



METROPOLITAN PLANNING COMMISSION MINUTES

December 14, 2017
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Jeff Haynes
Lillian Blackshear
Ron Gobbell
Dr. Pearl Sims
Brian Tibbs
Daveisha Moore
Dr. Terry Jo Bichell
Councilmember Fabian Bedne

Staff Present:

Doug Sloan, Executive Director
Bob Leeman, Deputy Director
Carrie Logan, Assistant Director, Special Projects
George Rooker, Special Projects Manager
Kelly Adams, Admin Services Officer III
Lee Jones, Planning Manager II
Michael Briggs, Planning Manager I
Lisa Milligan, Planner III
Anita McCaig, Planner III
Latisha Birkeland, Planner II
Shawn Shepard, Planner II
Levi Hill, Planner II
Abbie Rickoff, Planner II
Patrick Napier, Planner I
Gene Burse, Planner I
Jessica Buechler, Planner I
Craig Owensby, Public Information Officer
Emily Lamb, Legal

J. DOUGLAS SLOAN, III

Secretary and Executive Director, Metro Planning Commission
Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
p: (615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

If you intend to speak during a meeting, you will be asked to fill out a short "Request to Speak" form.

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

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

Legal Notice

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



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

MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

Mr. Tibbs moved and Dr. Sims seconded the motion to adopt the agenda. (10-0)

C: APPROVAL OF NOVEMBER 9, 2017 MINUTES

Mr. Haynes moved and Dr. Gobbell seconded the motion to approve the November 9, 2017 minutes. (10-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Glover spoke in favor of Item 1a.

Councilmember O'Connell spoke in opposition to Items 24a-d.

Councilmember VanReece spoke in favor of Item 12.

Councilmember Rhoten spoke in opposition to Items 15 and Items 24a-d.

Councilmember Davis spoke in favor of Item 11.

Vice Mayor Briley spoke in favor of Item 24a.

E. MS. HALL TO PRESENT PROCESS OF NATIONWIDE SEARCH FOR NEW EXECUTIVE DIRECTOR FOR THE PLANNING DEPARTMENT.

Ms. Hall presented the process to search for a new Executive Director.

F: ITEMS FOR DEFERRAL / WITHDRAWAL

1b. 2017Z-029TX-001

1c. 2017Z-030TX-001

5. 2017NHL-001-002
DALEBROOK 37206

7. 2017S-243-001
ANDERSON ESTATES RESUB LOT 4 OF TRACT 14

9. 2009UD-001-009
MASONRY SPECIALTY OFFICE BUILDING

10. 2017Z-037PR-001

13. 2017SP-097-001
207 MYRTLE STREET SP

18. 2017Z-116PR-001

22. 2017Z-122PR-001

Councilmember Bedne moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (10-0)

Ms. Blackshear recused herself from Item 7 and Item 22.

G: CONSENT AGENDA ITEMS

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

2. **2016SP-062-001
EARHART SUBDIVISION SP**
3. **2017SP-084-001
WEST TRINITY LANE SP**
4. **2017SP-094-001
THE MEADOW VILLAGE AND VENUE SP**
8. **2017S-254-001
RIVERVIEW AT CUMBERLAND HILLS**
11. **2017Z-106PR-001**
12. **2017SP-093-001
ROYAL & WORTH SP**
14. **2017S-264-001
LENTILE 3 LOT SUBDIVISION**
16. **2004P-036-005
NASHVILLE WEST SHOPPING CENTER**
17. **2017UD-006-001
PAYNE ROAD UDO**
19. **2017Z-117PR-001**
20. **2017Z-118PR-001**
21. **2017Z-121PR-001**
23. **2017Z-123PR-001**
25. **Employee Contract amendment for Robert Leeman.**
26. **Employee Contract renewal for Jessica Buechler, Miranda Clements, Carrie Logan, Anita McCaig, and Lisa Milligan.**
27. **New Employee Contract for Daniel McDonnell.**
28. **Appointments to the 31st Ave & Long BLVD UDO Design Review Committee.**
29. **Sanitary Sewer Extension and Expansion Policy in Rural Areas.**
30. **An amendment to Metro Contract # L-3880 (A-37527) to extend the term of the original contract through June 30, 2018, to provide time for GNRC and TDOT to execute Long Range Transportation Planning Pass Through Contracts for benefit of the Nashville Area MPO.**
34. **Accept the Director's Report and Approve Administrative Items.**

Mr. Haynes moved and Mr. Gobbell seconded the motion to approve the Consent Agenda. (10-0)

Ms. Blackshear recused herself from Item 16 and Item 20.

Chairman Adkins recused himself from Item 16.

H: ITEMS TO BE CONSIDERED

1a. 2017Z-023TX-001

BL2017-938

Staff Reviewer: Carrie Logan

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, requested by Councilmember Steve Glover, applicant.

Staff Recommendation: Approve.

TEXT AMENDMENTS

Amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to sidewalk requirements.

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)

BL2017-983 adds an exception to Subsection 17.20.120.A (Applicability.) for Religious Institutions in certain circumstances. The exception states:

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

BL2017-983

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

BL2017-938 – Approve.

STAFF RECOMMENDATION

Staff recommends the following:

- Approval of Ordinance BL2017-938.
- Deferral of Ordinance BL2017-1029 to the January 11, 2018, Planning Commission meeting at the request of the applicant.
- Deferral of Ordinance BL2017-1030 to the January 11, 2018, Planning Commission meeting at the request of the applicant.

Councilmember Glover has indicated that he intends to defer the public hearings for BL2017-1029 and BL2017-1030 from the January 2, 2018, Metro Council meeting to the February 6, 2018, Metro Council meeting.

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

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).

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

ORDINANCE BL2017-1029

An ordinance amending Metropolitan Code of Laws Section 17.20.120 to require contributions paid in lieu of the construction of sidewalks to stay within council districts (Proposal No. 2017Z-029TX-001).

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

Section 1. That Section 17.20.120 of the Metropolitan Code of Laws is hereby amended by deleting subsection D in its entirety and substituting in lieu thereof the following:

D. Contribution to the fund for sidewalks as an alternative to sidewalk installation.

1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the fund for sidewalks in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the department of public works' review of sidewalk projects contracted for or constructed by the metropolitan government.

2. Any such contributions received by the metropolitan government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the planning commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same council district as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.

3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the department of public works and written confirmation of the contribution sent to the department of codes administration prior to the issuance of a building permit.

Section 2. That Section 17.04.060 of the Metropolitan Code of Laws is amended by deleting the definition for "Pedestrian benefit zones" in its entirety.

Section 3. This Ordinance shall take effect July 1, 2018, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Steve Glover

ORDINANCE BL2017-1030

An ordinance amending Metropolitan Code of Laws Chapter 2.48 to require an annual study be conducted by the Department of Public Works to determine the cost of sidewalks within Davidson County and further amending Metropolitan Code of Laws Section 17.20.120 to preclude in lieu payments absent such study (Proposal No. 2017Z-030TX-001).

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

Section 1. That Chapter 2.48 of the Metropolitan Code of Laws is hereby amended by adding the following as new section 2.48.040:

Section 2.48.040 – Annual Study of Sidewalk Costs

The department of public works shall conduct an annual study which determines the costs of constructing sidewalks within Davidson County, to be completed by July 1 of each year. Such study shall solicit input from all affected parties and shall include hearings open to the public. The results of each study shall be submitted to the metropolitan council immediately upon completion.

Section 2. That Section 17.20.120 of the Metropolitan Code of Laws is hereby amended by adding the following as subsection D.4:

4. If the study required under section 2.48.040 of the Metropolitan Code of Laws is not timely completed, the department of public works shall not require any applicant to pay a contribution, as otherwise provided for under this section, until such study is completed.

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

Sponsored by: Steve Glover

Ms. Logan presented the staff recommendation of approval.

Nora Kern, 938 W Eastland Ave, spoke in opposition to the application because religious institutions should be equally responsible for building sidewalks.

Councilmember Allen spoke in opposition as she would like to keep the existing sidewalk bill as is.

Councilmember Elrod spoke in opposition as he would like to keep the existing sidewalk bill as is.

Councilmember Henderson spoke in opposition as she would like to keep the existing sidewalk bill as is.

Chairman Adkins closed the Public Hearing.

Ms. Farr spoke in opposition as it is too early into the process.

Mr. Tibbs spoke in opposition; there is a BZA process set up currently. Let it vet out a little more before changes start being made.

Dr. Sims spoke in opposition as the current BZA process is very fair.

Dr. Bichell spoke in opposition as there is already a good way to appeal individual cases in place.

Councilmember Bedne spoke in opposition as this seems to hurt people, not help religious institutions.

Ms. Blackshear spoke in opposition as it is premature to be making changes.

Ms. Moore spoke in opposition.

Mr. Gobbell spoke in opposition to making a change at this point.

Ms. Farr moved and Dr. Bichell seconded the motion to disapprove. (9-1) Mr. Haynes voted against.

Resolution No. RS2017-376

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-023TX-001 is **Disapproved. (9-1)**"

1b. 2017Z-029TX-001

BL2017-1029

Staff Reviewer: Carrie Logan

A request to amend the Metropolitan Code of Laws Section 17.20.120 to require contributions paid in lieu of the construction of sidewalks to stay within council districts, requested by Councilmember Steve Glover, applicant.

Staff Recommendation: Defer to the January 11, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017Z-029TX-001 to the January 11, 2018, Planning Commission Meeting. (10-0)

1c. 2017Z-030TX-001

BL2017-1030

Staff Reviewer: Carrie Logan

A request to amend the Metropolitan Code of Laws Chapter 2.48 to require an annual study be conducted by the Department of Public Works to determine the cost of sidewalks within Davidson County and further amending Metropolitan Code of Laws Section 17.20.120 to preclude in lieu payments absent such study, requested by Councilmember Steve Glover, applicant.

Staff Recommendation: Defer to the January 11, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017Z-030TX-001 to the January 11, 2018, Planning Commission Meeting. (10-0)

2. 2016SP-062-001
EARHART SUBDIVISION SP
Council District 12 (Steve Glover)
Staff Reviewer: Patrick Napier

A request to rezone from RS15 to SP-R zoning for property located at Earhart Road (unnumbered), approximately 1,000 feet south of John Hagar Road, (69.76 acres), to permit up to 164 units, requested by T-Square Engineering, Inc., applicant; KDS Investments GP, owner.

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

APPLICANT REQUEST

Zone change to permit up to 164 residential units.

Preliminary SP

A request to rezone from Single-Family Residential (RS15) to Specific Plan-Residential (SP-R) zoning for property located at Earhart Road (unnumbered), approximately 1,000 feet south of John Hagar Road, (69.76 acres) to permit 164 residential units.

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 172 units based upon the application of the subdivision regulations when 15% of the gross land area is reserved for infrastructure.*

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 a mixture of housing types. *The proposed SP allows for 164 residential units.*

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

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

Consistent with Policy?

The plan meets the goals of the T3 NE policy by providing sidewalks along all proposed streets within the SP and walking trails within the open space. The proposed housing types are consistent with the structure types identified in the T3 NE policy and provide housing diversity. The site plan addresses vehicular and pedestrian connectivity that will result in a coordinated development while preserving over 39% of the site as open space. The plan is consistent with the Conservation policy by placing the majority of the dwelling units away from the environmentally sensitive portions of the site, such as steep slopes and the stream located in the northwestern portion of the site. The site plan indicates all single family and villa lots adjacent to the stream will be located outside the required 50 foot stream buffer. A portion of the Conservation policy on this site identifies the presence of sinkholes which have been placed in open space. Due to the presence of steep slopes on the site, the cottage lots have been clustered and positioned in a manner which minimizes the impact to the slopes in the northern portion of the site.

PLAN DETAILS

The site located on Earhart Road, approximately 1,000 feet south of John Hagar Road, contains 69.76 acres of total area and is currently vacant. The adjacent parcels contain large lots with single family structures.

Site Plan

The plan calls for a maximum of 164 residential units, comprised of three different lot types including single-family, cottage, and villa type lots. Unit types are as follows:

- 84 - Single-Family Lots - minimum 10,000 square feet lot size
- 62 - Single-Family (Cottage) - minimum 3,000 square feet lot size

- 18 - Single-Family Attached - minimum 5,000 square feet lot size

There will be a mixture of rear loaded and front loaded garages, depending on unit type. The SP indicates that all front loaded units which have a garage will be required to recess the garage at least 10 feet behind the front façade of the structure. All dwelling units are limited to a maximum height of 2 stories in 35 feet.

Of the overall 69 acres, the plan indicates 27.28 acres will remain as open space:

- 1.99 acres of stormwater facilities
- Approximately 2.39 acres of stream buffers, which will be centered on a small walking trail network.
- 3.31 acres of slopes 20% grade or higher
- 4.23 acres of landscape buffers
- 5.25 acres of passive open space which surrounds the sink hole areas
- 10.11 acres of active useable open space at various locations within the site.

The site contains some areas with steep slopes in excess of 25 percent. Most lots are located off of slopes over 20%. The site plan indicates that all lots which contain a slope in excess of a 20% grade will be marked as critical lots. A condition of approval for this SP requires all critical lots to show the building envelope within the individual lots. A 20 foot wide "B" level landscape buffer is provided surrounding the site; this buffer is shown on along all property lines.

All streets will be public and future potential connections are provided to the south, east, and west. The portion of the site that fronts Earhart Road will contain 6 foot wide grass strip and a 6 foot wide sidewalk consistent with the requirements of the Major and Collector Street Plan. Sidewalks will be constructed along all internal streets consistent with the local standard, four foot grass strip and five foot sidewalk.

The plan provides architectural standards pertaining to window orientation, glazing, and building materials. The SP requires single-family units with front loaded garages be recessed at least ten feet from the front façade.

ANALYSIS

The site includes some sensitive environmental features such as steep slopes, a stream, and sinkholes. The proposed site plan provides the required stream buffers which are surrounded by additional open space. The majority of the lots are located outside of slopes above 20%. Lots which contain a slope in excess of a 20% grade are designated as critical lots. Staff will review these critical lots and the grading plan with the submittal of the final site plan before building permit approval.

The majority of the cottage lots will be accessed through a public alley and contain rear loaded garages. Cottage lots that are not accessed by an alley will contain front loaded garages. Cottage lots 1 through 31 will front onto a central open space area which contains a walking trail. The remaining cottage lots will front onto public streets. This orientation will reduce the overall impact of the cottage units on the adjacent and surrounding slopes. This SP will provide various lot layouts with recessed garages as noted on the plan. This varies the character of single-family housing throughout the neighborhood.

A traffic impact study has been submitted by the applicant and approved by Metro Public Works. The conditions of the traffic impact study will provide roadway improvements for the site, such as new turn lanes for Earhart Road.

The connectivity provided, along with the mixture of housing types, meets the T3 NE land use policy. With the conditions proposed by staff, the proposed site plan will protect environmentally sensitive areas, provide a moderate amount of open space, and provide high levels of pedestrian and vehicular connectivity. Therefore, staff recommends approval as the SP plan is consistent with the goals of the Conversation and T3 Policy.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

- One Ingress/egress will require all units to be sprinklered.

STORMWATER RECOMMENDATION

Approve with conditions

- Approval is contingent on the proposed stream crossing. Only crossings that are within 15 degrees of being perpendicular to the stream can be approved by staff without a variance. Therefore, a variance from the Stormwater Management Committee may be required prior to final plan approval.

WATER SERVICES

Approve with conditions

- The public sewer construction plan approval needed, grinder pumps and/or sanitary sewer pump station construction will be required, which also require additional fees paid and legal agreements met prior to Final SP approval. MWS also recommends the applicant updating the latest availability study, to reflect the new reduced unit/lot count. (The required capacity fees will subsequently be reduced.)

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- With final development plans include sinkhole repair details. An engineer must be present during repairs and provide reports to the Department of Public Works.
- With final development plans provide 1"=20' construction plans for improvements to Earhart Rd.
- Final plans and road grades shall comply with the design regulations established by the Department of Public Works. Slopes along roadways shall not exceed 3:1.

TRAFFIC AND PARKING RECOMMENDATION

Approve with Conditions

- In accordance with findings of TIS, the following roadway improvements shall be installed.
- Construct an access drive with one (1) inbound lane and one (2) exiting lanes for left-turn and right-turn movements operating under a stop condition;
- Ensure adequate sight distance is achieved and maintained at the proposed intersection of Earhart Road and the site access;
- All radii for the proposed Access shall be designed to accommodate an SU-30 truck (garbage)
- Dedicate additional ROW along frontage to allow a future SB left turn lane construction when subdivision roads are extended or opposing parcels on Earhart Road are redeveloped.

Maximum Uses in Existing Zoning District: **RS15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential	69.76	2.9 D	202 U	1986	152	202

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
Residential (210)	69.76	-	164 U	1640	125	168

Traffic changes between maximum: **RS15** and **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 38 U	-346	-27	-34

METRO SCHOOL BOARD REPORT

Projected student generation existing RS15 district: 22 Elementary 11 Middle 11 High
 Projected student generation proposed SP-MR district: 21 Elementary 10 Middle 10 High

The proposed SP-MR zoning district would generate three fewer students than what is typically generated under the existing RS15 zoning district. Students would attend Ruby Major Elementary, Donelson Middle School and McGavock High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted land uses shall be limited to a maximum of 146 single-family lots, 18 single-family attached lots, for a maximum of 164 units.
2. No part of any lot shall contain required sinkhole buffers.
3. Any lot which contains a slope with a grade of 20% or higher shall be marked as a critical lot on the final site plan and final plat.

4. Comply with all conditions of Public Works.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district for single-family lots and villa lots and RS3.75 for cottage lots as of the date of the applicable request or application.
6. 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.
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.

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

Ms. Blackshear left the meeting at 5:43 p.m.

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

Phillip Sutton, 3337 Earhart Rd, spoke in opposition to the application due to stormwater concerns.

Councilmember Hagar noted that there are sinkholes all over the property and explained that it would be an engineering feat to try to build a subdivision.

Chairman Adkins closed the Public Hearing.

Mr. Haynes spoke in favor of staff recommendation.

Mr. Gobbell spoke in favor of staff recommendation.

Ms. Moore spoke in favor of staff recommendation.

Dr. Sims asked the applicant why they were waiting to have community involvement.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Farr spoke in favor of staff recommendation.

Ms. Farr moved and Mr. Gobbell seconded the motion to approve with conditions and disapprove without all conditions. (8-1) Dr. Sims voted against.

Resolution No. RS2017-377

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-062-001 is Approved with conditions and disapproved without all conditions. (8-1)"

CONDITIONS

1. Permitted land uses shall be limited to a maximum of 146 single-family lots, 18 single-family attached lots, for a maximum of 164 units.
2. No part of any lot shall contain required sinkhole buffers.
3. Any lot which contains a slope with a grade of 20% or higher shall be marked as a critical lot on the final site plan and final plat.
4. Comply with all conditions of Public Works.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district for single-family lots and villa lots and RS3.75 for cottage lots as of the date of the applicable request or application.
6. 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.

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.

3. 2017SP-084-001

WEST TRINITY LANE SP

Council District 02 (DeCosta Hastings)

Staff Reviewer: Shawn Shepard

A request to rezone from R8 to 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 27 multi-family residential units, requested by Stone and Howorth, applicant; Brooklyn Heights Land Trust, owner.

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

APPLICANT REQUEST

Zone change to permit a maximum of 27 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 27 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 11 lots with 3 duplex lots for a total of 14 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.

BORDEAUX – WHITES CREEK COMMUNITY PLAN

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

Consistent with Policy?

The site is located within a large area of T3 NE policy that extends along West Trinity Lane. A significant portion of properties in this T3 NE area are vacant, with no established development pattern. The proposed plan includes 27 multi-family residential units with moderate setbacks and spacing. The units are located along West Trinity Lane as well as a new public street. The plan will help establish a pattern of streets and blocks and set up future connectivity for the larger evolving area. A private alley connection, located in a cross-access easement to allow use by adjacent development, is provided to the west. A connection to the east is not provided, as any connectivity to the east would

encourage disturbance of a stream and associated slopes located within Conservation policy on the adjacent property to the east.

PLAN DETAILS

The site, which is 2.34 acres in size, is located on the south side of West Trinity Lane, approximately 0.37 miles west of the intersection of Trinity Lane, Baptist World Center Drive, and Whites Creek Pike. The property is currently vacant. The surrounding properties to the north, south, and east are vacant. The adjacent property to the west contains an existing single-family residence. The site is identified as part of a Transition and Infill area in NashvilleNext and is located approximately 0.40 miles from a Tier Three Center and 0.75 miles from a Tier Two Center.

Site Plan

The site plan includes 27 multi-family residential units arranged in clusters of attached units. Eight of the units will front West Trinity Lane. Eleven units are oriented to a proposed interior public street. The remaining eight units are arranged around a common open space. Primary vehicular access to the site will be via a proposed public street running from the north end of the site to the south. A private alley connection within a 25-foot cross-access easement is provided at the western property line. All of the units contain two-car, rear-loaded garages accessed via private alleys. Additional surface parking spaces for guests are provided along the eastern property line, for a total of 67 parking spaces, consistent with the requirements of the Metro Zoning Ordinance. A 6-foot sidewalk and 8-foot planting strip consistent with the requirements of the Major and Collector Street Plan (MCSP) are provided along the West Trinity Lane frontage. A 5-foot sidewalk and 4-foot planting strip, consistent with local street standards, are provided along the proposed public street, and 5-foot sidewalks are provided to connect each unit with the public sidewalks. Height of the proposed units is limited to 45 feet. The plan also includes standards for minimum glazing, entrances, raised foundations, and prohibited materials.

ANALYSIS

The site is located at the eastern edge of a large area of T3 NE policy which extends from the intersection of West Trinity Lane and Whites Creek Pike west along the Cumberland River, to the intersection of Buena Vista Pike and Clarksville Pike. West Trinity Lane is designated as a Long Term Multimodal Corridor in NashvilleNext. The area is comprised primarily of larger vacant parcels and lacks an established development pattern.

The site is small relative to the scale of the overall T3 NE policy area; however, given the location of the site at the edge of a policy area, along a corridor, and in close proximity to Tier Two and Tier Three Centers in NashvilleNext, this site presents an opportunity to begin to establish a system of streets and blocks that will serve as a framework as the larger area develops. The plan includes a new, north-south public street connection, which will eventually extend south to Youngs Lane as other properties in the area develop. The plan also includes an alley connection to the west, which sets up a framework of blocks that can be replicated along West Trinity Lane as neighborhoods are established along the corridor.

The attached multi-family residential units proposed provide an additional housing choice for the area and will set up the first portion of a transition from more intense residential uses along West Trinity to lower intensity residential uses moving away from the corridor and toward the Cumberland River in the interior of the neighborhood. The buildings are oriented toward existing or proposed public streets and include moderate spacing and setbacks, consistent with the guidance in the policy. Open spaces are incorporated throughout the development which will serve both as stormwater management areas and amenities for the residents of the neighborhood.

Overall, the plan is consistent with the goals of the T3 NE policy to incorporate additional housing choice and increase connectivity. The plan establishes the first piece of a framework for development along the West Trinity Corridor, as the larger area evolves over time.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Re-Approved as a Preliminary SP only.
- Since the proposed roadway serving this development is a public road, 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.

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.
- Prior to final, provide a copy of the private trash pickup to MPW.
- Prior to the final, indicate that each alley is private. Currently one alley is missing this note.
- Prior to the final, indicate the installation of ADA ramps per ST-320 at the intersection of W. Trinity lane and the proposed public road.

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)	2.34	5.44 D	15 U	144	12	18

*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)	2.34		27 U	259	21	28

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
-	-	-	+ 10 U	+115	+9	+10

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 district: 2 Elementary 1 Middle 2 High

Projected student generation proposed SP-R district: 0 Elementary 2 Middle 3 High

The proposed SP-R district would not generate any additional students beyond the existing R8 zoning. Students would attend Lillard Elementary, Joelton Middle School, and Whites Creek 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 approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted land uses shall be limited to a maximum of 27 multi-family residential units.
2. Comply with all conditions of Metro Public Works and Traffic and Parking.
3. 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.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-A zoning district.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions and disapproved without all conditions. (10-0) Consent Agenda

Resolution No. RS2017-378

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-084-001 is **Approved with conditions and disapproved without all conditions. (10-0)**"

CONDITIONS

1. Permitted land uses shall be limited to a maximum of 27 multi-family residential units.
2. Comply with all conditions of Metro Public Works and Traffic and Parking.
3. 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.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-A zoning district.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**4. 2017SP-094-001
THE MEADOW VILLAGE AND VENUE SP
Council District 01 (Nick Leonardo)
Staff Reviewer: Shawn Shepard**

A request to rezone from R40 to 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 10,000 square feet of Commercial Amusement, Inside; Commercial Amusement, Outside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside or Commercial Amusement, Outside; requested by Dale and Associates, applicant; E.G. Winters, et ux and E. Wayne Winters, Tr, owner.

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

**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 10,000 square feet of Commercial Amusement, Inside; Commercial Amusement, Outside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside or Commercial Amusement, Outside.

Existing Zoning

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 13 lots with three duplex lots for a total of 16 units, based on the acreage only. Application of the Subdivision Regulations may result in fewer units on this property.*

Proposed Zoning

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

JOELTON 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.

T2 Rural Neighborhood Center (T2 NC) is intended to maintain, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses.

Consistent with Policy?

The project site is located on the western edge of a large area of T2 NC policy which encompasses Whites Creek Pike from north of Interstate 24 to south of Old Clarksville Pike in the Joelton Area. Although T2 NC policy is often applied in concentrated areas at the intersection of prominent rural arterials, in this case, the policy was applied to a larger area around two significant intersections to capture an existing development pattern of institutional and commercial uses supported by existing commercial and mixed use zoning.

The project site sits on a seam between several different rural policy areas that are intended to enhance and achieve different types of rural character. Three sides of the property are bordered by areas with a more developed character. Existing commercial businesses with a more suburban-style development pattern are located on the eastern side of the site along Whites Creek Pike within the larger T2 NC policy area. The T2 NC policy designation along the corridor supports the continuation of commercial uses that serve the larger Joelton community. Institutional uses, including a park and elementary school, border the property to the south, and the northern boundary of the site is formed by Eatons Creek Road, which runs parallel to an interchange for Interstate 24. To the west, however, the predominant land use pattern is a mix of large-lot single-family residential and vacant land. The T2 Rural Countryside and T2 Rural Maintenance land use policies applied to that area support maintenance of the existing rural neighborhood character and maintenance of the rural countryside as a choice for living, and not as a holding zone for future suburban development.

The SP includes a wedding and event venue, accessory overnight lodging units, and a single-family residence. The buildings are located in a clearing at the center of a large site, surrounded by existing vegetation. The SP includes low lot coverage and deep setbacks, and the existing vegetation will be maintained to screen the development and parking in order to maintain the rural character along Eatons Creek Road. As conditioned, the proposed Commercial Amusement use serves as a transition between the more intense commercial development along Whites Creek Pike and the less intense residential and agricultural uses indicated by the presence of T2 Rural Countryside policy to the west. The proposed SP is consistent with the goals of T2 NC policy in this location.

The Conservation policy present on the site indicates the presence of a stream and associated buffers. The mapped Conservation boundary also incorporates area that was previously mapped as floodplain by FEMA; the recent updates to FEMA mapping have removed all floodplain designations from this site. The proposed SP locates development in an existing cleared area in the center of the site, outside of streams and associated buffers. Areas of Conservation policy will remain undisturbed, consistent with the guidance for Conservation policy in the T2 Rural transect.

PLAN DETAILS

The site is comprised of one parcel and a portion of another totaling 14.90 acres with approximately 230 feet of frontage along Eatons Creek Road. Both parcels are currently vacant. Properties east of the site along Whites Creek Pike and south of Interstate 24 contain a mix of existing commercial uses. Joelton Park and Joelton Elementary School are located south of the site along Old Clarksville Pike. The predominant land uses to the west are single-family residential and vacant land.

Site Plan

The plan proposes one single-family residential unit, a 13,000-square-foot wedding and event venue, and five accessory cabins associated with the event venue. The event venue consists of two, detached buildings connected by an open-sided pavilion. As proposed, the five cabins are available for overnight lodging only in conjunction with the event space and cannot be rented independently. Therefore, the units are classified as accessory to and associated with the commercial amusement. The owners and operators of the venue intend to reside on site in the single-family residence.

All of the proposed development is confined to an existing cleared area in the center of the site; existing vegetation around the perimeter of the site will be preserved. The event facility is located in the center of the cleared area and has a footprint of approximately 13,000 square feet; approximately 10,000 square feet are enclosed floor area. The five accessory cabins for overnight lodging, totaling 4,000 square feet, are located west of the event space. The single-family residence is located adjacent to the eastern property line behind the venue. A total of 75 surface parking spaces are provided in paved lots in front of the venue. The single-family residence includes a two-car garage.

ANALYSIS

The project site is located such that it serves as a transition between the varying land use policies and development patterns. The SP proposes a wedding and event venue which combines a commercial use, as supported by the T2 NC policy, with a relatively limited development footprint that is more consistent with the rural residential character to the west, making this a use uniquely suited to this context. In order to ensure that the use proposed operates in a context sensitive manner and provides an appropriate transition, staff is recommending an alternative approach to incorporation of this use in this SP.

The Metro Zoning Ordinance classifies permanent event venues as a Commercial Amusement use. Venues are classified as either Commercial Amusement, Inside or Commercial Amusement, Outside in the Metro Zoning Ordinance, depending on whether any portion of events take place outdoors. Each event venue has unique operational characteristics that can result in a range of impacts to the surrounding neighborhood. Because indoor commercial amusement uses are contained within an enclosed structure, the parking, noise and other potential impacts are typically more straightforward to define, evaluate, and mitigate. Without an enclosed and defined space, outdoor commercial amusement uses are more variable, and the types of conditions needed to mitigate potential impacts are more operational in nature. For example, the Metro Zoning Ordinance includes a specific parking requirement for indoor commercial amusement uses, but because the scope of an outdoor commercial amusement use can vary so widely, the parking requirement is established by the traffic engineer and might vary from event to event. The SP is a zoning tool intended to achieve context sensitive development; it is less well-suited as a vehicle for the types of operational conditions that would normally be imposed and enforced through a permit.

The event venue proposed in this SP includes both enclosed buildings and an open-sided pavilion surrounded by patio, lawn and other outdoor spaces. Staff recommends, and the SP currently proposes, that Commercial Amusement, Inside be a use permitted by right in this SP. The use would be limited to 10,000 square feet of enclosed floor area as depicted on the plan.

Use of the pavilion and other outdoor spaces would be classified as Commercial Amusement, Outside. Staff recommends that the SP permit outdoor use only by Special Exception. If the SP is approved, the applicant would be required to apply to the Board of Zoning Appeals (BZA) for a Special Exception permit. The BZA would review the application for consistency with standards for the Special Exception use which are established in the SP; however, unlike the SP which establishes a static set of standards through zoning, the Special Exception permit process provides an opportunity for periodic review of the permit, or for the permit to be revoked if the terms and conditions are not being met. The BZA also has the authority, during periodic review, to add operational conditions which may be needed to ensure the use continues to operate in compliance with the terms of the permit and in a manner that minimizes impacts to the community. The combination of by-right indoor use and outdoor use by Special Exception ensures that each component of the use is being regulated by the zoning or permitting tool best suited to address the impacts and balances certainty for the owners/operators with protection for the community.

To facilitate the BZA's review of the Special Exception for outdoor use, staff recommends the following standards be incorporated into the SP:

Commercial Amusement, Outside

1. **Setback.** Any stages and/or sound amplification equipment shall not be oriented toward any residence located within 300 feet of the property line. Further, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property, not including residences located on the property containing the commercial amusement use. For purposes of this standard, "sound amplification equipment" means small portable sound systems of maximum three hundred watts, microphones, and amplified acoustic musical instruments.
2. **Noise.** A maximum noise level of seventy-five decibels on the A-weighted scale shall be permitted to occur at the boundary line of the nearest residential property.

3. Parking. The parking requirement for the use shall be established by the metropolitan traffic engineer based on a parking and/or loading study, pursuant to the standards of Section 17.20.030.F of the Metro Zoning Ordinance. Adequate off-street parking shall be provided.

4. Traffic. A traffic and parking management plan shall be submitted at the time the application for the use permit is filed. At a minimum, such management plan shall specify the hours of operation or timing of the events, the number of vehicles expected, a list of the streets to be used for ingress and egress, and a list of surface parking areas to be used to accommodate the event.

5. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

6. Limitations on Attendance, Number of Events and Hours of Operation. At the time of application for the use permit, the applicant shall specify the maximum attendance or occupancy, number or frequency of events, and hours of operation proposed. The Board of Zoning Appeals may establish limitations on attendance, number or frequency of events, or hours of operation in the permit based on evaluation of the size of the property, zoning pattern and nature of land uses in the immediate area, recommendations of Metro Public Works regarding the adequacy of parking or traffic management plans, and/or recommendations from the Fire Marshal regarding public safety.

7. Permit Status Review. The permit shall include a condition requiring the applicant to appear before the Board of Zoning appeals for a status to allow opportunity for evaluation of whether the terms and conditions of the original permit are being met and adequately mitigating any impacts. The status review shall initially be required annually. Following the first annual review, the Board of Zoning Appeals may extend the time period between status reviews if appropriate.

8. Revocation of Permit. The zoning administrator shall have the authority to revoke the Commercial Amusement, Outside permit upon violation of any of the terms and conditions of the use permit or of the standards for the use established in this Specific Plan. Upon revocation, applicants shall not be permitted to apply for another Commercial Amusement, Outside permit for a period of one year. Revocations may be appealed to the board of zoning appeals pursuant to Section 17.40.180 of the Metropolitan Code.

The Metro Zoning Ordinance requires one parking space per 200 square feet of indoor commercial amusement use. This standard results in a requirement of 70 parking spaces for the indoor portion of the event venue and accessory cabins, where 75 spaces are provided. The existing vegetation to be preserved around the perimeter of the property exceeds all landscape buffer yard requirements. As described above, parking requirements and other standards associated with use of the pavilion and other outdoor space will be established by the BZA. Consistent with the standard review process for Special Exception applications to the BZA, Planning staff will provide a recommendation to the BZA regarding the specifics of the outdoor commercial amusement use at the time of permit application for the Special Exception. As conditioned, the proposed SP is consistent with the goals of T2 NC policy and will provide an appropriate transition to surrounding policy areas.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Fire Code issues will be addressed in permit phase.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only.
- The required capacity fees must be paid prior to Final Site Plan/SP approval.
- FYI - If the cabin/residential units are to be individually-owned, then a Letter of Responsibility must be submitted and approved for the shared private sewer system, prior to Final SP approval.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- If sidewalks are required then they should be shown on the plans per the MCSP and MPW standards and specifications.
- Indicate installation of standard driveway ramp, ST-324.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Clarify plan development chart regarding 3000 sf hotel land use and identify 13k sf wedding venue.
- Provide adequate sight distance at access with Eatons Creek Rd. Provide sight distance exhibit prior to final SP approval.

Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	14.9	1.08 D	20 U	192	15	21

*Based on two-family lots

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)	14.74		13,000 SF	594	18	53

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
Single-Family Residential (210)	0.05		1 U	10	1	2

Traffic changes between maximum: **R40 and SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+451	+8	+39

METRO SCHOOL BOARD REPORT

Projected student generation existing R40 district: 1 Elementary 1 Middle 1 High

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

The proposed SP-MU district would generate fewer students than the existing R40 zoning. Students would attend Joelton Elementary, Joelton Middle School, and Whites Creek 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 approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted land uses shall be limited to one single-family residential unit; a maximum of 10,000 square feet of Commercial Amusement, Inside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside. Commercial Amusement, Outside shall be permitted only with approval of a Special Exception by the Board of Zoning Appeals.

2. With the corrected copy, the following standards for a Special Exception for Commercial Amusement, Outside shall be added to the plan:

- Setback. Any stages and/or sound amplification equipment shall not be oriented toward any residence located within 300 feet of the property line. Further, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property, not including residences located on the property containing the commercial amusement use. For purposes of this standard, "sound amplification equipment" means small portable sound systems of maximum three hundred watts, microphones, and amplified acoustic musical instruments.
- Noise. A maximum noise level of seventy-five decibels on the A-weighted scale shall be permitted to occur at the boundary line of the nearest residential property.
- Parking. The parking requirement for the use shall be established by the metropolitan traffic engineer based on a parking and/or loading study, pursuant to the standards of Section 17.20.030.F of the Metro Zoning Ordinance. Adequate off-street parking shall be provided.
- Traffic. A traffic and parking management plan shall be submitted at the time the application for the use permit is filed. At a minimum, such management plan shall specify the hours of operation or timing of the events, the number of vehicles expected, a list of the streets to be used for ingress and egress, and a list of surface parking areas to be used to accommodate the event.
- Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

- Limitations on Attendance, Number of Events and Hours of Operation. At the time of application for the use permit, the applicant shall specify the maximum attendance or occupancy, number or frequency of events, and hours of operation proposed. The Board of Zoning Appeals may establish limitations on attendance, number or frequency of events, or hours of operation in the permit based on evaluation of the size of the property, zoning pattern and nature of land uses in the immediate area, recommendations of Metro Public Works regarding the adequacy of parking or traffic management plans, and/or recommendations from the Fire Marshal regarding public safety.
 - Permit Status Review. The permit shall include a condition requiring the applicant to appear before the Board of Zoning appeals for a status to allow opportunity for evaluation of whether the terms and conditions of the original permit are being met and adequately mitigating any impacts. The status review shall initially be required annually. Following the first annual review, the Board of Zoning Appeals may extend the time period between status reviews if appropriate.
 - Revocation of Permit. The zoning administrator shall have the authority to revoke the Commercial Amusement, Outside permit upon violation of any of the terms and conditions of the use permit or of the standards for the use established in this Specific Plan. Upon revocation, applicants shall not be permitted to apply for another Commercial Amusement, Outside permit for a period of one year. Revocations may be appealed to the board of zoning appeals pursuant to Section 17.40.180 of the Metropolitan Code.
3. Comply with all conditions of Metro Public Works and Traffic and Parking.
 4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R40 zoning district.
 5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
 6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
 7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions and disapproved without all conditions. (10-0) Consent Agenda

Resolution No. RS2017-379

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-094-001 is **Approved with conditions and disapproved without all conditions. (10-0)**"

CONDITIONS

1. Permitted land uses shall be limited to one single-family residential unit; a maximum of 10,000 square feet of Commercial Amusement, Inside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside. Commercial Amusement, Outside shall be permitted only with approval of a Special Exception by the Board of Zoning Appeals.

2. With the corrected copy, the following standards for a Special Exception for Commercial Amusement, Outside shall be added to the plan:

- **Setback.** Any stages and/or sound amplification equipment shall not be oriented toward any residence located within 300 feet of the property line. Further, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property, not including residences located on the property containing the commercial amusement use. For purposes of this standard, "sound amplification equipment" means small portable sound systems of maximum three hundred watts, microphones, and amplified acoustic musical instruments.
- **Noise.** A maximum noise level of seventy-five decibels on the A-weighted scale shall be permitted to occur at the boundary line of the nearest residential property.
- **Parking.** The parking requirement for the use shall be established by the metropolitan traffic engineer based on a parking and/or loading study, pursuant to the standards of Section 17.20.030.F of the Metro Zoning Ordinance. Adequate off-street parking shall be provided.
- **Traffic.** A traffic and parking management plan shall be submitted at the time the application for the use permit is filed. At a minimum, such management plan shall specify the hours of operation or timing of the events, the number of vehicles expected, a list of the streets to be used for ingress and egress, and a list of surface parking areas to be used to accommodate the event.
- **Lighting.** All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
- **Limitations on Attendance, Number of Events and Hours of Operation.** At the time of application for the use permit, the applicant shall specify the maximum attendance or occupancy, number or frequency of

events, and hours of operation proposed. The Board of Zoning Appeals may establish limitations on attendance, number or frequency of events, or hours of operation in the permit based on evaluation of the size of the property, zoning pattern and nature of land uses in the immediate area, recommendations of Metro Public Works regarding the adequacy of parking or traffic management plans, and/or recommendations from the Fire Marshal regarding public safety.

- **Permit Status Review.** The permit shall include a condition requiring the applicant to appear before the Board of Zoning appeals for a status to allow opportunity for evaluation of whether the terms and conditions of the original permit are being met and adequately mitigating any impacts. The status review shall initially be required annually. Following the first annual review, the Board of Zoning Appeals may extend the time period between status reviews if appropriate.

- **Revocation of Permit.** The zoning administrator shall have the authority to revoke the Commercial Amusement, Outside permit upon violation of any of the terms and conditions of the use permit or of the standards for the use established in this Specific Plan. Upon revocation, applicants shall not be permitted to apply for another Commercial Amusement, Outside permit for a period of one year. Revocations may be appealed to the board of zoning appeals pursuant to Section 17.40.180 of the Metropolitan Code.

3. Comply with all conditions of Metro Public Works and Traffic and Parking.

4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R40 zoning district.

5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

5. **2017NHL-001-002**

DALEBROOK 37206

Council District 06 (Brett Withers)

Staff Reviewer: Gene Burse

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, requested by Design Build Partners, applicant; 901 Dalebrook Partners, LLC, owner.

Staff Recommendation: Defer to the January 25, 2018 Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017NHL-001-002 to the January 25, 2018, Planning Commission Meeting. (10-0)

6. **2017S-035-001**

HALL ESTATES SECTION 3 RESUB OF LOT 235

Council District 26 (Jeremy Elrod)

Staff Reviewer: Patrick Napier

A request for final plat approval to create two lots and for a variance from the subdivision regulations in regards to side lot line requirements for property located at 5024 Trousdale Drive, approximately 224 feet north of Barrywood Drive, zoned RS20 (1.10 acres), requested by Delle Land Surveying, applicant; Jack Barrett and Cynthia Barrett, owners.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Final plat approval to create two lots and for a variance.

Final Plat

A request for final plat approval to create two lots and for a variance from the subdivision regulations in regards to side lot line requirements for property located at 5024 Trousdale Drive, approximately 224 feet north of Barrywood Drive, zoned Single-Family Residential (RS20) (1.10 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 2 lots.*

SOUTHEAST COMMUNITY PLAN

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

PLAN DETAILS

This request is for final plat approval to create two lots located at 5024 Trousdale Drive. This parcel currently contains one single-family dwelling unit on 1.10 acres of land. Lot 1 is proposed to contain 21,809 square feet and lot 2 is proposed to contain 26,214 square feet.

ANALYSIS

Section 3-5.2 of the Subdivision Regulations establishes criteria for reviewing infill subdivisions and for determining their compatibility in Neighborhood Maintenance policies. The proposal must meet the following requirements:

Zoning Code

The proposed lots meet the minimum standards of the RS20 zoning district.

Street Frontage

The proposed lots have frontage on a public street.

Community Character

Lot frontage analysis: the proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

In this instance, the lots created must be equal to or greater than 155 feet for the frontage along Trousdale Drive. Neither of the proposed lots meet the requirement for lot frontage.

Lot 1 Frontage	
Proposed Frontage	144.40 ft.
Minimum Frontage	155 ft.
70% Average	115 ft.

Lot 2 Frontage	
Proposed Frontage	90 ft.
Minimum Frontage	155 ft.
70% Average	115 ft.

Lot area analysis: the proposed lots must have a total area either equal to or greater than 70% of the average area of surrounding parcels or equal to or greater than the surrounding lot with the least amount of area, whichever is greater.

In this instance, the lots must be equal to or greater than 25,977 square feet. The current size of the proposed lots is 21,809 square feet for Lot 1 and 26,214 square feet for Lot 2. Lot 1 does not satisfy the area requirement for lot compatibility. Lot 2 satisfies the area requirement for lot compatibility.

Lot 1 Area	
Proposed Size	21,809 sq. ft.
Minimum Size	25,977 sq. ft.
70% Average	20,029 sq. ft.

Lot 2 Area	
Proposed Size	26,214 sq. ft.
Minimum Size	25,977 sq. ft.
70% Average	20,029 sq. ft.

Street setbacks: Future structures must comply with setbacks as established by Metro Zoning Code.

Lot orientation: Orientation of proposed lots shall be consistent with the surrounding parcels. In this instance both lots proposed by this subdivision are oriented to Trousdale Drive consistent with the orientation of the adjacent lots to the north and south.

Harmonious Development

If the proposed subdivision fails to meet subsection d of Section 3-5.2 within Subdivision Regulations, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. The Planning Commission determines if the subdivision can provide for the harmonious development of the area.

The applicant has not proposed any additional conditions which would bring the proposed infill subdivision closer to harmony with the surrounding parcels. Staff finds that the lots resulting from the proposed final plat are not harmonious with the surrounding neighborhood given the lot size and frontage of the adjacent parcels.

Variance request

Section 3-4 of the Subdivision Regulations outlines the requirements for Lot Requirements. Section 3-4.2.a requires that side lot lines shall be at right angles to street lines. The applicant has requested a variance from the lot requirement section of the subdivision regulations stating a hardship due to the existing stream buffer and sewer main that runs through the middle of the existing property. A 90 degree angle would not allow for any building site due to these hardships.

Variance Standards

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*
- c. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*

While staff finds the applicant meets the standards for a variance, the granting of a variance does not bring the subdivision into compliance with other requirements of the Subdivision Regulations. Staff maintains the recommendation of disapproval of the subdivision as a whole. If the Planning Commission approves the subdivision, staff recommends approval of the variance given constraints on the property.

FIRE DEPARTMENT RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approve

WATER SERVICES

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends disapproval as the proposed lots do not meet all of the minimum requirements of the Subdivision Regulations. If the Planning Commission recommends approval of the subdivision, staff recommends approval of the variance.

Mr. Napier presented the staff recommendation of disapproval.

Jack Barrett, 5024 Trousdale Dr, spoke in favor of the application as it is sensible and harmonious with the neighborhood.

Tom Davidson, 413 Arrowwood Dr, spoke in opposition to the application due to stormwater concerns and the fact that it is not a good precedent to set for the neighborhood.

Larry Crew, 409 Arrowwood Dr, spoke in opposition to the application due to stormwater concerns.

Andrew Smith, 423 Barrywood Dr, spoke in opposition to the application due to stormwater and flooding concerns.

Councilmember Elrod spoke in opposition to the application due to flooding and drainage concerns. Also, it is not harmonious with the neighborhood.

Mr. Barrett asked for approval and explained that the stormwater concerns are unfounded as there is a 50' buffer.

Chairman Adkins closed the Public Hearing.

Mr. Haynes spoke in favor of staff recommendation as this is the wrong place for a variance.

Mr. Gobbell spoke in favor of staff recommendation.

Ms. Moore spoke in favor of staff recommendation.

Councilmember Bedne spoke in favor of staff recommendation.

Dr. Bichell spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

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

Resolution No. RS2017-380

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017S-035-001 is **Disapproved. (9-0)**”

Mr. Haynes left the meeting at 6:30 p.m.

7. 2017S-243-001

205 SCALF DRIVE

Council District 09 (Bill Pridemore)

Staff Reviewer: Levi Hill

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 RS7.5 (0.49 acres), requested by Southern Precision Land Surveying, applicant; Martin Bubis and Richard Vick, owners.

Staff Recommendation: Defer to the January 11, 2018 Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017S-243-001 to the January 11, 2018, Planning Commission Meeting. (9-0-1)

8. 2017S-254-001

RIVERVIEW AT CUMBERLAND HILLS

Council District 10 (Doug Pardue)

Staff Reviewer: Latisha Birkeland

A request for concept plan approval to create 37 lots including 9 two-family lots, for a total of 46 units on properties located at 2133 E Hill Drive, 2135B E Hill Drive, Twin Hills Drive (unnumbered), and E Hill Drive (unnumbered), at the current terminus of E Hill Drive, zoned R20 (19.85 acres), requested by Dewey Engineering, applicant; Domus Partners, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 37 lots including 9 two-family lots, for a total of 46 units.

Concept Plan

A request for concept plan approval to create 37 lots including 9 two-family lots, for a total of 46 units on properties located at 2133 E Hill Drive, 2135B 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).

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 43 lots with 10 duplex lots for a total of 53 units, based on 19.85 acres.*

MADISON COMMUNITY PLAN

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

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.

PLAN DETAILS

The property is approximately 19.85 acres and is located west of Cumberland Hills Drive. The majority of the site is vacant. The proposed plan is surrounded by one and two-family residential uses to the north, east and west of the site. A CSX railroad is located south of the site.

Site Plan

The site plan proposes up to 37 single-family lots and 9 two-family lots, for a total of 46 units. Lot sizes range from 10,001 square feet to 19,854 square feet. All of the 37 lots will front on to new public roads.

The concept plan proposes to extend Cumberland Hills Drive from the east to provide access to the new lots. New streets will include a five foot wide sidewalk and a four foot wide grass strip, consistent with local street standards. A five foot wide trail is included in the open space area along the southeastern property line.

A 20 foot C-3 landscape buffer is proposed along all property lines that abut existing lots. Two open space areas with amenities including a playground and walking trail is provided in the development, which exceeds the requirements of the Zoning Code for the cluster lot option.

ANALYSIS

The cluster lot option in the Zoning Code allows for flexibility of design, the creation of open space and the preservation of natural features in Single-Family (RS) and One and Two-Family (R) zoning districts. To promote creative designs, lots are allowed to contain less land area than what is normally required by the base zoning district. The minimum lot area within a cluster subdivision can be reduced down two smaller base zone districts. With this plan, the applicant is proposing to cluster the parcels to 10,000 square foot lot sizes. The cluster lot option does not allow more density than what would be allowed under R20 zoning. The cluster lot option allows a reduction in lot sizes to work with existing topography, create more useable open space, etc.

In cluster lot subdivisions, a minimum of 15 percent of the development shall be open space. Of the total 19.85 acres, 5.59 acres will remain as open space, or 28% of total area.

- Stormwater facilities, such as bio swales and detention ponds, included in the open space, occupy 1.10 acres of open space.
- Landscaping buffer occupies 1.04 acres of open space.
- Total usable open space is 3.45 acres or 17% of total area.

Developers are also required to install recreational facilities within a portion of the open space. The applicant has proposed a playground within open space in the center of the development as well as a walking trail within open space along the northeastern edge of the development.

The plan meets the requirements of the Subdivision Regulations and Zoning Code for a cluster lot subdivision. The proposed plan cannot connect to the Val Marie Drive to the west. The existing right-of-way along Val Marie Drive decreases at the property line of the proposed development. The right-of-way at this location is too narrow to connect a public street. The proposed plan is using the only access available to develop these properties. The plan provides for street connectivity by extending Cumberland Hills Drive and by providing future stub streets to the property to the north, if those properties redevelop in the future. The proposed plan identifies locations of duplex lots primarily on corner lots and on lots with a large amount of square feet. This provides for disbursement of additional housing types in the development.

FIRE DEPARTMENT RECOMMENDATION

N/A

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.

TRAFFIC AND PARKING RECOMMENDATION

Approve

MADISON SUBURBAN UTILITY DISTRICT

Approve

WATER SERVICES

Approve with conditions

- The below comments apply to public sewer issues only. Madison Suburban Utility District serves this site with water:
- Approved as a Concept Plan only. Public sewer construction plans must be submitted and approved prior to Final Site Plan approval. (These plans may entail abandonment/relocation of a public force main, which will require a Mandatory Referral.) These approved construction plans must match the Final Site Plans. The required capacity fees must also be paid prior to Final Site Plan approval.
- FYI - MWS recommends the applicant submit a revised availability study to MWS before Final Site Plan stage, to reflect that latest unit count and site layout (will reduce the required capacity fees accordingly.)

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Dedicate right-of-way along the northern property line from the terminus of the existing right-of-way of East Hill Drive to the proposed new road.
2. Remove proposed setbacks.
3. Extend Road C to the property line.
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.
5. Add the following note to the plan/plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. Must comply with all conditions and requirements of all Metro agencies.

Ms. Birkeland presented the staff recommendation of approval with conditions.

Michael Dewey, 2925 Berry Hill Dr, spoke in favor of the application.

John Sturdivant Jr, 352 Cumberland Hills Dr, spoke in opposition to the application. The majority of the neighborhood is against this, the Fire Department hasn't approved this, and the neighborhood was told this would be deferred to January.

Sue Sturdivant, 352 Cumberland Hills Dr, spoke in opposition to the application. The neighborhood was told this would be deferred to January 11.

Michael Dewey asked for approval.

Chairman Adkins closed the Public Hearing.

Mr. Tibbs spoke in favor of staff recommendation but noted that it must have been a misinterpretation of the staff report that led to the confusion regarding the deferral.

Ms. Moore spoke in favor of staff recommendation.

Mr. Gobbell inquired as to why the Fire Department hasn't reviewed this.

Ms. Birkeland explained that they did review it, but they had no conditions or concerns, therefore their answer is "N/A."

Mr. Gobbell spoke in favor of staff recommendation but would also support a deferral due to the confusion.

Dr. Bichell moved and Ms. Farr seconded the motion to defer to the January 11, 2018 Planning Commission meeting and reopen the public hearing. (8-0)

Resolution No. RS2017-381

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017S-254-001 is Deferred to the January 11, 2018, Planning Commission meeting and reopen the public hearing. (8-0)"

- 9. 2009UD-001-009**
MASONRY SPECIALTY OFFICE BUILDING
Council District 15 (Jeff Syracuse)
Staff Reviewer: Jessica Buechler

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 OR20 and within the Downtown Donelson Urban Design Overlay District (0.39 acres), to permit an office building, requested by Holland Holdings, LLC, applicant and owner.

Staff Recommendation: Defer to the January 11, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2009UD-001-009 to the January 11, 2018, Planning Commission Meeting. (10-0)

- 10. 2017Z-037PR-001**
Council District 05 (Scott Davis)
Staff Reviewer: Latisha Birkeland

A request to rezone from CS and RS5 to RM20-A, MUL-A, R6-A, and RM9-A zoning for various properties south of E Trinity Lane, (36.05 acres), requested by Councilmember Scott Davis, applicant; various property owners.

Staff Recommendation: Defer to the January 25, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017Z-037PR-001 to the January 25, 2018, Planning Commission Meeting. (10-0)

- 11. 2017Z-106PR-001**
BL2017-1028/Davis
Council District 05 (Scott Davis)
Staff Reviewer: Abbie Rickoff

A request to rezone from RS7.5 to RM20-A zoning for properties located at 627, 629, and 631 E Trinity Lane, at the corner of E Trinity Lane and Oakwood Avenue (1.07 acres), requested by Councilmember Scott Davis, applicant; Jake Cauley, Thomas Hopper, Sr. et ux, and James and Kathy Criswell, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST
Zone change from RS7.5 to RM20-A.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Multi-Family Residential – Alternative (RM20-A) zoning for properties located at 627, 629, and 631 E Trinity Lane, at the corner of E Trinity Lane and Oakwood Avenue (1.07 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 6 units. However, application of the Subdivision Regulations may result in fewer units on this property.*

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 21 units.*

HISTORY

This application was presented at the October 26th, 2017 Metro Planning Commission meeting. The MPC deferred this case to December 14th, 2017 to allow the applicant additional opportunity to address concerns raised by the Commission and the public during the October 26th, 2017 public hearing.

EAST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

The proposed zone change is consistent with policy, which is intended to enhance urban residential corridors by providing high levels of connectivity. The surrounding area includes a mixture of land use policies. The site is located on the eastern edge of T4 RC policy, adjacent to T4 Neighborhood Center policy (east) and across the street from additional parcels in T4 RC policy (south). T4 Neighborhood Maintenance policy is located directly north of the site, and District Employment policy is located approximately 250 feet east of the site. NashvilleNext identifies E. Trinity Lane as a high capacity transit corridor in a Tier 2 Center. Rezoning to RM20-A will provide additional housing options for the area, and the alternative designation will ensure a design that is consistent with the policy.

ANALYSIS

The site is located at the northwest corner of E. Trinity Lane and Oakwood Avenue, approximately 500 feet west of Ellington Parkway on ramp. The parcels contain residential structures that front E. Trinity Lane. The existing land use pattern along the block contains a mixture of residential, institutional, and low-intensity commercial west of the site, and higher intensity commercial and industrial uses east of the site near Ellington Parkway. Multi-family residential development at this site will provide an added mixture of housing types in proximity to higher-density development, and the surrounding street network allows for improved pedestrian, bicycle and vehicular connectivity. 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. A standard “C” landscape buffer will be required along the western property line adjacent to the RS10 zoning district, and a standard “B” buffer will be required along the northern property line adjacent to the RS7.5 zoning district. The width of a standard “C” buffer ranges from 20 feet to 30 feet, and the width of a standard “B” buffer ranges from 10 feet to 20 feet. Rezoning to an alternative zoning district will ensure that future development is consistent with the T4 Residential Corridor policy and with the surrounding context.

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: **RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.07	5.8 D	6 U	58	5	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.07		21 U	140	11	14

Traffic changes between maximum: **RS7.5 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+15 U	+82	+6	+7

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed RM20-A district: 7 Elementary 3 Middle 3 High

The proposed zoning is expected to generate 10 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 Residential 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.

Ms. Rickoff presented the staff recommendation of approval with conditions.

Councilmember Davis spoke in favor of the application.

Ashonti Davis, 321 Edwin St, spoke in opposition to the application. Change needs to have a purpose and it needs to fit.

Chairman Adkins closed the Public Hearing.

Mr. Gobbell spoke in favor of staff recommendation.

Dr. Bichell spoke in favor of staff recommendation as this really fits with the plan.

Dr. Sims spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Farr spoke in favor of staff recommendation.

Mr. Tibbs moved and Ms. Moore seconded the motion to approve with conditions. (8-0)

Resolution No. RS2017-382

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-106PR-001 is **Approved with conditions. (8-0)**”

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.

12. 2017SP-093-001

ROYAL & WORTH SP

Council District 08 (Nancy VanReece)

Staff Reviewer: Levi Hill

A request to rezone from R10 to SP-R zoning for properties located at 1516, 1518, 1518 B Royal Street and Royal Street (unnumbered), at the corner of Royal Street and Worth Street, (1.63 acres), to permit 17 multi-family units, requested by Dale & Associates, applicant; North by Northeast Development, LLC, and OIC Homes at 1516 Royal Street, owner.

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

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from One and Two-Family Residential (R10) to Specific Plan-Residential (SP-R) zoning on properties located at 1516, 1518 A, 1518 B Royal Street and Royal Street (unnumbered), at the corner of Royal Street and Worth Street, (1.63 acres), to permit 17 multi-family units.

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 14 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.

MADISON COMMUNITY PLAN

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

Consistent with Policy?

Yes, at this location. The property is located within a T3 Neighborhood Maintenance policy. The neighborhood consists predominantly of multi-family residential uses with limited commercial activity immediately west of the site and some single-family residential uses further east. The plan proposes infill development with enhanced pedestrian connectivity while concentrating moderate to higher densities in proximity to existing transit service consistent with the goals of the policy. The T3 NM policy supports development that maintains the predominant, existing developed condition of an area. The proposed plan locates a medium-density, multi-family development in a neighborhood with multiple existing multi-family developments. Additionally, the plan enhances vehicular connectivity by completing the intersection of Royal Street and Worth Street, consistent with goals of the policy.

PLAN DETAILS

The site is located at 1516-1518 B Royal Street at the intersection of Royal Street and Worth Street. The site is approximately 1.63 acres and is currently undeveloped.

Site Plan

The plan proposes a total of 17 detached multi-family units and 37 parking spaces. Units 1-12 are located on the west side of Royal Street with 27 parking spaces located at the interior of the site. These units are accessed by driveways on both Royal Street and Worth Street. Units 13-17 are located on the east side of Royal Street with 10 parking spaces located at the rear of the site. These units are accessed by a single driveway from Royal Street. Seven units front public streets while the remaining units front open space or common areas. The plan proposes shallow setbacks along Worth Street while deeper setbacks are proposed along Royal Street consistent with the existing development pattern. The plan will complete the intersection of Royal Street and Worth Street. The unimproved portion of Worth Street, east of Royal Street, will remain unimproved. Staff evaluated the need for constructing this portion of Worth Street and in conjunction with Public Works, determined that the connection isn't necessary as the road would not significantly enhance the overall circulation network of the area. Additionally, Lewis Road is presently substandard and would not support additional traffic. A five foot wide sidewalk and four foot wide grass strip is proposed along all street frontages, consistent with the local street standards and Major and Collector Street Plan standards. A five foot wide internal sidewalk network is proposed throughout the development. 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 multi-family residential uses. Surrounding properties to the west contain commercial uses followed by office uses west of Briarville Road. Additionally, single-family residential uses are located further east of the site. The plan will increase density in an area in proximity to existing transit service while maintaining the predominant multi-family development pattern of the area. The shallow setbacks and proposed sidewalks along public streets will enhance the pedestrian environment in an area lacking pedestrian facilities. Additionally, the plan enhances vehicular connectivity for the greater neighborhood by constructing the incomplete intersection of Royal Street and Worth Street. 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

Approved with conditions

- Fire Code issues will be addressed in the permit phase. Houses approved up to 3600 sq. ft.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approve with conditions

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

PUBLIC WORKS RECOMMENDATION

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.
- Submit copy of recorded ROW dedication to MPW prior to sign off on the building permit.

TRAFFIC AND PARKING RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	1.63	4.35 D	8 U	77	6	9

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.63		17 U	163	13	18

Traffic changes between maximum: **R10 and SP-R**

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

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 1 Elementary 1 Middle 1 High

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

The proposed SP-R zoning district would generate two additional students than what is typically generated under the existing R10 zoning district. Students would attend Chadwell Elementary, Gra-Mar Middle School, and Maplewood

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 and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 17 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 units shall address both Royal Street and Worth 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.

Approved with conditions and disapproved without all conditions. (10-0) Consent Agenda

Resolution No. RS2017-383

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-093-001 is **Approved with conditions and disapproved without all conditions. (10-0)**"

CONDITIONS

1. **Permitted uses shall be limited to a maximum of 17 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 units shall address both Royal Street and Worth 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.**

13. 2017SP-097-001
207 MYRTLE STREET SP
Council District 05 (Scott Davis)
Staff Reviewer: Anna Grider

A request to rezone from RS5 to SP-R zoning for property located at 207 Myrtle Street, approximately 165 feet south of Smiley Street, (0.27 acres), to permit four multi-family residential units, requested by Dale & Associates, applicant; Michael Moghadam and Emily Johnson, owners.

Staff Recommendation: Defer to the January 11, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017SP-097-001 to the January 11, 2018, Planning Commission Meeting. (10-0)

14. 2017S-264-001
LENTILE 3 LOT SUBDIVISION
Council District 16 (Mike Freeman)
Staff Reviewer: Levi Hill

A request for final plat approval to create three lots on property located at 1004 Antioch Pike, approximately 135 feet east of McCall Street, zoned RS7.5 (0.76 acres), requested by Donlon Land Surveying, applicant; Larissa Lentile, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 1004 Antioch Pike, approximately 135 feet east of McCall Street, zoned Single-Family Residential (RS7.5) (0.79 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 3 units.*

SOUTH NASHVILLE COMMUNITY PLAN

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

PLAN DETAILS

This request is for final plat approval to create three lots on property located at 1004 Antioch Pike. The site is approximately 34,569 square feet (0.79 acres) and is developed with a single family dwelling which is to be removed. The proposed plat would subdivide one parcel into three lots as follows:

- Lot 1: 11,081.91 SF (0.25 acres) and 50.12 feet of frontage on Antioch Pike
- Lot 2: 11,172.65 SF (0.26 acres) and 50.12 feet of frontage on Antioch Pike
- Lot 3: 11,263.38 SF (0.26 acres) and 50.11 feet of frontage on Antioch Pike

Access to lots 1 and 2 will be limited to a single shared access easement off of Antioch Pike as required by Section 3-4.4 of the Subdivision Regulations. Lot 3 will have a separate access.

ANALYSIS

The land use policy for the subject property is T3 Neighborhood Evolving (T3 NE) and must meet the following requirements:

Zoning Code

Proposed lots meet the minimum standards of the RS7.5 zoning district.

Street Frontage

Proposed lots have frontage on a public street.

Agency Review

All review agencies recommend approval.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Per the Major and Collector Street Plan, this section of Antioch Pike is designated to have a ROW of 74 feet. The plat is showing a ROW of 60 feet. To meet the MCSP requirement, a 7 foot dedication is necessary. Coordinate with Planning – if Planning requires the dedication, show the dedication on the plat.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Sight distance may be an issue. Consider a joint access easement.

WATER SERVICES RECOMMENDATION

Approve with conditions

- On the mylar, applicant must address the markups listed on the MWS 2nd Mylar Markups attachment.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Lots 1 and 2 shall have access only through a shared access easement a maximum of 16 feet wide from Antioch Pike.
2. All requirements of the Public Works Department shall be met prior to recording of the final plat.
3. The building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

Approved with conditions. (10-0) Consent Agenda

Resolution No. RS2017-384

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017S-264-001 is **Approved with conditions. (10-0)**”

CONDITIONS

1. Lots 1 and 2 shall have access only through a shared access easement a maximum of 16 feet wide from Antioch Pike.
2. All requirements of the Public Works Department shall be met prior to recording of the final plat.
3. The building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

15. 2017S-280-001

HOGGETT FORD ROAD

Council District 14 (Kevin Rhoten)

Staff Reviewer: Latisha Birkeland

A request for concept plan approval to create 44 lots on property located at 3765 and 3775 Hoggett Ford Road, approximately 1,200 feet west of Dodson Chapel Road, zoned RS15 (17.86 acres), requested by Dale and Associates, applicant; Southeast Development Enterprise, and Bruce and George Ray, et al, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 44 single-family lots.

Concept Plan

A request for concept plan approval to create 44 lots on property located at 3765 and 3775 Hoggett Ford Road, approximately 1,200 feet west of Dodson Chapel Road, zoned Single-Family Residential (RS15) (17.86 acres).

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 51 units.*

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

PLAN DETAILS

The property is approximately 17.86 acres and is located along Hoggett Ford Road, west of Dodson Chapel Road. The property is surrounded by single-family residential uses to the north and a portion east of the site. There is vacant property west of the site.

Site Plan

The concept plan proposes up to 44 single-family cluster lots. Lot sizes range from 7,500 square feet to 10,958 square feet. All of the 44 lots will front on to new public roads.

The concept plan proposes access along Hoggett Ford Road. The plan proposes to extend Greenwood Drive, an existing stub street, to the east to provide access and connectivity to the existing neighborhood. New streets will include a five foot wide sidewalk and a four foot wide grass strip, consistent with local street standards.

A twenty foot C-3 landscape buffer is proposed along all property lines. The amenity area is located along the southern portion on plan. Amenities including a gazebo, picnic area and walking trail, which meets the requirements of the Zoning Code for the cluster lot option.

ANALYSIS

The cluster lot option in the Zoning Code allows for flexibility of design, the creation of open space and the preservation of natural features in Single-Family (RS) and One and Two-Family (R) zoning districts. In exchange, lots are allowed to contain less land area than what is normally required by the base zoning district. The minimum lot area within a cluster subdivision can be reduced down two smaller base zone districts. With this plan, the applicant is proposing to cluster the parcels to RS7.5 lot sizes. However, the maximum density allowed by the RS15 is all that can be achieved.

In cluster lot subdivisions, a minimum of 15 percent of each phase of the development is open space. Of the total 17.86 acres, 6.9 acres will remain as open space, which is 39% of the total:

- Stormwater facilities such as bio-swales and detention ponds, are included in the open space, occupy 0.8 acres.
- Landscape buffer occupies 1.2 acres of open space
- Total usable open space is 4.9 acres or 27%.

Developers are also required to install recreational facilities within a portion of the open space. The applicant has proposed a gazebo, walking trails and picnic area along the southern edge of the development.

The plan proposes access from Hoggett Ford Road. It also includes two future connections to the west and the east, consistent with the circulation goals of the approved planning policy for this area. Staff recommends the east/west stub roads for two key planning purposes:

(1) It will complete a connection to the east that has been in place since 1988. Therefore, it will connect neighbors in these communities to the planned new traffic signal at the intersection of Dodson Chapel Road and Hoggett Ford Road.

(2) With the development of the property to the west, the proposed road will continue to build the network between Hoggett Ford Road and Pierside Drive, creating a connected local street network between Dodson Chapel Road and Central Pike, which are identified as arterial-boulevards on the Major and Collector Street Plan.

FIRE DEPARTMENT RECOMMENDATION

N/A

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.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES

Approve with conditions

• Approved as a Concept Plan only. Public water and sewer construction plans must be submitted and approved prior to Final Site/Development Plan approval. These approved construction plans must match the Final Site/Development Plan. The required capacity fees must also be paid prior to Final Site/Development Plan approval. Before Final Site/Development Plans are submitted for review, please update the availability study to reflect the latest subdivision layout - last study proposes over 80 lots, and this proposal lists only 44 lots. Capacity fees will be drastically reduced, and must be paid by Final Site/Development Plan stage.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
2. Add the following note to the plan/plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

Ms. Birkeland presented the staff recommendation of approval with conditions.

Roy Dale, 516 Heather Place, spoke in favor of the application. The community doesn't want the connection but would support an emergency access.

Chris Gorsuch, 3136 Lake Dr, spoke in opposition to the application due to traffic concerns.

Shahn Donegan, 2756 Fleet Dr, spoke in opposition to the application but would support an emergency access.

Charles Wood, 2920 Chapelwood Dr, spoke in opposition to the application due to traffic concerns but would support an emergency access.

Margie Dunn, 3505 Greenwood Dr, spoke in opposition due to traffic and safety concerns.
David Ambrosi, 2704 Fleet Dr, spoke in opposition to the application but would support an emergency access.

Sherry Groom, 2809 Chapelwood Dr, spoke in opposition to the application due to safety concerns for the children in the area but would support an emergency access.

Matt Borzack, 2808 Chapelwood Dr, spoke in opposition to the application but would support an emergency access.

Nancy Yelton, 3540 Greenwood Dr, spoke in opposition to the application.

Christina Bentley, 204 Woodland Ct, spoke in opposition to the application.

Roy Dale asked for approval and noted that a full-service connection is not necessary; only the emergency access.

Chairman Adkins closed the Public Hearing.

Dr. Sims spoke in favor of the application with the emergency access.

Dr. Bedne spoke in favor of the application with the emergency access.

Ms. Moore spoke in favor of the application with the emergency access.

Mr. Gobbell spoke in favor of the application with the emergency access as it is a reasonable compromise.

Ms. Farr stated that it would be nice to have more information from the Fire Department, but explained this is an area where it is hard to see how connectivity would help.

Mr. Tibbs spoke in favor of the application with the emergency access.

Mr. Tibbs moved and Ms. Moore seconded the motion to approve with conditions including a condition that the connection to Greenwood shall be for fire emergency access only. Staff to coordinate with Public Works and Fire to determine an appropriate barricade. (8-0)

Resolution No. RS2017-385

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017S-280-001 is **Approved with conditions including a condition that the connection to Greenwood shall be for fire emergency access only. Staff to coordinate with Public Works and Fire to determine appropriate barricade. (8-0)**”

CONDITIONS

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

2. Add the following note to the plan/plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

Chairman Adkins left the meeting.

**16. 2004P-036-005
NASHVILLE WEST SHOPPING CENTER PUD**
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Gene Burse

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District for property located at 6710 Charlotte Pike, approximately 550 feet east of Summerly Drive (6.7 acres), zoned SCR, to permit retail, restaurant, and hotel uses, requested by Catalyst Design Group., applicant; Nashville West Shopping Center, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise preliminary plan for the Nashville West Shopping Center PUD.

Revise Preliminary PUD

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District for property located at 6710 Charlotte Pike, approximately 550 feet east of Summerly Drive (6.7 acres), zoned Shopping Center Regional (SCR), to permit retail, restaurant, and hotel uses.

Existing Zoning

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

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

mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

HISTORY

Metro Council approved the Nashville West Planned Unit Development in 2005 for 474,484 square feet of retail, restaurant and office uses and 24 residential units. The Planning Commission approved revisions in 2005, 2007 and 2008 to allow increases in the commercial floor area. In 2009, the Planning Commission approved an increase in the overall PUD square footage from 521,921 square feet to 527,458 square feet. Also, in 2009, the Planning Commission approved removal of the 24 residential units.

SITE PLAN

The proposed plan increases the overall commercial square footage in the PUD from 527,458 square feet to 590,712 square feet, within the square footage permitted by the base Shopping Center Regional (SCR) zoning district. The plan maintains the same access points, including three ingress/egress points on Charlotte Pike and one ingress/egress drive through the neighboring properties to the east leading to Annex Avenue.

The proposed modification does not affect the buildings already constructed along the rear of the site backing up to I-40. The primary change is to replace approved office use with hotel use above retail uses located along the eastern portion of the PUD. The proposed hotel use will consist of a five stories with a maximum height of sixty-four feet and four inches from the finished floor to the top of the rooftop tower. Three stories of hotel use will be located directly above retail uses with the southern end of ground floor including a hotel use. The hotel will also have two stories of structured parking located on the east side. The proposed increase in commercial floor area is due to the proposed hotel use.

ANALYSIS

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

F. Changes to a Planned Unit Development District.

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

- a. Land area being added or removed from the planned unit development district shall be approved by 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.

The proposed use is consistent with the PUD approved by Metro Council and is permitted by the Shopping Center Regional (SCR) zoning district. The proposal does not alter the basic development concept established by the approved PUD plan and the square footage is within the maximum allowed by the base zoning, therefore staff recommends approval.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions.

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

STORMWATER RECOMMENDATION

Approve.

WATER SERVICES

Approve with conditions

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

PUBLIC WORKS RECOMMENDATION

Approve with conditions.

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

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Comply with required parking per metro code at a minimum.

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.

Approved with conditions. (8-0-2) Consent Agenda

Resolution No. RS2017-386

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-036-005 is **Approved with conditions. (8-0-2)**"

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.

17. 2017UD-006-001

BL2017-1004/Vercher

PAYNE ROAD UDO

Council District 28 (Tanaka Vercher)

Staff Reviewer: Jessica Buechler

A request to apply an Urban Design Overlay on various properties along Payne Road, zoned AR2a, R8, RS7.5 (27.69), requested by Councilmember Tanaka Vercher, applicant; various owners.

Staff Recommendation: Approve with an amendment.

APPLICANT REQUEST

Establish an Urban Design Overlay District

Urban Design Overlay

A request to apply an Urban Design Overlay to establish building and site design standards on various properties located along Payne Road, zoned Agricultural/Residential (AR2a), Single-Family Residential (RS7.5) and One and Two-Family Residential (R8) (27.69 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres.

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.

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.

Proposed Overlay Zoning

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

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

Consistent with Policy?

Yes. The proposed UDO is consistent with the policy for the area and will ensure that future development is compatible with the existing character of the neighborhood. The proposed UDO standards are in line with the character of suburban residential neighborhood design. The UDO doesn't propose developing upon sensitive features; the protection of those elements will be taken into account at the time of subdivision approval.

PURPOSE OF UDO

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

REQUEST DETAILS

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

Design Criteria

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

- **Glazing:** Glazing (window openings) shall be a minimum of fifteen percent along the street facing facade. Window openings along the street facing façade shall be square or vertically oriented except for transom windows. For purposes of measuring glazing, minimum glazing shall be measured from the top of foundation to the roof line.
- **Principal Entrance:** The main entry to the building shall address the primary street.
- **Porch Depth:** Porches shall have a minimum of six feet of depth.
- **Fences and Walls:**
 - Appearance:
 - Fences shall be installed so that the finished side faces outward and all bracing shall be on the inside of the fence.
 - Fences and walls shall be constructed of any combination of brick, stone, masonry materials, treated wood, or metal.
 - Chain-link fencing and razor wire shall not be permitted within the front setback area or between the building and public streets.
 - Fences and walls used to screen refuse areas shall be opaque and include gates that prohibit unauthorized users to access the area
 - Standards by Location and Function
 - Fences and walls located within the front setback area or between the building and public streets shall not exceed 4 feet in height. Fences greater than 2.5' in height shall be a minimum of 30 percent transparent to allow visibility into the property.
 - Fences and walls along rear lot lines, behind a principal building, and along side property lines not fronting a public street shall not exceed 8 feet in height.
 - Fences and walls used to screen parking shall be a minimum of 2.5 feet above the grade of the parking lot. When a fence or wall is combined with plantings, the majority of the plantings shall be between the right-of-way and the fence or wall.
 - Fences and walls used to screen service and utility areas shall be a minimum of 16 inches taller than the element being screened.

Compliance

Triggers for compliance are as follows:

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

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

Modifications

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

Minor modifications, deviations of 20 percent or less, may be approved by the Planning Commission's designee (staff). Major modifications, deviations of 21 percent or more shall be considered by the Planning Commission. This process is consistent with the standards in other adopted UDOs.

ANALYSIS

The proposed standards create a form of development that is compatible with the surrounding neighborhood. An analysis of surrounding properties was conducted against the proposed UDO standards and found to be generally consistent. The proposed standards in the UDO will help to maintain the character of the area.

The standards are consistent with the intent of the application of the Urban Design Overlay to foster a scale and form of development that emphasizes sensitivity to the pedestrian environment and minimizes intrusion of the automobile into the built environment. The design standards for raised foundations, garage locations and access, driveway widths, and principal entrances all lend to a better pedestrian environment, and are similar to other adopted residential UDOs. In the end, the standards will encourage more cohesive development that will balance the needs of pedestrians and automobiles.

The fence and wall standards in the UDO for the screening of refuse, service and utility areas and for the screening of parking lots would apply to uses other than single and two-family residential and should be designated as such.

The proposed UDO would not control the lot layout should a parcel be subdivided. The creation of new lots would follow the typical subdivision process

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- All construction within the ROW shall comply with MPW standard details and specifications.

- All driveway construction shall comply with the provisions of the Metro Zoning Code in Sections 13.12 and 17.20

STAFF RECOMMENDATION

Staff recommends approval with an amendment as follows to the fencing standards. The UDO is in keeping with the policy, overlay intent, and the UDO’s purpose to ensure future development is consistent in form and character with the surrounding neighborhood.

AMENDMENT

• **Fences and Walls:**

- Appearance:
 - Fences shall be installed so that the finished side faces outward and all bracing shall be on the inside of the fence.
 - Fences and walls shall be constructed of any combination of brick, stone, masonry materials, treated wood, or metal.
 - Chain-link fencing and razor wire shall not be permitted within the front setback area or between the building and public streets.
 - For uses other than single and two-family residential: Fences and walls used to screen refuse areas shall be opaque and include gates that prohibit unauthorized users to access the area
- Standards by Location and Function
 - Fences and walls located within the front setback area or between the building and public streets shall not exceed 4 feet in height. Fences greater than 2.5' in height shall be a minimum of 30 percent transparent to allow visibility into the property.
 - Fences and walls along rear lot lines, behind a principal building, and along side property lines not fronting a public street shall not exceed 8 feet in height.
 - For uses other than single and two-family residential: Fences and walls used to screen parking shall be a minimum of 2.5 feet above the grade of the parking lot. When a fence or wall is combined with plantings, the majority of the plantings shall be between the right-of-way and the fence or wall.
 - For uses other than single and two-family residential: Fences and walls used to screen service and utility areas shall be a minimum of 16 inches taller than the element being screened.

Approved with an amendment. (10-0) Consent Agenda

Resolution No. RS2017-387

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017UD-006-001 is **Approved an amendment. (10-0)**”

18. 2017Z-116PR-001

Council District 04 (Robert Swope)
Staff Reviewer: Shawn Shepard

A request to rezone from R15 to MUL-A zoning on properties located at 401 Kinhawk Drive and Nolensville Pike (unnumbered), at the southwest corner of Nolensville Pike and Kinhawk Drive (2.8 acres), requested by Dale and Associates, applicant; Thomas and Dena Campbell and Forest Acres Estates Trust, owners.

Staff Recommendation: Defer to the January 11, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017Z-116PR-001 to the January 11, 2018, Planning Commission Meeting. (10-0)

19. 2017Z-117PR-001

Council District 21 (Ed Kindall)
Staff Reviewer: Gene Burse

A request to rezone from MUL to MUL-A zoning on property located at 1010 28th Avenue North, at the southeast corner of 28th Avenue North and Alameda Street (0.81 acres), requested by Lukens Engineering Consultants, applicant; Alameda, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from MUL to MUL-A.

Zone Change

A request to rezone form Mixed Use Limited (MUL) to Mixed Use Limited-Alternative (MUL-A) zoning on property located at 1010 28th Avenue North, at the southeast corner of 28th Avenue North and Alameda Street (0.81 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Center (T4NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

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

Consistent with Policy?

Yes. The proposed MUL-A zoning district is consistent with each of the aforementioned policy areas. The MUL-A zoning district provides a moderate intensity mixture of uses including residential and commercial, which will strengthen the immediate intersection and area as a neighborhood center. Also, this zoning district will help to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The MUL-A zoning district is also consistent with Conservation policy as appropriate building placement minimizes development on conservation areas, including stream buffers.

ANALYSIS

The property is located at 1010 28th Avenue North at the southeast corner of 28th Avenue North and Alameda Street in the North Nashville Community Plan Area. This site consists of vacant land and is located across the street from Hadley Park. Adjacent zoning districts include One and Two-Family Residential (R6), Commercial Neighborhood (CN), and the Mixed-Use Neighborhood (MUN) zoning district. The nearest transit stop is located approximately 1,000 feet north of the site at the intersection of 30th Avenue and Albion Street. The MUL-A zoning district provides additional design standards that will enhance the character of the neighborhood when redevelopment occurs. Such additional design standards include a raised foundation for first floor residential uses and minimum glazing requirements for both residential and non-residential uses. This zoning district requires a building to be located closer to the corner of the site where 28th Avenue North and Alameda Street intersect. This will minimize disturbance of onsite conservation areas located in the southeastern portion of the site along the exit ramp of Interstate 40 (I-40). The proposed zoning district will strengthen the immediate area near the intersection of 28th Avenue North and Alameda Street as a neighborhood center by permitting a mixture of moderate intensity such as office, retail, and multi-family uses. 28th Avenue North, an arterial boulevard, will be improved per the Major Collector Street Plan when development occurs.

FIRE DEPARTMENT RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

WATER SERVICES

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Traffic study may be required at time of development

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

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)	0.41	1.0 F	17 U	114	9	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.2	1.0 F	8,712 SF	204	27	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.2	1.0 F	8,712 SF	411	15	43

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)	0.41	1.0 F	17 U	114	9	11

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)	0.2	1.0 F	8,712 SF	204	27	27

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)	0.2	1.0 F	8,712 SF	411	15	43

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

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

STAFF RECOMMENDATION

Staff recommends approval. The proposed rezoning is consistent with the T4 Urban Neighborhood Center and Conservation policy areas. The MUL-A zoning district will help to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The MUL-A zoning district will also help to minimize disturbance of existing conservation areas in the southeastern portion of the site, in the form of stream buffers, by requiring building placement to be closer to the corner of 28th Avenue North and Alameda Street.

Approved. (10-0) Consent Agenda

Resolution No. RS2017-389

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-117PR-001 is **Approved. (10-0)**”

20. 2017Z-118PR-001

Council District 02 (DeCosta Hastings)
Staff Reviewer: Abbie Rickoff

A request to rezone from IWD to MUN-A zoning on properties located at 1200 Baptist World Center Drive and Spurgeon Avenue (unnumbered), approximately 235 feet northwest of Napoleon Street (0.54 acres), requested by Highland Homes, applicant; 1200 BWC Joint Venture and Richard and Angela Berryman, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Zone change from IWD to MUN-A

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed-Use Neighborhood- Alternative (MUN-A) zoning on properties located at 1200 Baptist World Center Drive and Spurgeon Avenue (unnumbered), approximately 235 feet northwest of Napoleon Street (0.54 acres)

Existing Zoning

Industrial Warehousing/Distribution (IWD) is intended to provide opportunities for wholesaling, warehousing and bulk distribution uses.

Proposed Zoning

Mixed-Use Neighborhood - Alternative (MUN-A) is intended for a lower intensity of mixed use commensurate with nearby residential areas and local shopping services, and is designed to maintain a residential-scale of development and create walkable neighborhoods through the use of appropriate building placement and bulk standards.

BORDEAUX/WHITES CREEK 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 rezoning is consistent with the T4 MU policy, which is intended to provide moderate-to high-density residential development and non-residential development in areas that are envisioned to become primarily mixed-use. The proposed zoning allows for a mixture of uses, including commercial and residential, at a scale commensurate with nearby residential areas, which is in keeping with this policy.

ANALYSIS

The site includes three parcels located on approximately 0.54 acres. The properties are located on the south side of Baptist World Center Drive, west of Brick Church Pike and the I-65 corridor. The site has frontage on Baptist World Center Drive (north) and is adjacent to unbuilt right-of-way, Spurgeon Avenue (south). The three parcels are vacant. Existing land uses along Baptist World Center Drive include mixed residential, commercial, industrial and vacant properties. The site is located in an area identified by NashvilleNext as transition or infill, that transitions to a Tier 2 Center along Brick Church Pike and the I-65 corridor. Areas identified as transition or infill are appropriate for higher density residential and non-residential development to provide a harmonious connection to surrounding neighborhoods and Centers. Baptist World Center Drive is designated as an urban mixed use arterial boulevard on the Major and Collector Street Plan, indicating that additional density may be supported through existing and planned street networks.

The requested rezoning to MUN-A is consistent with the policy for the area and is appropriate given the surrounding land uses, land use policy, and recently completed rezoning requests. Since the adoption of NashvilleNext, Metro Council has approved MUN-A zoning for multiple parcels on the north side of Baptist World Center Drive, also in T4 MU policy. Permitted uses under the MUN-A zoning district include residential, mixed-use, office, institutional, and light industrial. These uses are consistent with the intent of the policy, and the bulk and design standards associated with MUN-A zoning will ensure mixed-use development is amenable to pedestrians by creating a vibrant public realm. The existing IWD zoning district is not consistent with the policy, as it does not provide these opportunities.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

WATER SERVICES RECOMMENDATION

N/A

STORMWATER RECOMMENDATION
N/A

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

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)	0.54	0.8	18,817 SF	67	33	21

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	0.27	0.6 F	7 U	53	6	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.14	0.6 F	3,659 SF	105	14	14

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.13	0.6 F	3,397 SF	183	10	30

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+274	-3	+29

SCHOOL BOARD REPORT

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

Projected student generation proposed MUN-A district: 0 Elementary 1 Middle 1 High

The proposed MUN-A zoning district will generate 2 additional students than what would be generated under the existing IWD zoning, assuming 40% of the floor area is utilized for non-residential uses. Students would attend Lillard Elementary School, Joelton Middle School, and Whites Creek 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 the requested zone change is consistent with the T4 Mixed Use Neighborhood land use 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.

Approved with conditions. (9-0-1) Consent Agenda

Resolution No. RS2017-390

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-118PR-001 is **Approved with conditions. (7-0)**”

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.

21. 2017Z-121PR-001

Council District 05 (Scott Davis)
Staff Reviewer: Gene Burse

A request to rezone from IWD to RM20-A zoning for property located at 820 Cherokee Avenue, approximately 1,000 feet east of Jones Avenue (0.18 acres), requested by Garafola Properties, LLC; applicant, Nest Remodel, LLC, owner.

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 (RM20-A) zoning for property located at 820 Cherokee Avenue, approximately 1,000 feet east of Jones Avenue (0.18 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 3 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.

ANALYSIS

The property is located on 0.18 acres on the south side of Cherokee Avenue, approximately 1,100 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 less than 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 that 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 as 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 supported by 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 for vehicular parking, building form and location, and requirements for the primary entrance. The proposed rezoning provides the potential for increased housing supply and housing choice. The requested rezoning is consistent with recent approvals for new residential uses in the area.

FIRE DEPARTMENT RECOMMENDATION
N/A

STORMWATER RECOMMENDATION
N/A

WATER SERVICES
N/A

PUBLIC WORKS RECOMMENDATION
N/A

TRAFFIC AND PARKING RECOMMENDATION
Approved with conditions

- Traffic study may be required at time of development

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.18	0.8	6,272 SF	23	18	11

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 (230)	0.18		3 U	25	3	3

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
-	-	-		+2	-15	-8

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM20-A district: 1 Elementary 1 Middle 0 High

The proposed RM20-A zoning is expected to generate 2 more students than the existing IWD zoning. Students would attend Tom Joy Elementary School and Jere Baxter Middle 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.

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-121PR-001 is **Approved with conditions. (10-0)**”

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.

22. 2017Z-122PR-001

Council District 17 (Colby Sledge)
Staff Reviewer: Shawn Shepard

A request to rezone from R6 to RM20-A zoning on properties located at 1088, 1090 and 1092 12th Avenue South, approximately 205 feet north of Archer Street (0.62 acres), requested by T and T Development, LLC, applicant; T and T Development, LLC and Troy Olsen, owners.

Staff Recommendation: Defer to the February 8, 2018, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017Z-122PR-001 to the February 8, 2018, Planning Commission Meeting. (9-0-1)

23. 2017Z-123PR-001

Council District 29 (Karen Y. Johnson)
Staff Reviewer: Patrick Napier

A request to rezone from R20 to IR zoning for properties located at 1785 and 1795 Reynolds Road, approximately 2,000 feet north of Smith Springs Road (6.28 acres), requested by Holladay Properties, applicant; Airport Logistics, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R20 to IR.

Zone Change

A request to rezone from One and Two-Family Residential (R20) to Industrial Restrictive (IR) zoning for properties located at 1785 and 1795 Reynolds Road, approximately 2,000 feet north of Smith Springs Road (6.28 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. *R20 would permit a maximum of 13 lots including 3 duplex lots, for a total of 13 units.*

Proposed Zoning

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

BORDEAUX-WHITES CREEK 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.

Consistent with Policy?

Yes. The rezoning is consistent with the D EC policy. The uses most suitable within the proposed IR zoning district are those which operate within completely enclosed buildings with limited outdoor storage. Potential impacts on abutting properties are minimized by the light industrial nature of the uses permitted in the district and high operational standards. The existing use of these parcels as single family residential is inconsistent with the D EC policy. This rezoning will meet the primary goal of the policy which is meant to create and enhance concentrations of employment by removing the single family use of the site.

ANALYSIS

The request is to rezone 6.28 acres located along Reynold Road. The rezone request contains two separate parcels, and each property contains a single family residential structure. The requested rezoning to IR is consistent with the policy for the area and is appropriate given the surrounding industrial land uses. There are various parcels located on the opposite side of Reynolds Road to the north and south which are currently zoned R20, however the surrounding area is largely zoned IR.

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

WATER SERVICES RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

Maximum Uses in Existing Zoning District: **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)	6.28	2.17 D	17 U	163	13	18

Maximum Uses in Proposed 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)	6.28	0.6	164,134 SF	585	109	82

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+422	+96	+64

STAFF RECOMMENDATION

Staff recommends approval as the requested zone change is consistent with the District Employment Center land use policy and with the zoning of surrounding parcels.

Approved. (10-0) Consent Agenda

Resolution No. RS2017-392

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-123PR-001 is **Approved. (10-0)**”

24a. 2017Z-024TX-001

BL2017-937

Staff Reviewer: Carrie Logan

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, requested by Councilmember Jim Shulman, applicant. **Staff Recommendation: Approve Substitute Ordinance BL2017-937.**

24b. 2017Z-026TX-001

BL2017-981

Staff Reviewer: Carrie Logan

A request to amend 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. **Staff Recommendation: Approve with amendments.**

24c. 2017Z-027TX-001

BL2017-982

Staff Reviewer: Carrie Logan

A request to amend section 17.16.250 of the Metropolitan Code of Laws regarding Short term rental property – Owner-Occupied uses in two-family dwellings. **Staff Recommendation: Approve with amendments.**

24d. 2017Z-028TX-001

BL2017-1005

Staff Reviewer: Carrie Logan

An ordinance amending 17.08.030 and 17.16.070 of the Metropolitan Code of Laws to establish regulations regarding hotels, requested by Councilmember Freddie O’Connell. **Staff Recommendation: Disapprove.**

TEXT AMENDMENTS

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

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

SUBSTITUTE BL2017-937 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 as STRP (Owner-occupied). This ordinance would allow permits issued under previous regulations to be renewed if the permit has not been revoked. Additionally, this ordinance would also allow new 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 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.

BL2017-1005 revises the Zoning Code to permit with conditions Hotel/Motel uses in certain zoning districts, including Single-Family and One and Two-Family zoning districts. The conditions are:

- For properties within the Urban Zoning Overlay (UZO) district, no more than three percent (3%) of the residentially zoned properties within each census tract shall be permitted as Hotel/Motel use. For properties outside of the Urban Zoning Overlay (UZO) district, no more than one percent (1%) of the residentially zoned properties within each census tract shall be permitted as Hotel/Motel use.
- In Single-Family and One and Two-Family zoning districts, no property proposed for Hotel/Motel 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 Hotel/Motel use is located.
- In IWD, IR, and IG, Hotel/Motel is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.

ANALYSIS

NashvilleNext provides the following guidance for home-based businesses:

Element:	Economic & Workforce Development
Goal:	EWD 1 Nashville will have a thriving economy, built on a diversity of economic sectors that are nationally and internationally competitive, mid to large size businesses that provide a large and diverse number of employment opportunities, and entrepreneurial and small businesses that support our quality of life.
Policy:	EWD 1.1 Support entrepreneurs and small businesses by providing locations to develop and grow new businesses, business development training, support for small business and start up districts, and clear laws and regulations.
Action:	Create rules that allow home based businesses in existing neighborhoods without disrupting the character and enjoyment of those neighborhoods.

There is dispute among stakeholders regarding the degree to which STRPs 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 (Approved by MPC on April 27, 2017)	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

BL2017-982 proposes to allow duplexes to qualify for owner-occupied permits in certain instances. This is consistent with how detached accessory dwelling units (DADUs) are treated. With the proposed amendments that guarantee that the residence cannot be transferred to another property owner, this is consistent with the idea of owner-occupied permits, since the owner lives on the property.

BL2017-1005 proposes to allow hotels in various zoning districts, including Single-Family and One and Two-Family districts, with certain conditions. These developments would fall under the bulk standards Table 17.12.020B (Multifamily, Mobile Homes and Nonresidential Uses), which determines the setbacks, height and building coverage for these nonresidential uses in residential districts. Residential properties could be consolidated to develop a structure that is more similar in massing and scale to a traditional hotel structure than a residential structure, as long as the bulk standards table is met. Because this ordinance does not include a maximum occupancy per property, this is a possible outcome of this ordinance.

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.
 BL2017-1005 – Disapprove.

STAFF RECOMMENDATION

Staff recommends the following:

- Approval of Substitute Ordinance BL2017-937.
- Approval of Ordinance BL2017-981 with amendments.
- Approval of Ordinance BL2017-982 with amendments.
- Disapproval of Ordinance BL2017-1005.

With substantial fines, aggressive enforcement, and occupancy limitations, 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.

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:

"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 and 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

- 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.

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 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:
 - 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 reside 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.
 - i. The property ownership of the two-family units cannot be divided.
 - ii. 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.
 - iii. 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 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 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

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) – 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 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.
 - 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 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;
 - (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:~~

~~1. Permit required.~~

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

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

ORDINANCE BL2017-1005

Staff recommendation: Disapprove

An ordinance amending 17.08.030 and 17.16.070 of the Metropolitan Code of Laws to establish regulations regarding hotels (Proposal No. 2017Z-028TX-001).

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

Section 1. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby amended by adding under Commercial Uses "Hotel/Motel" 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, ON, OR20 through OR40-A, CN and CN-A, SCN, SCC and IWD, IR, and IG; and as a permitted (P) use in MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, ORI and ORI-A, CL and CL-A, CS and CS-A, CA, CF, DTC, and SCR.

Section 2. That Section 17.16.070 (Commercial uses) of the Metropolitan Code is hereby amended by adding the following as subsection 17.16.070.N thereto and renumbering the remaining sections.

N. Hotel/Motel. Hotels shall be permitted provided the following conditions are met:

1. For properties within the Urban Zoning Overlay (UZO) district, no more than three percent (3%) of the residentially zoned properties within each census tract shall be permitted as Hotel/Motel use. For properties outside of the Urban Zoning Overlay (UZO) district, no more than one percent (1%) of the residentially zoned properties within each census tract shall be permitted as Hotel/Motel use.
2. In Single-Family and One and Two-Family zoning districts, no property proposed for Hotel/Motel 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 Hotel/Motel use is located.
3. In IWD, IR, and IG, Hotel/Motel is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.

Section 3. 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 4. This Ordinance shall be published in a newspaper of general circulation and shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Freddie O'Connell

Ms. Logan presented the staff recommendations for all four ordinances.

Councilmember Shulman spoke in favor and asked for approval to allow the council to work together to resolve these issues.

Councilmember Withers spoke in favor and asked for approval to allow the council to work together to resolve these issues.

Councilmember Swope spoke in favor and explained that 937 is a good attempt at a compromise.

Councilmember Allen spoke in favor in order to give the council the ability to tweak these. We have to take the burden off the neighbors to deal with this.

Omid Yamini, 1204 N 2nd St, spoke in opposition as this does not put neighbors back in the neighborhood.

Tim Weeks, 6101 Hagars Grove Pass, spoke in opposition because it compromises Nashville's neighborhoods.

Pam Williams, 1529 Ferguson Ave, spoke in opposition; commercial does not belong in residential areas.

Kim Sorenson, 627 Miami Ave, spoke in opposition.

Karen Lovelace, 4707 Nevada Ave, spoke in favor.

John Maddox, 1114 Stratford Ave, spoke in favor. Lowering STRPs will lower tourism.

Kathryn Plummer, 3416 Benham Ave, spoke in opposition in order to preserve neighborhoods.

Stephanie Borak, 4515 Beacon Dr, spoke in opposition because this completely contradicts 608.

Scott Troxel, 2912 Oakland Ave, spoke in favor.

Cathy Nugent, 1511 Long Ave, spoke in opposition.

Grace Renshaw, 220 Mockingbird Rd, spoke in opposition; commercial does not belong in residential areas.

Margo Chambers, 3803 Princeton Ave, spoke in opposition due to enforcement concerns.

Carol Norton, 801 Boscobel St, spoke in opposition.

Randy Horick, 220 Mockingbird Rd, spoke in opposition due to enforcement concerns.

Catherine Hayden, 5000 Wyoming Ave, spoke in opposition because residential neighborhoods should stay residential.

Pat Williams, 4301 Elkins Ave, spoke in opposition due to enforcement concerns.

Steven Swartz, 237 54th Ave N, spoke in opposition; commercial does not belong in residential areas.

Nell Levin, 1611 Forrest Ave, spoke in opposition.

Charlotte Cooper, 3409 Trimble Rd, spoke in opposition.

Holly Quick, 1117 Woodvale Dr, spoke in opposition.

Joe Hamilton, 305 Mountainside Dr, spoke in opposition.

Sean Alexander, 809 Fatherland St, spoke in opposition as commercial does not belong in residential areas.

Ryan Parish, 4716 Benton Smith Rd, spoke in opposition.

Darby Bolton, 1707 Taminy Dr, spoke in favor.

Susannah Scott-Barnes, 700 Crescent Rd, spoke in opposition.

Karen Rich, 4401 Honeywood Dr, spoke in opposition as this will take us in the wrong direction.

Molly Collins, 1313 Greenwood Ave, spoke in favor.

Jenny Alexander, 809 Fatherland St, spoke in opposition in order to protect residential zoning.

Leslie Key, 1411 Fatherland St, spoke in opposition.

Tom Cash, Acklen Ave, spoke in opposition.

Caryll Alpert, 1921 19th Ave S, spoke in opposition.

Megan McCrea, 1006 Southside Place, spoke in favor.

Cynthia Hicks, 1702 Ashwood Ave, spoke in favor.

Matthew Bond, 3519 Golf St, spoke in opposition.

Adam Forgis, 1110 Chapel Ave, spoke in favor because he should have a right to do whatever he wants with his property.

Carla Livingston, 2115 Yeaman Place, spoke in favor.

Matthew Burge, 4613 Belmont Park Terrace, spoke in favor.

Bob Hopkins, 1300 Shelby Ave, spoke in opposition.

Jason Garrett, 1508 Sevier Court, spoke in opposition.
Carol Williams, 800 Russell St, spoke in opposition.

Bill Terry, 4641 Villa Green Dr, spoke in opposition.

Jeff Collins, 1313 Greenwood Ave, spoke in favor of sending this to the council and letting them do their job.

Ann Roberts, 210 Jackson Blvd, spoke in opposition.

Cathy Keyopola, 4107 Colorado Ave, spoke in opposition.

Logan Key, 1411 Fatherland St, spoke in opposition due to enforcement concerns.

Laura Rost, 4604 Villa Green Dr, spoke in opposition.

John Summers, 5000 Wyoming Ave, spoke in opposition.

Councilmember Henderson spoke in opposition.

Councilmember Hagar spoke in opposition.

Councilmember Shulman spoke in favor.

Councilmember Withers spoke in favor.

Ms. Farr closed the Public Hearing.

Councilmember Bedne spoke in opposition to all four. STR's compounded the lack of affordability issue and it seems like this will just make it worse.

Dr. Bichell expressed support of staff recommendations in order to allow council to debate these issues.

Dr. Sims stated that she will support giving council the ability to continue to do what is right for the city.

Mr. Tibbs stated that staff and the commission works very hard on policy and this does damage our neighborhoods.

Mr. Gobbell stated that he will support allowing council to deal with all STRP bills.

Ms. Moore stated that she will support allowing STRP bills to go to council.

24a: Councilmember Bedne moved and Mr. Tibbs seconded the motion to disapprove. (3-4) Dr. Sims, Dr. Bichell, Mr. Gobbell, and Ms. Moore voted against. Motion failed.

24a: Mr. Gobbell moved and Ms. Moore seconded the motion to approve Substitute Ordinance BL2017-937. (4-3) Councilmember Bedne, Mr. Tibbs, and Ms. Farr voted against.

Resolution No. RS2017-393

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-024TX-001 is Approved the Substitute Ordinance BL2017-937. (4-3)"

24b: Mr. Gobbell moved and Ms. Moore seconded the motion to approve with amendments. (5-2) Mr. Tibbs and Councilmember Bedne voted against.

Resolution No. RS2017-394

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-026TX-001 is **Approved with amendments. (5-2)**”

24c: Dr. Sims moved and Mr. Gobbell seconded the motion to approve with amendments. (5-2) Councilmember Bedne and Mr. Tibbs voted against.

Resolution No. RS2017-395

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017Z-027TX-001 is **Approved with amendments. (5-2)**”

24d: Dr. Bichell moved and Mr. Gobbell seconded the motion to disapprove. (7-0)

Resolution No. RS2017-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-062-001 is **Disapproved. (7-0)**”

I: OTHER BUSINESS

25. Employee Contract amendment for Robert Leeman.

Mr. Haynes moved and Mr. Gobbell seconded the motion to appoint Robert Leeman as Interim Executive Director. (10-0)

Resolution No. RS2017-397

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-062-001 is **Approved with conditions. (7-0)**”

Ms. Farr moved and Mr. Tibbs seconded the motion to appoint Jeff Haynes as the MPC representative on the interview subcommittee. (10-0)

Ms. Farr moved and Mr. Haynes seconded the motion to appoint Greg Adkins as the MPC representative on the interview panel. (10-0)

26. Employee Contract renewal for Jessica Buechler, Miranda Clements, Carrie Logan, Anita McCaig, and Lisa Milligan.

Approved. Consent Agenda (10-0)

Resolution No. RS2017-398

“BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Jessica Buechler, Miranda Clements, Carrie Logan, Anita McCaig, and Lisa Milligan are **Approved. (10-0)**”

27. New Employee Contract for Daniel McDonnell.

Approved. Consent Agenda (10-0)

Resolution No. RS2017-399

“BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Daniel McDonnell is **Approved. (10-0)**”

28. Appointments to the 31st Ave & Long BLVD UDO Design Review Committee.

Approved. Consent Agenda (10-0)

Resolution No. RS2017-400

"BE IT RESOLVED by The Metropolitan Planning Commission that the appointments to the 31st Ave and Long BLVD UDO Design Review Committee is **Approved. (10-0)**"

29. Sanitary Sewer Extension and Expansion Policy in Rural Areas.

Approved. Consent Agenda (10-0)

Resolution No. RS2017-401

"BE IT RESOLVED by The Metropolitan Planning Commission that the sanitary sewer extension and expansion policy in rural areas is **Approved. (10-0)**"

30. An amendment to Metro Contract # L-3880 (A-37527) to extend the term of the original contract through June 30, 2018, to provide time for GNRC and TDOT to execute Long Range Transportation Planning Pass Through Contracts for benefit of the Nashville Area MPO.

Approved. Consent Agenda (10-0)

Resolution No. RS2017-402

"BE IT RESOLVED by The Metropolitan Planning Commission that the amendment to Metro Contract #L-38800 (A-37527) to extend the term of the original contract through June 30, 2018, to provide time for GNRC and TDOT to execute Long Range Transportation Planning Pass Through Contracts for benefit of the Nashville Area MPO is **Approved. (10-0)**"

31. Historic Zoning Commission Report
32. Board of Parks and Recreation Report
33. Executive Committee Report
34. Accept the Director's Report and Approve Administrative Items

Approved. Consent Agenda (10-0)

Resolution No. RS2017-403

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved. (10-0)**"

- 35 Legislative Update

J: MPC CALENDAR OF UPCOMING EVENTS

January 11, 2018

MPC Meeting

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

January 25, 2018

MPC Meeting

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

K: ADJOURNMENT

The meeting adjourned at 11:50 p.m.

Chairman

Secretary



METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY
 Planning Department
 Metro Office Building, 2nd Floor

Date: December 14, 2017

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: Doug Sloan, Executive Director

Re: Executive Director's Report

The following items are provided for your information.

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

1. Planning Commission Meeting
 - a. Attending: Tibbs; Moore; Bedne; Bichell; Farr; Gobbell; Sims; Adkins
 - b. Leaving Early: Haynes (7p); Blackshear (5:30p)
 - c. Not Attending:
2. Legal Representation – Emily Lamb will be attending.

B. Executive Office

1. Our planners worked with students in eight classes at Overton High School, reviewing student subdivision designs and teaching computer drawing skills.

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

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 12/4/2017**.

APPROVALS	# of Applics	# of Applics '17
Specific Plans	3	48
PUDs	2	17
UDOs	0	11
Subdivisions	12	183
Mandatory Referrals	22	233
Grand Total	39	492



SPECIFIC PLANS (finals only): MPC Approval

Finding: Final site plan conforms to the approved development plan.

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
6/30/2016 11:59	11/15/2017 0:00	PLAPADMIN	2014SP-056-002	PILLOW STREET RESIDENTIAL (FINAL)	A request for final site plan approval for properties located at 1400 Pillow Street and 411 and 413 Merritt Avenue, at the southeast corner of Pillow Street and Merritt Avenue, (1.0 Acres), to permit up to 34 attached residential dwelling units, requested by Civil Site Design Group, applicant; LVH, LLC, owner.	17 (Colby Sledge)
1/26/2017 8:31	11/28/2017 0:00	PLRECAPP	2016SP-045-002	12TH AND WEDGEWOOD	A request for final site plan approval on properties located at 1440 and 1500 12th Avenue South and Wedgewood Avenue (unnumbered), at the northeast corner of Wedgewood Avenue and 12th Avenue South, zoned SP-R (1.83 acres), to permit 175 residential units, requested by Southeast Venture, LLC, applicant; Metro Government, owner.	17 (Colby Sledge)
3/30/2017 12:09	11/29/2017 0:00	PLRECAPP	2016SP-084-002	ROSEDALE COTTAGES	A request for final site plan approval on properties located at 509 and 511 Rosedale Avenue, approximately 215 feet northeast of Rosehaven Drive, zoned SP-R (0.78 acres), to permit 12 residential units, requested by DBS and Associates Engineering, Inc., applicant; Rosedale Partners, LLC and Sadler Vaden and Candice Summers, owners.	17 (Colby Sledge)

URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval

Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.

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

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

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
11/2/2017 10:28	11/29/2017 0:00	PLAPADMIN	98P-007-012	FIREBIRDS	A request to for final site plan approval for a Planned Unit Development Overlay District on property located at 690 Old Hickory Boulevard, at the northwest corner of Seven Springs Way and Old Hickory Boulevard, zoned MUL (0.001 acres), to permit the enclosure of an existing patio, requested by Interplan, LLC, applicant; Highwoods Realty Limited Properties, owner.	04 (Robert Swope)
6/29/2017 11:56	11/29/2017 0:00	PLAPADMIN	95P-019-002	CENTERVIEW AT PROVINCETOWN	A request for final site plan approval for a Planned Unit Development Overlay District on properties located	32 (Jacobia Dowell)

					at 5838 Monroe Xing, Monroe Xing (unnumbered) and Cedar Ash Xing (unnumbered), approximately 420 feet southeast of Old Franklin Road, zoned MUN and RM15 (4.15 acres), to permit 49 residential units, requested by Wamble and Associates, PLLC, applicant; Brent and Gale Campbell, owners.
--	--	--	--	--	--

MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District (CM Name)
9/27/2017 9:58	11/8/2017 0:00 PLRECAPP	2017M-046EN-001	INDUSTRIAL STRENGTH MARKETING AT 1401 5TH AVENUE NORTH AERIAL ENCROACHMENT	A request for an aerial encroachment comprised of one (1) double-faced, non-illuminated projecting sign encroaching the public right-of-way on property located at 1401 5th Avenue North (Map 081-12 Parcel 415), requested by Sideshow Sign Company, applicant; SWHR Germantown, LLC, owner.	19 (Freddie O'Connell)
11/2/2017 8:04	11/8/2017 0:00 PLRECAPP	2017M-046PR-001	BARNES FUND FOR AFFORDABLE HOUSING SURPLUS	A resolution declaring surplus and authorizing the grant of real property to certain nonprofit organizations, and authorizing grants not exceeding \$4,553,245.30 from the Barnes Fund for Affordable Housing to certain nonprofit organizations selected for the express purpose of constructing and rehabilitating affordable or workforce housing, requested by the Office of Mayor Megan Barry, applicant.	05 (Scott Davis); 07 (Anthony Davis); 09 (Bill Pridemore); 17 (Colby Sledge); 19 (Freddie O'Connell); 21 (Ed Kindall)
10/24/2017 8:26	11/15/2017 0:00 PLRECAPP	2017M-026AB-001	JOHN L DRIVER AVENUE AND 37TH AVENUE NORTH ROW ABANDONMENT	A request for the abandonment of a portion of John L Driver Avenue, from 38th Avenue North to 37th Avenue North and a portion of 37th Avenue North, from John L Driver Avenue to Tigerelle Drive (see sketch for details), utility easements will be retained, requested by Tennessee State University, applicant.	21 (Ed Kindall)
10/24/2017 14:10	11/16/2017 0:00 PLRECAPP	2017M-044PR-001	JOSLIN SIGN AND MAINTENANCE COMPANY LEASE AGREEMENT	A request for the approval of a lease agreement between the Metropolitan Government of Nashville and Davidson County and Joslin Sign and Maintenance Company, Inc., for the real property located at 624 Murfreesboro Pike (Map 106-06 Parcel 101), to provide approximately 97 parking spaces for the new police headquarters, requested by the Department of Finance, applicant.	19 (Freddie O'Connell)
10/23/2017 14:44	11/16/2017 0:00 PLRECAPP	2017M-004OT-001	2017 OFFICIAL MAP AND RECORD ACCEPTANCE	A request to approve a list of Streets and Alleys documented in the Geographic Information Systems Street and Alley Centerline File as being accepted for Maintenance or designated as "no maintenance" between October 1, 2016 and September 30, 2017, requested by Metro Public Works, applicant.	Countywide
11/8/2017 13:53	11/20/2017 0:00 PLRECAPP	2017M-022PR-005	STORMWATER REPETITIVE FLOOD DAMAGE HOME BUYOUT 5	A request for the authorization of the Director of Public Property, or his designee, to negotiate and acquire, by fee simple purchase, various properties for Metro Water Services (Map 059-10 Parcel 284; Map 059-14 Parcels 014, 016) (Project No. 17WS0001), requested	01 (Nick Leonardo)

					by Metro Water Services, applicant.	
11/13/2017 9:20	11/21/2017 0:00	PLRECAPP	2017M-094ES- 001	RIVERSIDE ROAD SIDEWALK PROJECT	A request for temporary construction easements, drainage easements and a construction easement for the Riverside Road Sidewalk Project, between 1502 Riverside Road and 20th Street (see sketch for details) (Project No. 2016-R-51), requested by Metro Public Works, applicant.	11 (Larry Hagar)
11/13/2017 9:39	11/21/2017 0:00	PLRECAPP	2017M-095ES- 001	STEWARTS FERRY PIKE SIDEWALK PROJECT	A request for a drainage easement, right-of-way easement and temporary construction easement for the Stewarts Ferry Pike Sidewalk Project, between the Tennessee School for the Blind and Stones River Greenway (Map 085 Parcel 019) (Project No. 2017-R-23), requested by Metro Public Works, applicant.	
11/13/2017 11:17	11/21/2017 0:00	PLRECAPP	2017M-096ES- 001	BOWLING AVENUE SIDEWALK PROJECT	A request for temporary construction easements and drainage easements for the Bowling Avenue Sidewalk Project, between Woodlawn Drive and Richmeade Place (Project No. 2016-R-49), requested by Metro Public Works, applicant.	24 (Kathleen Murphy)
11/13/2017 11:47	11/21/2017 0:00	PLRECAPP	2017M-097ES- 001	TUSCULUM ROAD SIDEWALK PROJECT	A request for right-of-way easements, temporary construction easements and drainage easements for the Tusculum Road Sidewalk Project, between Nolensville Pike and Brewer Drive (Project No. 2017-R-023), requested by Metro Public Works, applicant.	27 (Davette Blalock); 30 (Jason Potts)
11/14/2017 10:49	11/21/2017 0:00	PLRECAPP	2017M-098ES- 001	CLARE AVENUE SIDEWALK PROJECT	A request for temporary construction easements, right-of-way easements and a drainage easement for the Clare Avenue Sidewalk Project, between 38th Avenue North and Albion Street (Project No. 2016-R-52), requested by Metro Public Works, applicant.	21 (Ed Kindall)
10/17/2017 9:05	11/21/2017 0:00	PLRECAPP	2017M-052EN- 001	HOLSTON HOUSE AT 118 7TH AVENUE NORTH AERIAL ENCROACHMENT	A request for aerial encroachments comprised of one (1) double-faced, illuminated projecting sign and one (1) canopy, using existing framework, encroaching the public right-of-way on 118 7th Avenue North (Map 093-06-3 Parcel 025), requested by Premier Sign Company, applicant; Urban Nashville Robertson Building, LLC, owner.	19 (Freddie O'Connell)
10/20/2017 11:40	11/21/2017 0:00	PLRECAPP	2017M-089ES- 001	FOSTER AVENUE SIDEWALK PROJECT	A request for right-of-way easements, temporary construction easements and drainage easements for the Foster Avenue Sidewalk Project, between Thompson Lane and Whitsett Road (Project No. 2017-R-015), requested by Metro Public Works, applicant.	16 (Mike Freeman)
10/20/2017 11:55	11/21/2017 0:00	PLRECAPP	2017M-090ES- 001	BLUE HOLE ROAD SIDEWALK PROJECT	A request for right-of-way easements, temporary construction easements and a drainage easement for the Blue Hole Road Sidewalk Project, between Blue Hole Way and Henry Maxwell Elementary (Project No. 2016-R-007), requested by Metro Public Works, applicant.	31 (Fabian Bedne)
10/20/2017 12:13	11/21/2017 0:00	PLRECAPP	2017M-091ES- 001	BELL ROAD SIDEWALK PROJECT	A request for right-of-way easements and temporary construction easements for the Bell Road Sidewalk Project, between Hickory Hollow Parkway and Hickory Hollow Lane (Project No. 2017-R-029), requested by Metro Public	32 (Jacobia Dowell)

					Works, applicant.	
10/20/2017 13:57	11/21/2017 0:00	PLRECAPPR	2017M-092ES-001	WINTHORNE DRIVE SIDEWALK PROJECT	A request for temporary construction easements, drainage easements and right-of-way easements for the Winthorne Drive Sidewalk Project, between Glenpark Drive and Briley Parkway (Project No. 2016-R-034), requested by Metro Public Works, applicant.	13 (Holly Huevo)
11/21/2017 11:16	11/22/2017 0:00	PLRECAPPR	2018M-002PR-001	801 OLD DUE WEST AVENUE LEASE AGREEMENT	A request for an ordinance approving a lease agreement between the Metropolitan Government of Nashville and Davidson County and the Electric Power Board of the Metropolitan Government of Nashville and Davidson County to construct a community solar array at 801 Old Due West Avenue (Map 051 Parcel 022), commonly known as the Old Due West Landfill, requested by Metro Department of Law, applicant.	08 (Nancy VanReece)
11/14/2017 11:02	11/27/2017 0:00	PLRECAPPR	2017M-099ES-001	821 PORTER ROAD ABANDONMENT OF EASEMENT RIGHTS	A request for the abandonment of easement rights of a portion of former alley No. 767 (previously abandoned by Council Bill No. BL2015-1138 with easements retained) (see sketch for details), requested by Metro Water Services, applicant.	06 (Brett Withers)
11/14/2017 11:14	11/27/2017 0:00	PLRECAPPR	2017M-100ES-001	NOLENSVILLE PIKE SEWER ADJUSTMENTS	A request for the abandonment of approximately 153 linear feet of 8-inch Sewer Main and easements, and to accept new 782 linear feet of 8-inch Sewer Main and any associated easements (Map 161 Parcels 289, 291) (Project No. 16-SG-0045), requested by Metro Water Services, applicant.	27 (Davette Blalock); 31 (Fabian Bedne)
11/14/2017 11:22	11/27/2017 0:00	PLRECAPPR	2017M-101ES-001	BAY COVE TRAIL IMPROVEMENT PROJECT	A request for permanent and temporary easements, acquired through negotiations and acceptance, for the Bay Cove Trail Stormwater Improvement Project (Project No. 16-SWC-141), requested by Metro Water Services, applicant.	35 (Dave Rosenberg)
11/14/2017 12:03	11/27/2017 0:00	PLRECAPPR	2017M-054EN-001	BOOT BARN AT 318-320 BROADWAY AERIAL ENCROACHMENT	A request for an aerial encroachment comprised of one (1) 2' 2 3/8" x 3' double-faced, illuminated, projecting sign encroaching the public right-of-way on properties located at 318-320 Broadway (Map 093-06-4 A Parcel 001), requested by Joslin and Son Signs, applicant; 320 Broadway Partners, LLC, owner.	19 (Freddie O'Connell)
11/14/2017 12:24	11/27/2017 0:00	PLRECAPPR	2018M-001PR-001	2343 ANTIOCH PIKE PROPERTY ACQUISITION	A request for the approval of an option agreement between the Metropolitan Government of Nashville and Davidson County and Samoill and Marsa Morgan authorizing the purchase of certain property owned by the Morgans (Map 148-16 Parcel 075), requested by the Department of Finance, applicant.	28 (Tanaka Vercher)

SUBDIVISIONS: Administrative Approval

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
4/27/2017 10:55	11/6/2017 0:00	PLAPADMIN	2017S-134-001	NASHVILLE YARDS SUBDIVISION PARCEL 9	A request for final plat approval to consolidate seven lots into three lots on properties located at 901, 903, 905, 907, 915, and 919 Church Street and 1 J M Frost Plaza, at the corner of 10th Avenue North and Church Street, zoned DTC (5.17 acres), requested by Ragan Smith, applicant; Uptown Property Holdings, LLC, owner.	19 (Freddie O'Connell)
8/17/2017 10:04	11/6/2017 0:00	PLAPADMIN	2017S-219-001	2ND & HART PARTNERS, LLC	A request for final plat approval to create one lot on property located at 2 B Hart Street, at the corner of 2nd Ave S and Hart Street, zoned MUL-A (0.76 acres), requested by DBS Engineering, applicant; Wendell Harmer, owner.	17 (Colby Sledge)
8/3/2017 10:27	11/8/2017 0:00	PLAPADMIN	2017S-212-001	ALPINE TERRACE SUBDIVISION	A request for final plat approval to create two lots on property located at 3214 Lincoln Avenue, at the corner of Lincoln Avenue and Hill Street, zoned R10 (0.55 acres), requested by DBS Engineering, applicant; Jonathan and Jihan Walker, owners.	02 (DeCosta Hastings)
6/5/2017 13:07	11/8/2017 0:00	PLAPADMIN	2017S-166-001	1904 3RD AVENUE NORTH	A request for final plat approval to create two lots on property located at 1904 3rd Avenue North, approximately 100 feet northwest of Coffee Street, zoned R6 (0.39 acres), requested by OHM Advisors, applicant; Appalachian Cultivation Fund, LLC, owner.	19 (Freddie O'Connell)
7/13/2017 12:43	11/8/2017 0:00	PLAPADMIN	2017S-200-001	NARANJI V. PATEL SUBDIVISION RESUB OF LOT 1 AND 2	A request for final plat approval to shift lot lines on properties located at 819 and 821 Murfreesboro Pike, approximately 280 feet northwest of Plus Park Boulevard, zoned CS (4.98 acres), requested by Blue Ridge Surveying, Inc., applicant; Sanjay D. Patel, owner.	16 (Mike Freeman)
10/27/2016 10:25	11/8/2017 0:00	PLAPADMIN	2016S-260-001	KINGSPORT PHASE 1	A request for final plat approval to create 35 lots on a portion of property located at 5748 Pettus Road, approximately 910 feet south of Old Franklin Road, zoned SP-R (29 acres), requested by James Terry & Associates, applicant; Green Trails, LLC, owner.	32 (Jacobia Dowell)
11/17/2016 14:46	11/15/2017 0:00	PLAPADMIN	2017S-018-001	BRINKLEY PROPERTY SUBDIVISION PHASE 1	A request for final plat approval to create 55 lots on a portion of property located at Pettus Road (unnumbered), east of the terminus of Lacebark Drive, zoned SP-R (31.92 acres), requested by Clint T. Elliott Surveying, applicant; The Principals Group, LLC, owner.	31 (Fabian Bedne)
1/9/2017 11:39	11/16/2017 0:00	PLAPADMIN	2017S-051-001	KATHRYN AND BRANDON BUBIS PROPERTIES	A request for final plat approval to create one lot on properties located at 931, 941 and 943 Main Street, approximately 165 feet northeast of McFerrin Avenue, zoned MUG-A and within the Gallatin Pike Urban Design Overlay District and the East Bank Redevelopment District (0.99 acres),	06 (Brett Withers)

					requested by DBS & Associates Engineering, applicant; Brandon, Robert and Kathryn Bubis, owners.	
7/14/2017 13:16	11/16/2017 0:00	PLAPADMIN	2017S-202-001	PLAN OF CC VERNON FARM RESUB OF LOT 21- B	A request for final plat approval to create two lots on property located at 120 Oceola Avenue, approximately 335 feet south of Burgess Avenue, zoned R6 (0.27 acres), requested by Doyle Elkins, applicant; Clayton Tate and Jason Tidwell, owners.	20 (Mary Carolyn Roberts)
9/14/2017 7:27	11/20/2017 0:00	PLAPADMIN	2017S-238-001	CLOVERHILL SECTION VIII, RESUB LOT 540	A request for final plat approval to create two lots on property located at 3149 Crosswood Drive, at the current terminus of Crosswood Drive, zoned RS10 (1.05 acres), requested by William B. Perkins, applicant; Joe Higdon, owner.	14 (Kevin Rhoten)
6/15/2017 13:33	12/1/2017 0:00	PLAPADMIN	2017S-173-001	KINGSWOOD PARK LOT 3 AND 4	A request for final plat approval to shift lot lines on properties located at 415 and 419 Brewer Drive, approximately 145 feet east of Larkway Drive, zoned R10 (1.4 acres), requested by Doyle Elkins, applicant; Kenneth Harding, owner.	27 (Davette Blalock)
8/17/2017 11:52	12/1/2017 0:00	PLAPADMIN	2017S-223-001	BARROW GROVE CONSOLIDATION OF PART OF LOTS 14-18	A request for final plat approval to consolidate five parcels into one lot on properties located at 525, 527, 531, 533 and 537 5th Avenue South, at the northwest corner of 5th Avenue South and Lea Avenue, zoned DTC (1.14 acres), requested by Clint T. Elliott Surveying, applicant; House at SoBro, LLC, owner.	19 (Freddie O'Connell)

Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
11/8/17	Approved Extension	2014B-016-004	BARLOW GLEN
11/28/17	Approved New	2016B-043-001	MAP OF EASTMORELAND PLACE-SHIELDS SUBDIVISION OF GLEAVES LAND RESUB
11/1/17	Approved Extension	2014B-014-004	PARKSIDE
11/7/17	Approved Reduction	2017B-014-002	TOWNVIEW PLACE
11/3/17	Approved Extension/Reduction	2016B-046-002	CARRINGTON PLACE SECTION 2 PHASE 3
11/21/17	Approved Extension	2014B-025-004	VOCE, PHASE 1A
11/13/17	Approved Extension/Reduction	2014B-039-005	VOCE, PHASE 1B
11/15/17	Approved Extension	2015B-019-003	VOCE, PHASE 2A
11/7/17	Approved Extension	2013B-017-005	VILLAGES OF RIVERWOOD, SECTION 1, PHASE 4C
11/27/17	Approved New	2017B-036-001	CARRINGTON PLACE, PHASE 4
11/7/17	Approved Extension	2015B-045-003	BURKITT SPRINGS, PHASE 4A
11/6/17	Approved New	2017B-039-001	KINGSPORT PHASE 1
11/8/17	Approved Extension	2013B-015-008	THE RESERVE AT STONE HALL, PHASE 1, SECTION 2B
11/27/17	Approved Replacement	2008B-021-010	DORSET PARK SUBDIVISION, PHASE 1, SECTION 1 (FORMERLY GRANNY WHITE)
11/27/17	Approved Extension	2008B-006-005	WEST END SUMMIT
11/30/17	Approved Extension/Reduction	2016B-021-002	WELCH PROPERTY SUBDIVISION, SECTION II

11/30/17	Approved Extension	2014B-027-003	PORTER ROAD
12/1/17	Approved New	2017B-046-001	SOUTHSIDE OF 39TH AVENUE, EAST SIDE OF CLIFTON STREET RESUB LOTS 15 AND 16
11/21/17	Approved Call	2006B-073-014	HIDDEN SPRINGS, PHASE 2
11/30/17	Approved Extension	2015B-053-003	CAMBRIDGE PARK, PHASE 2 & 3

Schedule

- A. **Thursday, November 9, 2017-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- B. **Thursday, December 14, 2017-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. **Thursday, January 11, 2018-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, January 25, 2018-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, February 8, 2018-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, February 22, 2018-** [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center