

Metropolitan Planning Commission



Staff Reports

November 9, 2017



Metro Planning Commission Meeting 11/09/2017

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



SEE NEXT PAGE



NO SKETCH



Project Nos.	Text Amendment 2017Z-023TX-001
Project Name	Sidewalks and Religious Institutions
Council Bill Nos.	BL2017-938
Council District	Countywide
School District	Countywide
Requested by	Councilmember Steve Glover

Deferrals This item was deferred at the October 26, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Logan
Staff Recommendation *Approve.*

TEXT AMENDMENTS

Amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the applicability of sidewalk requirements for Religious Institutions in the General Services District.

HISTORY

The sidewalk requirements in the Metro Zoning Code were updated by the Metro Council in April 2017 and became effective on July 1, 2017.

PROPOSED TITLE 17 (ZONING CODE) AMENDMENTS

(underlined)

Subsection 17.20.120.A (Applicability.)

1. Multi-family or nonresidential redevelopment. All provisions of this section shall apply to the redevelopment of multi-family or nonresidential property when the property is located within the Urban Services District, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision. Redevelopment of multi-family or nonresidential property shall include one or more of the following:
 - a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planned to be demolished; or
 - b. The cost of any one renovation equal to or greater than fifty percent of the assessed value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy five percent of the assessed value of all structures on the lot; or
 - c. The cost of any one expansion equal to or greater than twenty-five percent of the assessed value of all structures on the lot, or the value of multiple expansions during any five-year period equal to or greater than fifty percent of the assessed value of all structures on the lot; or
 - d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total



Metro Planning Commission Meeting 11/09/2017

- building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all structures on the lot.
2. Single-family or two-family construction. Single-family or two-family construction when the property is within the Urban Zoning Overlay, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan in the Urban Services District. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision.
 - a. All provisions of Section 17.20.120 shall apply to the construction of a new single-family or attached or detached two-family structure(s).
 - b. Dedication of Right-of-Way and Easements required by subsection E of this section shall apply to all single-family and two-family permits for an addition or any renovation with a cost equal to or greater than twenty-five percent of the assessed value of all structures on the lot.
 3. In the General Services District, the provisions of this section shall not apply to religious institutions, as defined under section 17.04.060 of the Metropolitan Code of Laws, on properties that do not abut an existing sidewalk or planned sidewalk identified in the Priority Sidewalk Network in the Strategic Plan for Sidewalks and Bikeways.

ANALYSIS

This ordinance creates a narrowly tailored exception to the recently updated sidewalk requirements. This exception only applies to development that is disconnected from an existing or proposed sidewalk network by applying only in the General Services District, on properties that do not abut an existing sidewalk or planned sidewalk identified in the Priority Sidewalk Network in the Strategic Plan for Sidewalks and Bikeways. Additionally, it applies only to Religious Institutions, which have already been given certain protections under the Tennessee Religious Freedom Restoration Act.

ZONING ADMINISTRATOR RECOMMENDATION

Approve.

STAFF RECOMMENDATION

Staff recommends approval.

ORDINANCE BL2017-938

An ordinance amending Section 17.20.120 of the Metropolitan Code of Laws, pertaining to sidewalks, to establish an exemption for religious institutions in the General Services District within prescribed settings (Proposal No. 2017Z-023TX-001).

WHEREAS, Section 17.20.120 of the Metropolitan Code of Laws was amended by Ordinance no. BL2016-493, approved April 19, 2017, which revised requirements for the installation of sidewalks and alternatives thereto; and



Metro Planning Commission Meeting 11/09/2017

WHEREAS, it is fitting and proper that an exemption to the requirements of Section 17.20.120 be adopted in the General Services District for the benefit of religious institutions, as defined under section 17.04.060, within prescribed settings.

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

Section 1. Subsection 17.20.120.A is hereby amended by deleting the subsection in its entirety and replacing it with the following:

A. Applicability.

1. Multi-family or nonresidential redevelopment. All provisions of this section shall apply to the redevelopment of multi-family or nonresidential property when the property is located within the Urban Services District, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision. Redevelopment of multi-family or nonresidential property shall include one or more of the following:

- a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planned to be demolished; or
- b. The cost of any one renovation equal to or greater than fifty percent of the assessed value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy five percent of the assessed value of all structures on the lot; or
- c. The cost of any one expansion equal to or greater than twenty-five percent of the assessed value of all structures on the lot, or the value of multiple expansions during any five-year period equal to or greater than fifty percent of the assessed value of all structures on the lot; or
- d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all structures on the lot.

2. Single-family or two-family construction. Single-family or two-family construction when the property is within the Urban Zoning Overlay, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan in the Urban Services District. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision.

- a. All provisions of Section 17.20.120 shall apply to the construction of a new single-family or attached or detached two-family structure(s).



Metro Planning Commission Meeting 11/09/2017

- b. Dedication of Right-of-Way and Easements required by subsection E of this section shall apply to all single-family and two-family permits for an addition or any renovation with a cost equal to or greater than twenty-five percent of the assessed value of all structures on the lot.

3. In the General Services District, the provisions of this section shall not apply to religious institutions, as defined under section 17.04.060 of the Metropolitan Code of Laws, on properties that do not abut an existing sidewalk or planned sidewalk identified in the Priority Sidewalk Network in the Strategic Plan for Sidewalks and Bikeways.

Section 2. Be it further enacted, that this ordinance 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.

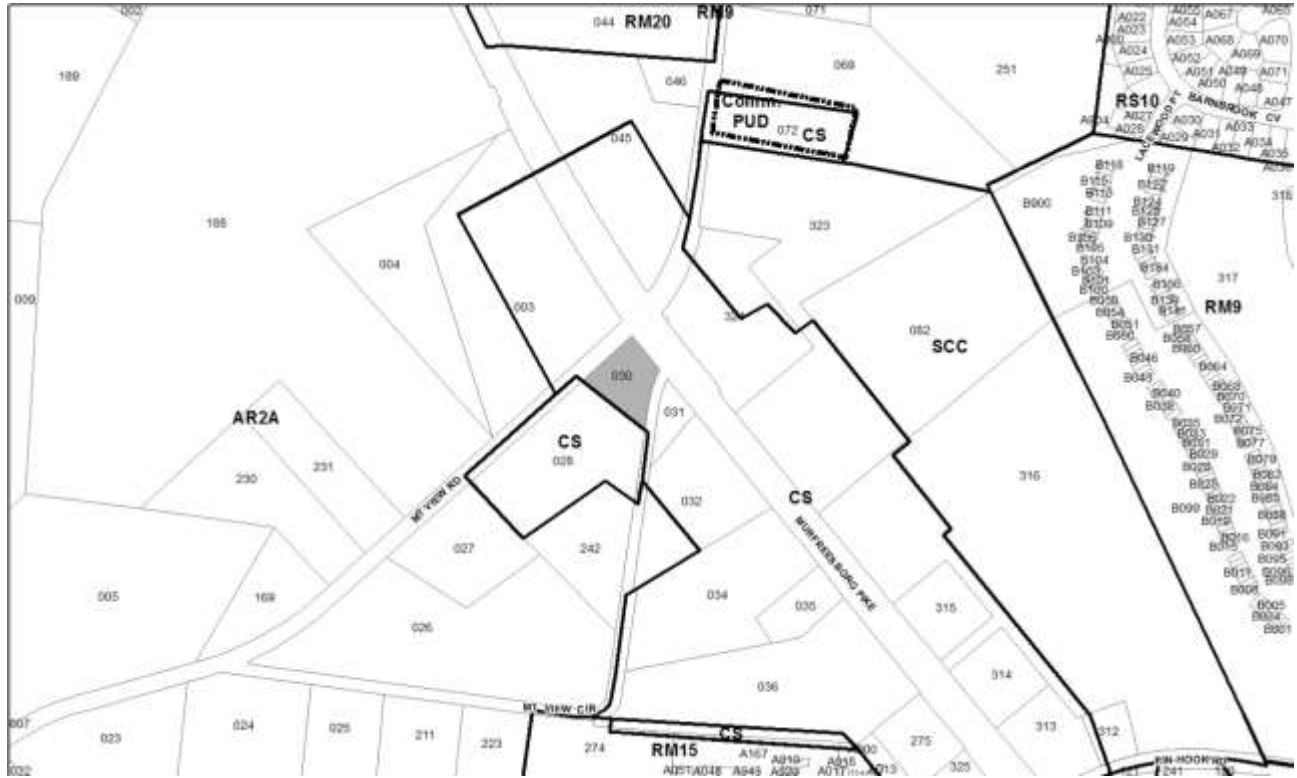
Sponsored by: Steve Glover



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



BZA2017-270

3501 MURFREESBORO PIKE (VARIANCE REQUEST)

Map 164, Parcel(s) 030

13, Antioch-Priest Lake

32 (Jacobia Dowell)



Project No. **BZA Case No. 2017-270**
Project Name **3501 Murfreesboro Pike (Variance Request)**
Council District 32 – Jacobia Dowell
School District 6 – Tyese Hunter
Requested by Abraham Whitaker, applicant. Steve Adams, owner.

Staff Reviewer Wallace
Staff Recommendation *Staff recommends that the BZA determine whether to grant the variance. If the variance is not granted, the building permit will be reviewed against the UDO.*

APPLICANT REQUEST

Variance from the requirement that a car wash operate within a structure.

Variance

A request for a variance from the requirement that a car wash operate within a structure for property located at 3501 Murfreesboro Pike, zoned Commercial Services (CS) and within the Murfreesboro Pike Urban Design Overlay district (1.28 acres).

Existing Zoning

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

ANTIOCH-PRIEST LAKE 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.

VARIANCE REQUEST

The applicant submitted an application to the Board of Zoning Appeals requesting a variance from Section 17.16.070.J.3 of the Zoning Code which requires that all washing facilities shall be located within an enclosed structure.

The property is located at 3501 Murfreesboro Pike and within the Murfreesboro Pike Urban Design Overlay district. Section 17.40.340.B of the Zoning Code states the Board of Zoning Appeals shall not grant variances within Urban Design Overlay districts without first considering a recommendation from the Planning Commission.

A car wash is a use permitted with conditions in the CS zoning district. The applicant is proposing to vary from the condition that a car wash must operate within an enclosed structure, as required by the Zoning Code. No variances have been requested for the remaining conditions within the Code.



Metro Planning Commission Meeting 11/09/2017

No site plan has been submitted; therefore staff is unable to verify that all requirements of the Code are met with this application.

ANALYSIS

Development applications within an Urban Design Overlay are required to comply with applicable provisions within the overlay. These are generally reviewed through building permit applications with the Metro Codes Department. In terms of procedure, planning staff would review projects that fall within an Urban Design Overlay district if it is determined by the Codes Department that a building permit application is required. If the Codes Department determines that a building permit application is required, then the compliance provisions of the Murfreesboro Pike UDO would apply and planning staff would review the project against the Development Standards, which include the following:

- Bulk standards such as building setback, height, and façade width;
- Architectural standards such as glazing, materials, and permitted attachments (balconies, drive-throughs, etc.);
- Parking and access standards such location and number of parking spaces, bike parking, required joint and cross access easements, permitted number of driveways, and required pedestrian access;
- Streetscape standards as required by the Major and Collector Street Plan;
- Landscape standards such as planting areas required around parking, buffer areas, required number of trees, and screening standards; and,
- Signage standards such as allowable sign area, type, height, and placement.

If the Codes Department determines that no building permit is necessary, then the compliance provisions of the UDO would not apply and planning staff would not review the project.

The Murfreesboro Pike UDO does not govern uses, nor does it take into account a range of informal activities or incremental structures such as non-permanent or semi-permanent structures that do not require a foundation. Provided the Codes Department does not require a building permit, these structures and activities might include food trucks, booth vendors with limited hours of operation, or temporary events with tent-like structures.

Compliance Provisions of the UDO

If the BZA does not grant an approval of this variance request and the applicant pursues a permanent structure for a car wash at this location, then planning staff would review the building permit application against the Development Standards of the Urban Design Overlay (UDO). The UDO outlines broad goals and best practices for quality suburban design and emphasizes a cohesive suburban environment along Murfreesboro Pike and consistency in development and placemaking through permanent, high-quality site and building design elements. The compliance provisions outlined in the Murfreesboro Pike Urban Design Overlay are as follows:

1. Full compliance with the Development Standards shall be required when:
 - Property is redeveloped or vacant property is developed;
 - The total building square footage of any expansion(s) is greater than 25% of the total building square footage of all improvements on the lot prior to expansion;



Metro Planning Commission Meeting 11/09/2017

- When a new structure is built on a lot with multiple structures, the new structure shall be in compliance with all the Development Standards;
2. Compliance with the landscaping, buffering and screening standards and the sidewalk and street tree provisions shall be required when:
- The total building square footage of any expansion(s) is between 10 and 25 percent of the total building square footage of all improvements on the lot prior to expansion; or
 - The value of any one building permit or the value of multiple building permits reaches 25 percent or more of the total value of all improvements on the lot prior to application for the building permit;
 - For the purpose of the above paragraph, the “value of all improvements on the lot prior to application for the building permit” initially will be determined by reference to the official records of the Davidson County Assessor of Property. If the improvements on the lot currently meet Metro Code standards, then the owner may, at their option, submit a commercially acceptable estimate of the replacement cost of the improvements, which may be used as an alternate method to determine their value.
 - Expansions shall not be constructed on the front, street side, of a structure, unless the proposed expansion would bring the structure more into compliance with the standards of this UDO.

STAFF RECOMMENDATION

Staff recommends that the BZA determine whether to grant the variance. If the variance is not granted, the building permit will be reviewed against the UDO.



Metro Planning Commission Meeting 11/09/2017



2017SP-074-001
MARSHALL CROSSING SP
Map 071-12, Parcel(s) 347-350
05, East Nashville
05 (Scott Davis)



Project No. Specific Plan 2017SP-074-001
Project Name Marshall Crossing SP
Council District 05 - Davis
School District 5 - Buggs
Requested by Smith Gee Studio, applicant; Heather Anderson, owner.

Deferrals This item was deferred at the September 14, 2017, September 28, 2017, October 12, 2017, and October 26, 2017, Planning Commission meetings. No public hearing was held.

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

APPLICANT REQUEST

Preliminary SP to permit up to 15 residential units.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan - Residential (SP-R) zoning on properties located at 1699, 1701, 1703 and 1705 Lischey Avenue, at the northeast corner of Lischey Avenue and Marshall Street (0.87 acres), to permit up to 15 multi-family residential units.

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 7 lots. However, application of the Subdivision Regulations may result in fewer units on this property.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- Provides a Range of Housing Choices

This request creates an opportunity for urban development that fills in gaps in areas served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. The neighborhood contains a mix of one and two-family residential uses, along with institutional and commercial uses. The proposed SP includes 15 detached residential dwellings which will provide an additional housing choice for residents of the area.



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

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?

The proposed SP is consistent with the policy, which is intended to enhance urban neighborhoods with a variety of housing choices and high levels of connectivity. The development will permit up to 15 multi-family residential units, which promotes a variety of housing types in the neighborhood. Sidewalks, consistent with the local street standard, will be provided along Marshall Street. Sidewalks, consistent with the Major and Collector Street Plan, will be provided along Lischey Avenue. These sidewalks will further enhance the existing sidewalk network along Lischey Avenue. There is an existing MTA transit stop along Lischey Avenue directly fronting this site.

PLAN DETAILS

The site consists of four existing lots on approximately 0.87 acres located at the northeast corner of Lischey Avenue and Marshall Street. The proposal includes constructing Marshall Street to meet Metro standards for a local street. The neighborhood contains a mix of one and two-family residential uses. A commercial use to the south consists of a large greenhouse.

The site plan proposes up to 15 multi-family residential units. Five of the proposed units will front Lischey Avenue and four will front Marshall Street. The remaining 6 units will front on to an interior open space. The plan includes architectural standards requiring raised foundations, minimum glazing percentage, minimum porch depths and prohibited materials. The plan limits the building height to a maximum of two and a half stories in 36 feet. The maximum height for the three units oriented towards the open space adjacent to the eastern property line will be limited to two stories in 30 feet.

Properties to the north and east are located within a T4 Neighborhood Maintenance land use policy and contain single family homes. While intensity of this plan is consistent with the T4 NE policy, the policy also provides guidance for appropriate transitions to less intense policy areas such as T4 Neighborhood Maintenance. The units shown in the northeastern portion of the site plan identified as units B1, B2 and A13 will be limited in height to 2 stories in 30 feet to provide a transition to the single family homes abutting this site. Additionally, the site plan proposes a 15 foot wide landscape buffer along the north and east property lines. This buffer will be located between the proposed units along the northern property line and the units fronting Marshall Street. The landscape buffer will facilitate an appropriate transition for the existing single family homes located adjacent to the eastern and northern property lines property line.



Metro Planning Commission Meeting 11/09/2017

Parking is provided in a surface lot containing 29 parking spaces. Access will be provided through a single connection to Marshall Street. Five-foot sidewalks are provided interior to the development connecting the units to the green space, parking area, and the proposed sidewalks along Lischey Avenue and Marshall Street. A 5 foot sidewalk and 4 foot planting strip consistent with standards for a local road are provided along Marshall Street. A 6 foot sidewalk and a 6 foot planting strip consistent with the requirements of the Major and Collector Street Plan are provided along Lischey Avenue.

ANALYSIS

The policy is intended to create and enhance urban neighborhoods with improved connectivity and a variety of housing choice where density is secondary to the form of development. The proposed plan provides an alternative form of housing which is contextually sensitive to the maintenance policy areas to the east and north east of the site. The predominant character of the surrounding neighborhood contains detached single family dwellings with some two family structures. The detached housing type proposed in this plan introduces a new housing type into the area which is consistent with the goal increased housing choice stated in the policy. The density of the proposed plan is consistent with the goals of the policy which identifies moderate to high residential density as appropriate in evolving areas.

The site plan proposes structures which are regularly spaced and contain shallow setbacks in relation to Lischey Avenue and the structures located internally on the site. This setback pattern establishes minimal spacing between buildings which is consistent with the goals of the policy. Parking is located to the rear of the units fronting Lischey Ave which will allow the structures to provide an effective screen for the surface parking area. A formal landscape buffer which is provided along the east and north property lines will provide an appropriate buffer for the existing structures with the maintenance land use policy area. Open space is provided in the form of a courtyard accessible open space as an integral part of the development.

The site contains a high level of connectivity given the existing sidewalks along Lischey which provide a safe path for pedestrian travel and the access to alternative transit such as MTA service. The improvement of the sidewalk along Lischey and the proposed sidewalk along Marshall Street will enhance the existing sidewalk network within the area. Access will be taken from Marshall Street, which will be constructed along with the development of the site. Access from a local street will aid in the reduction of vehicular conflict along Lischey, a residential collector street. In conclusion, the site plan as proposed is consistent with the T4 NE policy and achieves the goals and objectives of the policy through the site layout and form of the proposes structures.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve



Metro Planning Commission Meeting 11/09/2017

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. MWS also recommends the applicant revise their availability study before Final SP phase, to reflect the latest layout/unit count and reduce capacity fee amounts.

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.
- Indicate on the plan book that Marshall St is to be constructed per MPW standard ST-252
- With the submittal of the Final SP, submit full roadway construction drawings per Subdivision Street Design Standards Section 3.7

TRAFFIC AND PARKING RECOMMENDATION

Approve

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)	0.87	8.71 D	7 U	67	6	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.87		15 U	144	12	16

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+8 U	+77	+6	+8

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 2 Elementary 1 Middle 1 High
Projected student generation proposed SP-R district: 5 Elementary 2 Middle 2 High

The proposed SP zoning is expected to generate 5 more students than the existing RS5 zoning. Students would attend Tom Joy Elementary School, Jere Baxter Middle School and Maplewood 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.



Metro Planning Commission Meeting 11/09/2017

STAFF RECOMMENDATION

The proposal is consistent with the T4 NE policy and with the existing residential uses along Lischey Avenue. Therefore, staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

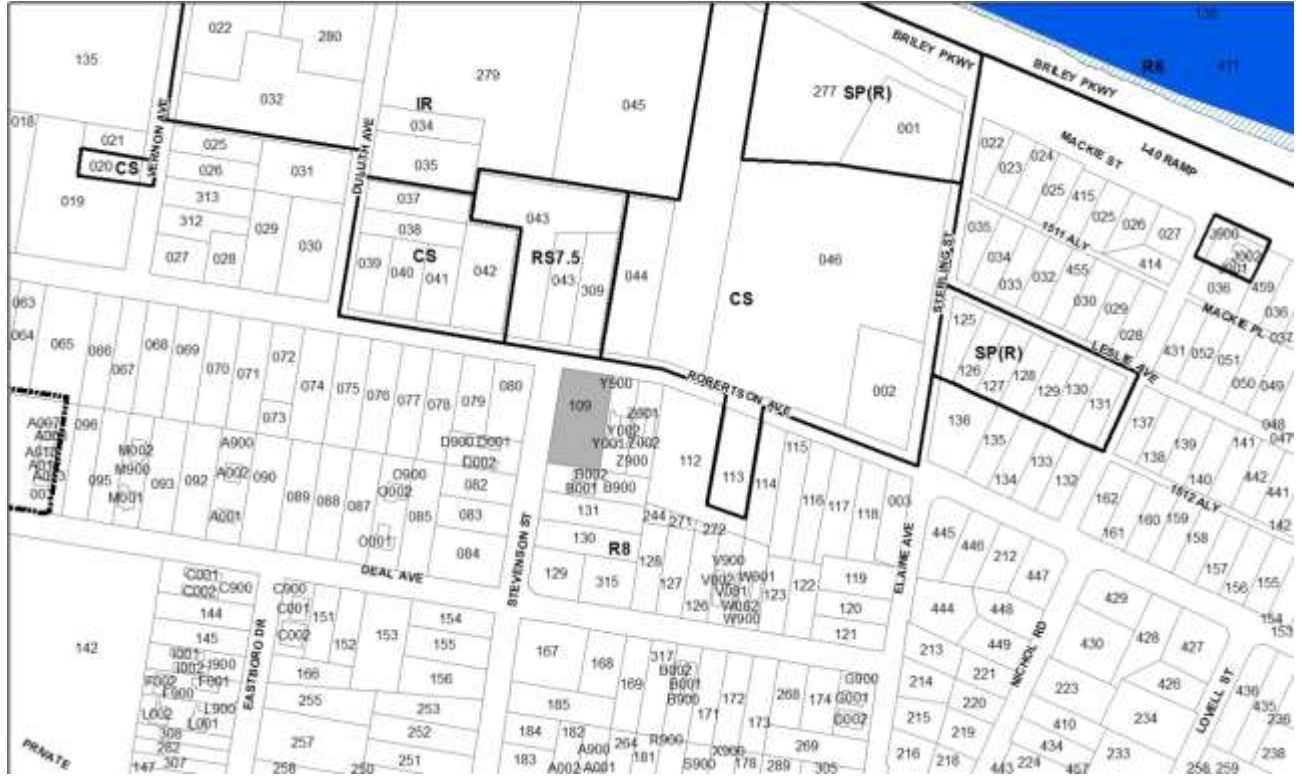
1. Permitted land uses shall be limited to a maximum of 15 multi-family units.
2. Units B2, B3 and A13 as shown on the preliminary site plan shall be limited to a maximum height of two stories in 30 feet.
3. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
4. All references to on street parking shall be removed from the corrected copy of the preliminary site plan.
5. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.
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 final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
8. The Preliminary SP plan is the site plan and associated documents. Remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



2017SP-079-001
5923 ROBERTSON AVENUE
Map 091-09, Parcel(s) 109
07, West Nashville
20 (Mary Carolyn Roberts)



Project No. Specific Plan 2017SP-079-001
Project Name 5923 Robertson Avenue SP
Council District 20 – Roberts
School District 9 - Frogge
Requested by Clint T. Elliott Surveying, applicant; Elizabeth Stover, owner.

Deferrals This item was deferred at the October 26, 2017, Planning Commission meeting. No public hearing was held.

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

APPLICANT REQUEST

Rezone to SP to permit a multi-family residential development.

Preliminary SP

A request to rezone from One and Two-family Residential (R8) to Specific Plan-Residential (SP-R) zoning on property located at 5923 Robertson Avenue, at the southeast corner of Stevenson Avenue and Robertson Avenue (0.43 acres), to permit up to five multi-family residential units.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 2 duplex lots for a total of 4 units.*

Proposed Zoning

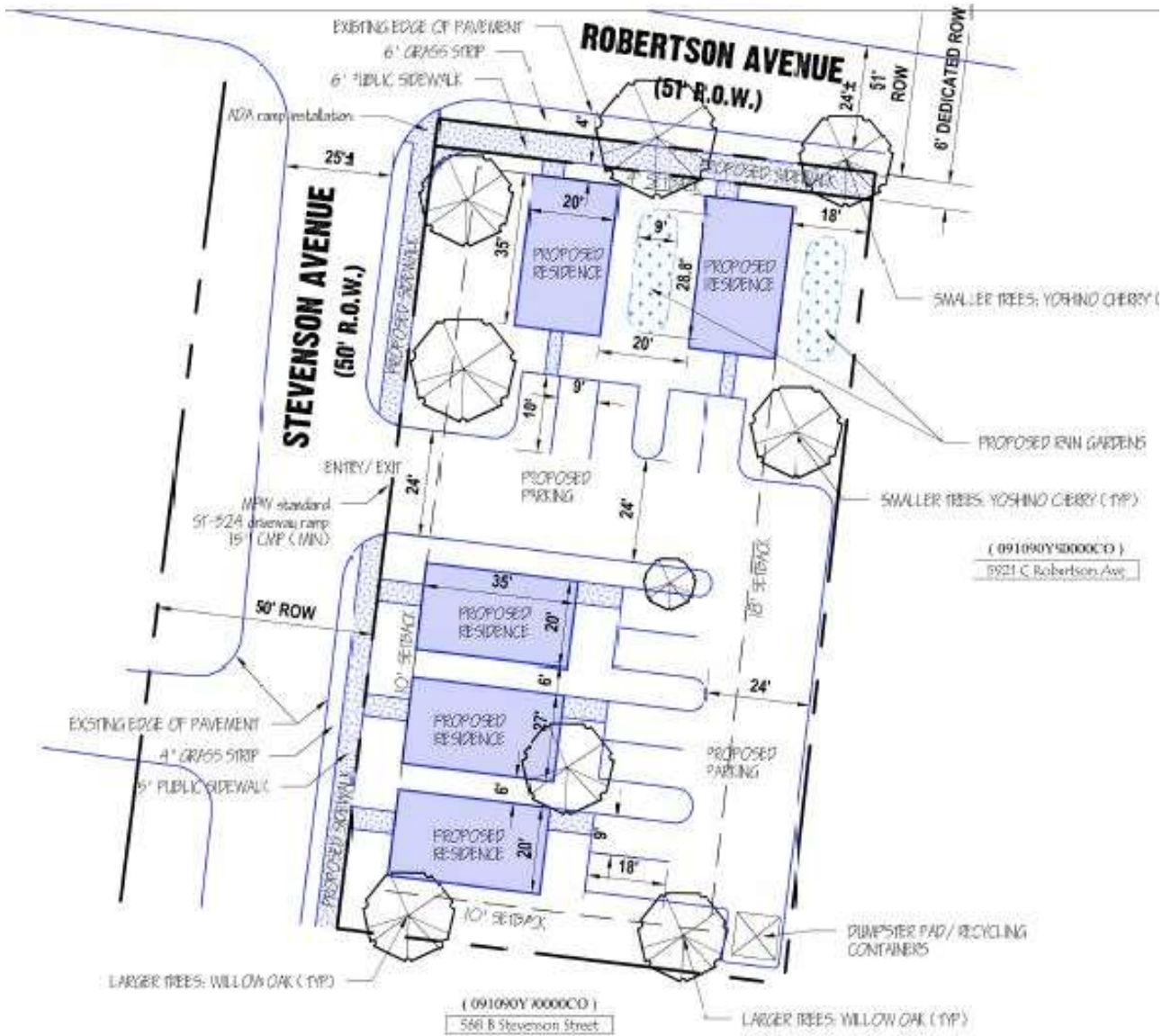
Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building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

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

Consistent with Policy?

Yes, at this location. The property is located within a T4 Neighborhood Evolving policy. The neighborhood consists predominantly of single-family residential uses; however, two-family and multi-family residential uses exist west of Stevenson Street. The design proposes infill development with enhanced pedestrian connectivity, shallow setbacks, and a moderately dense development pattern consistent with the goals of the policy. The T4 NE policy supports thoughtful transitions to increased density with a variety of housing types. The proposed plan locates a medium-density development at the policy boundary and proposes detached units oriented in the same manner as the existing single-family uses to the south along Stevenson Street. The proposed development will foster a more pedestrian friendly environment and provide more diversity in housing type for the overall area.

PLAN DETAILS

The site is located at 5923 Robertson Avenue at the southeast corner of the intersection of Robertson Avenue and Stevenson Street. The site is approximately 0.43 acres and is currently developed with a single family residence.

Site Plan

The plan proposes five detached multi-family units and eleven parking spaces located at the interior of the site. Three units are proposed to front on Stevenson Street with the remaining two units fronting on Robertson Avenue. The plan proposes shallow setbacks with the units all oriented to the street creating an active pedestrian streetscape. A single point of access is proposed off of Stevenson Street where the internal parking lot is accessed. The plan proposes a five foot wide sidewalk and four foot wide grass strip along Stevenson Street and a six foot wide sidewalk and six foot wide grass strip along Robertson Avenue, consistent with the local street standards and Major and Collector Street Plan standards, respectively. Building heights would be limited to three stories in 35 feet and both perimeter and internal landscaping is proposed.

ANALYSIS

The property is located in an area with existing single-family and multi-family residential uses. Surrounding properties south of Robertson Avenue are developed with single-family uses. Additionally, some commercial uses are located across Robertson Avenue. The plan will increase housing variety while providing an appropriate transition along Stevenson Street at the policy boundary to the Neighborhood Evolving policy and one and two-family zoning to the south. The shallow setbacks will enhance the pedestrian environment while the proposed sidewalks and grass strips will enhance the sidewalk network in an area lacking pedestrian facilities. The SP includes architectural standards for entrances, minimum glazing, and prohibited materials. Staff also recommends a condition of approval requiring a wrapped porch or other architectural element on the side of the unit at the intersection of Robertson Avenue and Stevenson Street, to ensure that the corner addresses both streets.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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



Metro Planning Commission Meeting 11/09/2017

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- 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. Final design may vary based on field conditions.
- Prior to building permit issuance, dedicate ROW to the back of sidewalk
- Revise driveway width to 24' wide for 2 way access.

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.43	5.44 D	4 U	39	3	5

*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 (210)	0.43		5 U	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+9	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High

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

The proposed SP-R zoning district would generate one additional student than what is typically generated under the existing R8 zoning district. Students would attend Cockrill Elementary, McKissack Middle School, and Pearl-Cohn High School. None of the schools have been identified



Metro Planning Commission Meeting 11/09/2017

as being over capacity by the Metro School Board. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

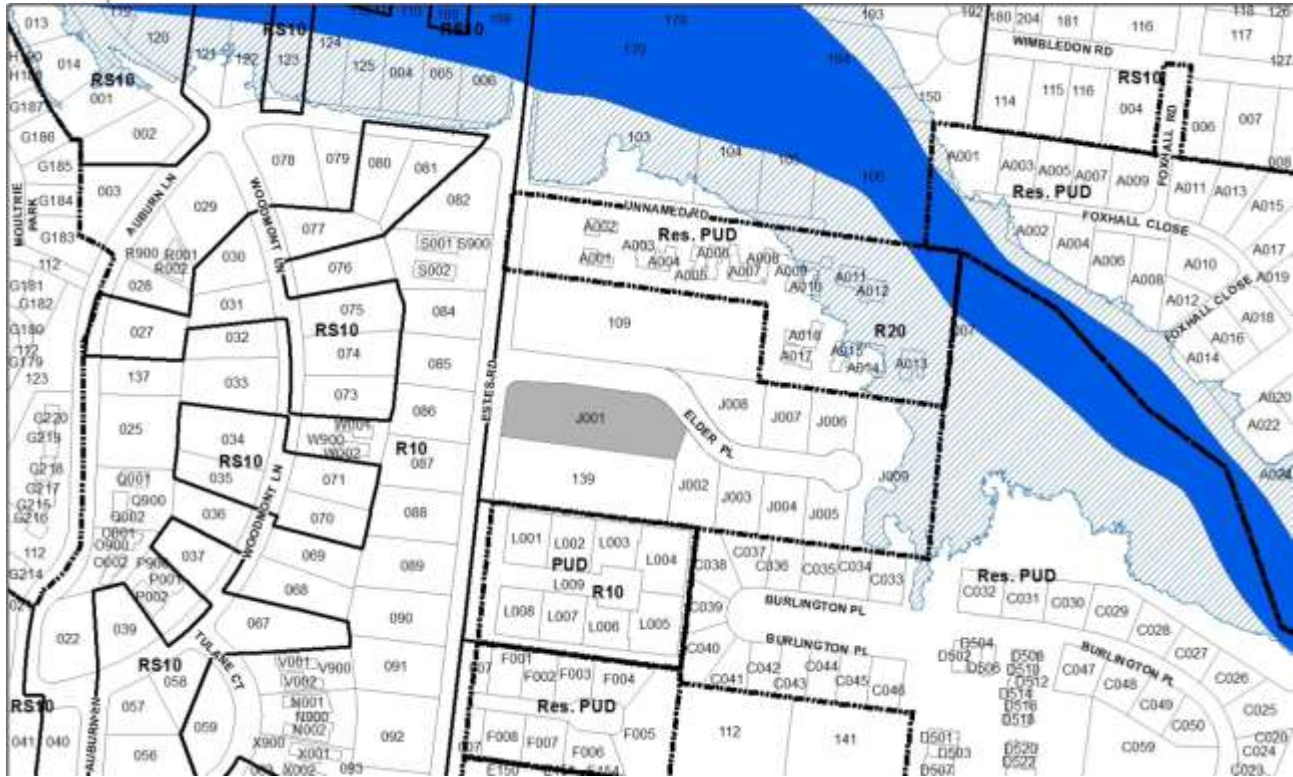
Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of five multi-family residential units.
2. The requirements for parking established in Section 17.20.030 of the Metro Zoning Ordinance shall be met for all uses with the Final SP.
3. The corner unit shall address both Robertson Avenue and Stevenson Street by including a wrapped porch or other architectural element that addresses the Stevenson Street frontage, or a minimum of 15 percent glazing on the side of the unit.
4. Comply with all conditions of Public Works.
5. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.
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.
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. 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.



Metro Planning Commission Meeting 11/09/2017



2017S-225-001
ELDER PLACE SUBDIVISION RESUB OF LOT 1
Map 116-12-0-J, Parcel(s) 001
10, Green-Hills Midtown
25 (Russ Pulley)



Project No. **Final Plat 2017S-225-001**
Project Name **Elder Place Subdivision Resub of Lot 1**
Council District 25- Pulley
School District 8 – Pierce
Requested by Dale and Associates, applicant; Baskin, Roger and Stefan, owners.

Deferrals This item was deferred at the September 28, 2017, the October 12, 2017, and the October 26, 2017, Planning Commission meetings. No public hearing was held.

Staff Reviewer Burse
Staff Recommendation *Defer to the January 11, 2018, Planning Commission meeting.*

APPLICANT REQUEST

Final plat to revise a note to permit a two-family residential use on Lot 1.

Final Plat

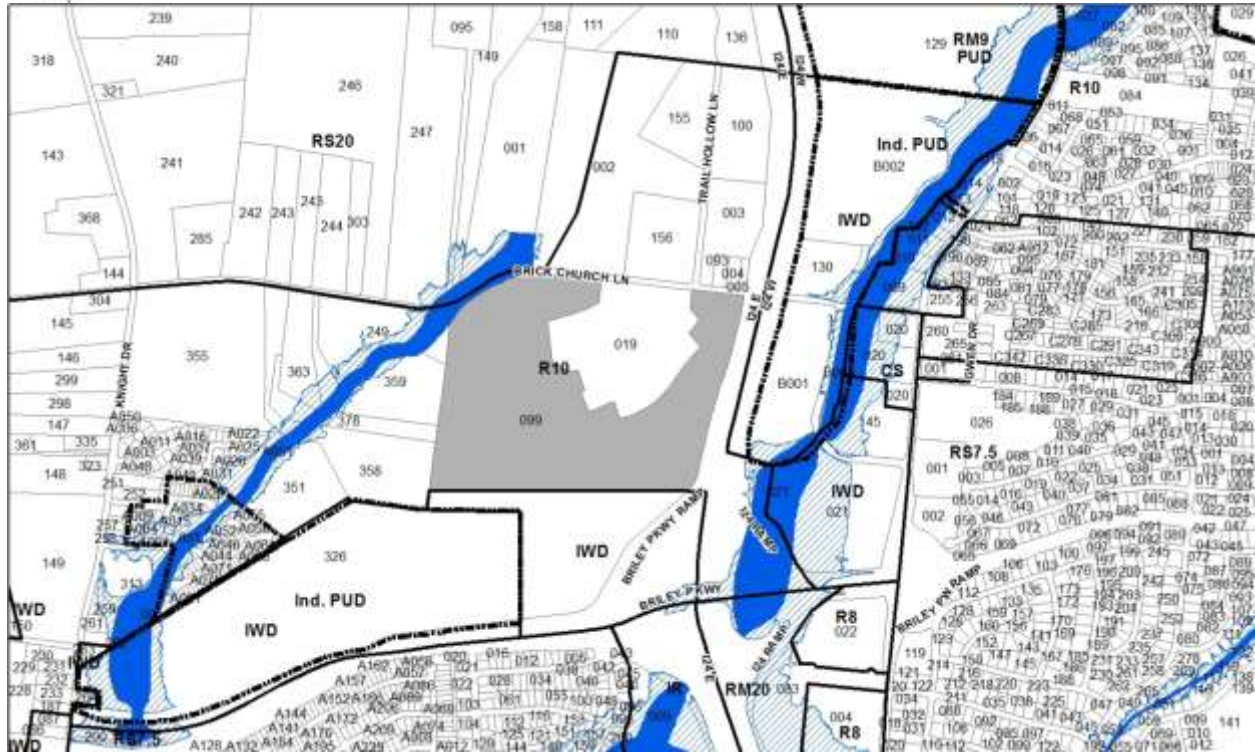
A request for final plat approval to revise a note to permit a two-family residential use on property located at 3800 Estes Road, at the southeast corner of Elder Place and Estes Road, zoned One and Two-Family Residential (R20) (0.92 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



2017S-226-001
BRICK CHURCH LANE
Map 050, Parcel(s) 099
03, Bordeaux-Whites Creek
03 (Brenda Haywood)



Project No. Concept Plan 2017S-226-001
Project Name Brick Church Lane
Council District 03- Haywood
School District 1 – Gentry
Requested by Dale & Associates, LLC, applicant; Parkwood Estates, owners.

Deferrals This item was deferred at the September 28, 2017, Planning Commission meeting. The public hearing was held and closed.

Staff Reviewer Burse
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Concept plan approval to create up to 193 lots.

Concept Plan

A request for concept plan approval to create 193 lots on property located at Brick Church Lane (unnumbered), approximately 2,500 feet east of Knight Drive, zoned One and Two-Family (R10) (65.37 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum of 10,000 square foot lot and is intended for One and Two-Family dwellings at a density of 4.35 dwelling units per acre. *R10 would permit a maximum of 284 lots or 242 lots under the cluster lot provisions.*

HISTORY

This item was presented at the September 28, 2017, Planning Commission meeting. The public hearing was held and closed. The Planning Commission heard concerns from the public as it related to the potential impact of the proposed subdivision to the immediate neighborhood, including concerns regarding traffic and flooding. The Planning Commission deferred this item to provide an opportunity for more public input. Two community meetings, hosted by Councilmember Haywood, have been held since this item was deferred.

BORDEAUX-WHITES CREEK COMMUNITY PLAN

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

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing



Metro Planning Commission Meeting 11/09/2017



Proposed Concept Plan



Metro Planning Commission Meeting 11/09/2017

between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

PLAN DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

This site is located on Brick Church Lane, approximately 2,500 feet east of Knight Drive and consists of 65.37 acres of vacant land. The proposal is a concept plan to permit up to 193 single-family residential lots using the cluster lot option, proposed open space and right-of-way dedications.

Proposed lots have a minimum area of 6,000 square feet. Perimeter lots have a minimum area of 9,000 square feet as required by the Zoning Code. The plan provides for five internal roads and one future road connection, Road F, with a stub street located in the eastern portion of the site. The plan provides 22.7 acres, or 34% of the site area, for open space that consists of amenity areas, stormwater treatment areas, and landscape buffer areas. This exceeds the 15 percent required by Cluster Lot Option of the Metro Zoning Code. Breakdown of open space is as follows:

- active open space- 1.9 acres (approximately 8 percent);
- passive open space- 14.6 acres (approximately 64 percent);
- landscape buffer- 3.4 acres (approximately 15 percent); and
- stormwater areas- 2.8 acres (approximately 13 percent)

Open space amenities include a looped natural walking trail in the northwest portion of the site and a natural walking trail with an associated fire pit with benches located at the northwest corner of the intersection of Road A and Road C. The plan provides a C Landscape Buffer along the southwestern, southern, and eastern project boundaries. Existing vegetation between the eastern boundary of the site and Interstate 24 will provide additional screening of the site in addition to the proposed C Landscape Buffer.

ANALYSIS

The plan meets the requirements of the subdivision regulations, and includes open space amenities and connectivity throughout the site. It also provides for a future connection to an area of evolving policy to the west.

This site is challenging due to existing conservation areas in the form of steep slopes. The northwestern portion of the site has the steepest slopes of 25 percent and above. The plan orients development off of sloped areas. The plan proposes to use the most heavily sloped areas as open space with a natural walking trail. A centrally located area with limited slopes exceeding 20% is being utilized as a sitting area with fire pit.



Metro Planning Commission Meeting 11/09/2017

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions.

- Flow provided of 1122 gpm at 20 psi. Houses up to 3600 sq. ft. approved for water flow.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawing 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

In accordance with TIS findings, developer shall construct the following roadway improvements.

- Each of the project accesses on Brick Church Lane shall be constructed to include a minimum of one entering lane and one exiting lane. If feasible, additional ROW on access roads shall be dedicated to install an additional exiting lane in the future.
- For a speed of 40 mph, the minimum stopping sight distance is 305 feet on Brick Church lane at intersection with project access drives.. This is the distance that a motorist on Brick Church Lane will need to come to a stop if a vehicle turning from the project site creates a conflict. Also, based on AASHTO's The Green Book, the minimum intersection sight distance is 445 feet. Developer shall provide adequate sight distance at access drives. Signage, landscaping or walls shall not restrict sight distance.
- Developer shall install limited sight distance signage with speed advisory plaque on Brick Church Pk at Brick Church Lane if warranted to provide adequate stopping and intersection sight distance at intersection.
- Along the frontage of the project site, adequate right-of-way shall be reserved to facilitate a future widening of Brick Church Lane to the ultimate cross-section identified by the Metro Planning and Public Works Departments or to construct a future WB left turn lane by others if warranted due to future adjacent development accessed by stub streets.
- As planned, the project should include connectivity to future development west of the proposed project.
- The site's internal traffic should be controlled by stop signs as shown in Figure 9 in the TIS.
- The analyses conducted for the purposes of this study indicate that eastbound motorists at the intersection of Brick Church Pike and Brick Church Lane will experience significant vehicle



Metro Planning Commission Meeting 11/09/2017

delays and vehicle queues, based on the total projected traffic volumes with the completion of the proposed project. Developer shall construct separate left and right turn lanes on Brick Church Lane at the intersection with Brick Church Pk. Each of the eastbound turn lanes should include at least 150 feet of storage with adequate transition.

- Developer shall construct a separate northbound left turn lane on Brick Church Pike. The northbound left turn lane should include at least 100 feet of storage with adequate transition.
- The Developer shall conduct a signal warrant analysis at the Briley ramp intersections with Brick Church Pk prior to final site plan approval if required by MPW.
- Developer shall work with the Public Works Department to determine appropriate mitigation for Wheeler property traffic impacts at the intersection of Briley Parkway and Brick Church Pike. Prior to the submission of the first phase final project site plan, an agreement shall be reached with Public Works to determine developer's per rata share for roadway improvements at the Briley Parkway intersections with Brick Church Pk.

STAFF RECOMMENDATION

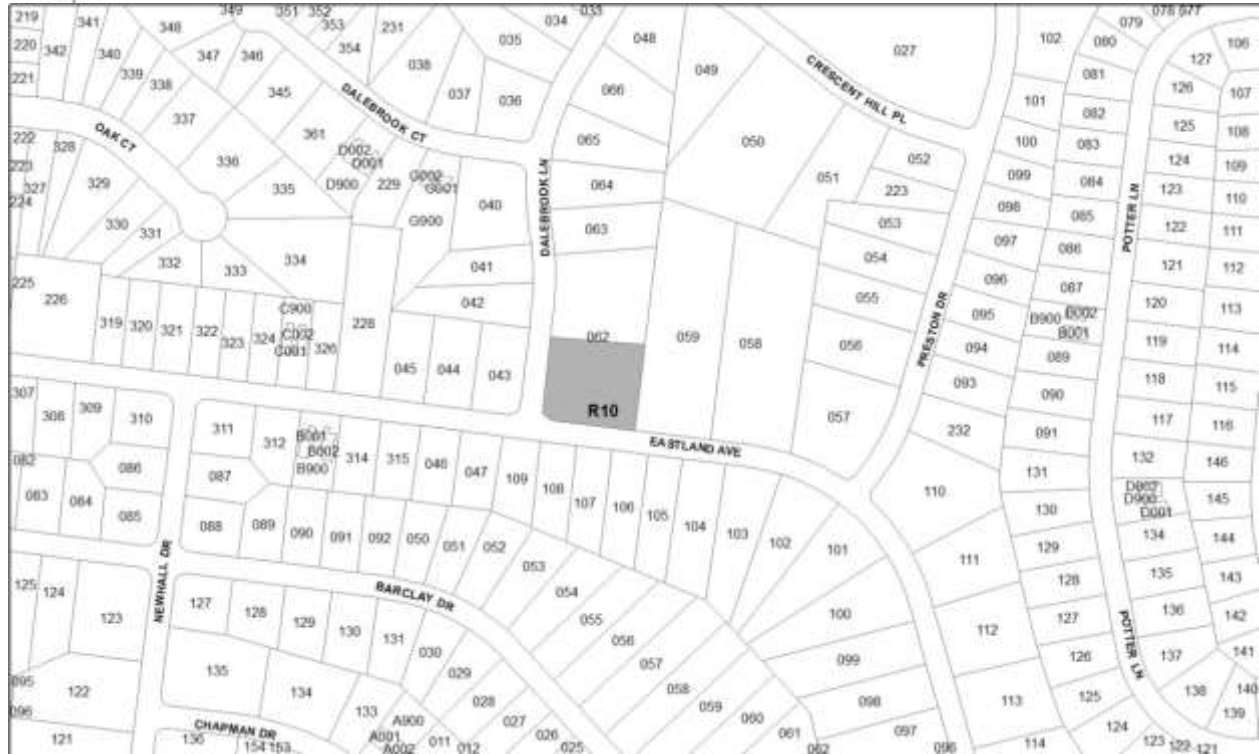
Staff recommends approval with conditions.

CONDITIONS

1. Designate any lots with a natural slope of 20% or greater as a critical lot. Denote with a *.
2. Add the following note: Prior to the application for a building permit on a lot designated as critical, a plan shall be submitted to the Executive Director for approval.



Metro Planning Commission Meeting 11/09/2017



2017NHL-001-002
DALEBROOK 37206
Map 083-08, Part of Parcel(s) 062
05, East Nashville
06 (Brett Withers)



Project No. Development Plan 2017NHL-001-002
Project Name Dalebrook 37206
Council District 06- Withers
School District 5 – Buggs
Requested by Design Build Partners, applicant; Greater Grace Temple Community Church, owner.

Deferrals This item was deferred at the August 24, 2017, and October 12, 2017, Planning Commission meetings. No public hearing was held.

Staff Reviewer Burse
Staff Recommendation *Defer to the December 14, 2017, Planning Commission meeting.*

APPLICANT REQUEST

Development Plan approval to permit office and medical office uses.

Neighborhood Land Overlay Development Plan

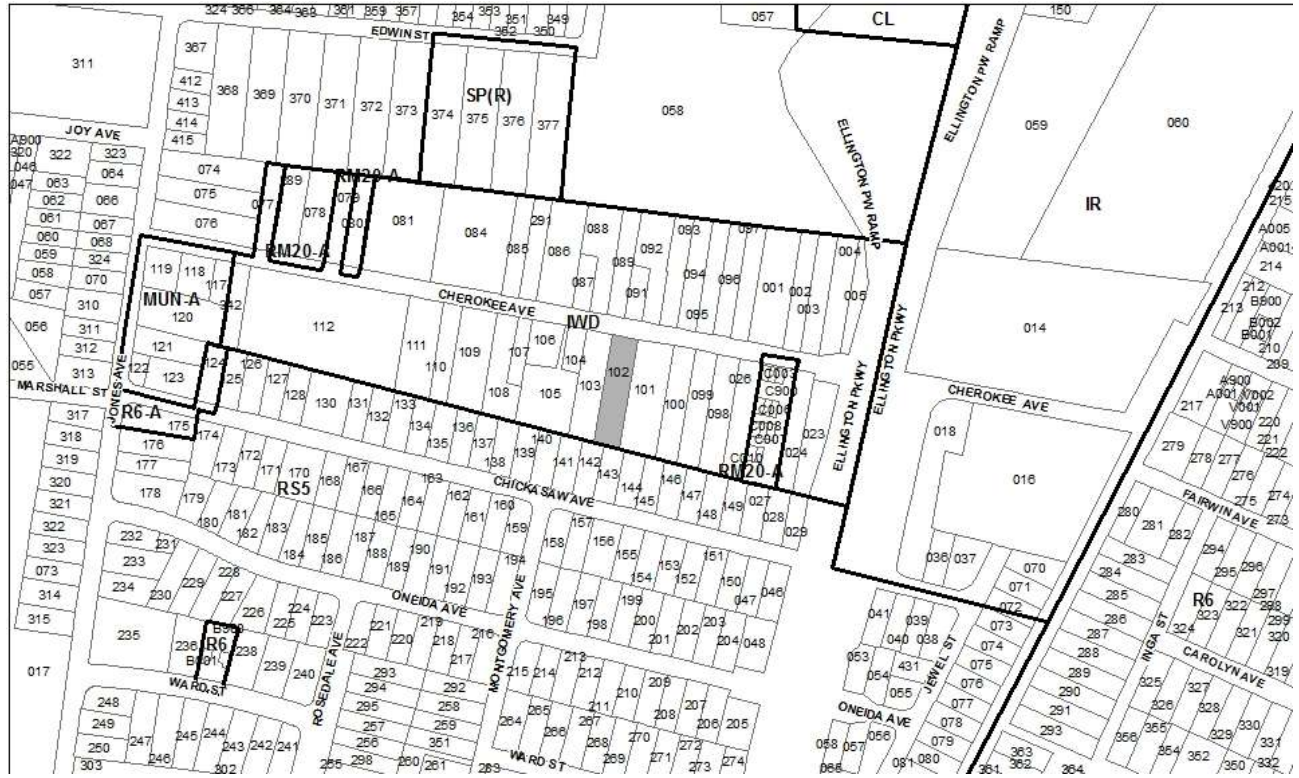
A request for development plan approval on a portion of property located at 901 Dalebrook Lane, at the northeast corner of Dalebrook Lane and Eastland Avenue, zoned One and Two-Family Residential (R10) and within a Neighborhood Landmark Overlay District (0.79 acres), to permit general office and medical office uses.

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



2017Z-108PR-001
Map 071-12, Parcel(s) 102
05, East Nashville
05 (Scott Davis)



Project No. **Zone Change 2017Z-108PR-001**
Council District 05 – Davis
School District 5 – Buggs
Requested by Roland and Dianne Cannon, applicants and owners.

Deferrals This item was deferred at the October 26, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Napier
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST
Zone change from IWD to RM20-A.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at 828 Cherokee Avenue, approximately 1,300 feet east of Jones Avenue (0.55 acres).

Existing Zoning

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 11 units.*

EAST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The proposed rezoning is consistent with the T4 Urban Mixed Use Neighborhood policy as it allows for additional residential density in an area where moderate to high density development has been identified as appropriate by the T4 MU policy. This rezoning moves the site away from Industrial zoning, which is inconsistent with policy and towards broader policy goals for the area. The redevelopment of the site will provide opportunities for diversity in housing types for the immediate area. This request creates an opportunity for urban development that fills in gaps in areas served by existing infrastructure.



Metro Planning Commission Meeting 11/09/2017

ANALYSIS

The property is located on 0.55 acres on the south side of Cherokee Avenue, approximately 1,300 feet southeast of Jones Avenue. Jones Avenue has existing MTA service, and an MTA stop is located at the intersection of Jones Avenue and Cherokee Avenue. The nearest on-ramp to Ellington Parkway is approximately three quarters of a mile to the north. The site is located in an existing neighborhood with an established street network and mixture of industrial and residential uses. This site currently contains one single-family structure. The standards required by the alternative zoning district proposed will foster a more pedestrian friendly environment by implementing build-to zones, limiting vehicular access, and providing more functional entries to buildings. Sidewalks, which meet the local street standards, will be required at building permit stage with the redevelopment of these lots.

The existing industrial uses along Cherokee Avenue are not consistent with the T4 MU policy, the policy identifies, “light industrial non-nuisance type crafts and other “cottage” industrial uses” as the appropriate intensity for an industrial use within the T4 MU policy. The current industrial uses exhibit greater intensity than identified in the policy.

The intent of the policy is to create and enhance urban mixed use neighborhoods with a diverse mix of moderate to high density residential, commercial, office and light industrial uses, rezoning this parcel to RM20-A will provide an opportunity for this site to achieve the intent of the policy. The RM20-A zoning district contains design standards to address design standards for vehicular parking, building form and location, and requirements for primary the primary entrance. The proposed rezoning provides the potential for increased housing supply and increased housing choice. The requested rezoning will also provide the opportunity for this site to achieve consistency with the existing residential uses within the neighborhood.

The parcel contained in this rezoning is located within 1,300 feet of a Residential Collector Street, which contains MTA bus service. This will provide a choice of transportation for future residents of this site. Ellington Parkway can be accessed to the north of this site and is located within one mile of the parcel.

FIRE MARSHAL RECOMMENDATION

N/A

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: **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.55	0.8	19,166 SF	69	34	21



Metro Planning Commission Meeting 11/09/2017

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)	0.55		11 U	74	6	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+5	-28	-14

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM20-A district: 4 Elementary 2 Middle 1 High

The proposed RM20-A zoning is expected to generate 7 more students than the existing IWD zoning. Students would attend Tom Joy Elementary School, Jere Baxter Middle School and Maplewood High School. All three schools have been identified as having additional capacity by the Metro School Board. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

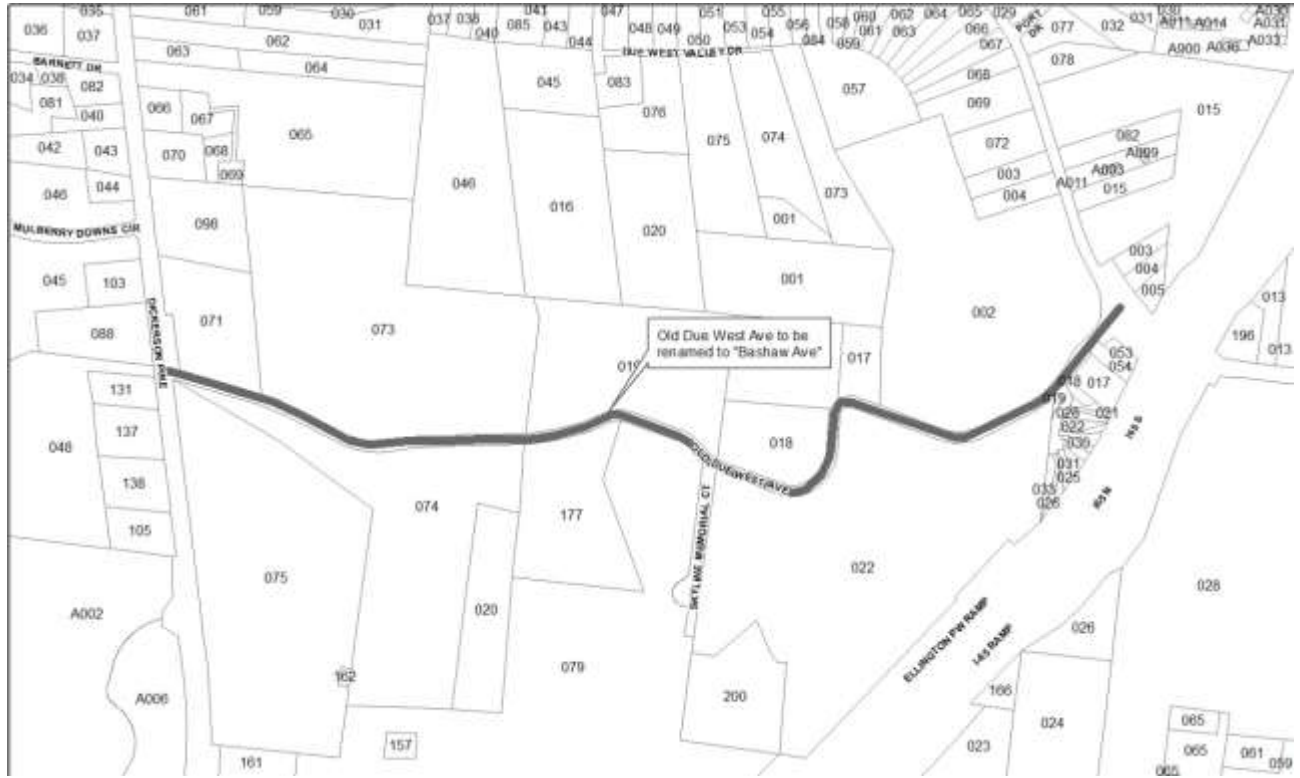
Staff recommends approval as the request is consistent with the T4 Mixed Use Neighborhood policy of the East Nashville Community Plan.

CONDITIONS

1. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.



Metro Planning Commission Meeting 11/09/2017



2017M-013SR-001
OLD DUE WEST AVENUE RENAMING
Map Various, Parcels Various
08 (Councilmember Nancy VanReece)



Project No.	Street Renaming 2017M-013SR-001
Project Name	Old Due West Avenue Street Renaming
Council District	08 – VanReece
School Distric	3 – Speering
Requested by	Councilmember Nancy VanReece, applicant.
Staff Reviewer	Rust
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Rename Old Due West Avenue to “Bashaw Ave”.

Street Renaming

A request to rename Old Due West Avenue to Bashaw Avenue, from Dickerson Pike to Due West Avenue North.

STREET RENAMING PROCEDURE

Metro Council changes street names through the adoption of an ordinance. The Planning Department is required to notify all property owners on the portion of the street proposed for renaming and to give owners the opportunity to provide written comments in support of or in opposition to the proposed name change. Properties with mailing addresses on the section of roadway to be renamed will continue to receive mail using the old street name for one year giving residents and businesses time to notify persons and entities they correspond with of the change in address.

BACKGROUND – HISTORY

The proposed renaming will help clarify locations for Emergency 911 Services. Multiple streets are named “Due West” (i.e. Due West Avenue and Due West Avenue North), which has the potential to create confusion. This proposal is to rename one of the Due West areas to Bashaw Avenue.

There is a historic gravesite on Old Due West named for the Bashaw family that owned the property dating back to the 1800's. According to the Metro Historic Commission, Mr. Bashaw was a Revolutionary War veteran.

A proposed park, adjacent to the historic gravesite, will be named “Bashaw Park”. Bashaw Park will emphasize how the family used the land to sustain themselves. The renaming of Old Due West Avenue to “Bashaw Ave” will correspond with the name “Bashaw Park”.



Metro Planning Commission Meeting 11/09/2017



Proposed Street Renaming Site



Metro Planning Commission Meeting 11/09/2017

EMERGENCY COMMUNICATION CENTER RECOMMENDATION:

Approved

Emergency Communications has reviewed the proposed plan to rename Old Due West Ave to Bashaw Ave and approves of the renaming to prevent any future confusion for E911 services.

METRO HISTORICAL COMMISSION RECOMMENDATION

The Historical Commission neither approves nor disapproves this request. Per Ordinance No. BL2010-789, the Historical Commission will submit a report to the Metropolitan Council regarding any historical significance associated with the current/original street name upon filing of the legislation.

NASHVILLE ELECTRIC SERVICE RECOMMENDATION

Approved

PARKS DEPARTMENT RECOMMENDATION

No Recommendation

WATER SERVICES RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

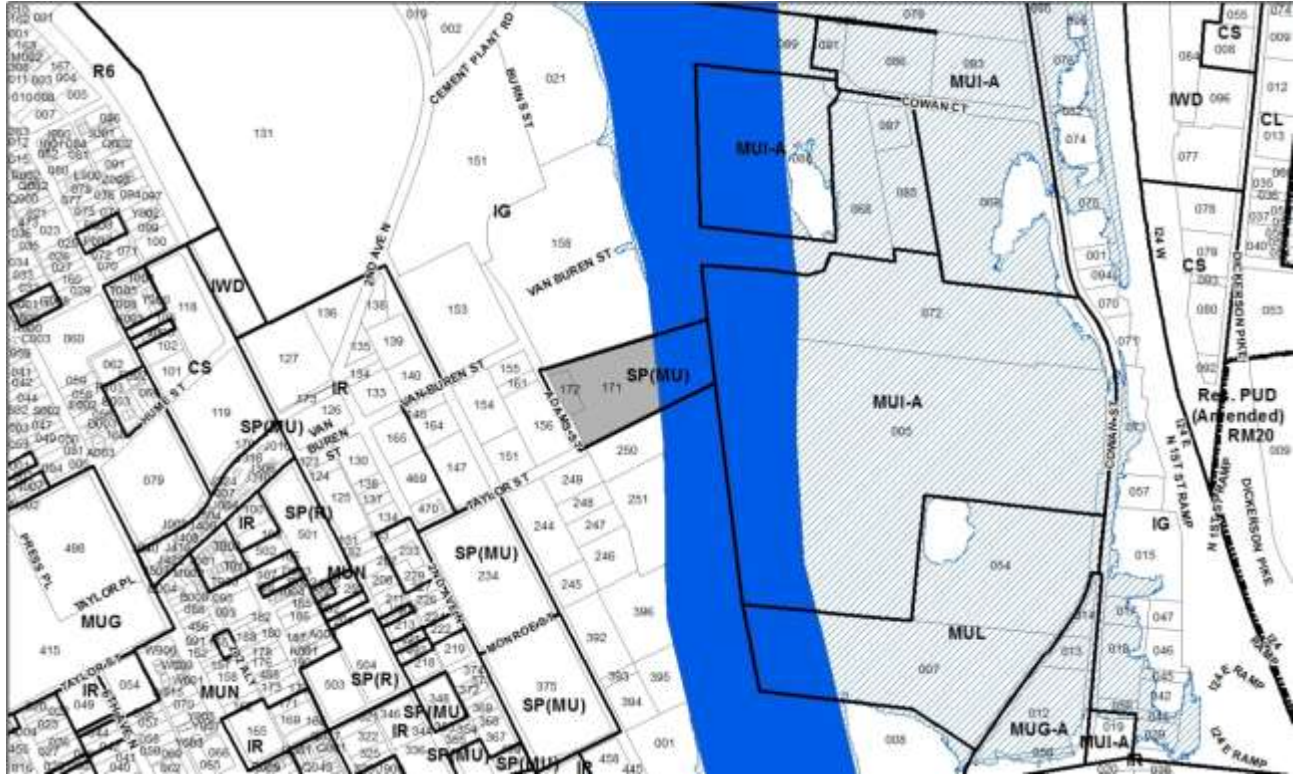
Approved

STAFF RECOMMENDATION

Planning staff recommends approval of renaming Old Due West Avenue to Bashaw Avenue. There is a multiple road in this area named some version of Due West in the name. The renaming will provide for clarity and lessen confusion.



Metro Planning Commission Meeting 11/09/2017



2016SP-005-003

HAMMER MILL SP (AMENDMENT)

Map 082-05, Parcel(s) 171-172

08, North Nashville

19 (Freddie O'Connell)



Project No. 2016SP-005-003
Project Name Hammer Mill SP (Amendment)
Council District 19 – O’Connell
School District 1 – Gentry
Requested by S&ME, Inc., applicant; Gateway TBR Hammer Mill, LLC and Germantown Hammer, LLC, owners.

Staff Reviewer Shepard
Staff Recommendation *Defer to the December 14, 2017, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all agencies, staff recommends approval with conditions and disapproval without all conditions*

APPLICANT REQUEST

Amend a Specific Plan to replace three multi-family residential units with 4,000 square feet of non-residential space.

Preliminary SP

A request to amend a Specific Plan by replacing three multi-family units with 4,000 square feet of non-residential space on properties located at 1390 and 1400 Adams Street, east of the terminus of Taylor Street, zoned Specific Plan-Mixed Use (SP-MU) (3.92 acres).

Existing Zoning

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

Proposed Zoning

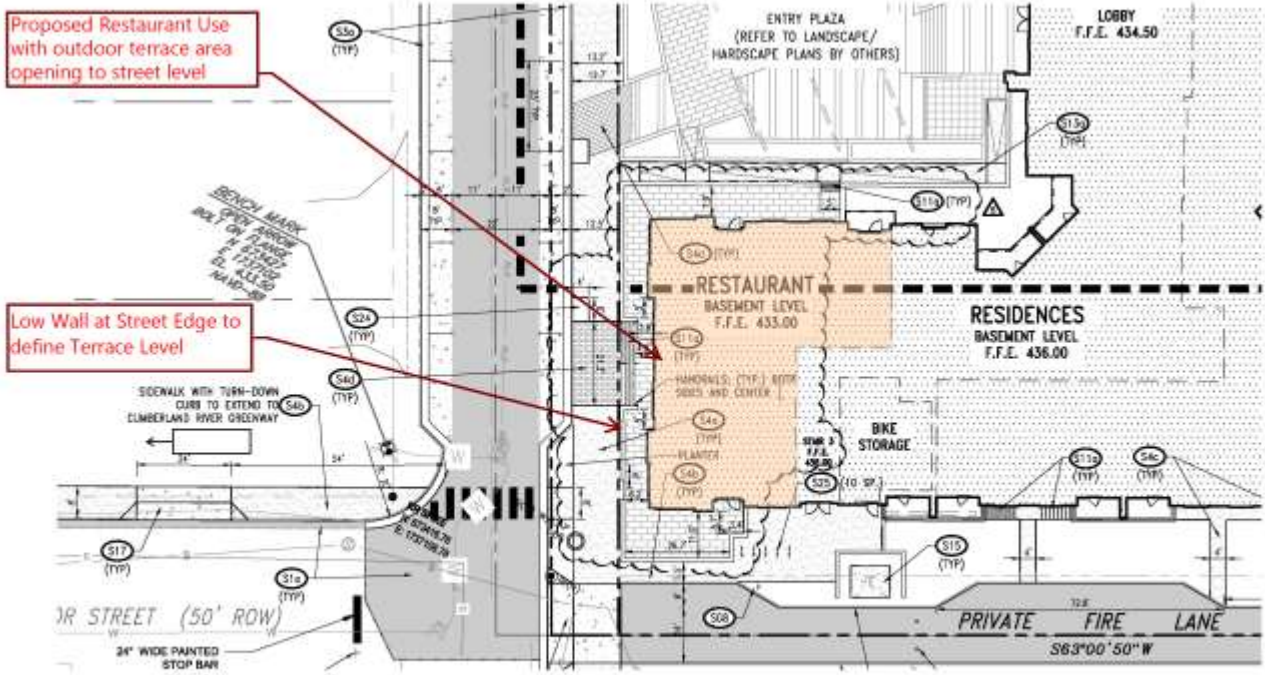
Specific Plan-Residential (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition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

HISTORY

Metro Council approved the Preliminary SP for the Hammer Mill mixed use development on May 4, 2016. The approved Preliminary SP included a maximum of 259 multi-family residential units and a maximum of 20,000 square feet of non-residential uses, with the non-residential uses located in an existing, historic building at the northwest corner of the site and the multi-family residential units located in a new building behind and to the south of the historic building. A final site plan for 258 multi-family units and 19,968 square feet of restaurant and office uses was approved in November 2016. The current application proposes to replace three of the multi-family units with an additional 4,000 square feet of non-residential uses, increasing the total non-residential to 24,000 square feet. As the non-residential represents an increase beyond the 20,000 square feet originally permitted by the Council ordinance, an amendment to the Preliminary SP is required.



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

NORTH NASHVILLE 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, T5Center, 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 Mixed Use Neighborhood (T4 MU) is intended to preserve, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit.

Consistent with Policy?

The current application proposes replacement of three previously approved multi-family residential units with 4,000 square feet of non-residential uses. The proposal represents an increase in the total amount of non-residential uses permitted on the site; however, the additional non-residential square footage is within the previously approved building. The site layout including building footprints, vehicular access points, parking and sidewalks is unchanged from the previously approved preliminary and final SPs. The height of the building is also unchanged. The affected portion of the building is located at the front of the site along Adams Street, well outside of any areas of Conservation policy, which indicate the presence of floodplains associated with the Cumberland River along the eastern property boundary. The T4 MU policy supports a mixture of residential and non-residential uses, and the existing mix of multi-family residential, restaurant and office uses in the development will not be significantly altered by the proposal. The incorporation of an active ground floor use with outdoor dining at the front corner of the building will enhance the pedestrian realm, consistent with the goals of the policy.

PLAN DETAILS

The site is located at 1400 Adams Street, at the northeast corner of Adams Street and Taylor Street, immediately west of the Cumberland River. As described above, the site is zoned Specific Plan to permit a mixed use development including 258 multi-family residential units in a new building on Lot 1 and 20,000 square feet of non-residential uses as permitted by the Mixed Use Intensive (MUI) zoning district in an existing historic building on Lot 2. Building permits for construction of the multi-family units and renovation of the historic building to accommodate office and restaurant uses have been issued and construction is underway.

Site Plan

The plan proposes to replace three multi-family residential units with 4,000 square feet of non-residential space. For purposes of evaluating parking requirements, the plan identifies the space as a restaurant use, but all uses permitted by the Mixed Use Intensive (MUI) zoning district are allowed by the SP. The multi-family units are located on Lot 1 in the southwest corner of the site fronting Adams Street, on the ground floor of the multi-family residential building which wraps around to the east and north. The proposed 4,000 square feet of restaurant constitute an increase in the total non-residential uses on the site from 20,000 square feet as previously permitted, to 24,000 square feet. Non-residential uses were also previously confined to the historic building located along



Metro Planning Commission Meeting 11/09/2017

Adams Street on Lot 2; this proposal will add non-residential uses to the multi-family building on Lot 1.

Vehicular access to the site is via one principal entrance from Adams Street along the northern boundary of the site and is unchanged with this proposal. The proposed change in use to reduce the multi-family residential units and increase the non-residential uses results in a parking requirement of 355 spaces under the requirements of the Metro Zoning Ordinance and reductions available in the Urban Zoning Overlay. The previously approved SP plan included a total of 354 parking spaces, primarily in an on-site garage with some on-street parking. Two additional parallel parking spaces have been identified along the access drive on the northern side of the development, bringing the total parking for the development to 356 spaces.

The primary pedestrian entrance to the restaurant is provided along Adams Street. The previously approved preliminary and final SPs included a 12.5-foot sidewalk and four-foot by six-foot tree wells along Adams Street. At the southwest corner of the building, the sidewalk transitioned into a 5.5-foot sidewalk along the private fire lane and the southern boundary of the site with public bicycle parking adjacent to the building. The sidewalks, tree wells, and public bicycle parking are unchanged with this proposal.

The previously approved plan included wall at the back of the sidewalk to define the edge of an area designated for landscaping. With the current proposal, the landscaping area will be converted to a brick terrace that will be used for outdoor dining area for the proposed restaurant space. The wall, which varies in height as the grade changes along Adams Street, will be modified to incorporate a wide set of stairs to connect the terrace with the sidewalk and street and will be constructed of materials that complement the sidewalk and the architecture of the building. A revised landscaping plan showing new locations for required landscaping is included with the amendment proposal.

ANALYSIS

The replacement of three multi-family residential units with 4,000 square feet of restaurant or other permitted non-residential use will not significantly alter the mix of residential, office and restaurant uses on the site, as the SP already permits all uses allowed by the MUI zoning district. The incorporation of a restaurant at street level at the intersection of Adams Street and Taylor Street will encourage pedestrian activity and enhance the pedestrian realm at the corner. The plan proposes two additional parallel parking spaces along the access drive on the northern side of the development. To facilitate review of the proposed parking by Metro Planning and Public Works and to ensure that all standards of the Metro Zoning Ordinance for parallel parking spaces are met, staff recommends a condition that the label indicating these spaces are for “service/loading” be removed and that the parking spaces be dimensioned on the Final SP. The building footprint, height, vehicular access points, and sidewalks are unchanged from the previously approved final site plan. The proposed change of use is consistent with the T4 Mixed Use Neighborhood policy and therefore staff recommends approval.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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



Metro Planning Commission Meeting 11/09/2017

STORMWATER RECOMMENDATION

Returned for corrections

- Cite the New FEMA: Panel Number (H), Zone X, AE, or A, and Date (4/5/2017) to plat.
- Cite C/D Note: Size driveway culverts per the design criteria set forth by the Metro Storm Water Management Manual (Minimum driveway culvert in Metro ROW is 15' CMP).
- Update Preliminary Note to plans: Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Storm Water approval / comments only. The final lot count and details of the plan shall be governed by the appropriate Storm Water regulations at the time of final application.
- Cite the maintenance agreement number.

WATER SERVICES

Approve with conditions

- Approved as a Preliminary SP Amendment only.
- Before Building Permit/Water Connection Permit/ Sewer Connection Permit stage, please revise availability study to reflect this use change, and add some separation between the water service of Lot 1's residences and this restaurant. (Either install a new water meter/water tap for this restaurant, or sub-meter it from Lot 1's residential meter and backflow.)

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.
- Comply with MPW conditions of approval for building permit 2016061111.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Comply with Public Works comments

Maximum Uses in Existing Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.46		259 U	1694	131	161

Maximum Uses in Existing Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.16		7,000 SF	891	91	79

Maximum Uses in Existing Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.3		13,000 SF	594	18	53



Metro Planning Commission Meeting 11/09/2017

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.46		256 U	1675	130	159

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.16		11,000 SF	1399	127	123

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.3		13,000 SF	594	18	53

METRO SCHOOL BOARD REPORT

Projected student generation existing SP-MU district: 10 Elementary 6 Middle 6 High

Projected student generation proposed SP-MU district: 9 Elementary 6 Middle 6 High

The proposed SP-MU zoning district would generate 1 fewer students than what is typically generated under the existing SP-MU zoning district. Students would attend Buena Vista Enhanced Option Elementary, John Early Middle School, and Pearl-Cohn High School. All schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval from all reviewing agencies are received, staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS (if approved)

1. Permitted land uses shall be limited to a maximum of 255 multi-family residential units and 4,000 square feet of uses allowed under MUI zoning on Lot 1 and a maximum of 20,000 square feet of uses allowed under MUI zoning on Lot 2 in the existing building.
2. Revised building elevations for the west and south sides of the building shall be submitted with the Final SP. Materials and glazing shall be consistent with those approved in original preliminary SP and changes necessary to accommodate the nonresidential use shall be integrated into a cohesive building façade design.
3. With the Final SP, the applicant shall remove the “service/loading” label from the parking spaces proposed along the northern access drive and shall dimension the spaces on the plan.
4. All other conditions of Council Ordinance No. BL2016-137 remain in effect.
5. If a development standard, excluding 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



Metro Planning Commission Meeting 11/09/2017

MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

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



Metro Planning Commission Meeting 11/09/2017



2017SP-084-001
WEST TRINITY LANE SP
Map 070-08, Parcel(s) 015
03, Bordeaux – Whites Creek
02 (DeCosta Hastings)



Project No.	Specific Plan 2017SP-084-001
Project Name	West Trinity Lane SP
Council District	02 – Hastings
School District	1 – Gentry
Requested by	Stone and Howorth, applicant; Brooklyn Heights Land Trust, owner.
Staff Reviewer	Shepard
Staff Recommendation	<i>Defer to the December 14, 2017, Planning Commission meeting.</i>

APPLICANT REQUEST

Zone change to permit a maximum of 26 multi-family residential units.

Preliminary SP

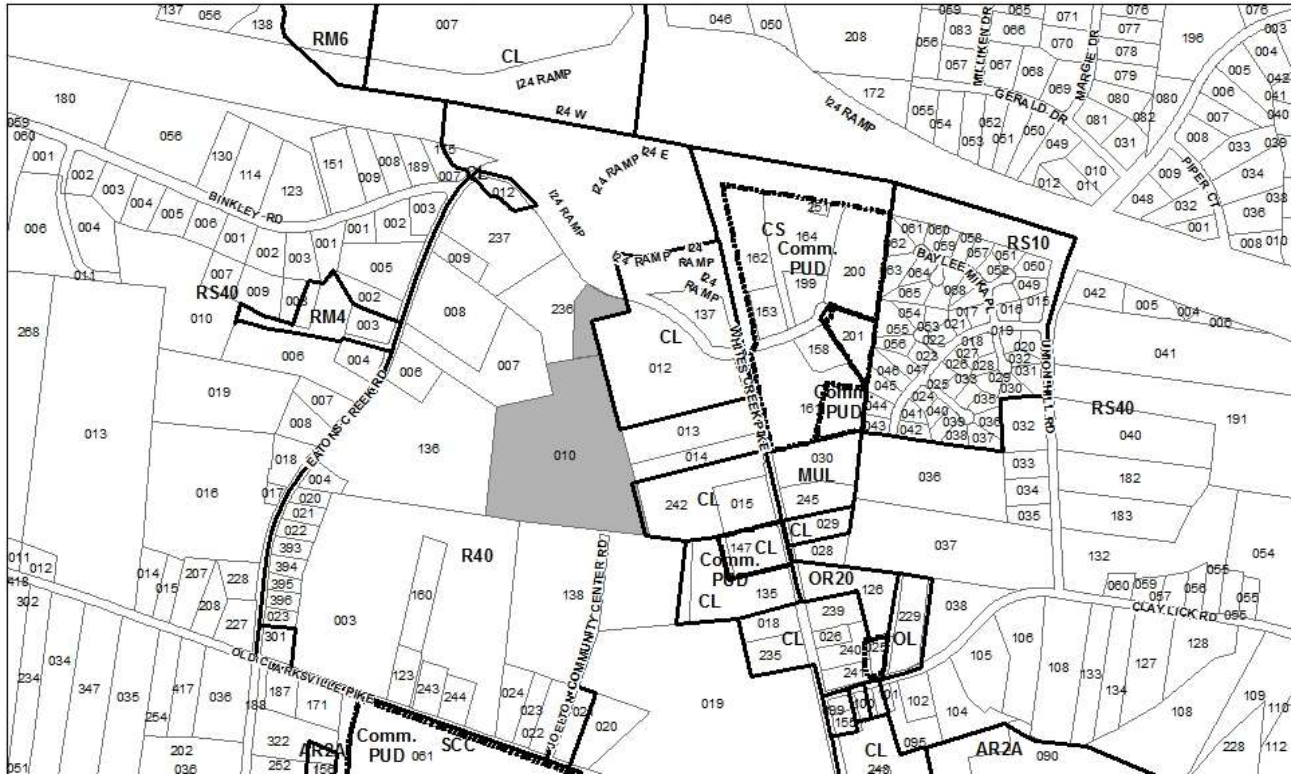
A request to rezone from One and Two-Family Residential (R8) to Specific Plan – Residential (SP-R) zoning on property located at West Trinity Lane (unnumbered), south of the terminus of Brownlo Street (2.34 acres), to permit up to 26 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



2017SP-094-001

MEADOW VILLAGE AND VENUE SP

Map 022, Parcel(s) 010

Map 022, Part of Parcel(s) 236

01, Joelton

01 (Nick Leonardo)



Project No.	Specific Plan 2017SP-094-001
Project Name	Meadow Village and Venue SP
Council District	01 – Leonardo
School District	1 – Gentry
Requested by	Dale and Associates, applicant; Wayne Winters, owner.
Staff Reviewer	Shepard
Staff Recommendation	<i>Defer to the December 14, 2017, Planning Commission meeting.</i>

APPLICANT REQUEST

Zone change to permit a mixed use development.

Preliminary SP

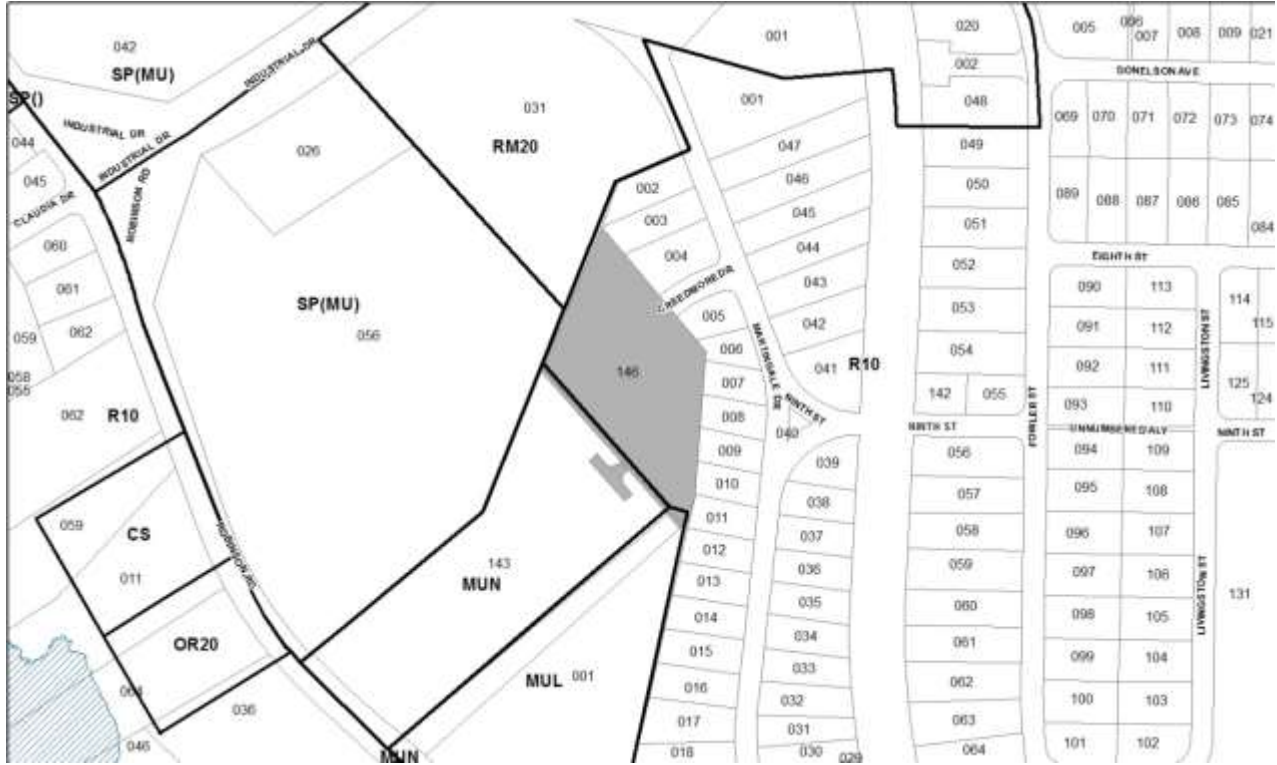
A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Mixed Use (SP-MU) zoning for property located at 6404 Eatons Creek Road and a portion of property located at Eatons Creek Road (unnumbered), approximately 1,300 feet west of Whites Creek Pike, (14.90 acres), to permit one single-family residential unit; a maximum of 13,000 square feet of Commercial Amusement, Indoor; Commercial Amusement, Outdoor; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Indoor or Commercial Amusement, Outdoor.

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



2017S-198-001
ROBINSON FLATS
Map 044-14, Part of Parcel(s) 143,146
14, Donelson-Hermitage
11 (Larry Hagar)



Project No.	Concept Plan 2017S-198-001
Project Name	Robinson Flats
Council District	11 – Hagar
School District	4 – Shepherd
Requested by	Kimley-Horn and Associates, applicant; Lana Robinson, owner.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Create 11 residential cluster lots.

Concept Plan

A request for concept plan approval to create up to 11 clustered lots on a portion of property located at 1213 and 1205 Robinson Road, west of the terminus of 9th Street, zoned One and Two-Family Residential (R10), Mixed Use Neighborhood (MUN), and Mixed Use Limited (MUL) (3.09 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 13 lots with 3 duplex lots for a total of 16 units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer lots at this site.*

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

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. A small area of MUL zoning is located on site in the southeastern corner.

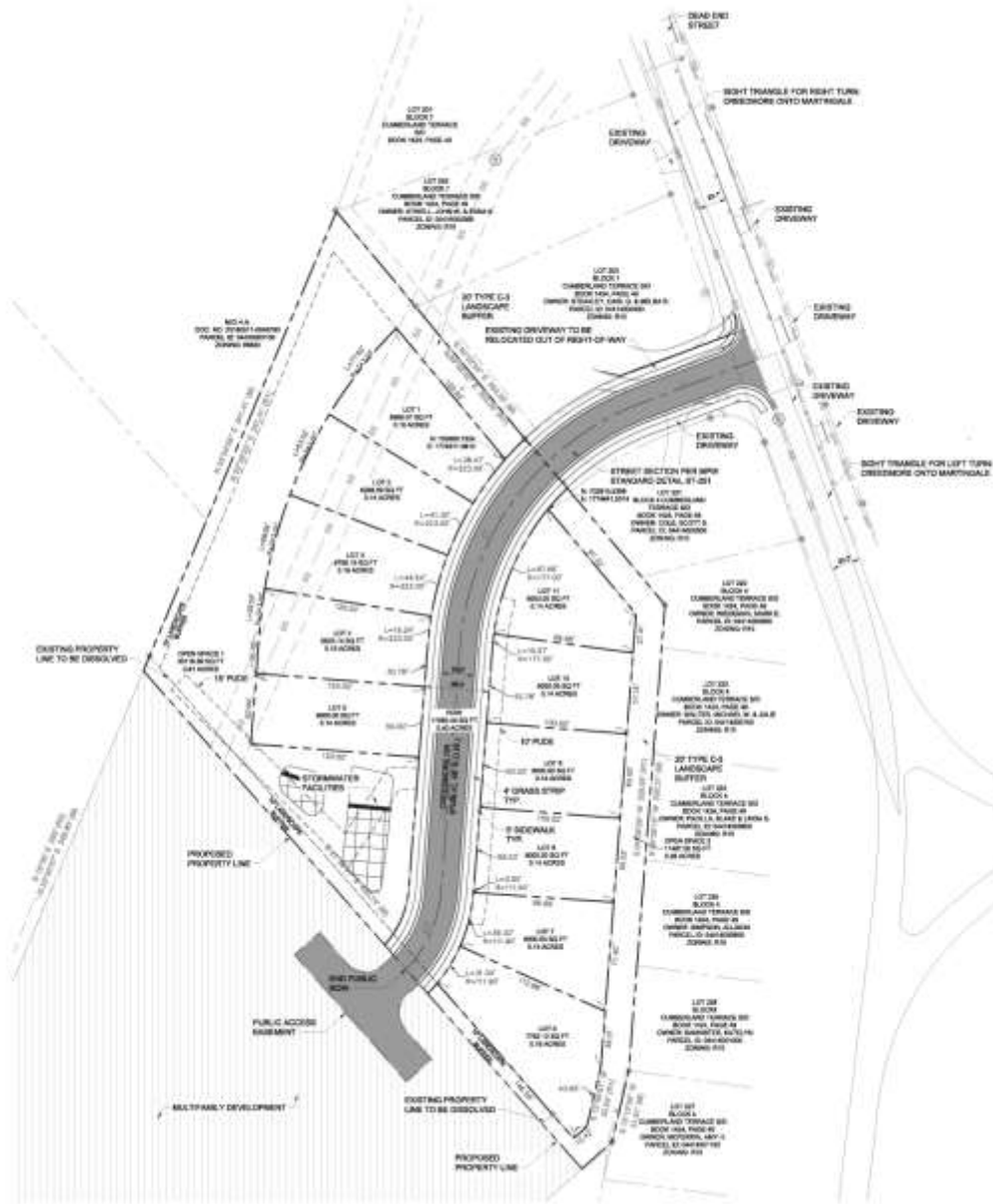
DONELSON-HERMITAGE COMMUNITY PLAN

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.

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



Metro Planning Commission Meeting 11/09/2017



Proposed Subdivision



Metro Planning Commission Meeting 11/09/2017

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.

PLAN DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. The proposed subdivision is located on a portion of two properties at 1205 and 1213 Robinson Road (approximately 3.09 of 9.61 total acres), west of Martingale Drive and south of Industrial Drive. The 3.09 acres proposed for development are primarily located on the eastern parcel, 1213 Robinson Road, zoned R10. The majority of the western parcel, 1205 Robinson Road, is proposed for future multi-family development and is not included in the proposed subdivision. The site fronts existing right-of-way to the east, Creedmore Drive, which will be constructed if this development is approved.

The site is vacant and is located on the eastern edge of T3 Community Center Policy, which extends to the north and south on both sides of Nolensville Pike. The site is adjacent to T3 Neighborhood Maintenance (east) and T3 Neighborhood Evolving policies (north). A small pocket of Conservation policy exists at the northwestern corner of the site due to steep slopes, but this area is not included in any of the proposed lots. The surrounding area south of Industrial Drive is mixed residential and non-residential uses, with a higher concentration of commercial and non-residential uses along Robinson Road. Industrial Drive is generally the dividing line between more intense industrial land uses (north) and lower intensity residential and non-residential land uses (south).

Site Plan

The site plan includes 11 clustered lots. Lots are clustered down to the R6 zoning district size and range from 6,000 square feet to 7,651 square feet. All lots are oriented towards a new public street, Creedmore Drive, which will connect from Martingale Drive (east) to the adjacent parcel (west) for a future connection to the proposed multi-family development. A vehicle turnaround and public access easement are provided on the concept plan that will be recorded with the final plat. Five-foot wide sidewalks with a four-foot planting strip are provided on both sides of the new street, consistent with local street standards. Staff recommends that the applicant coordinate with adjacent property owners (APN# 04414000400 and 04414000500) on relocating driveways from the Creedmore Drive right-of-way prior to final plat recordation.

In cluster lot subdivisions, a minimum of 15 percent of each phase of development shall be open space. This concept plan meets the open space requirement, as approximately 1.05 acres (34%) of the site is included as open space. Buffer yards are provided around the periphery of the development. A standard "C" buffer has been included along the northern and eastern property lines adjacent to the existing residential lots that front Martingale Drive. Recreational facilities are not required for residential developments containing fewer than 25 units.

ANALYSIS

This proposal is consistent with the cluster lot standards specified in the Zoning Code. The subdivision appropriately transitions from higher intensity uses along Robinson Road to the lower intensity residential pattern to the east. This development also provides for more street connectivity.



Metro Planning Commission Meeting 11/09/2017

Access will be taken from Creedmore Drive, integrating the site into the existing neighborhood. As this site is located within Suburban Community Center policy, lot compatibility is not applicable.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Water flow data is adequate for construction. 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.
- On the final plat, plat the easement for the hammerhead turnaround.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only. Before Final Site/Development Plan stage, or any capacity fee payments are made, please update the latest availability study, to reflect both the 11 single-family lots and the apartment complex. (The original study was not clear concerning the single-family-lot portion.) Public water and sewer construction plans must be submitted and approved prior to Final Site/Development Plan approval. These approved construction plans must match the Final Site/Development Plans. The required capacity fees must also be paid prior to Final Site/Development Plan approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions of Public Works.
2. Prior to final plat approval, any remnant parcels resulting from this subdivision shall be consolidated by deed into one parcel.
3. The ten foot landscape buffer along the western and northern property lines shall comply with the standard "B" landscape buffer requirements and shall be labeled 'Standard "B" buffer' on the final site plan.
4. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



2017S-243-001
205 SCALF DRIVE
Map 043-10, Parcel(s) 026
04, Madison
09 (Bill Pridemore)



Project No.	Final Plat 2017S-243-001
Project Name	205 Scalf Drive
Council District	09 – Pridemore
School District	3 - Speering
Requested by	Southern Precision Land Surveying, applicant; Martin Bubis and Richard Vick, owner.
Staff Reviewer	Hill
Staff Recommendation	<i>Defer to the December 14, 2017, Planning Commission meeting.</i>

APPLICANT REQUEST

Final plat approval to create two lots.

Final Plat

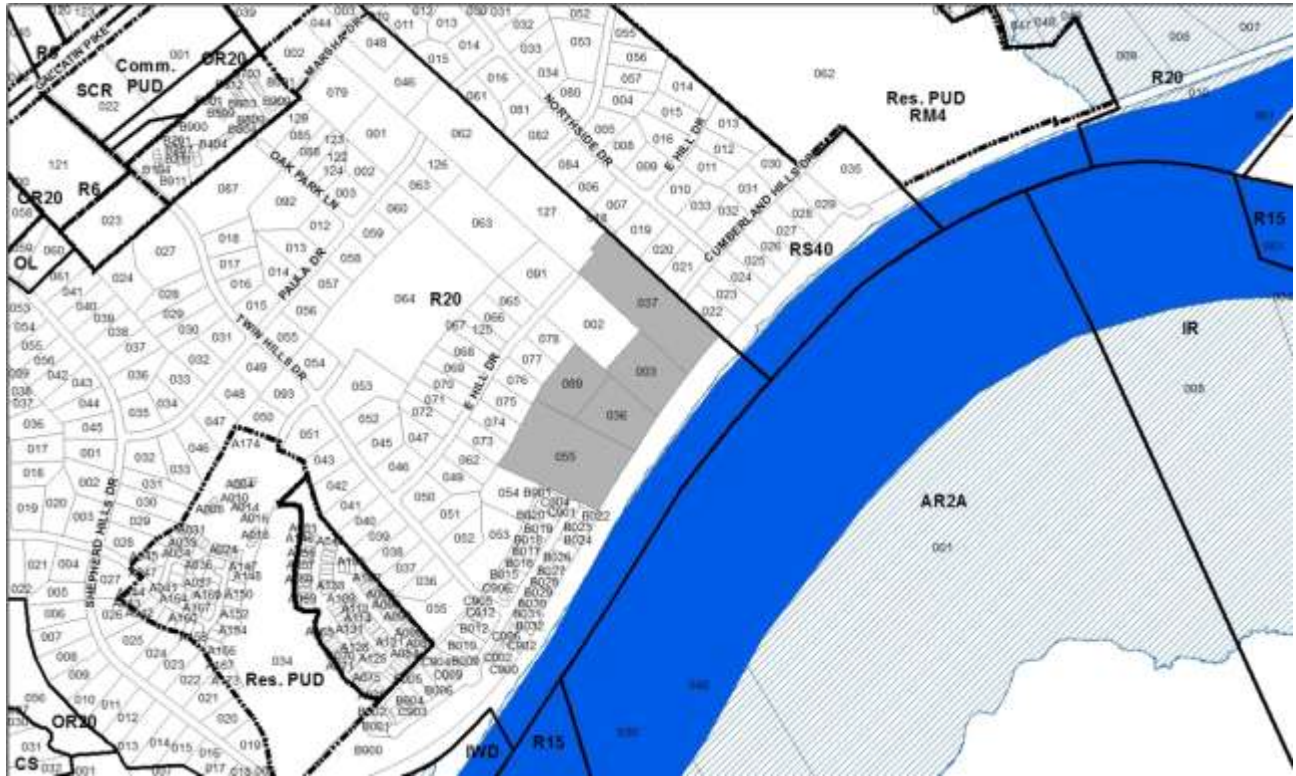
A request for final plat approval to create two lots on property located at 205 Scalf Drive, approximately 425 feet south of Roosevelt Avenue, zoned Single Family Residential (RS7.5) (0.49 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



2017S-254-001

RIVERVIEW AT CUMBERLAND HILLS

Map 034-03, Parcel(s) 089

Map 034-04, Parcel(s) 003, 036-037

Map 034-07, Parcel(s) 055

04, Madison

10 (Doug Pardue)



Project No.	Concept Plan 2017S-254-001
Project Name	Riverview at Cumberland Hills
Council District	10 - Pardue
School District	3- Speering
Requested by	Dewey Engineering, applicant; Domus Partners, LLC, owner.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Defer to the December 14, 2017, Planning Commission meeting.</i>

APPLICANT REQUEST

Concept plan to create 37 single-family lots with 9 two-family lots, for a total of 46 units

Concept Plan

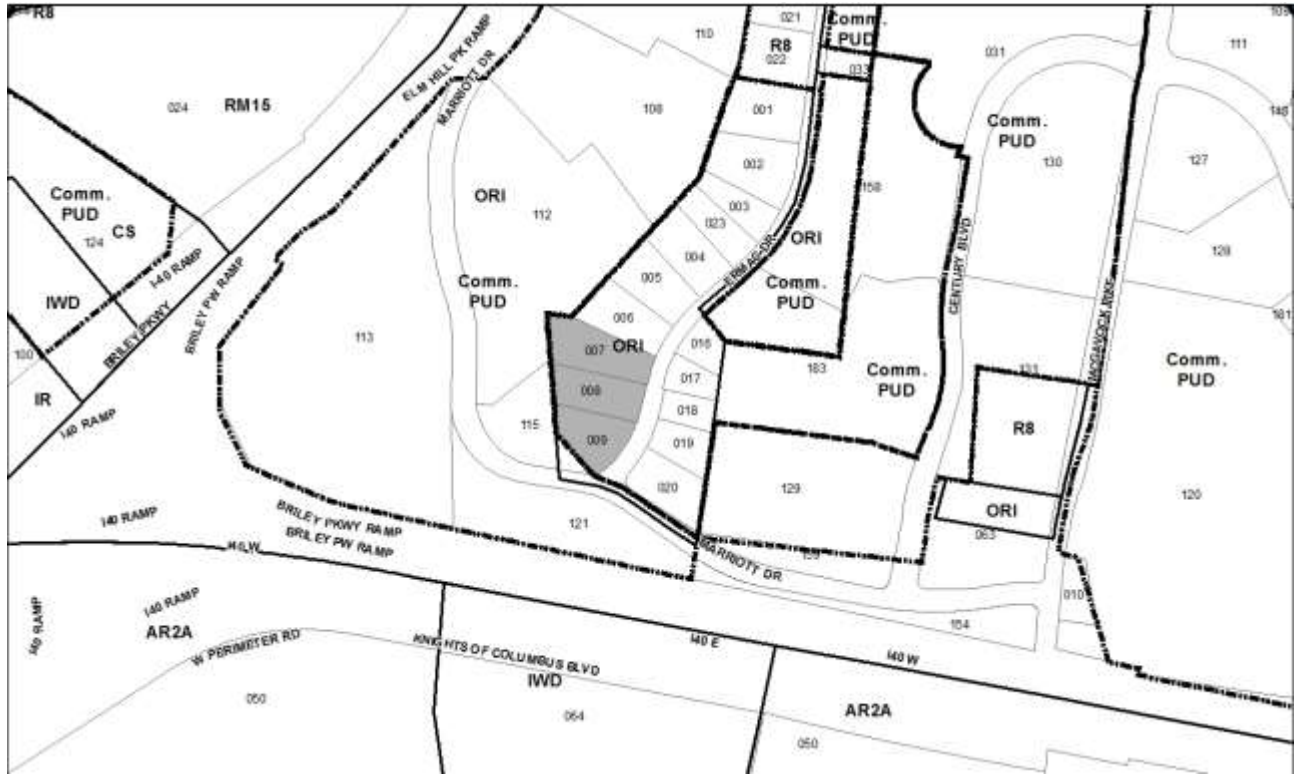
A request for concept plan approval to create 37 single-family lots and 9 two-family lots, for a total of 46 units on properties located at 2133 E Hill Drive, 2315B E Hill Drive, Twin Hills Drive (unnumbered), and E Hill Drive (unnumbered), at the current terminus of E Hill Drive, zoned One and Two-Family Residential (R20) (19.85 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 11/09/2017



177-74P-003

CENTURY CITY WEST (REVISION AND FINAL)

Map 107-03 Parcel(s) 007-009

14, Donelson - Hermitage - Old Hickory

15 (Jeff Syracuse)



Project No. **Planned Unit Development 177-74P-003**
Project Name **Century City West (Revision and Final)**
Council District 15 - Syracuse
School District 4 - Shepherd
Requested by Arnold Consulting, applicant; BMJ Hospitality, LLC, owner.

Staff Reviewer Birkeland
Staff Recommendation *Defer to the December 14, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions.*

APPLICANT REQUEST

Revision to the preliminary plan and for final site plan to permit a hotel.

Revision and final Preliminary PUD

A request for revision and final site plan approval for a portion of a Planned Unit Development Overlay District (PUD) located at 720, 724, and 728 Ermac Drive, at the corner of Marriott Drive and Ermac Drive, zoned Office/Residential Intensive (ORI) (2.54 acres), to permit a hotel.

Existing Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

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 uses.*

PLAN DETAILS

The site is located at the corner of Ermac and Marriott Drives on three separate lots to be consolidated into one, totaling 2.77 acres. The preliminary plan for this portion of the Century City West PUD was approved by the Metro Planning Commission in 1999 for a total of 628,000 square feet of office use in four buildings (157,000 square feet each). The overall PUD is approved for 1.9 million square feet of commercial and office uses. In 2016, this site was revised to permit a 61,221 square foot, four –story hotel, with 100 units, plus meeting rooms.



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

Site Plan

The proposed plan would allow a 70,108 square-foot, five-story hotel, with 114 units, plus meeting rooms. Access to the site will be from two points on Ermac Drive. One module of parking is located in the front of the building, with the remaining parking in the back. The parking configuration is similar to the last approved plan. A five foot wide sidewalk and a four foot wide grass strip are proposed along Ermac Drive, consistent with local street standards.

ANALYSIS

The site was approved for a hotel in 2016. The proposed plan includes a hotel with one more story, for a total of five-stories, and 14 more rooms than the previously approved plan. 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 (revision).

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;



Metro Planning Commission Meeting 11/09/2017

- 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 RECOMMENDATION

N/A

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.
- Submit separate roadway construction plans prior to building permit.
- Power pole located south of the southern drive to be relocated outside of the sidewalk prior to use and occupancy permit.
- Dedicate ROW prior to building permit application.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- The operator of Candlewood Suites should provide directions to/from the site only via the connection to Marriott Drive. Using Ermac Drive to reach the site from Elm Hill Pike should not be a preferred route.
- Proposed landscaping and development signage should be set back from Ermac Drive to maintain appropriate intersection sight distance triangles for the Candlewood Suites Nashville Site driveways.



Metro Planning Commission Meeting 11/09/2017

- The landscaping on the northeast corner of Ermac Drive at Marriott Drive should be maintained to ensure appropriate intersection sight distance for southbound vehicles.

STORMWATER RECOMMENDATION

Approve with conditions

Plan Information and Fees:

- Provide a response letter stating how the comments were addressed and where they were addressed. Please be specific in where the comments were addressed by providing page numbers, note numbers, and/or references to specific locations in the calculations. This will allow the review engineer to evaluate the resubmittal more efficiently.
- Provide an executed Declaration of Restrictions and Covenants and long term maintenance plan with the next submission. Attached is a blank PDF of the Declaration document. The recording fee must be provided and the documents recorded prior to issuance of the grading permit.
- Provide an Exhibit A to go with the DRC/LTMP documents. This shall be the legal description of the land and may be a map, survey, plat, or metes and bounds. This shall be legal (8.5 x 14) at the largest.
- Provide an LID exhibit to accompany the DRC/LTMP documents. This should be a map that essentially matches the WQ DA map and is legible when scanned in black and white. The map should show the practices on-site and show impervious areas and pervious areas. An LID boundary should be shown which delineates the area used in the LID calculations. It shall also be legal at the largest. Please note that the defined boundary will impact any future development within the boundary due to the fact that the LID calculations for the designed GIP practices are based on the proposed conditions within the boundary for this project.
- A copy of the Tennessee Construction General Permit Notice of Coverage must be provided for all sites that disturb one or more acres of land before a grading permit will be issued. Add the NOC note from Vol. 1, App. A-8. Fill out NOC note, add TNR#, and sign.
- Provide the total permit fee of \$1444.
- Provide approval from MWS – Sewer for grading / underground detention system over the sewer line.
- Provide all civil details to the plans (outlet protection, check dams, etc.).
- Add 2017 FEMA map and panel information (2001 was indicated).

Erosion Protection & Sediment Control (EPSC) Measures:

- A roadside ditch exists along Ermac. Please add a temporary culvert to the construction entrance (show location, pipe size, and material).
- Silt fence may be overloaded (use 100 lf per .25 acre of drainage). Also, show silt fence along level contours.
- 2:1 slopes were observed. Provide more information on the stabilization of the slope (if soil slopes are proposed, then specify the actual type of matting to be used).
- On sheet C3 note 15, specify that steep slopes are those 3:1 or steeper.
- Add a note to EPSC Phase 1 sheet stating that all perimeter measures must be in place before grading.



Metro Planning Commission Meeting 11/09/2017

Storm Structures and Pipes:

- It appears that curb and gutters are proposed on Ermac where a ditch section existed. Provide storm structures, as necessary. Include drainage maps and calculations (HGL's and spread).
- Explain hotel roof drainage patterns (show / add notes to plans).

Detention Calculations:

- Provide pre and post detention drainage maps. These should be full size, to scale, and have the areas delineated, flow lines shown, along with curve numbers.
- For the outlet structure / Pond Report, Culvert [A] should be the outlet structure. Unsure that the manhole / outlet structure is modelled correctly?

Water Quality/LID:

- Provide a separate water quality drainage map. This should be full size, to scale, and have the LID basins clearly delineated.
- For the infiltration trench, the practice should be placed within existing slopes of 6% or less. Ensure that all 25 x 76 x 8 volume is all active.
- Provide geotechnical / infiltration information for the infiltration trench. 2 tests minimum are required.

WATER SERVICES RECOMMENDATION

Returned for corrections

- Sewer and water plan proposes the abandonment of a public sewer line. To accomplish this, the three lots that make up this development, must be consolidated into one lot, so no lots are cut off from public sewer. This consolidation can be accomplished via deed or plat, but must be done before this Final SP can be approved.
- FYI - All public water or sewer abandonments require a Mandatory Referral, before the project can be completed (this comment does not affect Final Site Plan approval, but will affect later permit approvals).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions.

CONDITIONS (if approved)

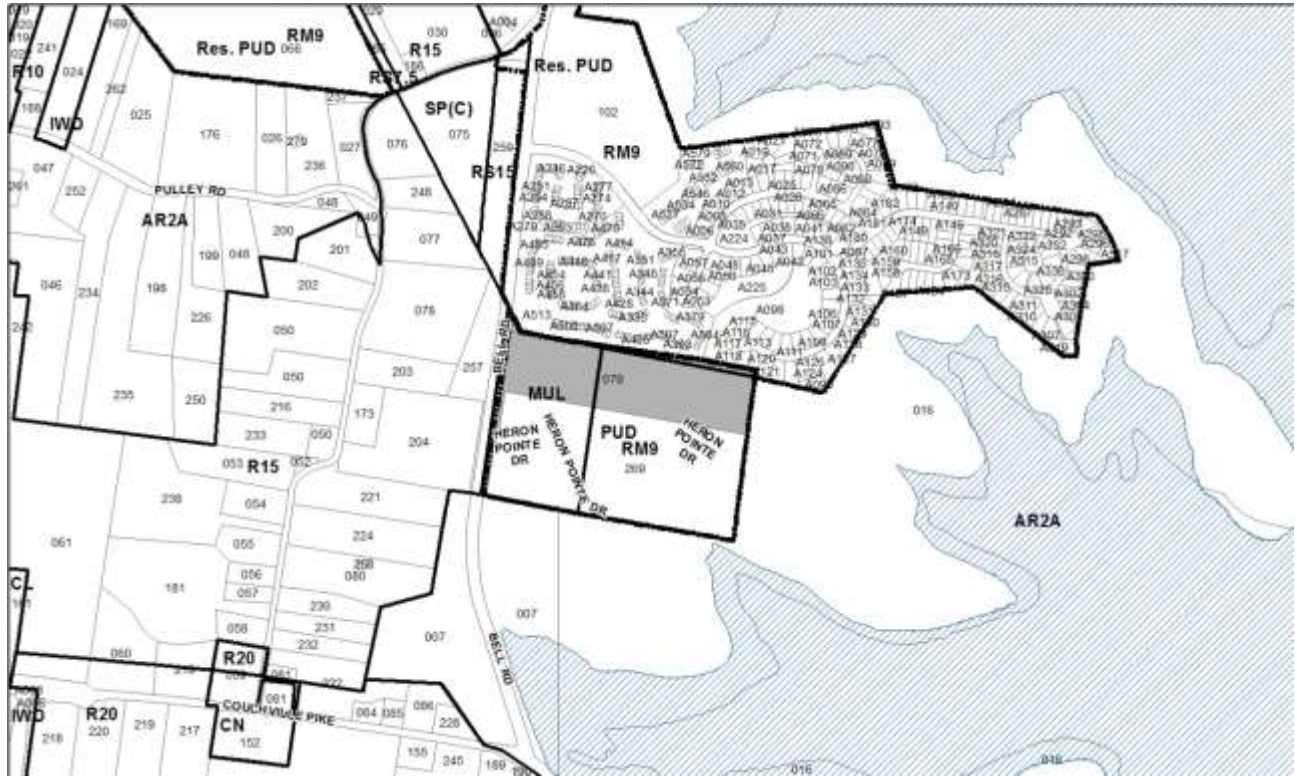
1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. 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.
4. The final site plan shall depict a minimum 5-foot clear path of travel for pedestrian ways, including public sidewalks, and the location of any existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions with the path of travel shall be relocated to provide a minimum of 5 feet of clear access.



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



2005P-028-003

HERN POINTE PHASE II

Map 121, Parcel(s) 079

14, Donelson – Hermitage – Old Hickory

13 (Holly Huevo)



Project No.	Planned Unit Development 2005P-028-003
Project Name	Heron Pointe Phase II
Council District	13 - Huevo
School District	7 - Pinkston
Requested by	Dale and Associates, applicant; Carillon II Investment Partners, owner.
Staff Reviewer	Napier
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Revise the preliminary plan for a Planned Unit Development Overlay District to permit 128 multi-family residential units.

Preliminary PUD

A request to revise the preliminary plan for a Planned Unit Development Overlay District on property located at Bell Road (unnumbered), approximately 1,025 feet south of Woodland Pointe Drive, zoned Mixed Use Limited (MUL) and Multi-Family Residential (RM9) (14.64 acres), to permit 128 multi-family residential units.

Existing Zoning

Multi-Family Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *RM9 would permit up to 83 dwelling units.*

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

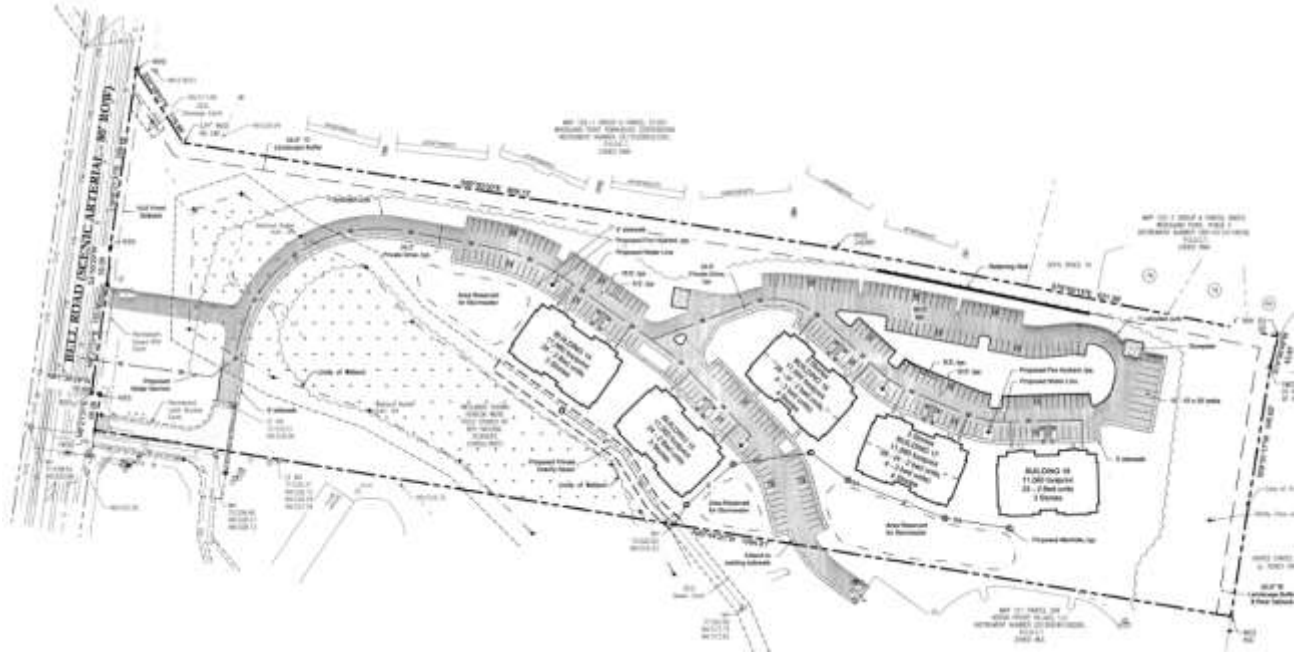
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The PUD was approved for 452 multi-family dwelling units.*

PLAN DETAILS

The site is located at Bell Road (unnumbered), approximately 1,025 feet south of Woodland Pointe Drive and contains a total of 14.94 acres within Phase 2. This revision applies to Phase 1 only. Phase two has been approved and constructed. Metro Council approved the Planned Unit Development, originally named Carillon PUD, in 2005 to permit 165,200 square feet of retail and office space along with 170 multi-family dwelling units. In 2011, the PUD was amended to permit 452 multi-family dwelling units. The PUD was renamed to Heron Pointe when the amendment was approved. To date, all 324 units in Phase 1 have been constructed.



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

This revision proposes one less multi-family structure in phase 2 than shown on the approved preliminary plan. A total of 5 multi-family structures are proposed by this revision containing a total of 128 multi-family units.

Site Plan

The plan includes a total of 128 multi-family residential units. Parking is provided in the form of surface lots with a total of 270 parking spaces, which exceeds the requirement of the Metro Code by 2 spaces. All of the proposed structures will front onto internal private drives. Access is provided through a private drive which connects to Bell Road. A secondary emergency access also connects to Bell Road and is secured by a gate. The site plan indicates 5 foot wide sidewalks will be provided along the internal drives and create an internal pedestrian pathway throughout the site. A connection to the existing sidewalks in Phase One is being made along the entrance drive towards the front of the site and between building 15 and 17.

The site plan indicates a 20 foot wide “B” landscape buffer along the eastern property line and a 20 foot wide “C” landscape buffer along the northern property line.

ANALYSIS

Section 17.40.120.F pertains to changes to an approved Planned Unit Development Overlay.

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



Metro Planning Commission Meeting 11/09/2017

The purpose of this revision is to permit 128 multi-family residential units. Staff finds that the proposed change is a minor modification and does not require Council approval. The revised plan is consistent with the concept of the Council approved plan. It does not add or remove land from the PUD boundary, nor does it modify any standards or conditions approved by Council. It does not increase the overall density from what was approved by Council, and it does not add uses that are currently not permitted (which would require a zone change).

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES

Approve with conditions

- Since individual water services are required for each parcel, this phase must perform a new public water main tap in Bell Road, and install a new water meter to serve it. Please revise the Utility Plan within the Final Site Plans, to show this water service layout. A shared water meter layout may only be used, if the two Heron Pointe parcels are consolidated into one parcel. (This revised Preliminary Site Plan does not show any connection to the public water system.)
- Once condition #1 has been addressed, and the remaining balance of the pump station maintenance fees have been paid, the Final Site Plan/PUD can be approved.

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.
- Additional solid waste and recycling location on the northern property is advised. The one location appears to be insufficient.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Comply with previous conditions of Council Bill BL2011-886.
- Developer shall conduct signal warrant analysis and submit to MPW traffic engineer for approval prior to final construction plan approval. If signal is warranted, Developer shall design signal plans and submit to MPW traffic engineer for approval and construct signal when directed by MPW traffic engineer.

STAFF RECOMMENDATION

Staff recommends approval with conditions.



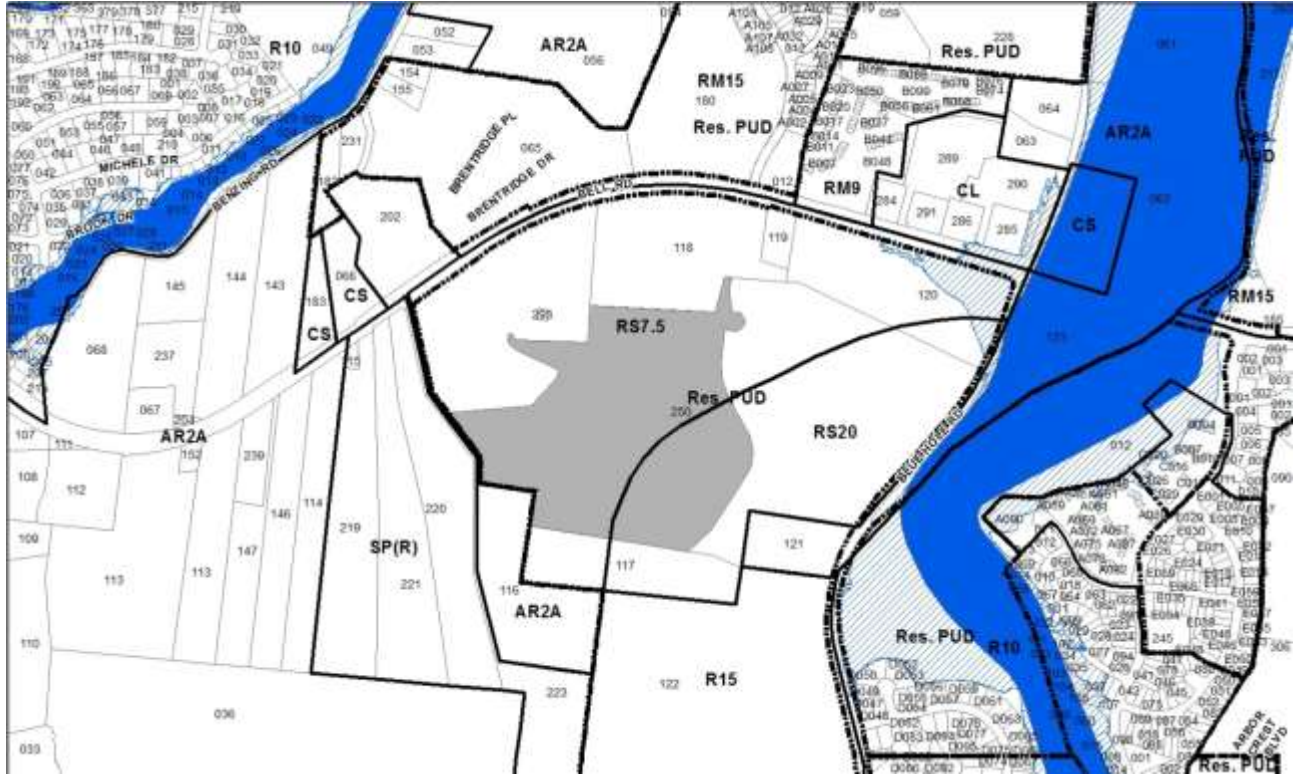
Metro Planning Commission Meeting 11/09/2017

CONDITIONS

1. Comply with all conditions of Public Works and Traffic and Parking.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.



Metro Planning Commission Meeting 11/09/2017



95P-025-003

MILLWOOD COMMONS (REVISION)

Map 162, Part of parcel(s) 250

12, Southeast

31 (Fabian Bedne)



Project No.	Planned Unit Development 95P-025-003
Project Name	Millwood Commons (Revision)
Council District	31 – Bedne
School District	2 – Brannon
Requested by	S&ME, Inc., applicant; Millwood Housing Partners, LLC, owner.
Staff Reviewer	Shepard
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST
Revision to a PUD.

Revise Preliminary PUD

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District on property located at 1430 Bell Road, southwest of the intersection of Blue Hole Road and Bell Road, zoned Single-Family Residential (RS20) and Single-Family Residential (RS7.5) (32.88 acres), to permit 256 multi-family residential units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 120 units. The maximum number of units in this development is governed by the PUD.*

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 16 units. The maximum number of units in this development is governed 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. *This PUD permits a maximum of 884 multi-family residential units and 116 single-family residential units. Final PUD plans have been approved for 532 multi-family residential units. A total of 352 multi-family residential units and 116 single-family residential units remain under the approved PUD.*



Metro Planning Commission Meeting 11/09/2017



Proposed Site Plan



Metro Planning Commission Meeting 11/09/2017

HISTORY

The Millwood Commons PUD consists of approximately 159 acres south of Bell Road and west of Blue Hole Road. Metro Council approved the original PUD plan in 1996. The original preliminary plan included 1,024 residential units, including 908 multi-family units and 116 single-family units. All of the multi-family units are located within the northern portion of the PUD adjacent to Bell Road, with the single-family units located at the southern end. The plan was revised in 2007 to reduce the number of multi-family units from 908 to 884, reducing the total number of units permitted in the PUD to 1,000. In 2015, the Metro Planning Commission approved a revision to preliminary and final site plan for 252 multi-family residential units located in the northwestern portion of the PUD, known as Phase 1A. In November of 2016, the Planning Commission approved a revision to preliminary and final site plan to permit 280 multi-family residential units in Phase 2, which is located immediately south of Bell Road.

PLAN DETAILS

The current request is to revise the preliminary plan to change the building layout for Phase 1B of the PUD. In the 2007 revision, Phase 1 was approved for a total of 548 units. Phase 1A, approved in 2015, included 252 multi-family residential units which are currently under construction. The current proposal for Phase 1B includes 256 multi-family residential units. The remaining 40 units permitted within Phase 1 under the 2007 revision are reserved for Phase 1C, which is not included in this application.

The 256 multi-family residential units proposed for Phase 1B are arranged in eight buildings along private drives. A clubhouse amenity building with swimming pool is also included. Vehicular access to this phase is provided via a connection to a private drive under construction as part of Phase 1A, as well as to Brittany Park Drive, a public road under construction as part of Phase 2. Brittany Park Drive connects to Bell Road at the northern edge of the PUD and is planned to extend south to serve Phase 1B and the single-family portions of the PUD in the future. The current Phase 1B will tie into Brittany Park Drive on the east and a temporary turnaround will be provided until the road is extended with future phases of development.

The plan includes a mix of one, two and three bedroom units. A total of 404 parking spaces are required to meet the standards of the Metro Zoning Ordinance for the bedroom mix provided. A total of 405 parking spaces are provided to serve this phase of the development. Six of the multi-family buildings will have some garage parking totaling 28 spaces. The remaining 377 parking spaces are provided in surface lots. Five-foot sidewalks are provided between the buildings and connecting each of the buildings to the parking areas along the access drives.

ANALYSIS

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.



Metro Planning Commission Meeting 11/09/2017

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



Metro Planning Commission Meeting 11/09/2017

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.

No changes are being proposed that conflict with the concept of the Council approved plan. The revised site layout for Phase 1B is consistent with the concept of the PUD and does not include any unapproved uses, increases in the number of residential dwelling units, or changes in access points. Consequently, staff finds that the proposed revision is a minor modification. As the proposed revision is consistent with the overall concept and intent of the PUD, staff recommends approval of the request.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Requires two ways in/out. If this occurs in a future phase, that will be acceptable.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- For the latest PUD revision (stamped-received 10/20/17), MWS approves as a Preliminary PUD only.
- Public sewer construction plans must be submitted and approved prior to Final Site Plan/PUD approval. (For the sewer abandonment and relocation shown on these plans. This abandonment will also require a Mandatory Referral.) These approved construction plans must match the Final Site Plan/PUD plans.
- The required capacity fees must also be paid prior to Final Site Plan/PUD approval.

PUBLIC WORKS RECOMMENDATION

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.
- Submit recorded copy of ROW dedication(s) to MPW prior to sign off on the building permit.
- Roadway connection from Bell Rd to the property is to be constructed prior to building permit issuance by MPW.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Road connection from Bell Rd opposite Brittany Park Dr to Phase 1 B apartments shall be constructed prior to final PUD plan approval.
- Coordinate with MTA (Jason Cole) to determine if a bus stop along apartment's Bell rd frontage is appropriate.



Metro Planning Commission Meeting 11/09/2017

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

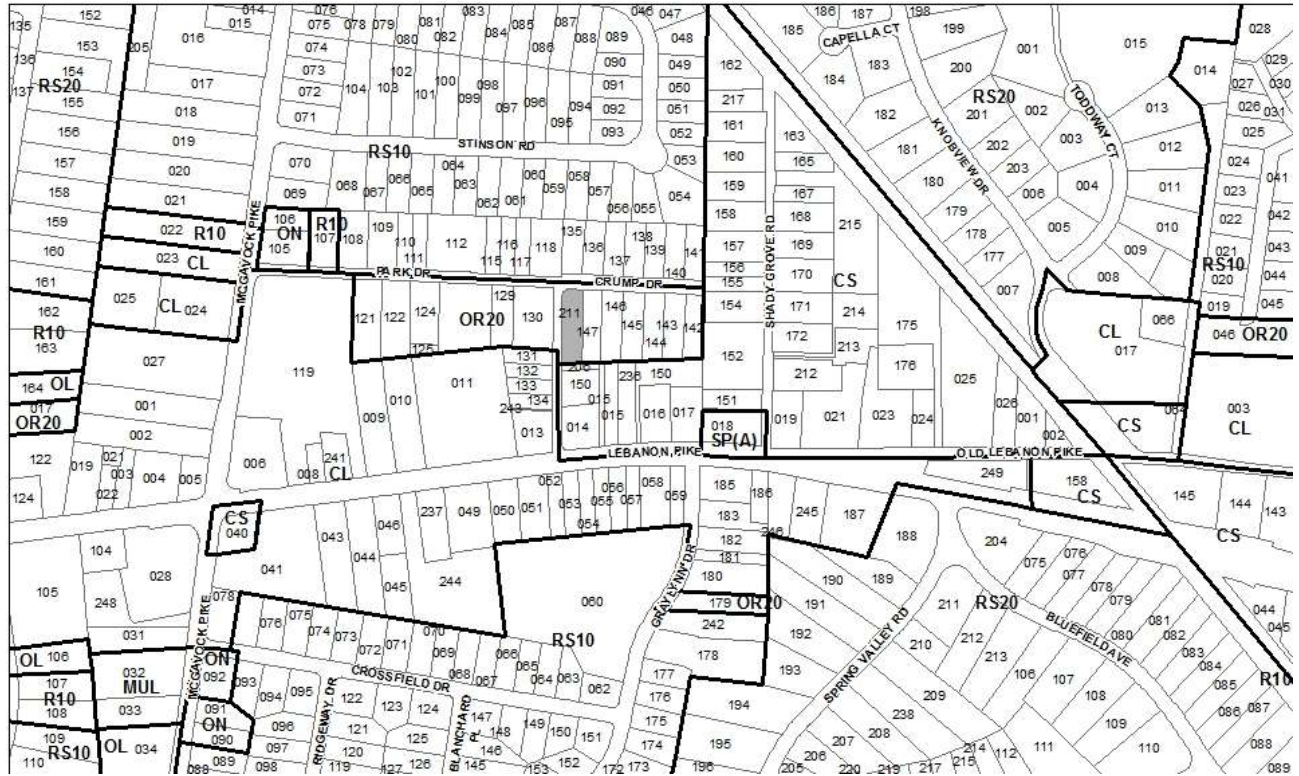
1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. 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.



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



2009UD-001-009
MASONRY SPECIALTY OFFICE BUILDING
Map 084-16, Parcel(s) 211
14, Donelson – Hermitage – Old Hickory
15 (Jeff Syracuse)



Project No.	UDO Final Site Plan and Modification 2009UD-001-009
Project Name	Masonry Specialty Office Building
Council District	15 – Syracuse
School District	4 – Shepherd
Requested by	Holland Holdings, LLC, applicant and owner.
Staff Reviewer	Buechler
Staff Recommendation	<i>Defer to the December 14, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions.</i>

APPLICANT REQUEST

Major modification of the setback along Crump Drive and minor modification of the setback along Park Drive, ground floor height, and glazing standards of the Downtown Donelson Urban Design Overlay and final site plan approval.

UDO Modification and Final Site Plan

A request for final site plan and modification approval on property located at 2540 Park Drive, at the corner of Park Drive and Crump Drive, zoned Office/Residential (OR20) and within the Downtown Donelson Urban Design Overlay District (0.39 acres), to permit an office building.

Existing Zoning

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

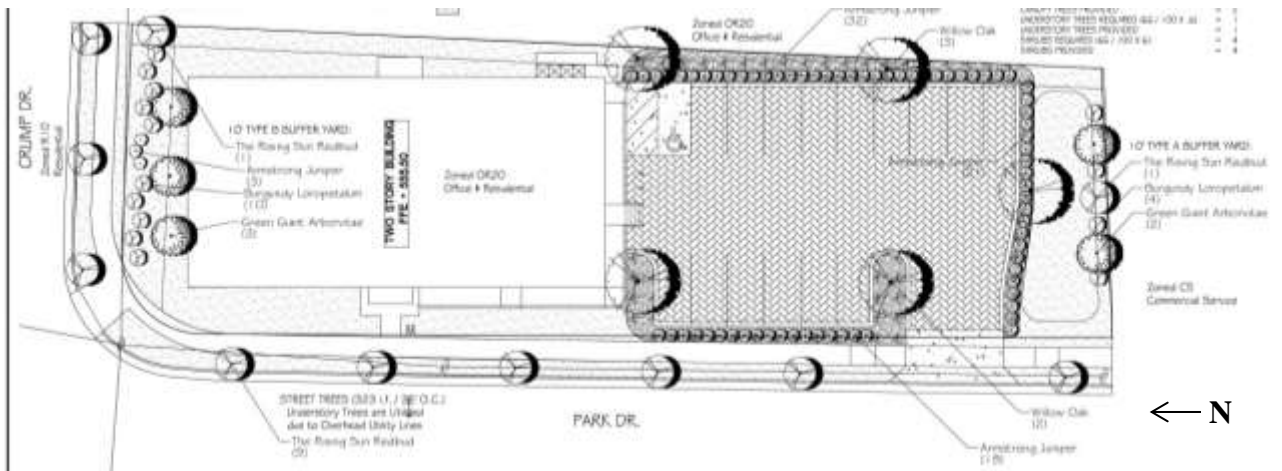
Downtown Donelson Urban Design Overlay (UDO) is intended to foster pedestrian friendly mixed-use development along the Lebanon Pike corridor through design standards for buildings, lots, access, parking, landscaping and signage. The UDO is organized into seven subdistricts that are each envisioned to have unique character and development standards. The proposed project is located within Subdistrict 2 of the UDO. The intent of this Subdistrict is to enhance the suburban character of the area while promoting a higher standard of design and an enhanced pedestrian environment.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

T4 Urban Community Center (T4 CC) is intended to maintain, enhance and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban communities generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.



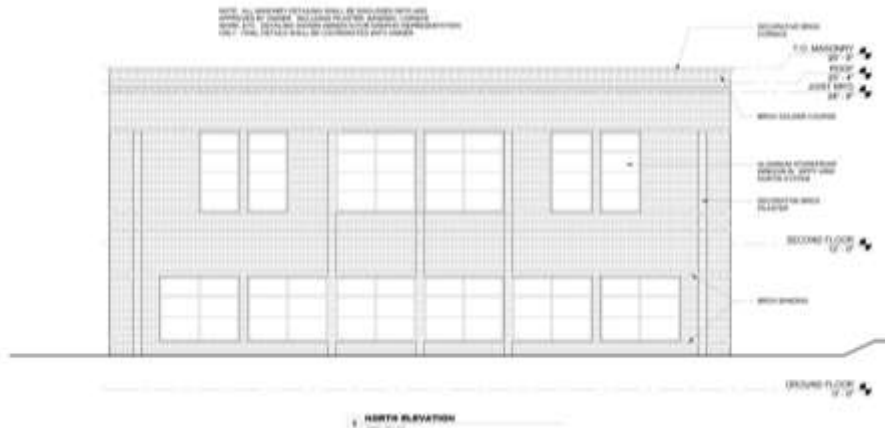
Metro Planning Commission Meeting 11/09/2017



Proposed Site / Landscape Plan



Proposed Park Drive Elevation



Proposed Crump Drive Elevation



Metro Planning Commission Meeting 11/09/2017

Consistent with Policy?

Yes. The project proposes an office use that will help to transition from the commercial development along the Lebanon Pike corridor to the adjacent T3 Suburban Neighborhood Evolving policy. The project is enhancing infrastructure by providing sidewalks that will improve pedestrian connectivity in the area.

PLAN DETAILS

The proposed project is an approximately 10,600 square foot office building located at the corner of Park Drive and Crump Drive. The two story building ranges from 24 to 30 feet in height along Park Drive due to the approximately 16 feet of grade change from the south to north property line. Access to the building is provided at grade along Park Drive.

ANALYSIS

The applicant is requesting a major modification to the setback standard along Crump Drive and minor modifications to the setback along Park Drive, ground floor height and glazing standards. Minor modifications are deviations of 20% or less of the standard that may be considered by the Planning Commission's designee (staff). Major modifications are deviations of 21% or more of the standard that are required to be considered by the Planning Commission. Overall, the proposed project is consistent with the intent of Subdistrict 2 of the UDO to enhance the suburban character of the area while promoting a higher standard of design and an enhanced pedestrian environment. The material of the building is proposed to be brick, and the site is adequately landscaped. The project provides sidewalks along the street frontages which will enhance the pedestrian environment.

Setback

The UDO requires a zero foot minimum and ten foot maximum setback along Park Drive and Crump Drive. The applicant is proposing a 14 – 16 foot setback along Crump Drive and an 11'6" setback along Park Drive. The setback modification along Park Drive is within 20% of the standard and would be considered a minor modification. The setback modification along Crump Drive is a major modification that is required to be considered by Planning Commission. The applicant is requesting the setback modifications due to the location of overhead power lines along Crump Drive and Park Drive and the 15' clearance required by NES. The applicant has located the building as close as possible to the property line while still being able to meet NES clearance standards.

Ground Floor Height

The UDO requires multi-story non-residential buildings to have a 14 foot ground floor height and the applicant is proposing 12 feet. The surrounding context is single story residential, office and commercial. The proposed 12 foot ground floor height would reduce the overall height of the building to be more in character with the surrounding context.

Glazing

The UDO requires a minimum 40% ground floor glazing for non-residential buildings, to be calculated from the average grade at the sidewalk to 14 feet above grade. Due to the proposed 12 foot ground floor height and the grade change on the site the applicant is requesting minor modifications to the ground floor glazing standards along Park Drive and Crump Drive. Along Park Drive the applicant is proposing 36% ground floor glazing measured at 14 feet above grade. If the



Metro Planning Commission Meeting 11/09/2017

glazing were measured at the 12 foot proposed ground floor height it would be 42% which exceeds the standard. Along Crump Drive the ground floor is three feet below grade due to the grade change on the site. Glazing is 37% measured to 14 feet above grade and 57% measured along the visible ground floor (9 feet above grade). The proposed project is meeting the intent of the ground floor glazing standard.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Returned for corrections

- Provide approved construction drawings prior to final UDO approval.

WATER SERVICES

Returned for corrections

- For the latest plan revision (stamped-received 10/3/17), our original comments still apply: Once the required capacity fees are paid (see MWS letter to Fulmer Engineering, dated 9/8/2017), the Final PUD/Site Plan can be approved.

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.
- Submit copy of ROW dedication to the back of the proposed sidewalk prior to building permit approval by MPW.

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions of the modifications and final site plan. The modifications and site plan are consistent with the intent of the UDO to enhance the suburban character of the area while promoting a higher standard of design and an enhanced pedestrian environment.

CONDITIONS (if approved)

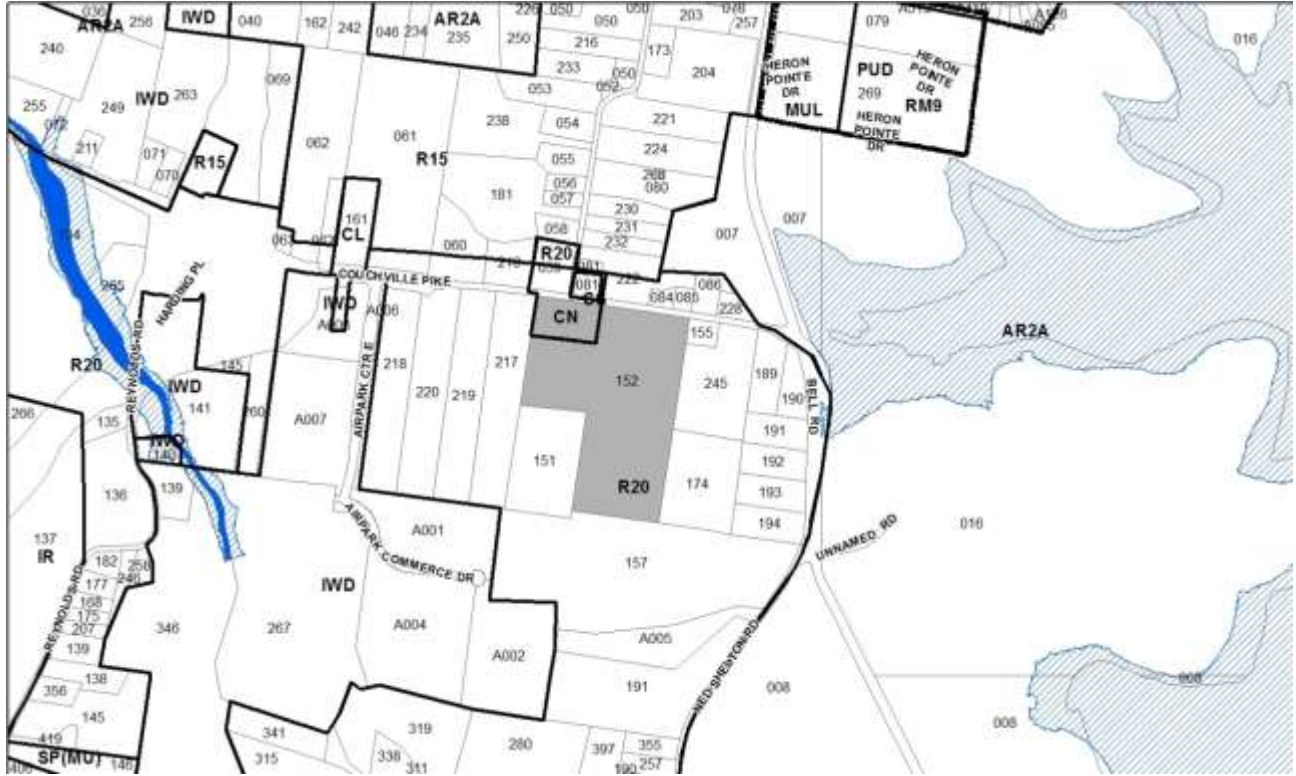
1. The requirements of all other agencies must be met prior to the issuance of building permits.



SEE NEXT PAGE



Metro Planning Commission Meeting 11/09/2017



2017Z-105PR-001
Map 121, Parcel(s) 152
13, Antioch-Priest Lake
29 (Karen Johnson)



Project No.	Zone Change 2017Z-105PR-001
Council District	29 - Johnson
School District	7- Pinkston
Requested by	StateStreet Group, LLC, applicant; Ray Dobson and Faith Francis, owners.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Zone change from R20 to IWD

Zone Change

A request to rezone from Commercial Neighborhood (CN) and One and Two-Family Residential (R20) to Industrial Warehousing/Distribution (IWD) zoning on property located at 2737 Couchville Pike, approximately 820 feet west of Bell Road (35 acres).

Existing Zoning

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 57 lots with 14 duplex lots for a total of 71 units, based on 31 acres.*

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.

Proposed Zoning

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

D Employment Center (D EC) is intended to enhance and create concentrations of employment that are often in a campus-like setting. A mixture of office and commercial uses are present, but are not necessarily vertically mixed. Light industrial uses may also be present in appropriate locations with careful attention paid to building form, site design, and operational performance standards to ensure compatibility with other uses in and adjacent to the D EC area. Secondary and supportive uses such as convenience retail, restaurants, and services for the employees and medium- to high-density residential are also present.

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.



Metro Planning Commission Meeting 11/09/2017

Consistent with Policy?

Yes. The policy supports light industrial uses in appropriate locations. District Employment Center policy is intended for non-retail uses that create economic activity and jobs. The proposed zone change would allow various uses pertaining to wholesaling, warehousing and bulk distribution uses, which are appropriate in the District Employment Center policy. The current zoning of the property is inconsistent with the policy and rezoning moves the property closer to the goals of the policy.

ANALYSIS

The property is located mid-block along Couchville Pike, west of Bell Road. The existing zoning of the site primarily allows single-family and two-family residential units. A small portion of the site allows for neighborhood commercial uses. The proposed zoning would allow various industrial uses which is appropriate in this area. While the property does contain small pockets of Conservation policy, the Conservation area does not prohibit development and would be addressed through stormwater buffer requirements at building permit review. The proposed IWD zoning is also consistent with the zoning pattern to the west of the property.

FIRE DEPARTMENT 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: **CN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	3.5	0.25	38,115 SF	1669	38	113

Maximum Uses in Existing Zoning District: **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	31.5	2.17 D	85 U	896	70	93

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehouse (150)	35	0.8	1,219,680 SF	4343	327	296



Metro Planning Commission Meeting 11/09/2017

Traffic changes between maximum:

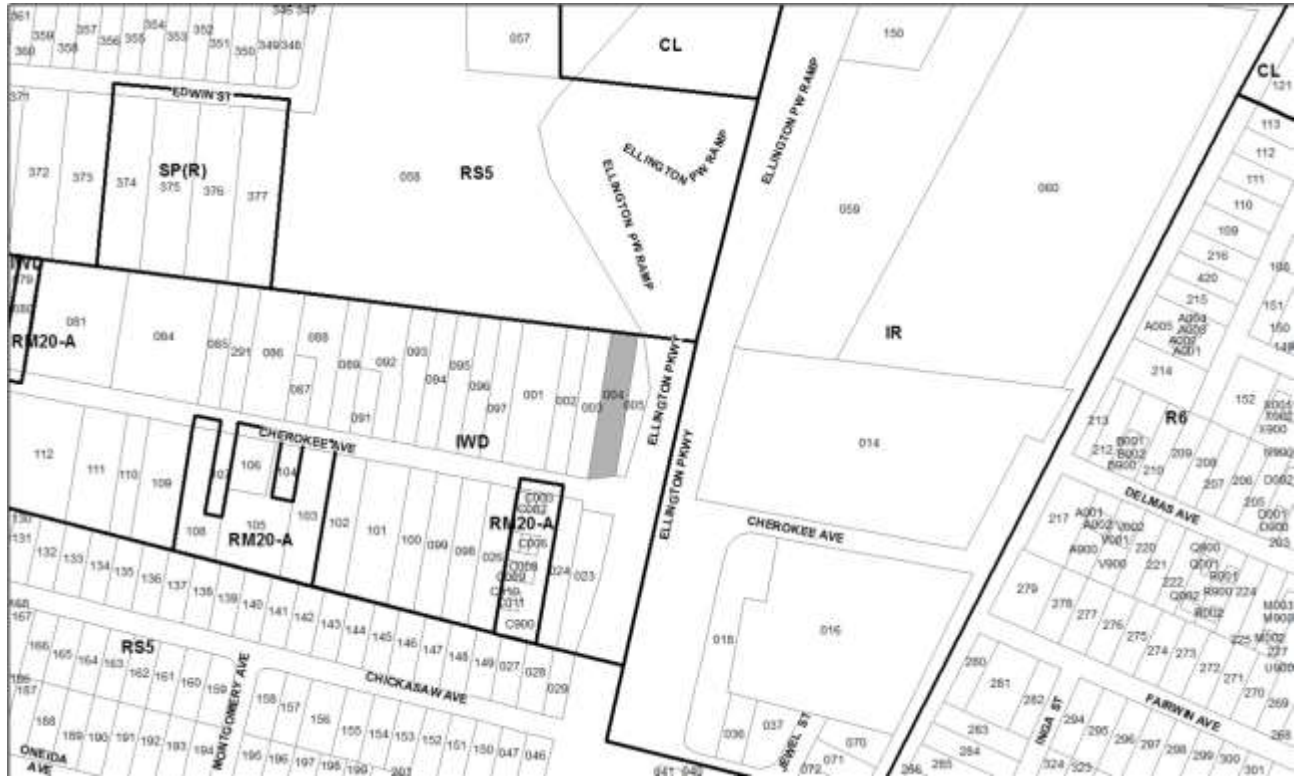
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,778	+219	+90

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting 11/09/2017



2017Z-112PR-001
Map 072-09, Parcel(s) 004
05, East Nashville
05 (Scott Davis)



Project No.	Zone Change 2017Z-112PR-001
Council District	05 – Davis
School District	5 – Buggs
Requested by	Rhythm Homes and Development, LLC, applicant; Paul and Rosemarie Aponte, owners.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Zone change from IWD to RM20-A.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at 851 Cherokee Avenue, approximately 1,900 feet east of Jones Avenue (0.48 acres).

Existing Zoning

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 9 units.*

EAST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

The proposed zone change is consistent with policy, which is intended to enhance urban neighborhoods by providing a diversity of housing in mixed use areas. Cherokee Avenue contains mixed residential, non-residential, and vacant land uses where additional residential units may be supported by the surrounding development pattern. The site is located in an area of T4 MU policy that is adjacent to Neighborhood Evolving policy (north and south). The site is located south of E. Trinity Lane, which is identified by NashvilleNext as a high capacity transit corridor that transitions to a Tier 2 Center near Ellington Parkway. NashvilleNext identifies this site as a transition or infill area, where higher density housing is appropriate along and around corridors and centers to provide a harmonious connection to surrounding neighborhoods. Rezoning from IWD to RM20-A will allow the site to redevelop in a manner that is consistent with the policy and the surrounding context.



Metro Planning Commission Meeting 11/09/2017

ANALYSIS

The site is located on the north side of Cherokee Avenue, west of Ellington Parkway and north of Chickasaw Avenue. The 0.48-acre parcel is vacant. The existing land use pattern along the block contains a mixture of industrial, commercial, institutional, office, and residential development. Ellington Parkway bisects Cherokee Avenue and is generally the dividing line between lower intensity residential and non-residential uses (west) and more intense non-residential land uses (north and east) along the E. Trinity Lane corridor and Ellington Parkway.

The requested rezoning from IWD to RM20-A creates potential for redevelopment that is consistent with T4 MU policy. T4 MU policy was purposefully applied to this area with the adoption of NashvilleNext to encourage development that is compatible with the surrounding area. The RM20-A zoning district supports moderate-intensity residential development that contributes to the mixed-use development pattern along the block. Rezoning to a non-industrial zoning district encourages less intense land uses in an area which is envisioned to become primarily mixed use, consistent with the policy and surrounding context. Multi-family residential development at the site will provide additional housing opportunities in proximity to non-residential land uses, bringing the site closer to the goals of the policy by enhancing and creating urban mixed use neighborhoods.

The RM20-A district includes standards for development including the location of a building and its associated parking, and minimum foundation, glazing, and façade requirements. Rezoning to an alternative zoning district will ensure that future development is consistent with the T4 Mixed Use Neighborhood policy and with the surrounding context. Prior to development, the applicant may be required to perform a traffic impact study to address the increased vehicle trips which may result from the potential increase in density generated by the future development of this site.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Traffic study may be required at the time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.48	0.8	16,727 SF	60	31	19

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)	0.48		9 U	179	9	23



Metro Planning Commission Meeting 11/09/2017

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		119	-22	4

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM20-A district: 3 Elementary 1 Middle 1 High

The proposed zoning is expected to generate 5 additional students beyond the existing zoning. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood 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.

STAFF RECOMMENDATION

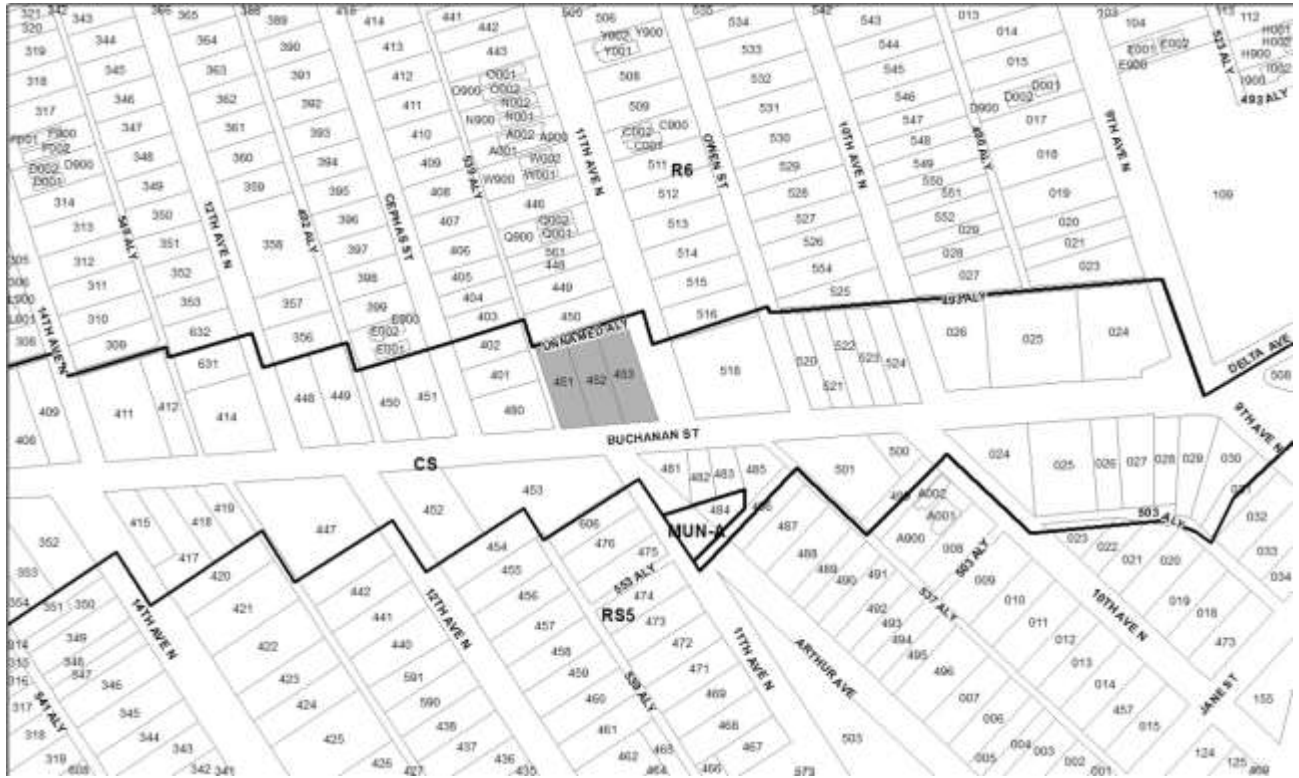
Staff recommends approval with conditions as the request is consistent with the T4 Urban Mixed Use Neighborhood policy.

CONDITIONS

1. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.



Metro Planning Commission Meeting 11/09/2017



2017Z-113PR-001

Map 081-07, Parcel(s) 451, 452, 453

08, North Nashville

21 (Ed Kindall)



Project No.
Council District
School District
Requested by

Zone Change 2017Z-113PR-001
21 – Kindall
1 – Gentry
Fulmer Engineering, applicant; 1102 Buchanan, LLC and
Early McGowan, Jr., owners.

Staff Reviewer
Staff Recommendation

Hill
Approve with conditions.

APPLICANT REQUEST

Zone change from CS to MUL-A

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Limited – Alternative (MUL-A) zoning on properties located at 1100, 1102 and 1104 Buchanan Street, at the northwest corner of Buchanan Street and 11th Avenue North (0.54 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

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..

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The rezoning permits a mixture of uses, including residential and commercial, consistent with the T4 CM policy. The site is located along Buchanan Street, which is identified as a collector by the Major and Collector Street Plan and the site is approximately 1,500 feet from a NashvilleNext designated Tier 1 center. Additionally, Buchanan Street features existing MTA service while the site is located approximately 60 feet from the nearest MTA bus stop. The site has high levels of connectivity including an existing alley network. The proposed rezoning brings the property closer to the goals of the policy by encouraging mixed use development with higher density residential development located along Buchanan Street.

ANALYSIS

This requested rezoning to MUL-A is consistent with the surrounding land uses and land policies of the area. The parcels are located on approximately 0.54 acres on the north side of Buchanan Street,



Metro Planning Commission Meeting 11/09/2017

at the northwest corner of the intersection of Buchanan Street and 11th Avenue North. The site currently contains an office building and an associated parking lot. Buchanan Street is designated in the Major and Collector Street Plan as a mixed use collector avenue, and surrounding land uses along the corridor include a mixture of institutional, commercial, and office uses. The proposed rezoning allows for redevelopment of parcels that have existing infrastructure in a way that enhances the street frontages and meets the goals of the policy. The bulk and building placement standards associated with MUL-A zoning ensure mixed-use development that addresses the pedestrian realm and limits the amount of parking between the building and the street. Prior to development, the applicant may be required to perform a traffic impact study to address the increased vehicle trips which may result from the potential increase in density generated by the future development of this site.

FIRE MARSHAL 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: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.54	0.6	14,113 SF	642	19	56

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
Multi-Family Residential (220)	0.3	1.0	13 U	203	11	25

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
Office (710)	0.12	1.0	5,227 SF	138	18	18

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)	0.12	1.0	5,227 SF	262	12	35



Metro Planning Commission Meeting 11/09/2017

Traffic changes between maximum: CS and MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		-39	-22	-22

STAFF RECOMMENDATION

Staff recommends approval with conditions as the request is consistent with the T4 Mixed Use Corridor policy.

CONDITIONS

1. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.



Metro Planning Commission Meeting 11/09/2017



2017Z-115PR-001

Map 092-10, Parcel(s) 349, 356, 359, 414
08, North Nashville
21 (Ed Kindall)



Project No.	Zone Change 2017Z-115PR-001
Council District	21 – Kindall
School District	5 – Buggs
Requested by	S&ME, Inc., applicant; Joseph & Peggy Bell and James & Virginia Cameron, owners.
Staff Reviewer	Shepard
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Zone change from IR to MUG-A.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use General – Alternative (MUG-A) zoning for properties located at 607, 608, and 616 25th Ave N and 25th Ave N (unnumbered), at the corner of Clifton Avenue and 25th Ave N (2.12 acres).

Existing Zoning

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

NORTH NASHVILLE COMMUNITY PLAN

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

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

Consistent with Policy?

The properties included in this rezoning request are located within two different land use policy areas. Parcel 349, located at the southwest corner of the intersection of Clifton Avenue and 25th Avenue North, is located in an area of T4 Urban Mixed Use Corridor policy. The remainder of the zone change area falls within an area of T4 Urban Mixed Use Neighborhood policy. Both T4 MU and T4 CM policies support a variety of multi-family residential and mixed use zoning districts with a range of intensities. Both policies may also support other zoning districts based on the



Metro Planning Commission Meeting 11/09/2017

locational characteristics of the subject property.

The portions of the zone change area within T4 MU policy are identified as part of a Tier One Center in NashvilleNext, and the portions within T4 CM policy are identified as an infill and transition area. The zone change area is also immediately adjacent to an area of T5 Center Mixed Use Neighborhood policy, which extends from Felicia Street on the south side of the subject properties into the Midtown area along the Charlotte Avenue, Broadway Avenue, and West End Avenue corridors. T5 Centers are generally larger areas that are more intensely developed with a regional service area, and this T5 MU area is intended to be one of the more intense areas of Davidson County with major employment centers and a diverse mix of residential and nonresidential uses. The requested MUG-A zoning would encourage continuation of a moderate and consistent intensity along the Clifton Avenue corridor to the intersection of Felicia Street, 24th Avenue North, and Clifton Avenue, appropriately transitioning to the higher intensity policy area.

ANALYSIS

The zone change area includes four parcels located along 25th Avenue North immediately south of Clifton Avenue. Parcel 349, located at the southwest corner of the intersection of 25th Avenue North and Clifton Avenue contains an existing commercial use. Two of the remaining parcels are used for parking, and the other is vacant. A mix of zoning districts is present in the area, including industrial, office/residential, and mixed use zoning districts with multi-family residential, institutional, and industrial land uses. A large area of Mixed Use Intensive – Alternative (MUI-A) and MUG-A zoning is located south of the zone change area between Felicia Street and Charlotte Avenue.

The zone change area, including the portions within T4 CM and T4 MU policy, has an urban framework defined by an existing network of streets and alleys. The requested zoning, MUG-A, is a design-based zoning district with standards for building placement and location of parking that ensure the development addresses the corridor and enhances the pedestrian realm. MUG-A zoning would yield an intensity of development and building form generally consistent with the design principles of both T4 MU and T4 CM policy and would ensure consistent development of the area in a manner that transitions appropriately to the more intense T5 Center to the south and east.

FIRE DEPARTMENT 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: **IR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.12	0.6	55,408 SF	198	60	41



Metro Planning Commission Meeting 11/09/2017

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.0	3.0	130 U	912	68	90

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.06	3.0	138,520 SF	1715	244	234

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.06	3.0	138,520 SF	5964	117	354

Traffic changes between maximum: **IR and MUG-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		8393	369	637

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed MUG-A district: 38 Elementary 26 Middle 22 High

The proposed MUG-A zoning district will generate 86 additional students beyond what would be generated under the existing IR zoning, assuming 40% of the floor area is utilized for non-residential uses. Students would attend Park Avenue Enhanced Option Elementary School, McKissack Middle School, and Pearl Cohn High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

Staff recommends approval with conditions as this request is consistent with policy at this location.

CONDITIONS

1. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.



NO SKETCH



Project Nos.	Text Amendment 2017Z-025TX-001
Project Name	Artisan Manufacturing
Council Bill No.	BL2017-980
Council District	Countywide
School District	Countywide
Requested by	Councilmember Fabian Bedne
Staff Reviewer	Logan
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Amend the Zoning Code pertaining to multi-family uses related to artisan manufacturing.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.16.030.E of the Zoning Code as follows:

Multi-family uses accessory to an artisan manufacturing use

ANALYSIS

The Artisan Manufacturing use was created in 2015 by BL2015-1121 in order to allow underutilized industrial land to create opportunities for artisans, craftsmen and makers to live, work and create. In addition to creating this use, this ordinance allowed certain associated uses in industrial areas. The intensity of associated uses was limited in industrial areas in order to prevent the displacement of industrial uses.

The proposed amendment is a clarifying amendment only. It clarifies that multi-family uses in industrial areas are only permitted if they are associated with artisan manufacturing. This was clear in the 2015 ordinance, but it was less clear when the 2015 ordinance was incorporated into the Zoning Code. There is no substantive change with the proposed amendment.

STAFF RECOMMENDATION

Staff recommends approval.

ORDINANCE BL2017-980

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.16.030.E regarding multi-family units associated with artisan manufacturing (Proposal No. 2017Z-025TX-001).

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



Metro Planning Commission Meeting 11/09/2017

Section 1. That Section 17.16.030.E (Multi-family) of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following phrase to the end of the title of the section:

uses accessory to an artisan manufacturing use.

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: Fabian Bedne



SEE NEXT PAGE



NO SKETCH



Project Nos. and Council Bill Nos.

**Text Amendment 2017Z-024TX-001, BL2017-937
Text Amendment 2017Z-026TX-001, BL2017-981
Text Amendment 2017Z-027TX-001, BL2017-982**

**Project Name
Council District
School District**

Short Term Rental Properties
Countywide
Countywide

**Staff Reviewer
Staff Recommendation**

Logan
*Approve Substitute Ordinance BL2017-937.
Approve Ordinance BL2017-981 with amendments.
Approve Ordinance BL2017-982 with amendments.*

TEXT AMENDMENTS

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

HISTORY

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.

The Metro Council is currently considering BL2017-608, which is scheduled for third reading on January 2, 2018. BL2017-608 would create two uses: STRP (Owner-Occupied) and STRP (Not Owner-Occupied). STRP (Owner-occupied) would remain 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, 2020. The Planning Commission approved this ordinance on April 27, 2017.

PROPOSED TITLE 17 (ZONING CODE) AMENDMENTS

BL2017-937 is currently pending at Metro Council, but does not include any specific changes to Title 17. However, after convening multiple meetings of the STRP Committee of Metro Council, Councilmember Shulman intends to introduce the substitute included at the end of this staff report at the November 7, 2017, Metro Council meeting. This substitute revises the Zoning Code to create two uses: STRP (Owner-Occupied) and STRP (Not Owner-Occupied). STRP (Owner-occupied) would remain an accessory use to residential uses. STRP (Not Owner-Occupied) would be a commercial use that is permitted with conditions in the same zoning districts. This ordinance would allow permits issued under previous regulations to be renewed. Additionally, this ordinance would also allow new



Metro Planning Commission Meeting 11/09/2017

STRP (Not Owner-Occupied) permits in Single-Family and One and Two-Family zoning districts with the following regulations:

- there must be permits available within the census tract limitations of 3% within the UZO and 1% outside of the UZO,
- the property proposed for STRP must not be located within a radius of less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another STRP - Not Owner-Occupied use is located,
- occupancy is decreased to twice the number of sleeping rooms plus four, or ten occupants, whichever is less,
- the number of violations for a permit revocation decreases from three to two,
- a waiting period of one year is required for permit applications for properties where permits have been revoked or properties found to be operating without a permit.

BL2017-981 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. Proposed amendments are included to clarify, but not change the intent of the ordinance.

BL2017-982 revises the Zoning Code to allow a permanent resident-owner of a unit in a two-family dwelling to obtain an STRP Owner-Occupied permit for the other unit of the two-family dwelling under common ownership. This ordinance cannot be approved with BL2017-608 unless a change is also made to the definition of owner-occupied in BL2017-608. Otherwise, the proposed amendment is intended to allow this BL2017-982 to work with BL2017-608, BL2017-937, or BL2017-981.

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.



Metro Planning Commission Meeting 11/09/2017

There is dispute among stakeholders regarding the degree to which STRPs disrupt the character and enjoyment of neighborhoods and whether STRP (Not Owner-Occupied) should be considered a home-based business. 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.

COMPARISON OF COMPREHENSIVE STRP ORDINANCES

	BL2017-608	BL2017-937	BL2017-981
Creates STRP (Owner-Occupied) as a use Accessory to Residential uses	Yes	Yes	Yes
Creates STRP (Not Owner-Occupied) as Permitted with Conditions use	Yes	Yes	Yes
Allows renewals of existing Non Owner-Occupied permits in Single-Family and One and Two-Family zoning districts	Until June 28, 2020	Yes	Yes
Allows new Not Owner-Occupied permits in Single-Family and One and Two-Family zoning districts	No	Yes, with additional regulations	No

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.

ZONING ADMINISTRATOR RECOMMENDATION

BL2017-937 – Approve substitute.
BL2017-981 – Approve with amendments.
BL2017-982 – Approve with amendments.

STAFF RECOMMENDATION

Staff recommends the following:

- Approval of Substitute Ordinance BL2017-937.
- Approval of Ordinance BL20217-981 with amendments.
- Approval of Ordinance BL20217-982 with amendments.

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 for home-based businesses.



Metro Planning Commission Meeting 11/09/2017

SUBSTITUTE ORDINANCE NO. BL2017-937

Staff recommendation: Approve the substitute, shown in strikethrough and underline.

An ordinance amending Title 6 and sections 17.04.060, 17.08.030, 17.16.250, and 17.16.070 of the Metropolitan Code of Laws ~~to add a new Chapter 6.83 pertaining to a short term rental properties advisory committee~~ and to establish regulations regarding short term rental properties and to establish distinct land uses for “Short term rental property – Owner-Occupied” and “Short term rental property – Not Owner-Occupied.” (Proposal no. 2017Z-024TX-001).

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

Section 1: Section 1 of Ordinance No. BL2017-937 is deleted in its entirety.

~~Section 1. That Title 6 of the Metropolitan Code of Laws is hereby amended by adding a new Chapter 6.83 as follows:~~

~~Chapter 6.83 – Short Term Rental Property Advisory Committee.~~

~~There is hereby established a Short Term Rental Property (STRP) Advisory Committee composed of a representative of the Mayor’s Office, the Metropolitan Council, the Metropolitan Police Department, the Department of Codes Administration, and the Metropolitan Planning Department. Each respective agency representative is to be selected by the head or presiding officer of that respective entity or agency. The purpose of the Advisory Committee is to meet on a quarterly basis to review reports on (i) the permitting of all STRP applications, (ii) the status of existing complaints filed against STRP properties, and (iii) the most up-to-date reports on the status of any STRP properties operating without proper permits. After each quarterly meeting, the Committee is to submit a report, based upon the information provided at the quarterly meeting, to the members of the Metropolitan Council.~~

Section 2: Section 2 of Ordinance No. BL2017-937 is deleted in its entirety and the following is substituted therefore:

~~Section 2. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Office of the Mayor, the Director of the Codes Administration, the Chief of the Metropolitan Police Department, and to the Director of the Planning Department.~~

Section 2. That Section 17.04.060 (Definitions of general terms) of the Metropolitan Code of Laws is hereby further amended by deleting the definition for “Short term rental property (STRP)” therein and substituting the following in lieu thereof:



Metro Planning Commission Meeting 11/09/2017

“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 3: Section 3 of Ordinance No. BL2017-937 is deleted in its entirety and the following is substituted therefore:

~~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.~~

Section 3. 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 4: A new Section 4 is added to Ordinance No. BL2017-937 as follows:

Section 4. 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, SCR, IWD, IR and IG.

Section 5: A new Section 5 is added to Ordinance No. BL2017-937 as follows:

Section 5. 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, 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, SCR, IWD, IR and IG.

Section 6: A new Section 6 is added to Ordinance No. BL2017-937 as follows:

Section 6. That Section 17.16.070 (Commercial uses) 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. Requirements and restrictions



Metro Planning Commission Meeting 11/09/2017

- 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.
 - b. Any advertising or description of a STRP on any internet website must prominently display the permit number for the STRP unit.
 - c. For properties within the Urban Zoning Overlay (UZO) district, no more than three percent (3%) of the single-family or two-family residential units within each census tract shall be permitted as STRP – Not Owner-Occupied use. For properties outside of the Urban Zoning Overlay (UZO) district, no more than one percent (1%) of the single-family or two-family residential units within each census tract shall be permitted as STRP – Not Owner-Occupied use.
 - d. In Single-Family and One and Two-Family zoning districts, no property proposed for STRP - Not Owner-Occupied use shall be located within a radius of less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another STRP - Not Owner-Occupied use is located.
 - e. Only one (1) permit shall be issued per lot in single-family and two-family zoning districts.
 - f. In IWD, IR, and IG, STRP – Not Owner-Occupied is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.
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 (25) 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.
 - v. 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.



Metro Planning Commission Meeting 11/09/2017

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 applicable provisions of the Metropolitan Code of Laws, including without limitation:

(i) all regulations regarding the public peace, morals and welfare contained in Title 11 thereof, including Sections 11.12.070 (excessive noise); 11.12.010 (disorderly conduct); 11.16.020 (indecent exposure); and 11.12.060 (disorderly house – prostitution, gambling and rowdiness);

(ii) all applicable waste management provisions of Chapter 10.20 and the applicable property standards of 16.24 of the Metropolitan Code; and

(iii) all applicable parking provisions of Section 17.20.030 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 (i) more than twice the number of sleeping rooms plus four, or (ii) ten occupants, whichever is less. 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.

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

(2) 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



Metro Planning Commission Meeting 11/09/2017

regulations promulgated by the Metro Codes Department. All such renewal applications shall include:

(a) the payment of the required renewal fee; and

(b) a statement, verified by affidavit, that:

(i) includes all of the information required in an application under Section 17.16.070.U.2; and

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

(3) 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.

(4) 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 the required renewal fee, and the submission of a statement verified by affidavit that includes all of the information required in an application under Section 17.16.070.U.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.

(1) 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.

(2) If the Zoning Administrator determines, based on reasonably reliable information -- 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 two (2) 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.

(3) 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.

(4) 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. The zoning administrator's decision to deny a permit shall stand, unless the appellant shows, through clear and convincing evidence, that the decision should be reversed. The burden remains upon the applicant-appellant to make such a showing.

(5) 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 revocation.

(6) The penalty for operating a short term rental property without a permit shall be:



Metro Planning Commission Meeting 11/09/2017

- a) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.
- b) Upon a finding by the Board of Zoning Appeals that a short term rental property has operated without a permit, there shall be a waiting period of one year from the date of such finding for the property to become eligible for a STRP permit.
- c) 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 7: A new Section 7 is added to Ordinance No. BL2017-937 as follows:

Section 7. That section 17.16.250.E of the Metropolitan Code of Laws is hereby amended by changing the name from “Short term rental property (STRP).” to “Short term rental property (STRP) – Owner-Occupied.”

Section 8: A new Section 8 is added to Ordinance No. BL2017-937 as follows:

Section 8. That Section 17.16.250.E of the Metropolitan Code is hereby further amended by deleting subsection 17.16.250.E.1 in its entirety and substituting the following in lieu thereof:

- 1. Requirements and restrictions
 - 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.
 - b. Any advertising or description of a STRP on any internet website must prominently display the permit number for the STRP unit.
 - c. Only one (1) permit shall be issued per lot in single-family and two-family zoning districts.
 - d. In IWD, IR, and IG, STRP – Owner-Occupied is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.
 - e. To qualify for an STRP - Owner-occupied permit, the owner of the property shall permanently resides in the STRP or, for conforming uses in Single-Family and One and Two-Family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.
 - f. Ownership of two-family dwellings.
 - a. The property ownership of the two-family units cannot be divided.



Metro Planning Commission Meeting 11/09/2017

- b. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
- c. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP – Owner-Occupied permit is valid.

Section 9: A new Section 9 is added to Ordinance No. BL2017-937 as follows:

Section 9. Section 17.16.250.E of the Metropolitan Code of Laws is hereby further amended by deleting the second “that” in subsections 17.16.250.E.2.b.v.

Section 10: A new Section 10 is added to Ordinance No. BL2017-937 as follows:

Section 10. Section 17.16.250.E of the Metropolitan Code of Laws is hereby further amended by deleting subsection 16.16.250.E.4 in its entirety and substituting the following therefore:

4. Regulations.

a. All STRP occupants shall abide by applicable provisions of the Metropolitan Code of Laws, including without limitation:

- (i) all regulations regarding the public peace, morals and welfare contained in Title 11 thereof, including Sections 11.12.070 (excessive noise); 11.12.010 (disorderly conduct); 11.16.020 (indecent exposure); and 11.12.060 (disorderly house – prostitution, gambling and rowdiness);
- (ii) all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code; and
- (iii) all applicable parking provisions of Section 17.20.030 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 (i) more than twice the number of sleeping rooms plus four, or (ii) ten occupants, whichever is less. 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



Metro Planning Commission Meeting 11/09/2017

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.

 - (1) A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
 - (2) 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:

 - (a) the payment of the required renewal fee; and
 - (b) a statement, verified by affidavit, that:

 - (i) includes all of the information required in an application under Section 17.16.250.E.2; and
 - (ii) the STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
 - (3) 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.
 - (4) 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 the required 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.

 - (1) 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.
 - (2) If the Zoning Administrator determines, based on reasonably reliable information -- 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 two (2) violations of this section or other Code sections referenced in this



Metro Planning Commission Meeting 11/09/2017

- section have occurred within a 12 month period, the permit to operate a STRP may be revoked.
- (3) 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.
- (4) 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. The zoning administrator's decision to deny a permit shall stand, unless the appellant shows, through clear and convincing evidence, that the decision should be reversed. The burden remains upon the applicant-appellant to make such a showing.
- (5) 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 revocation.
- (6) The penalty for operating a short term rental property without a permit shall be:
- a) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.
 - b) Upon a finding by the Board of Zoning Appeals that a short term rental property has operated without a permit, there shall be a waiting period of one year from the date of such finding for the property to become eligible for a STRP permit.
 - c) 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 11: A new Section 11 is added to Ordinance No. BL2017-937 as follows:

Section 11: Notwithstanding the foregoing, properly issued and maintained permits issued under previous regulations may be renewed, subject to their compliance with operational regulations. Permits that have been revoked are not eligible for renewal.

Section 12: A new Section 12 is added to Ordinance No. BL2017-937 as follows:

Section 12. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Office of the Mayor, the Director of the Codes Administration, the Zoning Administrator, and to the Director of the Planning Department.

Section 13: A new Section 13 is added to Ordinance No. BL2017-937 as follows:

Section 13. This Ordinance shall be published in a newspaper of general circulation and shall take effect sixty (60) days from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Jim Shulman



Metro Planning Commission Meeting 11/09/2017

ORDINANCE NO. BL2017-981

Staff recommendation: Approve with amendments shown in strikethrough and underline.

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 renewal allowance for existing permitted uses. (Proposal No. 2017Z-026TX-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 definitions for “Owner-occupied” and “Short term rental property (STRP)” therein and substituting the following in lieu thereof:

~~“Owner-occupied” means the owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot; provided however that in order to qualify as owner-occupied, the owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.~~

“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) –



Metro Planning Commission Meeting 11/09/2017

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, 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 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.~~
 - 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.
 - b. Any advertising or description of a STRP on any internet website must 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.
 - c. In IWD, IR, and IG, STRP – Owner-Occupied is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.
 - d. To qualify for an STRP - Owner-occupied permit, the owner of the property shall permanently resides in the STRP or, for conforming uses in Single-Family and One and Two-Family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.

Section 7. 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



Metro Planning Commission Meeting 11/09/2017

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. In IWD, IR, and IG, STRP – Not Owner-Occupied is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.

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

3. 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.



Metro Planning Commission Meeting 11/09/2017

- 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 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.
 - 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 renewal fee, and the submission of a



Metro Planning Commission Meeting 11/09/2017

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 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;



Metro Planning Commission Meeting 11/09/2017

- (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 8. Notwithstanding the foregoing, properly issued and maintained permits issued under previous regulations may be renewed prior to their expiration, subject to their compliance with operational regulations. Permits that have been revoked are not eligible for renewal.

Section 9. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Office of the Mayor, Director of the Planning Department, the Director of the Department of Codes Administration, and the Zoning Administrator for the Department of Codes Administration.

Section 10. 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: Brett Withers

ORDINANCE NO. BL2017-982

Staff recommendation: Approve with amendments shown in strikethrough and underline.

An ordinance amending section 17.16.250 of the Metropolitan Code of Laws regarding Short term rental property – Owner-Occupied uses in two-family dwellings. (Proposal No. 2017Z-027TX-001).

NOW, 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 ~~deleting subsection 17.16.250.E.1 in its entirety and substituting the following in lieu thereof~~ adding at the end as the appropriately designated subsection:

~~2. 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~~



Metro Planning Commission Meeting 11/09/2017

~~obtained a STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.~~

- ~~b. Any advertising or description of a STRP on any internet website must (i) prominently display the permit number for the STRP unit; or (ii) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.~~
- ~~c. Only one (1) permit shall be issued per lot in single family and two-family zoning districts.~~
- ~~d. In two family dwellings, a permit may be issued for either dwelling unit, provided that (i) the entire two family dwelling is owned by a single owner, and (ii) one of the dwelling units is the primary residence of the owner.~~

Ownership of two-family dwellings.

- a. The property ownership of the two-family units cannot be divided.
- b. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
- c. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP – Owner-Occupied permit is valid.

Section 2. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Office of the Mayor, the Director of the Codes Administration, the Zoning Administrator, and to the Director of the Planning Department.

Section 3. This Ordinance shall be published in a newspaper of general circulation and shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Brett Withers