spoke in opposition. The Planning Commission deferred the application to the April 27,

2017, meeting, in order to hear from the applicant. The Commission specified that the public hearing would remain open.

**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?

The proposed zone change is consistent with policy. The property is located in an area with an existing mix of one and two-family residential dwellings. The lot is located on a corner and has access via an existing alley. Determinations of duplex eligibility are made by the Metro Codes Department, but if the lot is determined to be duplex eligible, the proposed zone change would permit two-family residential unit which contributes to increased housing choice in the neighborhood. Alternatively, a detached accessory dwelling unit may be allowed. The availability of alley access minimizes the need for curb cuts along the front of the property and enhances the pedestrian environment.

**ANALYSIS**

The site is located at the southwest corner of the intersection of Alameda Street and 24<sup>th</sup> Avenue North. The property is 57 feet by 140 feet (7,980 square feet) and is currently vacant. The site is located approximately 900 feet from 21<sup>st</sup> Avenue N. The existing land use pattern in the neighborhood includes a mix of one and two-family residential. The Metro Codes Department determines duplex eligibility. Should the site be determined eligible for a duplex, its location on a corner and the availability of alley access make the site an appropriate location for two-family residential development, which would help increase the variety of housing choices available in the neighborhood. The R6-A zoning district includes standards for the location of access, driveways, and parking designed to enhance the pedestrian environment. The proposed rezoning is consistent with the goals of the T4 Urban Neighborhood Evolving land use policy.

**PUBLIC WORKS 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: **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)	0.18	8.71 D	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.18	7.26 D	2 U	20	2	3

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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-	-	-	+1 U	+10	+1	+1
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**METRO SCHOOL BOARD REPORT**

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

The proposed zoning is not expected to generate any additional students beyond the existing zoning. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2016.

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

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

**STAFF RECOMMENDATION**

Staff recommends approval as the request is consistent with the T4 Urban Neighborhood Evolving policy.

Ms. Shepard presented the staff recommendation of approval.

Ryan (last name unclear), applicant, spoke in favor of the application.

Kenneth Bakari, 2403 Alameda St, spoke in opposition to the application because it does not fit with the character of the neighborhood.

The applicant noted that Mr. Bakari did not attend the community meetings so he was unable to address his concerns at that time. Building two homes that are a little smaller versus one home that is larger and potentially more gaudy seems more appropriate.

**Chairman Adkins closed the Public Hearing.**

Ms. Farr stated there seems to be a diverse housing stock in the area and this doesn't seem to be inconsistent with the entire area.

Mr. Haynes spoke in favor of the application.

Dr. Sims spoke in favor of the application.

Ms. Diaz spoke in favor of the application.

Councilmember Allen spoke in favor of the application.

Ms. Blackshear explained that it seemed strange to have this lot zoned differently than the surrounding lots.

Ms. Hagan-Dier expressed concerns with spot zoning.

Mr. Sloan clarified this meets the policy for the area; it is not spot zoning.

**Ms. Farr moved and Mr. Hayes seconded the motion to approve. (8-1) Ms. Blackshear voted against.**

**Approved. (8-1)**

**Resolution No. RS2017-130**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-032PR-001 is Approved. (8-1)**

**8. 2017Z-041PR-001**

Council District 09 (Bill Pridemore)  
 Staff Reviewer: Shawn Shepard

A request to rezone from RS40 to AR2a zoning on properties located at Hudson Road (unnumbered), at the northwest corner of Hudson Road and Menees Lane (55.26 acres), requested by Adam Sawyer, applicant and owner.

**Staff Recommendation: Defer to the May 11, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2017Z-041PR-001 to the May 11, 2017, Planning Commission Meeting. (8-0)**

**9. 2015S-165-001  
2044 STRAIGHTWAY**

Council District 06 (Brett Withers)  
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create one lot on property located at Straightway Avenue (unnumbered), approximately 210 feet west of Porter Road, zoned R6 (0.145 acres), requested by Dale and Associates, applicant; D222, LLC, owner.

**Staff Recommendation: Defer to the May 25, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015S-165-001 to the May 25, 2017, Planning Commission Meeting. (8-0)**

**10. 2016S-199-001  
HAYNIES CENTRAL PARK PLAN RESUB OF LOTS 59-62**

Council District 06 (Brett Withers)  
Staff Reviewer: Latisha Birkeland

A request to amend a previously approved plat by amending building height restrictions from two stories to three stories on properties located at 1109, 1111, 1113, 1115 and 1117 Ozark Street, approximately 160 feet northwest of South 12th Street, zoned RS5 (0.76 acres), requested by Jason Baxter, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Amend building height limitation on plat.**

Plat Amendment

A request to amend a previously approved plat by amending building height restrictions from two stories to three stories on properties located at 1109, 1111, 1113, 1115 and 1117 Ozark Street, approximately 160 feet northwest of South 12th Street, zoned Single-Family Residential (RS5) (0.76 acres).

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 6 lots.*

**HISTORY**

In January 2016, the Planning Commission approved a plat to create five lots from four existing lots located on Ozark Street, west of South 12<sup>th</sup> Street. The land use policy for the property is T4 Urban Neighborhood Evolving (T4 NE), which is not subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations. The plat was approved limiting height to two stories in 35 feet. This height restriction language is typically used in Neighborhood Maintenance policy areas, and not usually applied in Neighborhood Evolving policy areas.

**PLAN DETAILS**

The proposed plat amendment would limit the height to three stories in 45 feet, which is allowed in the RS5 zoning district. The proposed amendment makes no further changes to the plat. The five lots will remain as they were approved in January 2016. The existing five lots have the following areas and street frontages:

- Lot 1: 6,664 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 2: 6,635 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 3: 6,625 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 4: 6,616 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 5: 6,607 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage.

Sidewalks are required along Ozark Street. The applicant has paid the sidewalk in-lieu fee as part of the recording of the previously approved subdivision. The proposed lots will be designated as critical lots because the natural slope is 20 percent or greater. Prior to application for a building permit on a lot designated as critical, a critical lot plan shall be submitted for review and approval.

**ANALYSIS**

The surrounding homes range in height from 1-story, in 14 feet, to 3-stories, in 45 feet (52 feet including foundation). Newer homes built in this area are typically taller than the existing homes. This neighborhood is within a T4

Neighborhood Evolving policy, where change is expected with new development. A height limitation of 2 stories in 35 feet is not typically seen in a T4 Neighborhood Evolving area.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
Approve

**WATER SERVICES RECOMMENDATION**  
Approve

**TRAFFIC AND PARKING RECOMMENDATION**  
No exception taken

**PUBLIC WORKS RECOMMENDATION**  
Approve

- In-lieu fee has been paid.

**STAFF RECOMMENDATION**  
Staff recommends approval.

Ms. Birkeland presented the staff recommendation of approval.

Audra Carr, 521 5<sup>th</sup> Ave S, spoke in favor of the height amendment.

Tore Kvaslervo, 1112 Glenview Dr, spoke in opposition to the application. No one in the area has heard anything about this or seen any sketches. This will affect view, privacy, and quality of life.

Warren Bloomberg, 1110 Glenview Dr, spoke in opposition to the application because it will drastically impact his view.

Councilmember Withers requested a one meeting deferral to ensure neighbors have the most current information available.

**Chairman Adkins closed the Public Hearing.**

**Councilmember Allen moved and Ms. Farr seconded the motion to defer to the May 11, 2017 Planning Commission meeting with the Public Hearing to remain closed. (9-0)**

**The Metropolitan Planning Commission deferred 2016S-199-001 to the May 11, 2017, Planning Commission Meeting and closed the public hearing. (9-0)**

**11. 2008SP-021-003**  
**1800 WEST END AVE (AMEND)**  
Council District 21 (Ed Kindall)  
Staff Reviewer: Patrick Napier

A request to amend to the 1800 West End Specific Plan located at 1800 West End Avenue and 1801 and 1807 Hayes Street, at the northwest corner of West End Avenue and 18th Avenue North (1.35 acres), zoned SP-MU, to add medical office as a permitted use, requested by Tune, Entrekin and White, applicant; Concord Hospitality, Inc., owner.

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

**APPLICANT REQUEST**

**To permit medical office, in addition to the uses allowed under the current SP.**

Amendment to SP

A request to amend to the 1800 West End Avenue Specific Plan located at 1800 West End Avenue and 1801 and 1807 Hayes Street, at the northwest corner of West End Avenue and 18th Avenue North (1.35 acres), zoned Specific Plan-Mixed Use (SP-MU), to add medical office as a permitted use.

**Existing Zoning**

Specific Plan- Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General

Plan. The SP permits retail, restaurant and general office/financial institution, in a single commercial building with a parking garage.

**HISTORY**

Metro Council approved the 1800 West End Avenue Specific Plan (BL2008-329) in 2008. The site was approved for 190,033 square foot, 8-story mixed-use building containing hotel, restaurant and financial institution and retail uses, in a single commercial structure. A portion of the structure is reserved for use as a parking garage.

**GREEN HILLS - MIDTOWN COMMUNITY PLAN**

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.

**ANALYSIS**

This amendment would permit medical office use in addition to uses allowed under the current SP zoning district. The requested use would occupy 1,898 square feet shown as "shop space for lease" on the approved final site plan. This space is currently vacant. The policy supports a diverse mix of high intensity residential and non-residential uses, including office and medical office. Staff finds this use is consistent with the original intent of the previously approved SP and the T5 Center Mixed Use Neighborhood policy.

**FIRE DEPARTMENT RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

N/A

**WATER SERVICES**

Approve

**PUBLIC WORKS RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve with conditions

- Provide adequate parking for Medical office use. Submit parking chart per land uses per metro code.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions as the proposed amendment to the SP is consistent with policy.

**CONDITIONS**

1. Uses within this SP shall be limited to medical office in addition to uses allowed under the current SP.
2. All conditions of BL2008-329 will remain in place.
3. Any development standards, regulations and requirements not specifically shown on the original SP plan and/or included as a condition of approval shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.

**Approved with conditions and disapprove without all conditions. (9-0) Consent Agenda**

**Resolution No. RS2017-131**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that **2008SP-021-003 is Approved with conditions and disapprove without conditions. (9-0)**

**CONDITIONS**

1. Uses within this SP shall be limited to medical office in addition to uses allowed under the current SP.
2. All conditions of BL2008-329 will remain in place.
3. Any development standards, regulations and requirements not specifically shown on the original SP plan and/or included as a condition of approval shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.



**12. 2016SP-097-001**  
**2525 GALLATIN AVENUE SP**  
Council District 05 (Scott Davis)  
Staff Reviewer: Latisha Birkeland

A request to rezone from MUL-A to SP-MU zoning on property located at 2525 Gallatin Avenue, at the southwest corner of Cahal Avenue and Gallatin Avenue, (0.21 acres), to permit up to nine residential units and up to 2,000 square feet of commercial space, within the Gallatin Pike Urban Design Overlay, requested by 4Site, Inc., applicant; Thomas Hedley and Austin Pennington, owners.

**Staff Recommendation: Defer to the May 25, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016SP-097-001 to the May 25, 2017, Planning Commission Meeting. (7-0-1)**

**13. 2017SP-030-001**  
**EDWIN STREET SP**  
Council District 05 (Scott Davis)  
Staff Reviewer: Abbie Rickoff

A request to rezone from RS5 to SP-R zoning for properties located at 528, 532, 536, and 540 Edwin Street, approximately 420 feet south of E Trinity Lane, (3.79 acres), to permit a 32 unit residential development, requested by Dale & Associates, applicant; Linda M. & Roberta Holman, Karl A. Myers, Lisa D. McCulloch, and Anita G. Barnes, owners.

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

**The Metropolitan Planning Commission deferred 2017SP-030-001 indefinitely. (8-0)**

**14. 2017SP-032-001**  
**HICKORY HOLLOW PARKWAY SP**  
Council District 32 (Jacobia Dowell)  
Staff Reviewer: Shawn Shepard

A request to rezone from RM20 to SP-R zoning for property located at Hickory Hollow Parkway (unnumbered), approximately 1,600 feet south of Mt. View Road, (19.27 acres), to permit up to 350 units and apply appropriate design standards, requested by Councilmember Jacobia Dowell, applicant; Vastland Development, Inc., owner.

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

**APPLICANT REQUEST**  
**Zone change from RM20 to SP-R.**

Preliminary SP

A request to rezone from Multi-Family Residential (RM20) to Specific Plan-Residential (SP-R) zoning for property located at Hickory Hollow Parkway (unnumbered), approximately 1,600 feet south of Mt. View Road, (19.27 acres), to permit up to 350 units and apply appropriate design standards.

**Existing Zoning**

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 385 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.

**ANTIOCH – PRIEST LAKE 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.

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

generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent

**Proposed Regulatory SP Start**

**Hickory Hollow Parkway Specific Plan (SP)**

Development Summary		Site Data Table	
SP Name	Hickory Hollow Parkway	Site Data	19.27
SP Number	2017SP-032-001	Existing Zoning	RM20
Council District	32	Proposed Zoning	SP
Map & Parcel	Map 163; Parcel 188	Allowable Land Uses	Multifamily residential

Specific Plan (SP) Standards

1. Uses within this SP shall be limited to a maximum of 350 multifamily dwelling units with associated accessory structures limited to a pool, fitness center, and community meeting space.
2. The development shall be developed as a master deed/horizontal property regime that allows for the sale of individual units.
3. A Traffic Impact Study (TIS) shall be submitted with the submittal of a final site plan. The TIS shall be reviewed by Metro Planning Department staff in conjunction with Metro Public Works, and necessary improvements shall be completed or bonded prior to an agreed upon timeframe, but in no instance shall a final use & occupancy permit be issued without all required improvements in place. The TIS shall take into account existing and approved developments along Hickory Hollow Parkway.
4. The exterior of each structure shall consist of the 100% masonry products as noted below:
  - brick
  - stone
  - and/or cement board siding or a similar material or a combination thereof
  - Units shall consist of 20% brick to be focused on highly visible areas, with the remaining 80% being either brick or other masonry products.
5. Building facades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
6. Vinyl siding, EFIS and untreated wood shall be prohibited materials.
7. Porches shall provide a minimum depth of six feet.
8. A raised foundation of 18"-36" is required for all residential structures.
9. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
10. All driveways shall be 100% concrete or asphalt.
11. Only one access point to Hickory Hollow Parkway shall be permitted unless required by the Fire Marshal. With submittal of a final site plan, an access study shall be submitted (which may also be included within the required TIS).
12. Portions of the property that fall within Conservation Policy shall be undisturbed and existing vegetation shall be maintained.
13. Each unit shall have a garage, or shall have assigned space (s) in a surface lot, in according with the parking standards of Table 17.12.030. UZO reductions shall not be applicable when calculating required parking.
14. Dumpsters or recycling containers shall be screened with a masonry enclosure, on all sides which are not used for ingress and egress. Wooden doors shall be provided on one side to allow access to the dumpsters or recycling containers within the masonry enclosure. There shall be a minimum of one dumpster per 50 units provided.
15. A sidewalk and grass planting strip consistent with the Major and Collector Street plan shall be provided along the Hickory Hollow Parkway frontage of the site.
16. 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 zoning district as of the date of the applicable request or application. Sidewalks consistent with the standards of the Major and Collector Street Plan shall be constructed along the site's Hickory Hollow Parkway frontage prior to the issuance of any use & occupancy permits.
17. 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.

18. 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.

***Proposed Regulatory SP end***

urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

The subject property is located at the edge of an area of T4 CC policy, adjacent to T3 Suburban Residential Corridor policy. T4 CC policy supports solely residential buildings as a transition from higher intensity commercial or mixed uses in the center to adjacent lower intensity residential uses in areas that are not located at key intersections or corridor segments. The property is located along an arterial away from major intersections. The proposed SP allows for multifamily residential uses which transitions to the less intense suburban residential development that is supported by the T3 Suburban Residential Corridor policy to the north. The SP also includes a standard prohibiting disturbance of portions of the property that fall within Conservation policy. As proposed, the SP is consistent with the policy.

**ANALYSIS**

The request is a regulatory SP and does not include a site plan. The subject property is 19.27 acres in size and is currently vacant. An existing multifamily development is located to the east of the subject property. There are existing commercial and mixed uses on properties with frontage along Hickory Hollow Parkway to the west and southwest. The remainder of the surrounding properties are vacant or in one or two-family residential use. The zoning in the area is a mix of Commercial Service and Mixed Use zoning districts along Old Hickory Parkway, with a mix of multifamily residential and agricultural zoning away from the arterial roadways.

The proposed SP includes a maximum of 350 multifamily units, or 35 fewer units than could potentially be achieved under the base zoning. Uses are limited to multifamily and associated amenities such as a pool, fitness center, or leasing office. The SP includes architectural standards for raised foundations, porch depth, window orientation, and minimum entrances, as well as required and prohibited materials. The SP requires all masonry building materials, with a minimum of 20 percent of each unit to be brick, applied in highly visible areas.

Vehicular access is limited to one access point to Hickory Hollow Parkway, unless additional access is required by the Fire Marshal. An access study and traffic impact study are required with submittal of the final site plan. Parking is required to meet the standards of the Metro Zoning Ordinance. A sidewalk and planting strip consistent with the requirements of the Major and Collector Street Plan are also required to be provided along Hickory Hollow Parkway.

The standards in the proposed SP prohibit disturbance of areas in Conservation policy and allow for multifamily residential use, which is consistent with the goals for portions of T4 CC policy areas that are removed from the community center core. The SP includes architectural standards which will enhance the design quality of the multifamily units and sidewalks along Hickory Hollow to increase pedestrian connectivity.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Returned for corrections**

- Unit count in latest availability study is significantly less than what is proposed in this Preliminary SP (288 units in latest study, 350 proposed). Please update this study (letter to Dale and Associates, dated August 26, 2015), so unit counts match.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- No plan submitted, detailed plan review will occur with Final SP submittal. Plan must comply with MPW standards and specifications within the ROW.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- TIS is required to determine roadway improvements to mitigate project traffic impact prior to final SP approval.
- Provide adequate sight distance at access roads.
- Right turn lane and Left turn lane may be required on Hickory Hollow Parkway at access.

Maximum Uses in Existing Zoning District: **RM20**

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)	19.27	-	385 U	2457	193	230

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)	19.27	-	350 U	2245	176	211

Traffic changes between maximum: **RM20 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	-	-	-35 U	-212	-17	-19

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RM20 district: **43 Elementary 23 Middle 24 High**

Projected student generation proposed SP-R district: **39 Elementary 21 Middle 22 High**

The proposed SP zoning is expected to generate eight fewer students than the existing RM20 zoning. Students would attend Cane Ridge Elementary School, Antioch Middle School and Cane Ridge High School. Cane Ridge Elementary and Cane Ridge High School have been identified as being over capacity. There is additional capacity within the cluster for Cane Ridge Elementary. There is no additional capacity in adjacent clusters for high school students; however, the proposed SP is expected to generate fewer students than the existing zoning. This information is based upon data from the school board last updated November 2016.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses within the SP shall be limited to up to 350 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 RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. With the corrected copy of the preliminary SP, Standard #11 shall be revised as follows: Only one access point to Hickory Hollow Parkway shall be permitted along the existing frontage of Parcel 188. Additional access points to Hickory Hollow Parkway could be provided through adjacent properties. With submittal of a final site plan, an access study evaluating all proposed access points shall be submitted (which may also be included within the required TIS).
4. With the corrected copy of the preliminary SP, Standard #5 shall be revised as follows: Building facades fronting a public street or private drive shall provide a minimum of one entrance (doorway) and a minimum of 15% glazing.

5. Building elevations consistent with the architectural standards included in the Preliminary SP plan shall be provided with the Final SP.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**Approved with conditions and disapprove without all conditions. (9-0) Consent Agenda**

**Resolution No. RS2017-132**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017SP-032-001 is Approved with conditions and disapproved without all conditions. (9-0)**

**CONDITIONS**

1. Uses within the SP shall be limited to up to 350 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 RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. With the corrected copy of the preliminary SP, Standard #11 shall be revised as follows: Only one access point to Hickory Hollow Parkway shall be permitted along the existing frontage of Parcel 188. Additional access points to Hickory Hollow Parkway could be provided through adjacent properties. With submittal of a final site plan, an access study evaluating all proposed access points shall be submitted (which may also be included within the required TIS).
4. With the corrected copy of the preliminary SP, Standard #5 shall be revised as follows: Building facades fronting a public street or private drive shall provide a minimum of one entrance (doorway) and a minimum of 15% glazing.
5. Building elevations consistent with the architectural standards included in the Preliminary SP plan shall be provided with the Final SP.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**15. 2017Z-010TX-001**

BL2017-654

Staff Reviewer: Lisa Milligan

A request to amend Chapters 2.28, 6.04, 7.08, 7.16, 10.48, 11.28, 12.48, 17.04, 17.16.and 17.20 to substitute "place of worship" or "religious institution" for "church."

**Staff Recommendation: Approve amendments to Title 17.**

**TEXT AMENDMENTS**

A request to amend Chapters 2.28, 6.04, 7.08, 7.16, 10.48, 11.28, 12.48, 17.04, 17.16.and 17.20 to substitute "place of worship" or "religious institution" for "church".

**PROPOSED AMENDMENTS TO TITLE 17**

The proposed bill would amend various Titles of the Municipal Code to bring consistency to the terminology used in identifying religious institutions. Currently, the term "church" is utilized in places. The amendments would update all sections to utilize "religious institution", consistent with the use category "religious institution".

The proposed changes to Title 17 are as follows:

Section 17.04.060 – Definition of Wind energy facility (utility)

"Wind energy facility (utility)" means a wind energy facility consisting of two or more towers with turbines, or having a rated capacity of 100kW or more, and where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

These terms regarding wind energy systems are referenced:

1. "Blade glint" means the intermittent reflection of the sun off the surface of the blades of a single or multiple wind turbine(s).
2. "Distance" means a measurement made in a straight line, without regard to intervening structures or objects, from the wind turbine's center toward the specified distance required by this title.
3. "Height" means the vertical distance from pre-development grade to the tip of the wind turbine blade at its highest point, or blade-tip height.
4. "Nacelle body" means the structure at the top of the wind turbine that is separate from the blades and comprises the rotor shaft, gearbox, and generator.
5. "Occupied building" means a residence, ~~church~~ religious institution, hospital, school, day-care, community education facility, or library.
6. "Shadow flicker" means the effect when the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment
7. "Wind energy facility" means a wind turbine and all associated equipment, machinery and structures utilized to convert wind to electricity. This includes, but is not limited to, towers, transmission, storage, collection and supply equipment, substations, transformers, and service and access roads.
8. "Wind turbine" means a device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Section 17.20.030 Parking requirements established

F. Parking Study. Several uses listed in Tables 17.20.030 and 17.20.070 have a large variability in parking and/or loading demand, making it impossible to specify a single parking or loading requirement. The parking or loading requirement for such uses shall be established by the metropolitan traffic engineer based upon a parking and/or loading study. The board of zoning appeals may grant a parking reduction to the minimum parking requirement for existing ~~churches~~ religious institutions within residential districts which have a valid use and occupancy permit on the effective date of the ordinance codified in this chapter. This reduction will be based on a parking study demonstrating that the parking requirement is excessive due to carpooling, van-pooling, mass transit, and/or pedestrian movement between the ~~church~~ religious institution and the surrounding residential neighborhood.

**ANALYSIS**

The amendments to Title 17 provide clarity and consistency across the Municipal Code.

**ZONING ADMINISTRATOR RECOMMENDATION**

Approve

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**STAFF RECOMMENDATION**

Staff recommends approval.

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**ORDINANCE NO. BL2017-654**

**An ordinance amending Chapters 2.28, 6.04, 7.08, 7.16, 10.48, 11.28, 12.48, 17.04, 17.16 and 17.20 to substitute “place of worship” or “religious institution” for “church” (Proposal No. 2017Z-010TX-001).**

WHEREAS, the Metropolitan Code of Laws (MCL) uses the term “church” whenever referencing buildings or property used for religious worship; and

WHEREAS, while the Metropolitan Code of Laws broadly defines “church” to include any building or property where a congregation regularly meets for religious worship (MCL §7.08.010), the term “church” is generally construed as referring primarily to a building used for Christian worship or even the whole body of Christian believers. (See, e.g., Merriam-Webster’s Unabridged dictionary, 11th ed.; and dictionary.com); and

WHEREAS, Nashville and Davidson County are home to a variety of religious denominations whose congregations may not necessarily subscribe to the term “church”; and

WHEREAS, other sections within the Metropolitan Code of Laws use the terms “place of worship” or “religious institution” in lieu of “church.” (See, e.g., MCL 17.16.170); and

WHEREAS, to further Nashville’s spirit of diversity and inclusiveness, it is fitting that broader more inclusive terms – “place of worship” or “religious institution” – be substituted for “church” throughout the Metropolitan Code of Laws.

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

Section 1. That Section 2.28.130 (Laws and ordinances—Enforcement authority) of the Metropolitan Code of Laws is hereby amended by deleting the word “churches” in Subsection E and substituting in lieu thereof “places of worship”.

Section 2. That Section 6.04.080 (Metal signs on street markers) is hereby amended by deleting the words “church” and “churches” in Subsection A and substituting in lieu thereof “place of worship” and “places of worship”, respectively.

Section 3. That Section 7.08.010 (Definitions) is hereby amended by deleting the word “church” and its definition, and by further adding the following new term and definition:

“Place of worship” means a building or property where a congregation regularly meets at least one day per week for religious worship.

Section 4. That Section 7.08.040 (Application—Requirements and conditions) is hereby amended by deleting the word “churches” in Subsection B and substituting in lieu thereof “places of worship”.

Section 5. That Section 7.08.090 (Location restrictions) is hereby amended by deleting the words “church” and “churches” in Subsection A.1 and substituting in lieu thereof “place of worship” and “places of worship”, respectively; and by deleting the word “church” in Subsection A.3 and substituting in lieu thereof “place of worship.”

Section 6. That Section 7.08.105 (Caterer’s permit) is hereby amended by deleting the word “church” that appears three (3) times in Subsection E and substituting in lieu thereof “place of worship”.

Section 7. That Section 7.16.110 (Location restrictions) is hereby amended by deleting the word “church” in Subsections A, C, F and G and substituting in lieu thereof “place of worship”.

Section 8. That Section 10.48.010 (Definitions) is hereby amended by deleting the word “churches” within the definition of “Public swimming pool” and substituting in lieu thereof “places of worship”.

Section 9. That Section 11.28.120 (Location of certain businesses restricted near places frequented by minors) is hereby amended by deleting the word “churches” in Subsections A, B, and C and substituting in lieu thereof “places of worship”.

Section 10. That Section 12.48.20 (Curb loading zones) is hereby amended by deleting the word “church” in Subsection D and substituting in lieu thereof “place of worship”.

Section 11. That Section 17.04.060 (Definitions of general terms) is hereby amended by deleting the word “church” that appears beneath the definition of “Wind energy facility (utility)” in subsection 5 defining “Occupied building” and substituting in lieu thereof “religious institution”.

Section 12. That Section 17.20.030 (Parking requirements established) is hereby amended by deleting the word “church” and “churches” in Subsection F and substituting in lieu thereof “religious institution” and “religious institutions” respectively.

Section 13. Be it further enacted, that this ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Sheri Weiner, Dave Rosenberg, Fabian Bedne, Nick Leonardo, Jeremy Elrod, Brett Withers, Colby Sledge, Angie Henderson, Steve Glover, Anthony Davis, Jeff Syracuse, Bob Mendes, Robert Swope, Freddie O’Connell, Kevin Rhoten, Mina Johnson

**Approved amendments to Title 17. (9-0) Consent Agenda**

**Resolution No. RS2017-133**

**“BE IT RESOLVED by The Metropolitan Planning Commission that amendments to Title 17 of 2017Z-010TX-001 are Approved. (9-0)**

**16. 2017Z-011TX-001**

BL2017-684

Staff Reviewer: Carrie Logan

A request to amend Title 17 of the Metropolitan Code, zoning regulations, by amending Chapter 17.12 regarding the dedication of right of way and minimum lot size, requested by Councilmember Angie Henderson.

**Staff Recommendation: Approve.**

**TEXT AMENDMENTS**

An ordinance to amend Title 17 of the Metropolitan Code regarding the dedication of right of way and minimum lot size.

On April 18, 2017, Metro Council approved Ordinance No. BL2016-493, which revised sidewalk requirements for multi-family and nonresidential development and added sidewalk requirements for one and two-family development. During the review of that ordinance, one and two-family developers became concerned about the requirement to dedicate right of way associated with the required sidewalk and the potential for building sites to not meet the minimum lot size required by the Zoning Code after the dedication.

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

The Zoning Code currently includes a provision that addresses right of way dedications for property that could otherwise be subdivided. This text amendment would expand that provision to property that is developing without a subdivision:

**Note 2:** When a right-of-way dedication is required for an existing lot or parcel along an existing street that meets the minimum lot area or could be subdivided into two or more lots that would each meet the minimum lot area requirements for the zoning district prior to the dedication of right-of-way, the minimum lot area shall be considered to be the area prior to the dedication. The newly created lots shall meet all other bulk standards of the Zoning Code based on the dimensions after the dedication of the right-of-way.

**ANALYSIS**

The requirement to dedicate right of way would reduce the size of a lot, which could impact whether the lot meets the minimum lot area in the Zoning Code. Under the current Zoning Code, if a lot did not meet the minimum lot area, it would affect the lot's duplex eligibility. This ordinance would remove a possible penalty for dedicating right of way to the required street standard by allowing the lot area to be considered as the lot size before the dedication of right of way. Given the need for additional sidewalk infrastructure, which may require additional right of way, staff recommends approval.

**ZONING ADMINISTRATOR RECOMMENDATION**

Approve

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**STAFF RECOMMENDATION**

Staff recommends approval.

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**ORDINANCE NO. BL2017-684**

**An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Chapter 17.12 regarding the dedication of right of way and minimum lot size. (Proposal No. 2017Z-011TX-001).**

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

Section 1. That Table 17.12.020.A (Single-Family and Two-Family Dwellings) of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting Note 2 and replacing with the following Note 2:

Note 2: When a right-of-way dedication is required for an existing lot or parcel along an existing street that meets the minimum lot area or could be subdivided into two or more lots that would each meet the minimum lot area for the zoning district prior to the dedication of right-of-way, the minimum lot area shall be considered to be the area prior to the dedication. The newly created lots shall meet all other bulk standards of the Zoning Code based on the dimensions after the dedication of the right-of-way.

Section 2. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Angie Henderson, Brett Withers

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

**Resolution No. RS2017-134**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-011TX-001 is Approved. (9-0)



## 17. 2017NHC-002-001

BL2017-667

Council District 07 (Anthony Davis)

Staff Reviewer: Patrick Napier

A request to apply a Neighborhood Conservation Overlay District on various properties along Eastdale Avenue, Riverwood Drive, and Plymouth Avenue, east of Gallatin Pike, zoned RS10 and RS20 (approximately 72.61 acres), requested by Councilmember Anthony Davis, applicant; various property owners.

**Staff Recommendation: Approve.**

### APPLICANT REQUEST

#### Apply Neighborhood Conservation Zoning Overlay.

#### Neighborhood Conservation Zoning Overlay

A request to apply the provisions of the Eastland Place – Neighborhood Conservation Overlay to properties located along, E. Riverwood Drive, Riverwood Drive, Eastdale Avenue, Eastdale Place, Plymouth Avenue, (72.61 acres).

#### Existing Zoning

Single-Family Residential (RS10) 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.

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

#### Proposed Overlay

Neighborhood Conservation Zoning Overlay (NCZO) are geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development.

### CRITICAL PLANNING GOALS

#### •Preserves Historic Resources

The Neighborhood Conservation Zoning Overlay District is intended to preserve historic structures within the Inglewood Place and Jackson Park Neighborhoods through the implementation of development and design guidelines by the Metro Historic Zoning Commission and staff.

### EAST NASHVILLE COMMUNITY PLAN

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

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.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land 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 area in and whether or not they have already been disturbed.

#### Consistent with Policy?

All policies encourage the preservation and protection of historic features. The proposed Eastland Place – Neighborhood Conservation Overlay District will aid implementation of the design principles provided for in the land use policy.

### REQUEST DETAILS

The properties to be included in the proposed Eastland Place Neighborhood Conservation Overlay are generally located east Gallatin Pike, south of Kenwood Drive, north of Greenland Avenue, and west of Brush Hill Road. The area consists primarily of single-family residential with some two-family residential uses. This area also includes a few multi-family uses.

The following is background information from the Metro Historical Commission staff, which refers to the application for the Eastdale Place Neighborhood Conservation Overlay:

**Metro Historic Zoning Commission staff recommendation**

**Applicable Ordinance:**

Article III. Historic Overlay Districts

17.36.120 Historic Districts Defined. B. Historic Landmark. An historic landmark is defined as a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County; and that meets one or more of the following criteria:

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

**Background:**

The Eastdale neighborhood began discussion about a potential overlay in 2015 as part of an overlay for the greater Jackson Park neighborhood. Due to opposition in other parts of the neighborhood, an application for a Jackson Park neighborhood conservation overlay was not filed. The most recent public informational meeting specifically for the potential Eastdale NCZO was noticed by the neighborhood and hosted at the Inglewood Public Library on February 27, 2017. Notice for the April 19 public hearing was mailed on March 27, 2017. The draft design guidelines have been on Metro's website since March 23, 2017.

The public hearing for the Planning Commission is scheduled for April 27, 2017, and Metro Council for May 2, 2017 (The future meeting dates can change so please check the respective agendas.) Eastdale Place is an early 20th century planned suburban development that is part of the Jackson Park National Register of Historic Places district. It is significant in the area of community planning and development as an excellent representation of the expanding Nashville suburbs and evolving national trends in suburban planning. The district is also significant for its architecture. Laid out in 1923, Eastdale Place is the earliest planned development within the Jackson Park Historic District. According to the plat, it is a subdivision of a portion of Lot No. 4 of the William Williams plantation. Eastdale Place encompasses properties fronting either side of Eastdale Avenue between Gallatin Pike and its intersection with Eastdale Place. The west ends of Riverwood Drive and Plymouth Avenue are also included within the 1923 layout of Eastdale Place. Streets within Eastdale Place are more or less straight, adopting the layout of suburban development to the south and indicative of streetcar suburbanization. As indicated by the 1923 plat, Eastdale Place was bordered to the south by the Greenland Subdivision. The Nashville-Gallatin Interurban Railroad following Gallatin Pike is identified on the plat of Eastdale Place.

**Analysis and Findings:**

The proposed overlay is located in the Jackson Park National Register of Historic Places District and so meets criterion 5 of section 17.36.120 of the ordinance.

**Recommendation:**

Staff suggests that the Commission recommend approval of the overlay for these eligible properties to the Council and adopt the design guidelines proposed for the new district.

**METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

On April 19, 2017, the Metro Historic Zoning Commission recommended approval and adoption of the design guidelines for the Eastdale Neighborhood Conservation Zoning Overlay.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed Neighborhood Conservation Overlay.

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

**Resolution No. RS2017-135**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017NHC-002-001 is Approved. (9-0)

**18. 2017UD-003-001**  
**MOSS SPRING DRIVE AND BLUEWATER TRACE UDO**  
BL2017-701  
Council District 29 (Karen Y. Johnson)  
Staff Reviewer: Jessica Buechler

A request to apply an Urban Design Overlay District on various properties located along Moss Spring Drive and Bluewater Trace, approximately 540 feet west of Bluewater Drive, zoned AR2A and RS10 (11.25 acres), requested by Councilmember Karen Johnson, applicant; Moss Springs, LLC, owner.  
**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**  
**Establish an Urban Design Overlay District**

Urban Design Overlay

A request to apply an Urban Design Overlay to establish building and site design standards on various properties located along Moss Spring Drive and Bluewater Trace, approximately 540 feet west of Bluewater Drive, zoned Agricultural/Residential (AR2a) and Single-Family Residential (RS10) (11.25 acres).

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and 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.

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.

**Existing Overlay Zoning**

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 standards apply to lots on existing block faces.

The Contextual Overlay District is currently applied to the RS10 zoned properties within the proposed UDO boundary.

**Proposed Overlay Zoning**

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code. Application of this special overlay district shall be limited to areas requiring specialized design standards either to maintain and reinforce an established form or character of development or to achieve a specific design objective for new development.

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

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

Consistent with Policy?

No. The proposed UDO standards are inconsistent with the policy since they would create a character of development that is inconsistent with the existing character of the neighborhood.

**PURPOSE OF UDO**

The stated intent of the Moss Spring Drive and Bluewater Trace UDO is to employ appropriate design standards that preserve the integrity and footprint of the existing surrounding development pattern and ensure that future growth respects and is consistent with the wider area and fosters an appropriate sense of place for the community.

**REQUEST DETAILS**

The UDO contains standards to regulate residential building/site design and architectural design.

### Design Criteria

- **Height:** The maximum height for any principal structure is 2 stories in 30 feet. Maximum height shall be measured from the average grade elevation as measured at the build-to line along the front facade to the roof ridge line. Natural grade is the base ground elevation prior to grading. The maximum eave height of any principal structure shall be 22 feet from the top of the raised foundation.
- **Garages:** Garages shall be detached and located behind the principal structure, or attached and accessed from the side or rear of the principal structure. The eave of the garage shall not exceed the height of the eave line of the primary structure.
- **Accessory Structures:** Accessory structures shall be screened with landscaping so as not to be visible from the public street right-of-way. The total building footprint of an accessory building, including detached garages, shall be less than 50% of the total building footprint of the primary structure. The eave of the accessory structure shall not exceed the height of the eave line of the primary structure.
- **Access and Driveways:** Driveways are limited to one curb cut per public street frontage. For corner lots, one curb cut is permitted in total for all lot frontages. Driveways and all other impervious surfaces in the required street setback shall be a maximum of 12 feet in width within the street setbacks. Driveways shall be setback a minimum of 2 feet from the side property line. Shared access drives shall be allowed to build to the lot line.
- **Building Materials:** EIFS, vinyl and aluminum siding, and untreated wood shall not be permitted. Design for buildings on corner lots shall incorporate continuity of design in architectural details and materials that address both streets and shall avoid long, monotonous, uninterrupted walls or roof planes. The primary exterior material shall be brick or stone masonry. Hardie Board shall be permitted only as a secondary material. Secondary building materials shall be defined only as gables, dormers and bay windows.
- **Raised Foundation:** A raised foundation of 18"-36" on the front facade is required for all residential structures.
- **Glazing:** Glazing (window openings) shall be a minimum of fifteen percent along the street facing facade. Window openings along the street facing facade shall be square or vertically oriented except for transom windows. For purposes of measuring glazing, minimum glazing shall be measured from the top of foundation to the roof line.
- **Principal Entrance:** The main entry to the building shall address the primary street.
- **Porch Depth:** Porches shall have a minimum of six feet of depth.

### Compliance

Triggers for compliance are as follows:

- Property is redeveloped or vacant property is developed.
- The building square footage is expanded; the expansion shall be in compliance.
- A new structure built on a lot with multiple structures; the new structure shall be in compliance.

Permits for routine maintenance (ex: to replace a roof or HVAC system) would not trigger compliance with the UDO.

### Modifications

Based on site-specific issues, modifications to the standards may be necessary. Any standard within the UDO may be modified, insofar as the intent of the standard is being met; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties.

Minor modifications, deviations of 20 percent or less, may be approved by the Planning Commission's designee (staff). Major modifications, deviations of greater than 20 percent shall be considered by the Planning Commission.

### **ANALYSIS**

The standards that are proposed for driveway width, garage location and materials are inconsistent with the surrounding area and are, therefore, also inconsistent with the stated purpose of the UDO and the policy to maintain the existing character of the community. Many of the surrounding properties have driveways wider than 12 feet and front loaded garages that would not comply with the proposed UDO standards for driveway width and garage access. While narrower driveways and attached garages accessed from the side or rear are good urban design principles, these standards are inconsistent with the surrounding properties, which is the stated purpose of this UDO. The majority of the surrounding properties have siding as a primary building material and would not comply with the proposed material standards. The proposed standards require the primary exterior material to be only brick or stone masonry which would be inconsistent with the surrounding character. Any proposed UDO standards should be tailored to meet the specific goals of that area and to be in line with the stated intent of the UDO to maintain the existing character of the community.

In 2015, a Contextual Overlay was applied to the area, including the RS10 zoned properties within the proposed UDO boundary. The purpose of a Contextual Overlay is to maintain and reinforce an established form or character of residential development in a particular area. Since the proposed UDO standards are inconsistent with the surrounding area, as stated above, the standards are also inconsistent with the purpose of a Contextual Overlay. While the Contextual Overlay standards would not apply to new lots created along an existing street in most instances, it would be inappropriate to apply standards that would be inconsistent with the purpose of the Contextual Overlay.

A UDO is the incorrect tool for the proposed area. UDOs are intended to be applied to larger areas in order to impact the future character and built environment of the larger context. A UDO is not a site specific tool, and is inappropriately applied in this proposal.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Traffic study may be required at time of development.

**STORMWATER RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends disapproval. A UDO is the incorrect tool due to the number and size of the properties included. In addition, the standards that are proposed are inconsistent with the surrounding area and the stated purpose of the UDO to maintain the existing character of the community.

Ms. Buechler presented the staff recommendation of disapproval.

Howard Jackson, 1233 Charlton Dr, spoke in favor of the application because he is tired of seeing cheap houses built.

Brad Scarbrough, 5409 Franklin Pike, spoke in opposition to the application on behalf of the property owner as he was never consulted or invited to participate in any meetings on this subject.

Paul Warner, 3009 Owendale Dr, spoke in opposition to the application and requested a deferral to allow this to be properly vetted.

Bruce Hardin, 2908 Windemere Ct, requested a deferral to allow time for further discussions.

Councilmember Johnson explained that the neighborhood is in full support of the UDO. They have met with the developer and have had numerous community meetings. Design standards will add to the property values.

**Chairman Adkins closed the Public Hearing.**

Councilmember Allen expressed concern with the differing opinions on whether community meetings were held or not. She inquired about options regarding building materials as that seems to be the main concern.

Mr. Leeman explained that staff contacted the councilmember and asked if she was interested in working together to establish certain standards in the UDO. The response from the council office was that they were fine with it as written. Staff feels that an SP would be a better option to achieve the goals that the councilmember has laid out. Staff also asked if the councilmember would be interested in a deferral and the response was that she wanted to move forward as is.

Ms. Diaz agreed that a UDO does not seem to be the appropriate tool to regulate design standards.

Mr. Haynes asked staff if this was filed by the councilmember without consulting staff.

Mr. Leeman explained that he is unaware of staff being contacted before it was filed.

Mr. Haynes noted that a UDO is the wrong tool.

Ms. Farr agreed that a UDO is the wrong tool.

Mr. Sloan reminded the commission that that councilmember wants to move forward without a deferral.

Ms. Hagan-Dier spoke in favor of staff recommendation as this is not the appropriate tool.

Mr. Gobbell spoke in favor of staff recommendation.

**Mr. Haynes moved and Ms. Farr seconded the motion to disapprove. (9-0)**

**Disapproved. (9-0)**

**Resolution No. RS2017-136**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2017UD-003-001 is Disapproved. (9-0)**

## 19. 2016Z-075PR-001

BL2017-678

Council District 05 (Scott Davis)

Staff Reviewer: Shawn Shepard

A request to rezone from CN and RS5 to MUL-A zoning for various properties along McFerrin Avenue, Seymour Avenue, West Eastland Avenue and Cleveland Street (approximately 6.75 acres) and partially within the Greenwood and Maxwell Heights Neighborhood Conservation Overlay Districts, requested by Councilmember Scott Davis, applicant; various property owners.

**Staff Recommendation: Disapprove as submitted. Approve with a substitute ordinance.**

### APPLICANT REQUEST

**Zone change from CN and RS5 to MUL-A.**

#### Zone Change

A request to rezone from Commercial Neighborhood (CN) and Single-Family Residential (RS5) to Mixed Use Limited-Alternative (MUL-A) zoning for various properties along McFerrin Avenue, Seymour Avenue, West Eastland Avenue and Cleveland Street (approximately 6.75 acres) and partially within the Greenwood and Maxwell Heights Neighborhood Conservation Overlay Districts.

#### **Existing Zoning**

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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.

Greenwood and Maxwell Heights Neighborhood Conservation Overlay Districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meets one or more of the criteria outlined in Section 17.36.120 of the Metro Zoning Ordinance.

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

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

Multifamily 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.

Office Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

### **EAST NASHVILLE COMMUNITY PLAN**

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.

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.

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.

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.

T4 Urban Neighborhood Center (T4 NC) is intended to preserve, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

#### Consistent with Policy?

The properties included in the proposed zone change are located in several different policy areas. Four properties within the zone change area are Metro-owned and within Civic policy, which is intended for properties to be used for civic purposes. Properties in Civic policy areas are not typically rezoned unless a decision has been made that conveying the site to the private sector is in the best interest of the public. In such cases, the policy and zoning would be changed to be consistent with the surrounding context and locational characteristics of the site. The location of these parcels at the interior of the neighborhood and surrounded by one and two-family residential makes the requested zoning, MUL-A, inappropriate.

Six of the parcels in the zone change area are located, in whole or in part, within T4 NM policy, and one parcel is within T4 NE policy. Both T4 NM and T4 NE policy are residential policies aimed at preserving the general character of existing urban neighborhoods or enhancing that character with increased housing choices and improved connectivity. Neither policy supports mixed-use zonings; the requested zoning is inconsistent with the goals of these policies.

Portions of two parcels within the zone change area are located within Transition policy. Transition policy is intended to serve as a transition between higher intensity corridors and lower intensity residential neighborhoods. The application of MUL-A zoning to the areas in Transition policy would result in moderate intensity mixed use immediately adjacent to single-family residential, which does not achieve an appropriate transition into the residential neighborhood.

Finally, seven of the parcels in the zone change area are located within T4 NC policy. T4 NC policy is intended for mixed use, commercial, residential and institutional land uses at a scale to serve urban neighborhoods that are generally within a five minute walk. However, the requested zoning, MUL-A, allows for more intense auto-oriented uses and an increased bulk and scale that would be inconsistent with the scale of the existing neighborhood center and the context of the surrounding neighborhood. The requested zone change is also inconsistent with the T4 NC policy.

#### **ANALYSIS**

The zone change area includes several parcels along McFerrin and West Eastland Avenues within the neighborhood center. These properties are currently in commercial use or are expected to accommodate a mix of uses as they redevelop. The zone change area also includes a number of parcels along West Eastland Avenue, Cleveland Street, and Seymour Avenue which are currently vacant or in residential use.

As proposed, the zone change is inconsistent with policy—it is too intense, even in areas of Neighborhood Center policy, and does not achieve appropriate transitions to the residential neighborhood. The requested zone change would apply a single moderate intensity mixed-use zone, MUL-A, to all of these diverse parcels, without regard for the different policy goals in the area. However, with modifications to tailor the proposal so that it better addresses the varying policy intents and locational characteristics of the properties, some zone change is appropriate in this area.

Staff recommends approval of a substitute, which removes some properties from the zone change area and proposes zoning districts other than the MUL-A requested for others. With approval of the substitute, all of the properties in Civic and T4 NM policy areas would be removed from the zone change, as the policy goals for those properties and their location interior to the neighborhood makes them inappropriate locations for increased intensity.

The substitute includes application of RM20-A zoning to a single property located at the corner of McFerrin and Seymour Avenues, within an area of T4 NE policy, and application of OR20 zoning to a single property located at 928 McFerrin Avenue, in an area of Transition policy adjacent to a neighborhood center. The proposal also includes application of MUL-A zoning to a single property at the northwest corner of McFerrin Avenue and Cleveland Street within T4 NC policy. The remaining properties in the zone change area, all of which are located in T4 NC policy, would be rezoned MUN-A.

T4 NE policy supports a variety of housing types including multifamily, in order to enhance urban neighborhoods with increased housing choice and improved connectivity. The zoning proposed by the substitute for the parcel within T4 NE policy, RM20-A, would allow for single-family, duplexes, or multifamily dwellings with standards for access and building placement to help create more walkable neighborhoods. The parcel is located on a corner and adjacent to areas of Transition and T4 Neighborhood Center policy, which makes this site an appropriate location for increased housing choices.

Transition policy is intended to create areas that serve as a transition from higher intensity mixed use areas, such as centers, to lower intensity residential neighborhoods. The substitute proposes OR20 zoning for property located at 928 McFerrin Avenue, in a Transition policy area. The property is immediately adjacent to a neighborhood center and has frontage along a collector avenue. The proposed OR20 zoning would permit medium density office or residential uses, which will help provide an appropriate transition to the existing neighborhood.

T4 NC policy is intended for mixed use, commercial, residential and institutional land uses at a scale to serve urban neighborhoods that are generally within a five minute walk. T4 NC policy potentially supports a range of zoning districts depending on the context and locational characteristics of the property. The substitute proposes MUN-A zoning for the majority of the properties within the T4 NC policy, which would allow for a range of uses that are consistent with the goals of the policy at a similar scale to the existing neighborhood center. The substitute also includes application of MUL-A zoning to a single parcel at the northwest corner of McFerrin Avenue and Cleveland Street. The property is located at the core of the neighborhood center and separated from the interior of the neighborhood by a property proposed to be zoned MUN-A. The location of this property makes it an appropriate location for the wider range of uses permitted in MUL-A zoning, with the intervening MUN-A zoned property helping to provide a transition from center to the surrounding residential neighborhood.

**Substitute Ordinance**

Staff recommends approval of a substitute ordinance to modify the proposed zone change as depicted on the map below:

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

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

The below traffic table was generated based on the recommended substitute.

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)	1.38	8.7 D	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.9	0.25 F	9,801 SF	457	15	45



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)	0.7		14 U	209	11	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail(814)	1.26	0.6	32,931 SF	1447	34	101

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.16	1.0	6,970 SF	336	13	39

Traffic changes between maximum: **RS5 & CN** and **RM20-A, MUN-A, and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,525	+42	+119

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS5 district: 4 Elementary 3 Middle 3 High

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

Projected student generation proposed MUL-A district: 30 Elementary 18 Middle 15 High

The proposed MUL-A zoning is expected to generate 53 more students than the existing zoning, assuming 40 percent of the floor area permitted by the MUL-A zoning is utilized for nonresidential uses. Students north of West Eastland Avenue would attend Hattie Cotton Elementary School, Gra-Mar Middle School, and Maplewood High School. Students north of West Eastland Avenue would attend Glenn Elementary School, Jere Baxter Middle School, and Maplewood High School. None of the schools have been identified as over-capacity. This information is based upon data from the school board last updated November 2016.

**STAFF RECOMMENDATION**

Staff recommends disapproval of the ordinance as filed, but approval of a substitute ordinance.

Ms. Shepard presented the staff recommendation of disapproval as submitted and approval with a substitute ordinance.

Councilmember Scott Davis spoke in favor of the application.

Megan (last name unclear), spoke in opposition to the application due to traffic concerns and would like further opportunities for community meetings.

**Chairman Adkins closed the Public Hearing.**

Ms. Blackshear asked the councilmember if he would be agreeable to a deferral or if he would prefer to move it on to council.

Councilmember Davis replied that he would prefer to move it on to council.

Ms. Hagan-Dier spoke in favor of approval with a substitute ordinance.

Dr. Sims spoke in favor of approval with a substitute ordinance.

Councilmember Allen clarified there is still time for the councilmember to get together with the community.

**Councilmember Allen moved and Ms. Hagan-Dier seconded the motion to disapprove as submitted but approve with a substitute ordinance. (9-0)**

**Disapprove as Submitted. Approved with a substitute ordinance. (8-0)**

**Resolution No. RS2017-137**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-075PR-001 is Disapproved as submitted. Approved with a substitute ordinance. (8-0)**

**20. 2016Z-120PR-001**

Council District 05 (Scott Davis)  
Staff Reviewer: Latisha Birkeland

A request to rezone from RS5 to R6 zoning on property located at 900 Oneida Avenue, at the southeast corner of Montgomery Avenue and Oneida Avenue, (0.22 acres), requested by Friendship Homes, Inc., applicant and owner.

**Staff Recommendation: Defer to the May 25, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016Z-120PR-001 to the May 25, 2017, Planning Commission Meeting. (8-0)**

**21. 2017Z-018PR-001**

BL2017-673  
Council District 05 (Scott Davis)  
Staff Reviewer: Patrick Napier

A request to rezone from RS5 to RM20 zoning on property located at Sharpe Avenue (unnumbered), approximately 800 feet west of Ellington Parkway (0.4 acres), requested by Councilmember Scott Davis, applicant; Home Repair Doctors, LLC, owner.

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

**Zone change from RS5 to RM20.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multi-Family Residential (RM20) zoning on property located at Sharpe Avenue (unnumbered), approximately 800 feet west of Ellington Parkway (0.4 acres).

**Existing Zoning**

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

**Proposed Zoning**

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 8 units*

**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.

Consistent with Policy?

No. While the T4 Neighborhood Evolving policy may support multi-family zoning districts, the proposed location is not appropriate. The site is located interior to a neighborhood on a dead end street. Surrounding land uses are primarily single-family with a few scattered two-family units. The policy may support multi-family zoning based on locational criteria, such as proximity to a major corridor. The site is located approximately 1,700 feet from Douglas Avenue, the nearest corridor.

**ANALYSIS**

Staff recommends disapproval of the request. The property is located within the interior of an establish neighborhood at the end of a dead end street. The pavement currently does not extend to the property. There is an existing unimproved alley located to the rear of the site.

The proposed RM20 zoning would permit up to 8 residential units. This intensity is inconsistent with the surrounding land use pattern and would change the character of the existing neighborhood while significantly increasing the traffic flow through an established neighborhood. Staff recommends the RS5 zoning remain in place as single-family use is consistent with policy and the character of the existing neighborhood.

**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: **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)	0.4	8.71 D	3 U	29	3	4

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

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)	0.4	20 D	8 U	54	5	5

\*Based on two-family lots

Traffic changes between maximum: **RS5 and RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5 U	+25	+2	+1

## METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM20 district: 1 Elementary 1 Middle 1 High

The proposed RM20 district would generate 3 additional students over the current RS5 zoning district. Students would attend Hattie Cotton Elementary School, Gra-Mar Middle School and Maplewood High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2016.

### STAFF RECOMMENDATION

Staff recommends disapproval as the proposed RM20 zoning district is not consistent with the T4 NE land use policy at this interior location within an area zoned for single-family structures.

Mr. Napier presented the staff recommendation of disapproval.

Councilmember Scott Davis spoke in favor of the application and noted this would be a good place for affordable housing.

### Chairman Adkins closed the Public Hearing.

Dr. Sims noted that RM20 seems tough in this spot.

Ms. Diaz clarified this is inconsistent with policy.

Councilmember Allen agreed this is inconsistent with policy and suggested that an SP might work. RM20 is too intense for this area.

Ms. Farr explained that moving forward with a recommendation of approval is not the right decision at this point; there seems to be an opportunity for further discussion.

**Ms. Farr moved and Ms. Diaz seconded the motion to disapprove. (8-0-1)**

**Disapproved. (8-0-1)**

### **Resolution No. RS2017-138**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017Z-018PR-001 is Disapproved. (8-0-1)**"

## 22. 2017Z-038PR-001

BL2017-670

Council District 25 (Russ Pulley)

Staff Reviewer: Shawn Shepard

A request to apply a Contextual Overlay District for various properties on Audubon Road, Dale Avenue, Galloway Drive, Glendale Lane, Gray Oaks Drive, Lealand Lane, Milesdale Court, Milesdale Drive, Scenic Drive, and Tower Place, located north of Battery Lane (62.83 acres), requested by Councilmember Russ Pulley, applicant; various property owners.

**Staff Recommendation: Approve.**

### APPLICANT REQUEST

**Apply a Contextual Overlay District.**

#### Zone Change

A request to apply a Contextual Overlay District for various properties on Audubon Road, Dale Avenue, Galloway Drive, Glendale Lane, Gray Oaks Drive, Lealand Lane, Milesdale Court, Milesdale Drive, Scenic Drive, and Tower Place, located north of Battery Lane (62.83 acres).

#### **Existing Zoning**

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

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.

#### **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.

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

T3 Suburban Neighborhood Maintenance 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.

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 overlay area is within the T3 Suburban Neighborhood Maintenance policy area and the proposed Contextual Overlay is consistent with the policy. There is a fairly consistent housing type in regards to bulk and massing that currently exists in the area proposed for the Contextual Overlay. 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.

## **CONTEXTUAL OVERLAYS**

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 the 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.

## **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.
    - 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.

Ms. Shepard presented the staff recommendation of approval.

Charlotte Cooper, 3409 Trimble Rd, spoke in favor of the application because it is a great tool to protect older, stable neighborhoods.

Ginger Byrn, 4323 Lealand Lane, spoke in favor of the application.

Fred Pearson, 4320B Dale Ave, spoke in favor of the application.

Martha Elder, 4203 Lealand Lane, spoke in favor of the application as it will protect the character of the neighborhood and protect the quality of life.

Stephen McLean, 915 Tower Place, spoke in favor of the application.

Laura Van Sickle, 1019 Glendale, spoke in favor of the application because it will preserve the character of the neighborhood.

Donald Bell, 903 Tower Place, spoke in favor of the application.

Dwayne Saggin, 1001 Tower Place, spoke in favor of the application.

Margaret Pond, 1023 Miledale Dr, spoke in favor of the application because it will protect the character of the neighborhood.

Donna Sonner, 1016 Miledale Dr, spoke in favor of the application because it will protect the character of the neighborhood.

Ronna Rubin, 4320 Dale, spoke in favor of the application and noted that the majority of the neighbors are in support.

Jordan Davis, 902 Tower Place, spoke in opposition to the application as it limits property rights.

Ken Pence, 900 Tower Place, spoke in opposition to the application and explained that incorrect information was received from the councilmember regarding community meetings.

David Condarelis, 4304 Lealane Lane, spoke in opposition to the application as it limits property rights and property values.

Frank Condarelis, 4306 Lealand Lane, spoke in opposition to the application as it limits property rights.

Councilmember Pulley clarified that a significant majority of the area wants this overlay to create an area of sensitive development. The errors in the neighborhood engagement process were corrected quickly within the requested time frame.

**Chairman Adkins closed the Public Hearing.**

Councilmember Allen explained that the councilmember and the neighbors have worked hard to make sure the process was well engaged. Property rights extend to the people who want to do nothing with their property as well as to those wanting to do something with their property. This does not prohibit expansion, it provides guidelines.

Ms. Diaz spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation.

Ms. Farr spoke in favor of staff recommendation; this type of protection is needed to preserve these neighborhoods.

Mr. Gobbell spoke in favor of staff recommendation.

**Mr. Haynes moved and Ms. Farr seconded the motion to approve. (9-0)**

**23. 2017Z-047PR-001**

BL2017-669  
Council District 11 (Larry Hagar)  
Staff Reviewer: Gene Burse

A request to rezone from CS to R6-A zoning for various properties along Keeton Avenue and Rayon Drive, south of Bridgeway Avenue (7.89 acres), requested by Councilmember Larry Hagar, applicant; various property owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CS to R6-A.**

Zone Change

A request to rezone from Commercial Service (CS) to One and Two-Family Residential-Alternative (R6-A) zoning on various properties along Keeton Avenue and Rayon Drive, south of Bridgeway Avenue (7.89 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**DONELSON- HERMITAGE-OLD HICKORY COMMUNITY PLAN**

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic 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 - challenges that were not faced when the original classic, suburban neighborhoods were built

Consistent with Policy?

Yes. The proposed R6-A zoning district is consistent with T3 Urban Neighborhood Evolving policy as it will provide for future development that contributes to and is consistent with the development pattern that has been established for the Rayon City neighborhood.

**ANALYSIS**

The properties are located along Keeton Avenue and Rayon Drive in the Rayon City neighborhood of the Donelson-Hermitage-Old Hickory Community Plan area. This area consists primarily of existing residential land uses with some commercial uses. Adjacent zoning districts include R6, R10 and IWD districts. The R6-A zoning district provides additional design standards that will enhance the character of the neighborhood when redevelopment occurs. This proposed rezoning will mitigate further commercial development within the neighborhood, which may not be appropriate nor consistent with T3 Suburban Neighborhood Evolving policy.

Existing land uses within the subject rezoning area consist mostly of single-family residential properties, some two-family residential properties, multi-family residential properties, and a few vacant properties. The down zone will create a legal nonconformity for three properties. They include 111 and 120 Rayon Drive, each of which has a boarding house. 107 Rayon Drive will also be non-conforming since it has an apartment complex. Multi-family and boarding houses are not permitted in the R6-A zoning district. The Commercial Service zoning district for this area dates back to 1998. Prior to 1998, this area was zoned Commercial General which dates back to 1974 along with the Airport Overlay for this area.

**FIRE DEPARTMENT RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

N/A

**WATER SERVICES**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- TIS (Traffic Impact Study) may be required with redevelopment

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	7.89	0.6	206,213 SF	10871	237	1034

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	7.89	7.26 D	82	867	68	90

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-10,004	-169	-944

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation proposed R6-A district: 6 Elementary 4 Middle 4 High**

The proposed R6-A zoning district will generate more students than what is typically generated under the existing CS zoning district. Students would attend Dupont Elementary School, Dupont Hadley Middle School, and McGavock High School. Each school has been identified as having additional capacity. This information is based upon data from the school board last updated November 2016.

**STAFF RECOMMENDATION**

Staff recommends approval. The proposed rezoning is consistent with the T3 Suburban Neighborhood Evolving policy of the Donelson-Hermitage-Old Hickory Community Plan.

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

**Resolution No. RS2017-140**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017Z-047PR-001 is Approved. (9-0)**

**24. 2017Z-049PR-001**

BL2017-683

Council District 27 (Davette Blalock)

Staff Reviewer: Shawn Shepard

A request to rezone from R10 to CS zoning for property located at 5510 Nolensville Pike, approximately 120 feet south of Ash Grove Drive (0.10 acres), requested by Councilmember Davette Blalock, applicant; Graveyard, owner.

**Staff Recommendation: Approve.**



**APPLICANT REQUEST**  
**Zone change from R10 to CS.**

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Commercial Service (CS) zoning for property located at 5510 Nolensville Pike, approximately 120 feet south of Ash Grove Drive (0.10 acres).

**Existing Zoning**

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

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

**SOUTHEAST NASHVILLE COMMUNITY PLAN**

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

The proposed zone change is consistent with the T3 CC policy, which supports more intense commercial zoning districts when consistent with locational characteristics of the property and the surrounding context. The property is located adjacent to Nolensville Pike and is surrounded by parcels zoned CS or within a Commercial Planned Unit Development Overlay, all of which are currently developed with commercial uses. The property is immediately north of a regional shopping center at the intersection of Nolensville Pike and Old Hickory Boulevard. The requested zoning, CS, will allow this small parcel to redevelop in a manner consistent with the surrounding parcels. The proposed zoning also supports uses that are consistent with the goals of the policy and appropriate along the Nolensville Pike corridor.

**ANALYSIS**

The site is located on the east side of Nolensville Pike, approximately 1,200 feet north of the intersection of Nolensville Pike and Old Hickory Boulevard. The site is currently vacant, but previously served as a graveyard. The remains have been exhumed from the site. The property is located adjacent to Nolensville Pike, between an existing used car lot and a quick lube business. The used car lot wraps around the subject property to the north and west. The current R10 zoning is inconsistent with policy, which is intended to enhance and create community centers that contain mixed use, commercial or institutional land uses. Additionally, the location of the property immediately adjacent to Nolensville Pike and surrounded by commercial uses makes this an inappropriate site for one or two-family residential uses. The requested zoning, CS, will allow the property to develop in a manner that is appropriate given its location on the corridor and adjacency to existing commercial uses.

**PUBLIC WORKS 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: **R10**

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)	0.1	4.35 D	1 U	10	1	2

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.1	0.6	2,613 SF	150	10	28

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+140	+9	+26

**STAFF RECOMMENDATION**

Staff recommends approval as the request is consistent with the T3 Suburban Community Center policy.

Ms. Shepard presented the staff recommendation of approval.

Dan Covington, 6700 Holt Rd, spoke in opposition to the application because this land is part of a historic cemetery that was destroyed.

Councilmember Blalock stated that this property is vacant; all bodies have been moved. This is a very small piece of property that she is trying to make consistent with the rest of the street.

**Chairman Adkins closed the Public Hearing.**

Ms. Hagan-Dier spoke in favor of staff recommendation as it is consistent with policy and the bodies have been moved.

Mr. Gobbell spoke in favor of staff recommendation.

Ms. Blackshear spoke in favor of staff recommendation and suggested perhaps a memorial marker could be placed there as a remembrance.

Councilmember Allen spoke in favor of staff recommendation.

**Ms. Farr moved and Ms. Hagan-Dier seconded the motion to approve and added a suggestion that a marker be added. (9-0)**

**Approved. (9-0)**

**Resolution No. RS2017-141**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017Z-049PR-001 is Approved. (9-0)**"

**25. 83-85P-001**

**RANSOM PLACE PUD (REVISION)**

Council District 28 (Tanaka Vercher)

Staff Reviewer: Gene Burse

A request to revise the preliminary plan and for final site plan approval for a portion of the Ransom Place PUD for property located at 1911 Ransom Place, zoned SCC (2.52 acres), to permit the expansion of an ALDI Food Store, requested by Clemmons & Associates, LLC, applicant; ALDI, (Indiana) L.P., owner

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

Revise preliminary plan and approve final site plan for Ransom Place PUD.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Ransom Place PUD for property located at 1911 Ransom Place, zoned SCC (2.52 acres), to permit the expansion of an ALDI Food Store, requested by Clemmons & Associates, LLC, applicant; ALDI, (Indiana) L.P., owner.

## **Existing Zoning**

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

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

## **HISTORY**

The site is lot 3 of Ransom Place Phase 1. Ransom Place Planned Unit Development consists of commercial and residential uses. Commercial uses are located at the southwest corner of the intersection of Murfreesboro Pike and Ransom Place. Residential uses are located along Ransom Place west of the commercial uses on Murfreesboro Pike. Metro Council approved this planned unit development in 1985. Ransom Place Planned Unit Development has been amended multiple times to permit a variety of commercial uses on the subject property. In 1998, the commercial section of Ransom Place Planned Unit Development was amended to permit the existing use, a supermarket. The existing 17,476 square foot supermarket was built in 2000.

## **SITE PLAN**

The site is lot 3 of Ransom Place Phase 1 and is currently developed with a 16,670 square foot supermarket. The proposed revision and final site plan is to allow a 2,894 square foot addition on the north side of the existing supermarket building. The plan proposes vehicular access from Ransom Place via an existing 45-foot ingress/egress access easement. Current onsite surface parking spaces will be reduced from 94 spaces to 88 spaces which is 10 more spaces than the Zoning Code requires. An existing bus stop on the east side of the site is served by bus route 15 (Murfreesboro Pike) and bus route 55 (Murfreesboro Corridor). There will be a 24-foot wide drive aisle separating the front of the proposed building addition and the first row of parking. Existing concrete islands closest to the proposed expansion area will be modified to allow for appropriate spacing per the zoning code for the 24-foot drive aisle. The proposed expansion area includes a 5-foot wide sidewalk that will abut the north side of the expansion area.

## **ANALYSIS**

Section 17.40.12.F permits the Planning Commission to establish the types of changes that require Metro Council concurrence. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD. Section 17.40.120.F is provided below for review.

### **F. Changes to a Planned Unit Development District.**

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:
  - a. Land area being added or removed from the planned unit development district shall be approved by council according to the provisions of Article III of this chapter (Amendments);
  - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinances shall be authorized by council ordinance;
  - c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
  - d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
  - e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
  - f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of section 17.40.120.H.4.a.

The revised plan and proposed development is consistent with the concept of the Ransom Place Planned Unit Development and does not include any unapproved uses. No changes are being proposed that conflict with the Council approved plan.

The proposed revision and final site plan is consistent with the overall intent of the PUD. Staff recommends approval with conditions.

**FIRE DEPARTMENT RECOMMENDATION**

**Approve with condition**

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

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES**

**Approve with conditions**

- Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.

**PUBLIC WORKS RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. Pole signs shall not be permitted within this Planned Unit Development; all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages, except for time/temperature/date signs, shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

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

**Resolution No. RS2017-142**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that **83-85P-001 is Approved with conditions (9-0) CONDITIONS**

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. Pole signs shall not be permitted within this Planned Unit Development; all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages, except for time/temperature/date signs, shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

**26. 269-84P-001**  
**TULIP GROVE ROAD PUD (REVISION)**  
Council District 11 (Larry Hagar); 12 (Steve Glover)  
Staff Reviewer: Patrick Napier

A request to revise the preliminary plan and for final site plan approval for a portion of the Tulip Grove Road PUD on property located at 4751 Lebanon Pike, approximately 660 feet west of Tulip Grove Road, zoned R10 (3.09 acres), to permit the expansion of an ALDI Food Store, requested by Clemmons and Associates, LLC, applicant; Aldi (Indiana) L.P., owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise a PUD to permit an expansion to an existing grocery store.**

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Tulip Grove Road Planned Unit Development Overlay District for property located at 4751 Lebanon Pike, approximately 660 feet west of Tulip Grove Road, zoned R10 (3.09 acres), to permit the expansion of an Aldi Food Store.

**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. *This is a pre-1998 PUD where the uses for the lot are determined by the PUD.*

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.

**PLAN DETAILS**

The site is located along Lebanon Pike, 660 feet west of Tulip Grove Road. The plan calls for the PUD to be revised to permit an expansion to an existing grocery store. The site is bordered by commercial uses to the north and east and residential uses to the south and west. The site contains an existing grocery store and is currently zoned R10 with a PUD overlay.

History

Metro Council approved the PUD in 1984. When originally approved, the PUD permitted a total of 83,157 square feet of floor area and 359 parking spaces. This PUD has since been revised numerous times. To date final site approvals have been approved for a total of 17,405 square feet. Therefore this PUD has 65,752 square feet of approved floor area remaining. If the currently proposed revision is approved, the PUD will have 62,466 square feet of approved floor area remaining.

Site Plan

The plan revises the PUD to allow a 3,286 square foot expansion to the existing grocery store. The proposed expansion will have a maximum height of 24 feet. The existing primary point of access for this site is a connection to Lebanon Pike and a cross access is provided by a connection to the existing parcel located east of the site. The site plan indicates all points of access will remain unaltered.

The site plan indicates 12 parking spaces will be removed when the existing structure is expanded. While the total number of parking spaces will be reduced by the proposed expansion, the parking requirements of the currently approved preliminary PUD plan and the Metro Zoning Code are met.

**ANALYSIS**

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

- G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.
  - 1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
- a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
  - b. The boundary of the planned unit development overlay district is not expanded;
  - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
  - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
  - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
  - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
  - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
  - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
  - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
  - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The proposed revision increases the allowable square footage by 3,286 square feet, which does not exceed the 10 percent threshold established by section 17.40.120.G. The proposed use for the PUD revision is consistent with the approved PUD.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- If sidewalks are required then they should be shown on the plans per the MCSP and in compliance with ADA and MPW standards and specification

**METRO WATER**

**Approve with conditions**

- Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Provide parking area landscaping consistent with Section 17.24 of the Metro Zoning Code.
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.

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

**Resolution No. RS2017-143**

“BE IT RESOLVED by The Metropolitan Planning Commission **269-84P-001 is Approved with conditions (9-0)**

**CONDITIONS**

1. Provide parking area landscaping consistent with Section 17.24 of the Metro Zoning Code.
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.

**27. 84-87P-004**

**THE CROSSINGS OF HICKORY HOLLOW PUD (REVISION)**

Council District 32 (Jacobia Dowell)

Staff Reviewer: Latisha Birkeland

A request to revise the preliminary plan for a portion of The Crossings of Hickory Hollow PUD for property located at 5846 Crossings Blvd, at the southwest corner of Crossings Blvd and Old Franklin Road (13.9 acres), zoned R10, to permit the construction of a 100,000 square foot office building and a 50,000 square foot office building, requested by Littlejohn Engineering Associates, applicant; Freeland Realty 3, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise the preliminary plan for a portion of a Planned Unit Development to permit 150,000 square feet of office use.**

Revise Preliminary PUD

A request to revise the preliminary plan for a portion of The Crossings of Hickory Hollow PUD for property located at 5846 Crossings Blvd, at the southwest corner of Crossings Blvd and Old Franklin Road (13.9 acres), zoned One and Two-Family Residential (R10), to permit the construction of a 100,000 square foot office building and a 50,000 square foot office building.

**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. *The PUD controls uses on the property.*

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. *This PUD permits a variety of commercial and office uses.*

**CRITICAL PLANNING GOALS**

N/A

## PLAN DETAILS

The site is located at the southwest corner of Old Franklin Road and Crossings Boulevard, northeast of I-24 and is currently vacant. The plan proposes two office buildings with a total of 150,000 square feet within two phases. The first phase includes a 100,000 square foot office building. The second phase includes a 50,000 square foot office building.

Vehicular access is provided along Crossings Boulevard and Old Franklin Road. An eight foot sidewalk and a 6 foot grass strip will be installed along Crossings Boulevard and Old Franklin Road, meeting the requirements of the Major and Collector Street Plan. An internal sidewalk network is shown on the plan as well as sidewalks along the access drives, connecting to the public sidewalks.

## ANALYSIS

The original PUD was approved in 1984 for over a million square feet of commercial and office uses. The PUD has been revised numerous times throughout the years. The site was approved for 103,766 square feet of office in 2008. Since the total floor area of this PUD has not increased more than ten percent beyond the total floor area last approved by the council, staff finds that the proposed change is a minor modification.

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

- G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.
1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
  2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
    - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
    - b. The boundary of the planned unit development overlay district is not expanded;
    - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
    - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
    - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
    - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
    - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
    - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
    - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
    - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
    - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
    - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
    - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.



## **FIRE MARSHAL'S OFFICE**

### **Approve with conditions**

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

## **PUBLIC WORKS RECOMMENDATION**

### **Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Prior to building permit approval submit copy of ROW dedication to the back of the proposed sidewalks along Crossings Blvd and Old Franklin. Additionally, provide ROW dedication/ acquisition on the adjoining property.
- Indicate extension of the sidewalk to the southern property frontage along Old Franklin, if requested by MPC

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- In accordance with the Major and Collector Street Plan, add a two-way left turn lane on Old Franklin Road stretching a minimum of 50 feet south of Site Access 2 north to the intersection with Crossings Boulevard. Prior to final site plan approval, additional traffic analysis shall be submitted to determine if adequate left turn lane storage on Old Franklin Rd at access drive is available upon redistribution of project office traffic upon completion of the Beamon Turner SP roadways and interstate ramp.
- Ensure dedicated ROW per Major and Collector Street Plan. Crossings Boulevard calls for a future half-ROW of 50.5' and Old Franklin Road half ROW of 33' within the area of the proposed development. These future ROW widths include sidewalks. Dedicate adequate ROW for signal pole if a signal is warranted when signal warrant analysis is conducted.
- Ensure that a minimum of 445' of intersection sight distance is available when looking from the proposed Old Franklin Road access and a minimum of 500' of intersection sight distance is available when looking from the proposed Crossings Boulevard access. Submit sight distance exhibit in plan and profile with construction documents.

#### Intersection of Crossings Boulevard and Old Franklin Road

- Perform signal warrant analysis as a check after the first 100,000 square foot office building is completed and occupied. At a minimum, Developer shall submit signal warrant analysis within 6 month of Use and Occupancy permit of 100,000 sf Office building and also prior to Final Site plan approval for the second phase of office development or when directed by MPW traffic engineer. If signal is approved, developer shall design signal plan and submit to MPW traffic engineer for approval and install signal when directed by MPW traffic engineer.
- Construction of separate NB and SB left turn lanes in the medians may be required on Crossings Blvd at Old Franklin Rd. with signal installation.

#### Intersection of Crossings Boulevard and Site Access 1

- A right turn lane should be provided for the eastbound approach of Crossings Boulevard to Site Access 1. The turn lane should provide a minimum of 100 feet of storage.
- Upon development of adjacent parcel lot 18, additional analysis may be required to determine any additional improvements at joint access driveway and Crossings Blvd intersection.

#### Intersection of Mt View Rd and Old Franklin Rd

- Prior to final site plan approval, additional traffic analysis shall be submitted to determine if traffic control at Mt View Rd and Old Franklin Rd should be modified. A signal warrant analysis may be required.

## **STORMWATER RECOMMENDATION**

### **Approve with conditions**

- Preliminary SW note on grading sheet in final submittal

## **WATER SERVICES**

### **Approve with conditions**

- Approved as a Preliminary PUD Revision only. The required capacity fees must be paid prior to Final Site Plan/PUD approval.

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

## **CONDITIONS**

1. An 8 foot wide sidewalk and a 6 foot wide grass strip shall be installed along the frontage of the site at Crossings Boulevard and Old Franklin Road.
2. Internal sidewalks within the site shall be a minimum of five feet in width.

3. Sidewalks adjacent to the roadway should be located within ROW. Dedicate ROW to the back of sidewalk prior to building permit approval
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs. Billboards are prohibited.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Approved with conditions. (8-0-1) Consent Agenda**

**Resolution No. RS2017-144**

"BE IT RESOLVED by The Metropolitan Planning Commission that **84-87P-004 is Approved with conditions (8-0-1)**

**CONDITIONS**

1. An 8 foot wide sidewalk and a 6 foot wide grass strip shall be installed along the frontage of the site at Crossings Boulevard and Old Franklin Road.
2. Internal sidewalks within the site shall be a minimum of five feet in width.
3. Sidewalks adjacent to the roadway should be located within ROW. Dedicate ROW to the back of sidewalk prior to building permit approval
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs. Billboards are prohibited.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**28. 103-79P-005**

**RIVERFRONT SHOPPING CENTER LOT 4 (AMENDMENT)**

Council District 11 (Larry Hagar)  
Staff Reviewer: Latisha Birkeland

A request to amend a Planned Unit Development Overlay District on property located at 1432 Robinson Road, approximately 500 feet southeast of Martingale Drive, zoned CS (0.86 acres), to permit an addition to an existing car wash facility, requested by Q. Scott Pulliam, RLS, applicant; Champion Car Wash, LLC, owner.

**Staff Recommendation: Defer to the May 25, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 103-79P-005 to the May 25, 2017, Planning Commission Meeting. (8-0)**

**29. 2017S-001-001**

**LUNA HEIGHTS SUBDIVISION RESUB OF LOT 29**

Council District 28 (Tanaka Vercher)  
Staff Reviewer: Abbie Rickoff

A request for final plat approval to create two lots on property located at 3408 Lallemand Drive, northeast of the terminus of Lallemand Court, zoned R10 (0.93 acres), requested by Delle Land Surveying, applicant; Ronald and Donna Warren, owners.

**Staff Recommendation: Disapprove.**

**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 3408 Lallemand Drive, northeast of the terminus of Lallemand Court, zoned One and Two-Family Residential (R10) (0.93 acres).

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 4 lots with 1 duplex lot for a total of 5 units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units on this property.*

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

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

**PLAN DETAILS**

This request is for final plat approval to create two lots on property located at 3408 Lallemand Drive. The existing lot is 40,620 square feet (0.93 acres) and currently contains one single family dwelling unit. The proposed plat would subdivide one parcel into two lots as follows:

- Lot 29A: 18,300 SF (0.42 acres) and 128 feet of frontage
- Lot 29B: 22,319 SF (0.51 acres) and 128 feet of frontage

There are no sidewalks along Lallemand Drive. If the concept plan is approved, the applicant has elected to pay the fee-in-lieu of constructing sidewalks.

**ANALYSIS**

Section 3-5.2 of the Subdivision Regulations establishes criteria for reviewing infill subdivisions and for determining their compatibility in Neighborhood Maintenance policies.

Zoning Code

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

Street Frontage

Both proposed lots have frontage on a public street.

Community Character

Section 3-5.2.d of the Subdivision Regulations requires that newly created lots in areas that are previously subdivided and predominately developed must be comparable to the surrounding lots in regards to frontage, area, setback, and orientation. For the purposes of this analysis, “surrounding parcels” is defined by the Subdivision Regulations as the five R, RS, AR2A, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less.

1. Lot frontage analysis: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

In this instance, there is only one surrounding parcel to the north. Therefore, there is only one surrounding parcel with which to compare. Along Lallemand Drive, lots created must have frontage at least equal to 144 feet. The proposed lots have 128 feet of frontage and do not meet compatibility requirements for frontage.

<b>Lot 29A Frontage</b>	
Proposed Frontage	128
<b>Minimum Frontage</b>	<b>144 ft.</b>
70% Average	N/A

<b>Lot 29B Frontage</b>	
Proposed Frontage	128
<b>Minimum Frontage</b>	<b>144 ft.</b>
70% Average	N/A

2. Lot area analysis: The proposed lots must have a total area either equal to or greater than 70% of the average area of surrounding parcels or equal to or greater than the surrounding lot with the least amount of area, whichever is greater.

In this instance, there is only one surrounding parcel to the north, and no surrounding parcels to the south because the block face ends at the subject property. Therefore, there is only one surrounding parcel with which to compare. Along Lallemand Drive, the proposed lots must be equal to or greater than 37,897 square feet. Lot 29A is proposed as 18,300 square feet, and Lot 29B is proposed as 22,319 square feet. Neither of the proposed lots meet compatibility requirements for area.

<b>Lot 29A Size</b>	
Proposed Size	18,300
<b>Minimum Size</b>	<b>37,897 SF</b>
70% Average	N/A

<b>Lot 29B Size</b>	
Proposed Size	22,319
<b>Minimum Size</b>	<b>37,897 SF</b>
70% Average	N/A

3. Street setbacks: Future structures would have to comply with setbacks as established by Metro Zoning Code.
4. Lot orientation: Orientation of the proposed lots shall be consistent with the surrounding parcels. Lots 29A and 29B front Lallemand Drive and are consistent with the surrounding parcels.

#### Analysis

Based on the Subdivision Regulation's definition of surrounding lots, Lots 29A and 29B of the proposed subdivision have only one surrounding lot with which to compare. Neither of the proposed lots meets the frontage or area requirements of the surrounding lot. The applicant requests approval under Section 3-5.2 of the Subdivision Regulations, which states that when surrounding parcels do not exist, or do not meet the criteria to be used in the analysis, the Planning Commission may grant an exception to the compatibility requirement by considering whether the subdivision can provide for the harmonious development of the community.

The applicant has proposed additional conditions to attempt to meet the harmonious development provision: limiting height to a maximum of 2 stories in 35 feet, requiring a raised foundation of 18"-36" for all residential structures, and limiting vehicular access to a maximum of 16 foot wide driveway located between the primary structure and the street. The Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility, if they find it appropriate.

#### **FIRE MARSHAL RECOMMENDATION**

**N/A**

#### **STORMWATER RECOMMENDATION**

**Approve**

#### **PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- If sidewalks are required by Planning and the applicant chooses to construct rather than pay the in-lieu fee, then they should be shown and labeled on the plan with curb and gutter, 4 foot grass strip or as determined by Public Works, and a minimum 5 foot wide sidewalk unobstructed, and a minimum of 20 feet pavement on the street width. Wider sidewalk, grass strip, and pavement width is required where on-street parking occurs or on a street classification greater than local.
- Sidewalks must be shown fully within the right of way. Show the location of all existing above and below ground features within the right-of-way. Any existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

#### **TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

#### **WATER SERVICES RECOMMENDATION**

**Approve**

#### **STAFF RECOMMENDATION**

Staff recommends disapproval as the proposed subdivision does not meet the compatibility criteria for infill subdivisions as required by the Subdivision Regulations. If the Metro Planning Commission determines that the subdivision can provide for harmonious development by evaluating a larger area, the following conditions shall apply:

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

1. Each lot shall be limited to one single-family home. Add the following note to each lot: "Lot 'X' shall be limited to one single-family home."
2. No parking is permitted between the primary structure and the street. Hard surfaces for vehicular access shall be a driveway a maximum of 12 feet wide located between the primary structure and the street.
3. Height shall be a maximum of 2 stories in 35 feet.
4. A raised foundation of 18 inches to 36 inches is required for all residential structures.
5. Sidewalks are required along Lallemand Drive. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department for the linear feet of frontage (256 linear feet) to Pedestrian Benefit Zone 5-C. The rate of payment shall be as currently set by the Department of Public Works, or
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department.
6. Modify Note #15: The 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.

7. A corrected copy of the final plat incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to plat recordation.

Ms. Rickoff presented the staff recommendation of disapproval.

**Chairman Adkins closed the Public Hearing.**

Ms. Farr explained that in looking more broadly at the area, you can see some support for finding this compatible.

Mr. Haynes expressed agreement with Ms. Farr.

Dr. Sims spoke in favor with conditions.

Ms. Diaz spoke in favor with conditions.

**Ms. Farr moved and Mr. Gobbell seconded the motion to approve with conditions based on finding that it is harmonious with development in the greater area. (9-0)**

**Approved with conditions. (9-0)**

**Resolution No. RS2017-145**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017S-001-001 is Approved with conditions (9-0)**

**CONDITIONS**

1. Each lot shall be limited to one single-family home. Add the following note to each lot: "Lot 'X' shall be limited to one single-family home."
2. No parking is permitted between the primary structure and the street. Hard surfaces for vehicular access shall be a driveway a maximum of 12 feet wide located between the primary structure and the street.
3. Height shall be a maximum of 2 stories in 35 feet.
4. A raised foundation of 18 inches to 36 inches is required for all residential structures.
5. Sidewalks are required along Lallemand Drive. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department for the linear feet of frontage (256 linear feet) to Pedestrian Benefit Zone 5-C. The rate of payment shall be as currently set by the Department of Public Works, or
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department.
6. Modify Note #15: The 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.
7. A corrected copy of the final plat incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to plat recordation.

**30. 2017S-082-001**

**RESUBDIVISION OF LOTS 3 & 4 ON THE PLAT SHOWING  
THE DIVISION OF THE JOHN B. COWDEN PROPERTY**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Gene Burse

A request for final plat approval to create three lots on property located at 227 Marcia Avenue, approximately 545 feet south of Neighborly Avenue, zoned R6 (0.91 acres), requested by Clint T. Elliott Surveying, applicant; James and Jessica McCoy, owners.

**Staff Recommendation: Defer to the May 25, 2017, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2017S-082-001 to the May 25, 2017, Planning Commission Meeting. (8-0)**

**31. 2017S-089-001**  
**CLEARVIEW, RESUB OF LOT 58**  
Council District 24 (Kathleen Murphy)  
Staff Reviewer: Shawn Shepard

A request for final plat approval to create two lots and for variances on property located at 731 Crescent Road, approximately 300 feet east of Estes Road, zoned RS10 (0.59 acres), requested by Anderson, Delk, Epps & Associates, Inc., applicant; Michael and Melinda Nixon & Thomas and Anna Patton, owners.

**Staff Recommendation: Approve including a variance to the standard prohibiting double frontage lots and a variance to permit a partial contribution in-lieu of sidewalk construction.**

**APPLICANT REQUEST**

**Final Plat to create two lots.**

Final Plat

A request for final plat approval to create two lots and for variances on property located at 731 Crescent Road, approximately 300 feet east of Estes Road, zoned Single-Family Residential (RS10) (0.59 acres).

**Existing Zoning**

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

**PLAN DETAILS**

This request is for final plat approval to create two lots on property located at 731 Crescent Road. The property is an island parcel surrounded by Crescent Road and Clearview Drive. Section 3-5.2 of the Subdivision Regulations requires that newly created lots in areas that are previously subdivided and predominately developed must be comparable to the surrounding lots in regards to frontage and area. Due to the island configuration of the parcel, neither of the proposed lots has surrounding lots with which they can be compared.

The applicant requests approval under Section 3-5.2 of the Subdivision Regulations, which states that where the surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility.

The existing lot is 25,700 square feet (0.59 acres) and is currently vacant. The two proposed lots are as follows:

- Lot 1: 12,316 sq. ft. and 331.72 feet of frontage on Crescent Road and Clearview Drive
- Lot 2: 12,316 sq. ft. and 333.61 feet of frontage on Crescent Road

The lot frontage and square feet are based on the plat as shown below.

**ANALYSIS**

Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within a Neighborhood Maintenance policy area. The intent of these regulations is to consider the established development pattern when reviewing infill subdivisions. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

Both lots meet the minimum standards of the RS10 zoning district.

Street Frontage

Both lots would have frontage on a public street.

Community Character

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. Neither has surrounding parcels with which to compare lot frontage.
2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest surrounding lot, whichever is greater. Neither has surrounding parcels with which to compare lot area.
3. Street setback: Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. For a corner lot, both block faces shall be used. Neither lot has surrounding parcels with which to compare setbacks.
4. Lot orientation: Orientation of the proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces are evaluated. Neither lot has surrounding parcels with which to compare orientation.

Harmony of Development

Based on the Subdivision Regulation’s definition of surrounding lots, neither of the proposed lots has surrounding lots against which to evaluate the compatibility criteria. However, the Planning Commission may grant approval if it determines that the subdivision is generally compatible with the larger area and provides for the harmonious development of the community.

The surrounding neighborhood, defined generally as the properties that front the Clearview Drive and Crescent Road loop, includes a mix of one and two-family dwellings. The lots range in size from approximately 5,600 square feet to approximately 36,000 square feet. Lot frontage ranges from 44 feet to 302 feet, with an average frontage of 85 feet. There are seven parcels oriented toward the island. Due to the unique arrangement of those seven parcels around the circumference of a circle, the lot sizes and frontages are slightly larger. The average lot size of those parcels is approximately 21,000 square feet. The average lot frontage is approximately 229 feet.

Due to the unique configuration of this property, staff has undertaken an analysis of a larger area to assist the Planning Commission in evaluating compatibility. The following tables apply the compatibility criteria to the proposed lots, using the seven parcels oriented toward the island as the larger area.

<b>Lot 1 Frontage</b>	
Proposed Frontage	331.72 ft
Minimum Frontage	97 ft
<b>70% Average</b>	<b>160.95 ft.</b>

<b>Lot 2 Frontage</b>	
Proposed Frontage	336.61 ft.
Minimum Frontage	97 ft
<b>70% Average</b>	<b>160.95 ft</b>

<b>Lot 1 Size</b>	
Proposed Size	12,316 SF
Minimum Size	9,832 SF
<b>70% Average</b>	<b>14,721 SF</b>

<b>Lot 2 Size</b>	
Proposed Size	12,316 SF
Minimum Size	9,832 SF
<b>70% Average</b>	<b>14,721 SF</b>

When using the seven parcels oriented toward the island as the larger area, both proposed lots meet the criteria for lot frontage. Neither proposed lot meets the criteria for lot size. However, if the larger area is expanded to encompass the surrounding neighborhood, including all parcels that front the Clearview Drive and Crescent Road loop, the criteria for lot size drops to a minimum of 11,531 square feet. Both proposed lots exceed the criteria for lot size when compared to the surrounding neighborhood.

Due to the configuration of this parcel, there are also no surrounding lots with which to compare setbacks or orientation. For the seven lots immediately surrounding the island, building setbacks vary from approximately 25 to 95 feet. Buildings are generally oriented toward the island, with vehicular access from the front or the side. Per the plat, setbacks for the proposed lots would be determined by Metro Zoning Ordinance. The Zoning Ordinance requires a 20-foot rear setback and a 5-foot side setback. Street setbacks are determined based on the setbacks for other residentially zoned parcels on the same block face. When there are no parcels on the same block face to use for determining the average or contextual setback, as is the case here, a street setback of 20 feet applies.

The plat also limits maximum building height to two stories in 35 feet, to ensure consistency with existing homes in the area. Staff recommends approval of the final plat, as the proposal provides for harmonious development with the larger area.

Variance Requests

The applicant is proposing two variances:

- (1) Section 3-4.3 of the Metro Subdivision Regulations prohibits the creation of attached and detached single-family lots with double frontage. The proposal does not meet this requirement and the applicant is requesting a variance from this section of the Subdivision Regulations.
- (2) Section 3-8 of the Metro Subdivision Regulations establishes requirements for sidewalks on existing streets abutting property to be subdivided. The subject property is within the Urban Services District and sidewalks are required, however, there is no existing sidewalk network in this neighborhood. When there is no existing sidewalk network to extend, an applicant has the option to make a financial contribution to the pedestrian network in-lieu of constructing sidewalks. The fee in-lieu is calculated based on the average linear foot sidewalk project cost. The applicant is also requesting a variance to provide relief from a portion of the in-lieu fee requirement.

Variance Standards

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a) The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d) The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

The configuration of this parcel as an island surrounded by public roads is unique to the neighborhood and to the larger community. Strict application of the standard prohibiting double frontage lots would create a particular hardship for the owner, as the property is currently configured such that it is entirely road frontage. There is no means of subdividing the property without creating a double frontage lot. The standards in Section 3-4.3 permit the Planning Commission to grant exceptions to this standard to overcome specific disadvantages of topography and orientation. The unique configuration of this parcel makes such an exception appropriate.

Likewise, the island configuration results in this property having a disproportionate amount of frontage relative to other properties in the area. The average lot frontage in this neighborhood is approximately 134 feet. The subject property has approximately 595 feet of frontage. Construction of the sidewalk in this location would not extend an existing network, nor would it establish the first phase of a new network that would serve the broader community, as the sidewalk would merely circle the subject parcel. The strict application of the in-lieu contribution definition would result in a contribution requirement of approximately \$57,000 for the creation of two lots. The applicant has requested partial relief from this standard, and proposes to make a financial contribution to the pedestrian network of \$25,728, or equivalent to the contribution required for a two lot subdivision where the resulting lots have average frontage for the neighborhood. Given the unique configuration of the property and that a complete sidewalk addressing all property frontages would not meaningfully expand the pedestrian network, staff recommends approval of a variance to the in-lieu fee requirement.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
Approve

**PUBLIC WORKS RECOMMENDATION**  
Approve with conditions

- If sidewalks are required by Planning:
  - On the plat show and label curb and gutter, the required grass strip, and sidewalk per Planning Department Dimensions. Each element must be dimension and labeled Proposed.
  - Show any above ground utilities that will conflict with said improvements. Vertical obstructions in the sidewalk are not allowed.
  - Add a note stating 'Sidewalk construction plans must be submitted to and approved by Public Works prior to initiating any sidewalk work.'
  - Or, pay the sidewalk in-lieu fee if applicable – coordinate with Planning.

**TRAFFIC AND PARKING RECOMMENDATION**  
Approve

**WATER SERVICES RECOMMENDATION**  
Approve

**STAFF RECOMMENDATION**

Staff recommends approval, including a variance to the standard prohibiting double frontage lots and a variance to permit a partial contribution in-lieu of sidewalk construction.

**CONDITIONS**

1. A payment in lieu of sidewalk construction for 268 feet of frontage, to be calculated based on the rate set by Public Works in effect at the time of payment, is required prior to plat recording.
2. Each lot shall be limited to 1 driveway.
3. Remove the setbacks as shown on the lots. Add the following note: Setbacks shall be as per the Zoning Code.



**Approved including a variance to the standard prohibiting double frontage lots and a variance to permit a partial contribution in lieu of sidewalk construction. (9-0) Consent Agenda**

**Resolution No. RS2017-146**

“BE IT RESOLVED by The Metropolitan Planning Commission that **2017S-089-001 is Approved including a variance to the standard prohibiting double frontage lots and a variance to permit a partial contribution in lieu of sidewalk construction. (9-0)**

**CONDITIONS**

1. A payment in lieu of sidewalk construction for 268 feet of frontage, to be calculated based on the rate set by Public Works in effect at the time of payment, is required prior to plat recording.
2. Each lot shall be limited to 1 driveway.
3. Remove the setbacks as shown on the lots. Add the following note: Setbacks shall be as per the Zoning Code.

**32. 2017S-093-001**

**WILLARD ADAMS PROPERTY**

Council District 33 (Sam Coleman)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to create five lots on a portion of property located at 2250 Stewarts Ferry Pike, at the corner of Stewarts Ferry Pike and Granny Wright Lane, zoned RS80 (13.82 acres), requested by Crockett Surveying, applicant; Willard Adams W. Etux, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to create five lots on a portion of property located at 2250 Stewarts Ferry Pike, at the corner of Stewarts Ferry Pike and Granny Wright Lane, zoned Single-Family Residential (RS80) (13.82 acres).

**Existing Zoning**

Single-Family Residential (RS80) requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of 0.54 dwelling units per acre. *R80 would permit a maximum of 7 lots, based on the acreage only. However, application of the Rural Subdivision Regulations would result in fewer units on this property, as noted below.*

**CRITICAL PLANNING GOALS**

**N/A**

**ANTIOCH – PRIEST LAKE 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 and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

**PLAN DETAILS**

This request is for final plat approval to create five lots on a portion of property located at 2250 Stewarts Ferry Pike, west of S. Mt. Juliet Road. The existing parcel is approximately 22.6 acres and has frontage on Stewarts Ferry Pike and Granny Wright Lane. The parcel contains an existing single-family home and multiple accessory structures, which are not included in the approximately 13.82 acres proposed for subdivision. The proposed subdivision will result in five lots fronting Granny Wright Lane. Sidewalks are not required with this subdivision because this property is located in the General Services District and has a Sidewalk Priority Score of less than 20, as established in the Strategic Plan for Sidewalk and Bikeways.

The property is located east of Long Hunter State Park and Percy Priest Lake, which are located in Open Space and Conservation policies, respectively. Though the majority of the parcel is in Rural Neighborhood policy, a small sliver of Conservation policy exists at the back of the property associated with a stream buffer. This portion of the property is located outside of the area proposed for subdivision.

Each of the 5 lots will be serviced by private septic systems, which are reviewed by the Metro Public Health Department. The development site is located within the Gladville Utility District, which has confirmed that there is not adequate supply for fire protection. Therefore, residential sprinklers are required per the Fire Marshal's Office.

**ANALYSIS**

Chapter 4 of the Subdivision Regulations, Rural Character Subdivisions, regulates the subdivision of land in T2 Rural Neighborhood policies, with the intent of ensuring that new development is in harmony with the established rural character of these areas.

Section 4-2.5 permits two Character Options for the development of land in Rural Neighborhood policies: Countryside Character Option and Agricultural Character Option. Based on the site characteristics and proposed uses, staff reviewed the plat against the following Open Alternative criterion:

a. Building Setback along existing public streets

Section 4.2.5 includes conditions and standards for determining the minimum building setback, including consideration of the average setback of abutting parcels and whether those parcels are vacant or developed.

The required building setback shall be varied between lots. When the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot(s) proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback of the abutting parcels. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used. Where the majority of the abutting parcels are not developed, the minimum building setback shall be two times the amount of lot frontage. However, in no instance shall the minimum building setback be greater than 1,000 square feet.

For the purposes of this analysis, "surrounding parcels" is defined by the Subdivision Regulations as the five R, RS, AR2A, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. All surrounding parcels are utilized for area and frontage calculations. Abutting parcels, defined as the two closest parcels on either side of the proposed subdivision, are utilized for setback calculations. Stewarts Ferry Pike and Granny Wright Lane are local and minor streets, respectively.

The minimum required street setback in the RS80 district along local streets is 40 feet. The two abutting parcels along Granny Wright Lane have an average approximate setback of 33 feet. Therefore, the average setback of the abutting parcels is less than the minimum required street setback. A minimum building setback of 40 feet is, therefore, required along Granny Wright Lane.

All of the proposed 5 lots meet the minimum building setback requirements:

	<b>Min. Setback</b>	Approx. Average Setback of Abutting Parcels	Proposed Setback	Meets setback requirement?
Lot 1	<b>40 feet (based on RS80)</b>	33 feet	180	Yes
Lot 2			40	
Lot 3			145	
Lot 4			175	
Lot 5			245	

b. Lot Depth along existing public streets

The minimum depth for lots along existing public streets shall be the building setback required by Section 4-2.5(a) plus 300 feet. Since the required building setback is 40 feet, the minimum depth requirement for the proposed lots is 340 feet. All of the proposed lots are approximately 758 feet in depth. All of the proposed 5 lots meet the minimum depth requirements.

c. Lot size along existing public streets

Individual lot sizes shall vary in size to reflect the rural character. The minimum lot size is either equal to or greater than 70% of the lot size of the average size of the surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. If there are no surrounding parcels, the screened alternative shall be used. Flag lots shall not be included in the analysis. Along Granny Wright Lane, lots created must have at least approximately 113,064 square feet (2.6 acres). All of the proposed 5 lots meet the lot area requirements:

	Min. Size	70% Average	Proposed size	Meets area requirement?
Lot 1	87,120	113,064	114,345	Yes
Lot 2			113,700	
Lot 3			113,700	
Lot 4			113,700	
Lot 5			146,687	

d. Lot frontage abutting existing public streets

Lot frontage is either equal to or greater than 70% of the average frontage of the surrounding parcels or equal to or greater than the smallest of the surrounding parcels, whichever is greater. Along Granny Wright Lane, lots created must have at least 138 feet of frontage. All of the proposed 5 lots meet the frontage requirements:

	Min. Frontage	70% Average	Proposed Frontage	Meets frontage requirement?
Lot 1	105	138	154.19 ft.	Yes
Lot 2			150 ft.	
Lot 3			150 ft.	
Lot 4			150 ft.	
Lot 5			152.42 ft.	

e. Street Lights

Not applicable to this application

f. Cluster lot option

Not applicable to this application

**METRO PUBLIC HEALTH RECOMMENDATION**

**Approve**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- The water flow for this subdivision is 500 gpm @ 20 psi. These homes will require residential sprinklers.

**STORMWATER RECOMMENDATION**

**Approve**

**PUBLIC WORKS RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**N/A**

- Gladeville Utility District serves this site with water, and the sewer will be provided via on-site septic systems (requires Metro Health Department Approval).

**STAFF RECOMMENDATION**

Staff recommends approval with conditions, as proposed subdivision meets all of the Open Alternative criterion as described in the Rural Character Subdivision development standards.

**CONDITIONS**

1. This development shall require residential sprinklers consistent with the requirements of the Metro Fire Marshal's Office.
2. The Metro Public Health Department (MPHD) shall approve all on-site septic systems prior to plat recordation.
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. Revise the purpose note: The purpose of this plat is to create 5 lots.

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

**Resolution No. RS2017-147**

"BE IT RESOLVED by The Metropolitan Planning Commission that **2017S-093-001 is Approved with conditions (9-0)**

**CONDITIONS**

1. This development shall require residential sprinklers consistent with the requirements of the Metro Fire Marshal's Office.
2. The Metro Public Health Department (MPHD) shall approve all on-site septic systems prior to plat recordation.
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. Revise the purpose note: The purpose of this plat is to create 5 lots.

**33. 2017S-097-001**

**RESUB OF LOTS 1 & 2 ON THE PLAN OF BECK SPRINGS ADDITION  
AND LOT 1 ON THE PLAN OF T.L. HERBERT, JRS SUBDIVISION**

Council District 02 (DeCosta Hastings)

Staff Reviewer: Patrick Napier

A request for final plat approval to create three lots on property located at 2223 24th Avenue North, approximately 585 feet north of Dowlan Street, zoned R6 (0.46 acres), requested by Q. Scott Pulliam, applicant; Integrity First Development Group, LLC, owner.

**Staff Recommendation: Disapprove.**

Mr. Napier presented the staff recommendation of disapproval.

**Chairman Adkins closed the Public Hearing.**

Ms. Blackshear noted this doesn't seem to be harmonious and fails to meet compatibility standards.

Mr. Gobbell stated there seems to be a variety of sizes on this street and not a strong rhythm.

Ms. Farr agreed there is a lot of diversity in terms of lot size.

Dr. Sims explained there shouldn't be three on this lot without some type of conditions.

Ms. Diaz stated that she would not be able to support this without conditions.

Mr. Sloan suggested a deferral since the applicant isn't in attendance to discuss conditions.

**Councilmember Allen moved and Ms. Farr seconded the motion to defer to the May 25, 2017 Planning Commission meeting. (9-0)**

**The Metropolitan Planning Commission deferred 2017S-097-001 to the May 25, 2017, Planning Commission Meeting, and keep the public hearing open. (9-0)**

## H: OTHER BUSINESS

34. Contract Renewal for Elham Daha

Approved. (9-0) Consent Agenda

**Resolution No. RS2017-148**

"BE IT RESOLVED by The Metropolitan Planning Commission that **Elham Daha contract is Approved. (9-0)**

35. Urban Design Overlays' Development Review Process Update

Approved. (9-0) Consent Agenda

**Resolution No. RS2017-149**

"BE IT RESOLVED by The Metropolitan Planning Commission that **Urban Design Overlay Development Review Process Update is Approved. (9-0)**

36. Historic Zoning Commission Report

37. Board of Parks and Recreation Report

38. Executive Committee Report

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

Approved. (9-0) Consent Agenda

**Resolution No. RS2017-150**

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

40. Legislative Update

## I: MPC CALENDAR OF UPCOMING EVENTS

**May 11, 2017**

MPC Meeting

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

**May 25, 2017**

MPC Meeting

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

**June 08, 2017**

MPC Meeting

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

**J: ADJOURNMENT**

The meeting adjourned at 12:54 a.m.

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Chairman


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Secretary



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37219

Date: April 27, 2017  
To: Metropolitan Nashville-Davidson County Planning Commissioners  
From: J. Douglas Sloan III   
Re: Executive Director's Report

The following items are provided for your information.

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

1. Planning Commission Meeting
  - a. Attending: Farr; Allen; Haynes; Blackshear; Hagan-Dier; Sims; Gobbell; Adkins; Diaz
  - b. Leaving Early:
  - c. Not Attending: Tibbs
2. Legal Representation – Macy Amos will be attending.

**B. Executive Office**

1. Participated in Overton High's academy advisory board meeting. Two staff members are working with graduating high school seniors in the TnAchieves mentorship program.

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

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 4/18/2017**.

<b>APPROVALS</b>	<b># of Applics</b>	<b># of Applics '17</b>
Specific Plans	1	16
PUDs	0	2
UDOs	1	5
Subdivisions	7	48
Mandatory Referrals	16	79
<b>Grand Total</b>	<b>25</b>	<b>150</b>

3/22/2017 11:53	4/5/2017 0:00	PLRECAPP	2017M-036ES-001	STAYBRIDGE SUITES	A request for the approval of the abandonment of approximately 68 linear feet of 10-inch Sewer Main, 243 linear feet of 15-inch Sewer Main and easements and to accept new Sanitary Manholes, Fire Hydrant and any associated easements (MWS Project No. 16-SL-236 and 16-WL-202) (Map 092-11 Parcel 289), requested by Metro Water Services, applicant.	21 (Ed Kindall)
3/22/2017 12:31	4/5/2017 0:00	PLRECAPP	2017M-037ES-001	VAN BUREN STREET STORMWATER IMPROVEMENT PROJECT	A request for permanent and temporary drainage easements for the Van Buren Street Stormwater Improvement Project (MWS Project No. 17-SWC-240) (Map 082-05 Parcels 145, 164), requested by Metro Water Services, applicant.	19 (Freddie O'Connell)
3/22/2017 14:49	4/5/2017 0:00	PLRECAPP	2017M-009SR-001	DUE WEST AVENUE RENAMING	A request to rename Due West Avenue to West Due West Avenue, located between Gallatin Pike and I-65 (see sketch for details), requested by Metro Public Works, applicant.	08 (Nancy VanReece)
3/16/2017 9:31	4/5/2017 0:00	PLRECAPP	2017M-024PR-001	NASHVILLE FARMERS' MARKET LANE CHANGE ASSIGNMENTS	A request for a resolution approving a Memorandum of Understanding between the Metropolitan Government of Nashville and Davidson County and the State of Tennessee, Department of General Services, for the lane change assignments, requested by the Metro Legal Department, applicant.	19 (Freddie O'Connell)
3/22/2017 9:15	4/5/2017 0:00	PLRECAPP	2017M-035ES-001	CANE RIDGE ROAD, OLD FRANKLIN ROAD, PRESTON ROAD AND CANE RIDGE PARKWAY ROADWAY IMPROVEMENTS	A request for slope easements, construction easements, and permanent utility and drainage easements for Roadway Improvements for Cane Ridge Road, Old Franklin Road, Preston Road and Cane Ridge Parkway (MPW Project No. 2015-R-27), requested by Metro Public Works, applicant.	32 (Jacobia Dowell), 33 (Sam Coleman)
3/22/2017 11:52	4/12/2017 0:00	PLRECAPP	2017M-026PR-001	GRACE'S PLAZA, LTD. LEASE AGREEMENT	A request for an ordinance approving a lease agreement by and between The Metropolitan Government of Nashville and Davidson County acting by and through the Davidson County Clerk's Office and Grace's Plaza, LTD., for the lease of space at 4009 Hillsboro Pike, requested by the Metro Department of Law, applicant.	25 (Russ Pulley)
4/5/2017 13:51	4/12/2017 0:00	PLRECAPP	2017M-017EN-001	WHISKEY ROW AT 400 BROADWAY AERIAL ENCOACHMENT	An aerial encroachment comprised of one (1) 20' by 5' double-faced, illuminated projecting sign encroaching the public right-of-way on property located at 400 Broadway, requested by Joslin and Son Signs, applicant; 400 Broadway Holdings, LLC, owner.	19 (Freddie O'Connell)
3/27/2017 11:59	4/12/2017 0:00	PLRECAPP	2017M-010SR-001	CAPITOL BOULEVARD RENAMING	A request to rename Capitol Boulevard to "Anne Dallas Dudley Boulevard", from Church Street to Union Street, between 6th Avenue North and 7th Avenue North, requested by Councilmember Freddie O'Connell, applicant.	19 (Freddie O'Connell)
3/29/2017 8:58	4/12/2017 0:00	PLRECAPP	2017M-038ES-001	CENTRAL PIKE IMPROVEMENTS	A request for temporary construction easements for the Central Pike Improvement Project, from Tulip Grove Road to East of Valley Grove Road (Map 086 Parcels 157, 160, 161, 225, 162) (Project No. 2017-R-10), requested by Metro Public Works, applicant.	12 (Steve Glover)



4/4/2017 10:25	4/12/2017 0:00	PLRECAPP	2017M-039ES-001	RIVERGATE TOYOTA	A request for approval of the abandonment of approximately 412 linear feet of Sewer Main, Sanitary Manholes and to accept a new Sanity Manhole and any associated easements (Map 026 Parcel 066) (MWS Project No. 16-SL-243), requested by Metro Water Services, applicant.	10 (Doug Pardue)
4/4/2017 10:39	4/12/2017 0:00	PLRECAPP	2017M-040ES-001	BORDEAUX HILLS IMPROVEMENT PROJECT	A request for permanent and temporary easements acquired through negotiations and acceptance for the Bordeaux Hills Improvement Project (MWS Project No. 17-SWC-249) (Map 080-07 Parcels 81, 125 and Map 080-08 Parcel 310), requested by Metro Water Services, applicant.	01 (Nick Leonardo)
4/4/2017 13:10	4/12/2017 0:00	PLRECAPP	2017M-013EN-001	WHISKEY BENT SALOON AT 306 BROADWAY AERIAL ENCROACHMENT	A request for an aerial encroachment comprised of one (1) 5'0" wide by 11'3" tall double-faced, illuminated projecting sign encroaching the public right-of-way on property located at 306 Broadway, requested by Joslin and Son Signs, applicant; 306 Partners, LLC, owner.	19 (Freddie O'Connell)
4/4/2017 13:38	4/12/2017 0:00	PLRECAPP	2017M-014EN-001	MELLOW MUSHROOM AT 423 BROADWAY AERIAL ENCROACHMENT	A request for an aerial encroachment comprised of one (1) 10'9" tall by 4'0" wide double-faced, illuminated projecting sign encroaching the public right-of-way on property located at 423 Broadway Avenue, requested by Joslin and Son Signs, applicant; Sedona Sun, LLC, owner.	19 (Freddie O'Connell)
4/4/2017 13:57	4/12/2017 0:00	PLRECAPP	2017M-015EN-001	FAMILY AND CHILDREN SERVICES AT 2400 CLIFTON AVENUE UNDERGROUND ENCROACHMENT	A request for an underground encroachment comprised of one staircase encroaching the public right-of-way by approximately 2 feet on the southern façade of the existing building on property located at 2400 Clifton Avenue, requested by Civil Site Design Group, applicant; Family and Children's Services, owner.	21 (Ed Kindall)
4/5/2017 8:40	4/13/2017 0:00	PLRECAPP	2017M-030PR-001	BELLEVUE REDEVELOPMENT ASSOCIATES, LP PURCHASE AND SALE AGREEMENT	A request for an ordinance approving an agreement between the Metropolitan Government and Bellevue Redevelopment Associates, LP, concerning the exchange of certain parcels or real property in connection with the construction of a new community center and hockey facility in Bellevue, requested by the Metro Legal Department, applicant.	22 (Sheri Weiner)

<b>INSTITUTIONAL OVERLAYS (finals and variances only) : MPC Approval</b>					
<b>Finding: Final site plan conforms to the approved campus master development plan and all other applicable provisions of the code.</b>					
Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

SUBDIVISIONS: Administrative Approval						
Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
6/2/2016 10:50	4/3/2017 0:00	PLAPADMIN	2016S-135-001	The Park at Priest Lake	A request for final plat approval to create nineteen lots on property located at Woodymore Drive (unnumbered), at the current terminus of Woodymore Drive, zoned R10 (4.89 acres), requested by Ragan-Smith, applicant; Habitat for Humanity, owner.	29 (Karen Y. Johnson)
12/15/2016 11:47	4/3/2017 0:00	PLAPADMIN	2017S-041-001	CAROTHERS CROSSING PHASE 3 SECTION 1	A request for final plat approval to create 38 lots on properties located at Carothers Road (unnumbered), approximately 415 feet west of Oak Trail Drive, zoned MUL, RM9 and within the Carothers Crossing Urban Design Overlay District (9.8 acres), requested by H and H Land Surveying, applicant; W/M Sub CC, LLC, owner.	33 (Sam Coleman)
3/2/2017 10:54	4/13/2017 0:00	PLAPADMIN	2017S-078-001	HUGH W. MCGAVOCK'S ADDITON TO NASHVILLE RESUB OF LOTS 21 AND 22	A request for final plat approval to shift lot lines on properties located at 1321 and 1329 2nd Avenue North, at the southwest corner of 2nd Avenue North and Taylor Street, zoned MUL-A and within the Phillips-Jackson Street Redevelopment District (0.63 acres), requested by Q. Scott Pulliam, RLS, applicant; G2T, LLC, owner.	19 (Freddie O'Connell)
10/5/2016 13:51	4/13/2017 0:00	PLAPADMIN	2016S-246-001	PIEDMONT SUBDIVISION RESUB OF LOT 1	A request for final plat approval to create five lots on property located at 2535 Perimeter Place Drive, approximately 425 feet southeast of Century Boulevard, zoned IWD, ORI and SP-C and within a Planned Unit Development Overlay District (21.99 acres), requested by Weatherford & Associates, LLC, applicant; Corporate investors Partnership V, LLC, owner.	15 (Jeff Syracuse)
10/6/2016 12:03	4/13/2017 0:00	PLAPADMIN	2016S-251-001	BELLEVUE STATION SUBDIVISION LOT 3	A request for final plat approval to create one lot on a portion of property located at Bellevue Road (unnumbered), approximately 125 feet northwest of Old Harding Pike, zoned SP-R (1.98 acres), requested HFR Design, applicant; Parkside Builders, LLC, owner.	22 (Sheri Weiner)
12/1/2016 11:58	4/13/2017 0:00	PLAPADMIN	2017S-031-001	T.J. CAGES SUBDIVISION OF THE TARPLEY PLACE RE-SUBDIVISION OF LOTS 1 AND 2	A request for final plat approval to shift lot lines on property located at 2300 and 2304 Dickerson Pike, at the northwest corner of Trinity Lane and Dickerson Pike, zoned CS (0.97 acres), requested by Wamble and Associates, applicant; Gary Stuart Ray, owner.	05 (Scott Davis)
6/17/2016 10:09	4/14/2017 0:00	PLAPADMIN	2016S-153-001	WEST SIDE OF CHESTERFIELD AVENUE	A request for final plat approval to consolidate two parcels into one lot for properties located at 519 and 521 Chesterfield Avenue, on the west side of the Chesterfield Avenue and Hillside Drive intersection, zoned RM20 (0.44 acres), requested by Domaine Development LLC, applicant and owner.	18 (Burkley Allen)

Performance Bonds: Administrative Approvals			
Date Approved	Administrative Action	Bond #	Project Name
3/27/17	Approved New	2016B-021-001	WELCH PROPERTY SUBDIVISION, SECTION II
3/14/17	Approved Extension/Reduction	2008B-031-007	ABBINGTON PARK, PHASE 2, SECTION 1
3/16/17	Approved Extension	2009B-009-009	PARK PRESERVE, PH . 1A, 1ST REV. (FORMERLY PARK PRESERVE PUD, PHASE 1A)
3/16/17	Approved New	2016B-056-001	THE PARK AT PRIEST LAKE
3/21/17	Approved New	2016B-057-001	AVONDALE PARK PHASE 3 SECTION 3
3/22/17	Approved New	2016B-063-001	MARHADEN POINTE PHASE 2
3/14/17	Approved Extension	2016B-004-002	PADDOCK AT GRANDVIEW
3/14/17	Approved Extension	2016B-004-002	PADDOCK AT GRANDVIEW
3/22/17	Approved Extension/Reduction	2015B-045-002	BURKITT SPRINGS, PHASE 4A
3/20/17	Approved Extension	2014B-024-005	RIVER OAKS

#### Schedule

- A. **Thursday, April 27, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- B. **Thursday, May 11, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. **Thursday, May 25, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, June 8, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, June 22, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, July 13, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- G. **Thursday, July 27, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. **Thursday, August 10, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- I. **Thursday, August 24, 2017- MPC Meeting;** 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center