

Metropolitan Planning Commission



Staff Reports

December 14, 2017



Metro Planning Commission Meeting 12/14/2017

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



SEE NEXT PAGE



NO SKETCH



Project Nos. and Council Bill Nos.

**Text Amendment 2017Z-023TX-001, BL2017-938
Text Amendment 2017Z-029TX-001, BL2017-1029
Text Amendment 2017Z-030TX-001, BL2017-1030**

**Council District
School District
Requested by**

Countywide
Countywide
Councilmember Steve Glover

Deferrals

BL2017-938 was deferred at the October 26, 2017, and November 9, 2017, Planning Commission meeting. No public hearing was held.

**Staff Reviewer
Staff Recommendation**

Logan
*Approve Ordinance BL2017-938.
Defer Ordinance BL2017-1029 to the January 11, 2018, Planning Commission meeting.
Defer Ordinance BL2017-1030 to the January 11, 2018, Planning Commission meeting.*

TEXT AMENDMENTS

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

HISTORY

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

PROPOSED TITLE 17 (ZONING CODE) AMENDMENTS

(underlined)

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.



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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:

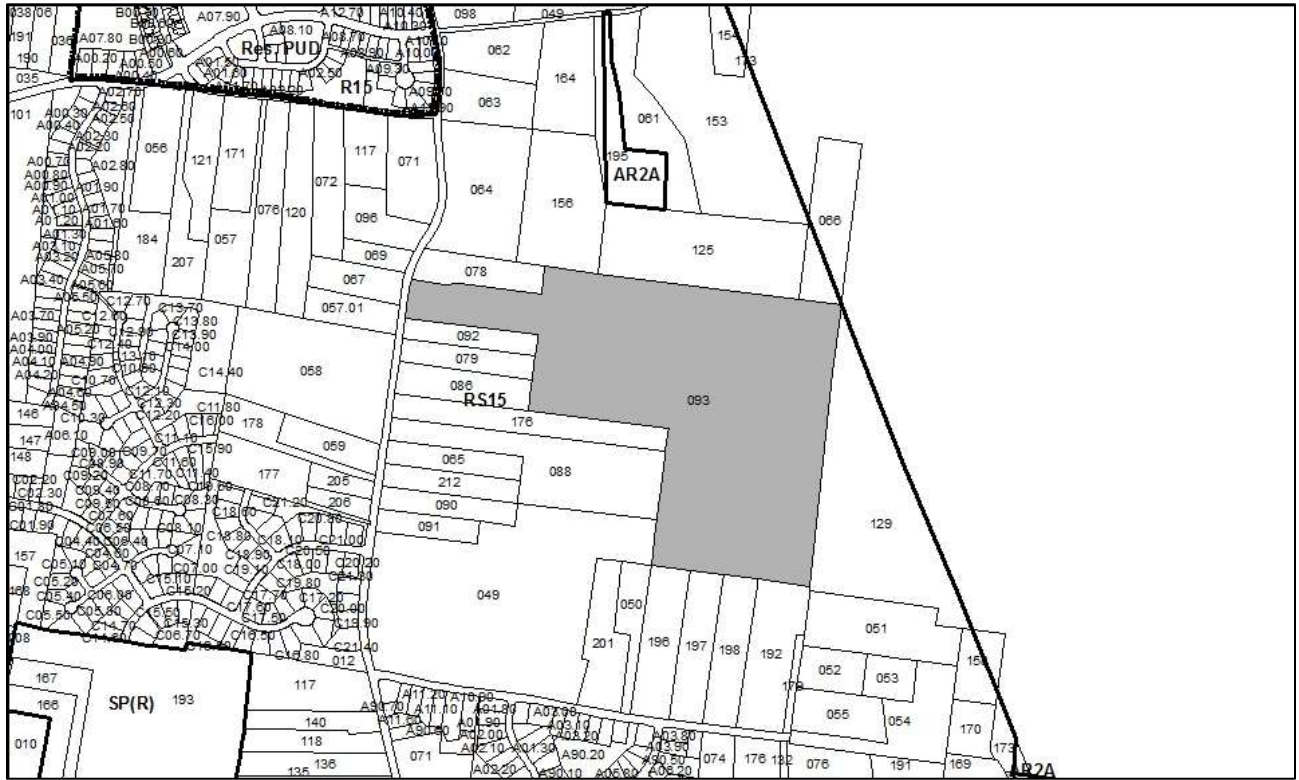
4. If the study required under section 2.48.040 of the Metropolitan Code of Laws is not timely completed, the department of public works shall not require any applicant to pay a contribution, as otherwise provided for under this section, until such study is completed.

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



Metro Planning Commission Meeting 12/14/2017



2016SP-062-001

EARHART SUBDIVISION SP

Map 098, Parcel(s) 093

14, Donelson – Hermitage – Old Hickory

12 (Steve Glover)



Project No.	Specific Plan 2016SP-062-001
Project Name	Earhart Subdivision SP
Council District	12 - Glover
School District	4 - Shepherd
Requested by	T-Square Engineering, Inc., applicant; KDS Investments GP, owner.

Deferrals This item was deferred at the February 23, 2017, March 9, 2017, March 23, 2017, April 13, 2017, April 27, 2017, and May 11, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Napier
Staff Recommendation *Defer to the January 11, 2018, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval 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

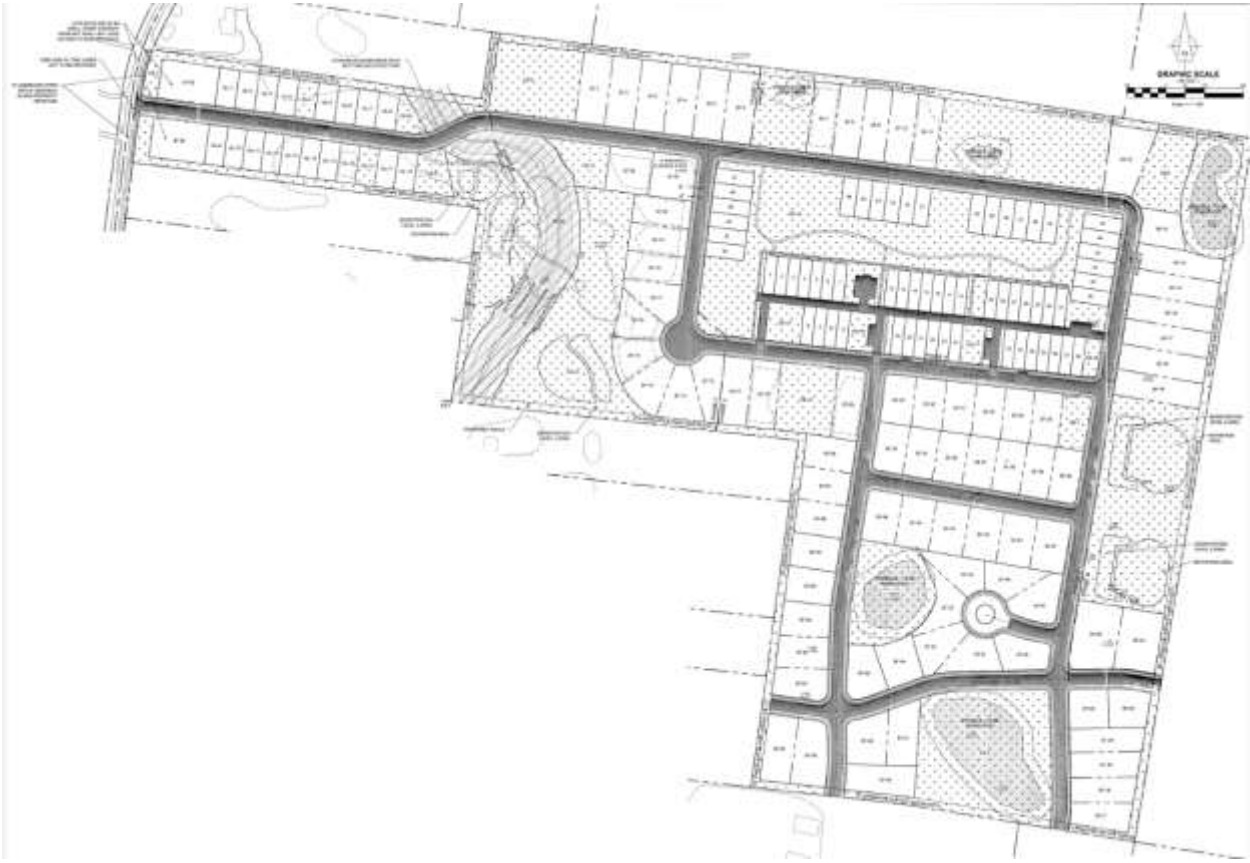
Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing types.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



Metro Planning Commission Meeting 12/14/2017



Proposed Site Plan



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

- 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.



Metro Planning Commission Meeting 12/14/2017

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

Returned for corrections

- Considering the roadways are close to several sinkholes, provide a geotechnical report evaluating the suitability of having a roadway in close proximity, and include mitigations as necessary.
- Show improvements to Earhart Rd.
- Add note, '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



Metro Planning Commission Meeting 12/14/2017

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 deferral to the January 11, 2018, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all agencies, staff recommends approval with conditions and disapproval without all conditions.

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.



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017



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



Project No. Specific Plan 2017SP-084-001
Project Name West Trinity Lane SP
Council District 02 – Hastings
School District 1 – Gentry
Requested by Stone and Howorth, applicant; Brooklyn Heights Land Trust, owner.

Deferrals This item was deferred at the November 9, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Shepard
Staff Recommendation *Defer to the January 11, 2018, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval 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

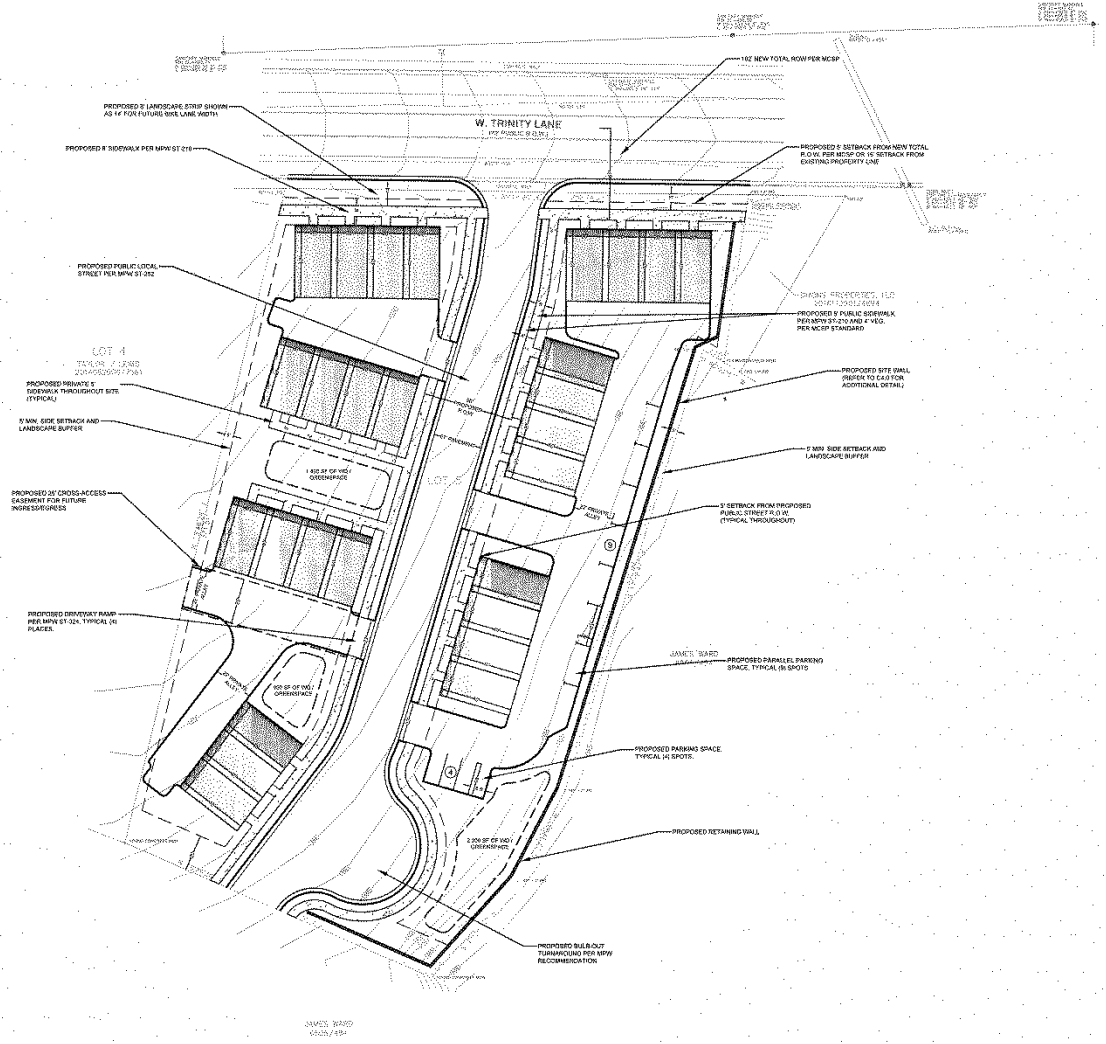
Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building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



Metro Planning Commission Meeting 12/14/2017



Proposed Site Plan



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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

Returned for corrections

- Update Preliminary Note to plans: Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Storm Water approval / comments only. The final lot count and details of the plan shall be governed by the appropriate Storm Water regulations at the time of final application.
- Cite the New FEMA: Panel Number (H), Zone X, AE, or A, and Date (4/5/2017) to plat.
- Cite Access Note: Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Storm water facilities within the property. Please put the above comments back on Plan.



Metro Planning Commission Meeting 12/14/2017

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 deferral to the January 11, 2018, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions.



Metro Planning Commission Meeting 12/14/2017

CONDITIONS (if approved)

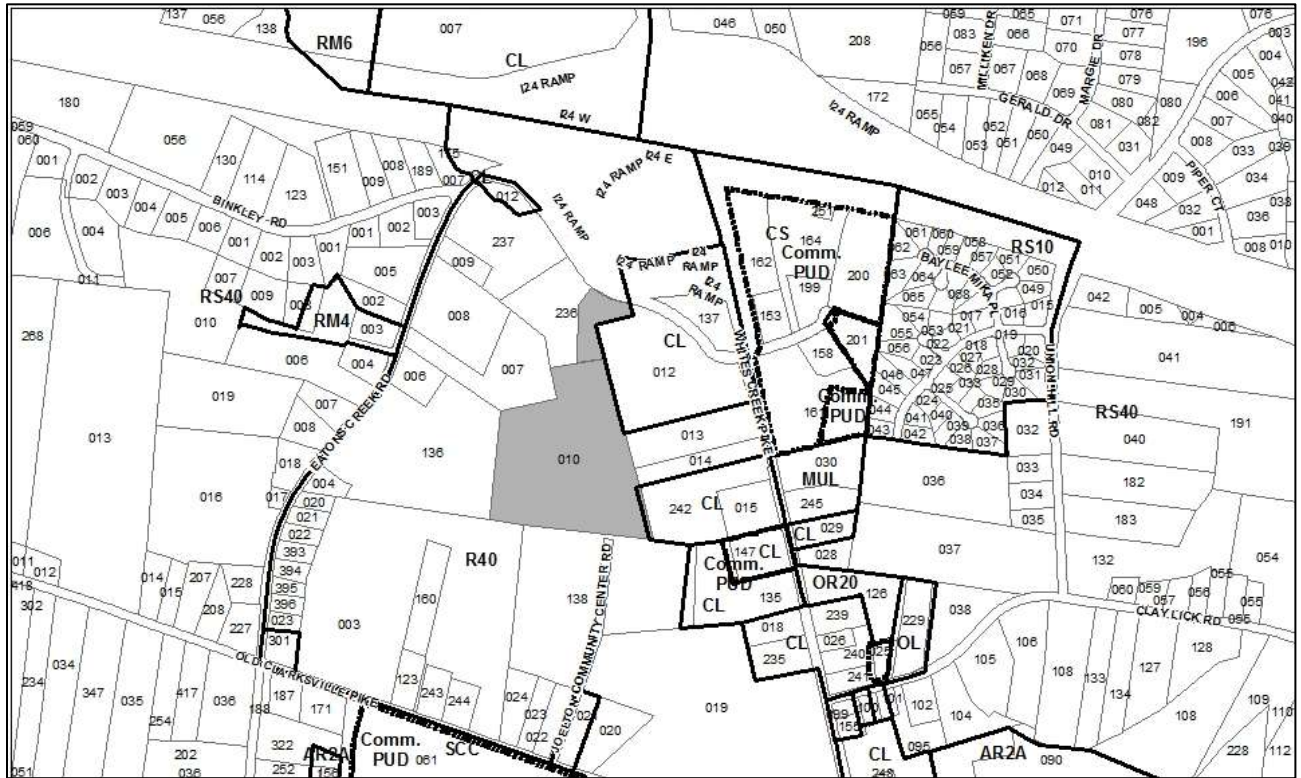
1. Permitted land uses shall be limited to a maximum of 27 multi-family residential units.
2. Comply with all conditions of Metro Public Works and Traffic and Parking.
3. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more 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.



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2017SP-094-001

MEADOW VILLAGE AND VENUE SP

Map 022, Parcel(s) 010

Map 022, Part of Parcel(s) 236

01, Joelton

01 (Nick Leonardo)



Project No.	Specific Plan 2017SP-094-001
Project Name	Meadow Village and Venue SP
Council District	01 – Leonardo
School District	1 – Gentry
Requested by	Dale and Associates, applicant; E. G. Winters, et ux, and E. Wayne Winters, Tr, owners.

Deferrals This item was deferred at the November 9, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Shepard
Staff Recommendation *Defer to the January 11, 2018, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval 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

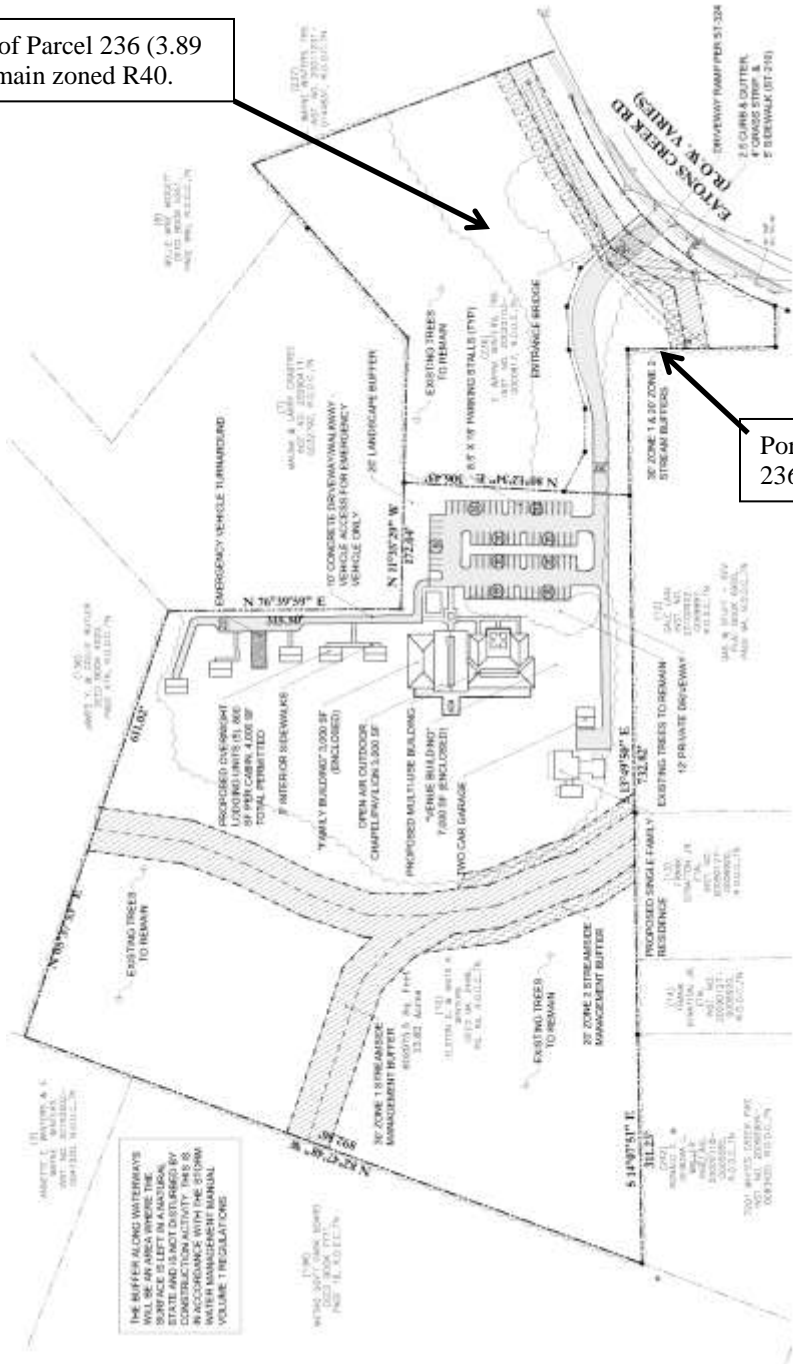
Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition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



Metro Planning Commission Meeting 12/14/2017

Remainder of Parcel 236 (3.89 acres) to remain zoned R40.

Portion of Parcel 236 to be zoned SP.



THE BUFFER ALONG WATERWAYS WILL BE AN AREA WHERE THE DISTURBANCE OF THE STATE AND IS ACTUALLY BY CONSTRUCTION ACTIVITY THIS IS IN ACCORDANCE WITH THE STORM WATER MANAGEMENT MANUAL VOLUME 1 REGULATIONS

Proposed Site Plan



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

STORMWATER RECOMMENDATION

Returned for corrections

- Add the standard buffer note: 'The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity. This is in accordance with the Storm Water Management Manual Volume 1 Regulations.'
- Show the Streams and buffer zones in accordance with the SWMM, Vol. 1 (Label streams and buffer zones).
- Show ditches / pipes; and provide a Public Utility and Drainage Easement in accordance with the SWMM, Vol. 1.(Label Easements).

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



Metro Planning Commission Meeting 12/14/2017

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 deferral to the January 11, 2018, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all agencies, staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS (if approved)

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



Metro Planning Commission Meeting 12/14/2017

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. With submittal of the Final SP, the minimum glazing percentage referenced in Note 1 shall be revised to 15%.
 4. Comply with all conditions of Metro Public Works and Traffic and Parking.
 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 R40 zoning district.
 6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
 7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
 8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting 12/14/2017



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



Project No. Development Plan 2017NHL-001-002
Project Name Dalebrook 37206
Council District 06- Withers
School District 5 – Buggs
Requested by Design Build Partners, applicant; 901 Dalebrook Partners, LLC, owner.

Deferrals This item was deferred at the August 24, 2017, October 12, 2017, and November 9, 2017, Planning Commission meetings. No public hearing was held.

Staff Reviewer Burse
Staff Recommendation *Defer to the January 25, 2018, Planning Commission meeting.*

APPLICANT REQUEST

Development Plan approval to permit office and medical office uses.

Neighborhood Land Overlay Development Plan

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

STAFF RECOMMENDATION

Staff recommends deferral to the January 25, 2018, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 12/14/2017



2017S-035-001

HALL ESTATES SECTION 3 RESUB OF LOT 235

Map 146-12, Parcel(s) 131

12, Southeast

26 (Jeremy Elrod)



Project No. **Final Plat 2017S-035-001**
Project Name **Hall Estates Section 3 Resub of lot 235**
Council District 26 - Elrod
School District 2 - Brannon
Requested by Delle Land Surveying, applicant; Jack Barrett and Cynthia Barrett, owners.

Defer This item was deferred at the February 23, 2017, and March 9, 2017, Planning Commission meetings. No public hearing was held.

Staff Reviewer Napier
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

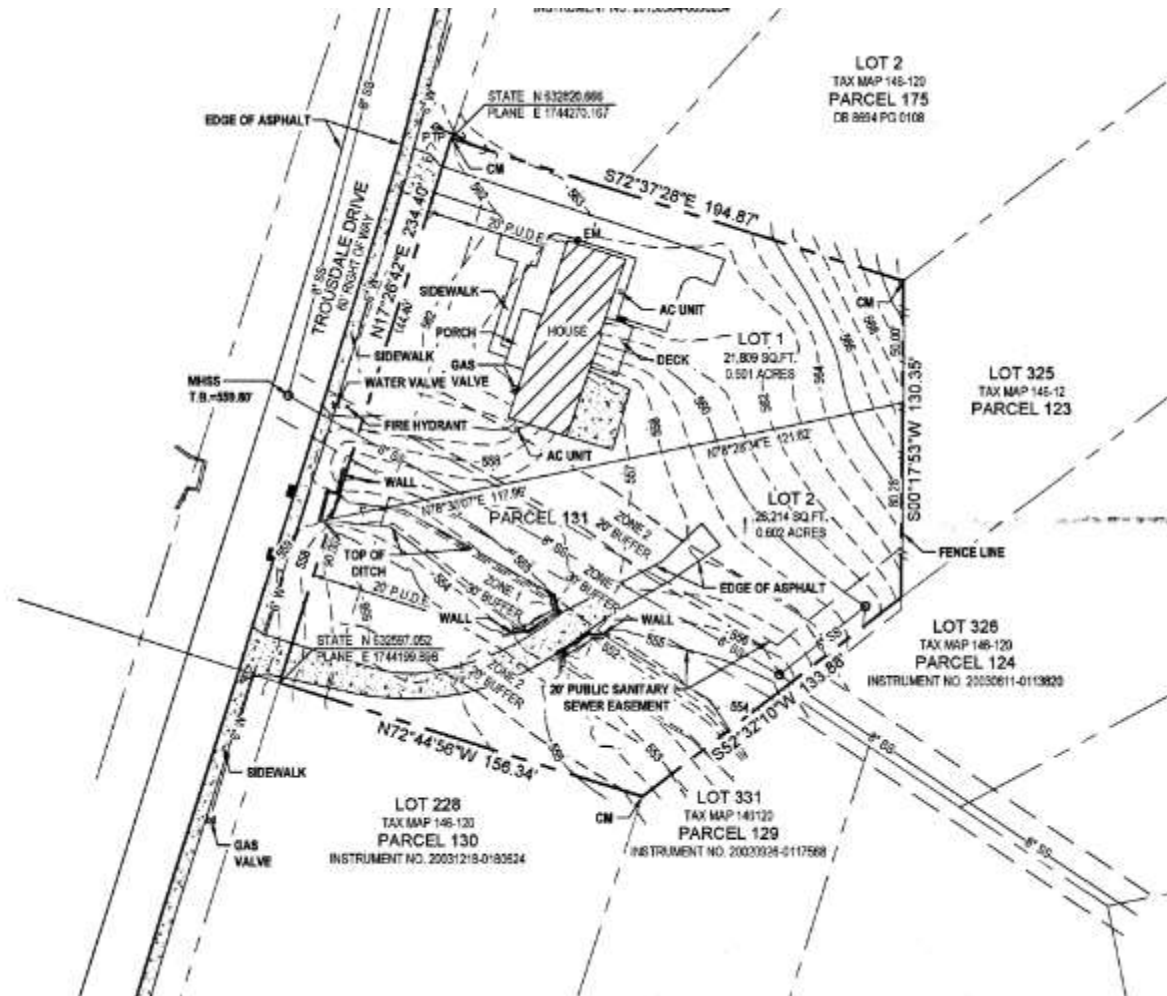
T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing 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.



Metro Planning Commission Meeting 12/14/2017



Proposed Final Plat



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017



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



Project No. **Final Plat 2017S-243-001**
Project Name **205 Scalf Drive**
Council District 09 – Pridemore
School District 3 - Speering
Requested by Southern Precision Land Surveying, applicant; Martin Bubis and Richard Vick, owner.

Deferrals This item was deferred at the November 9, 2017, Planning Commission meeting. No public hearing was held.

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

APPLICANT REQUEST

Final pat approval to create two lots.

Final Plat

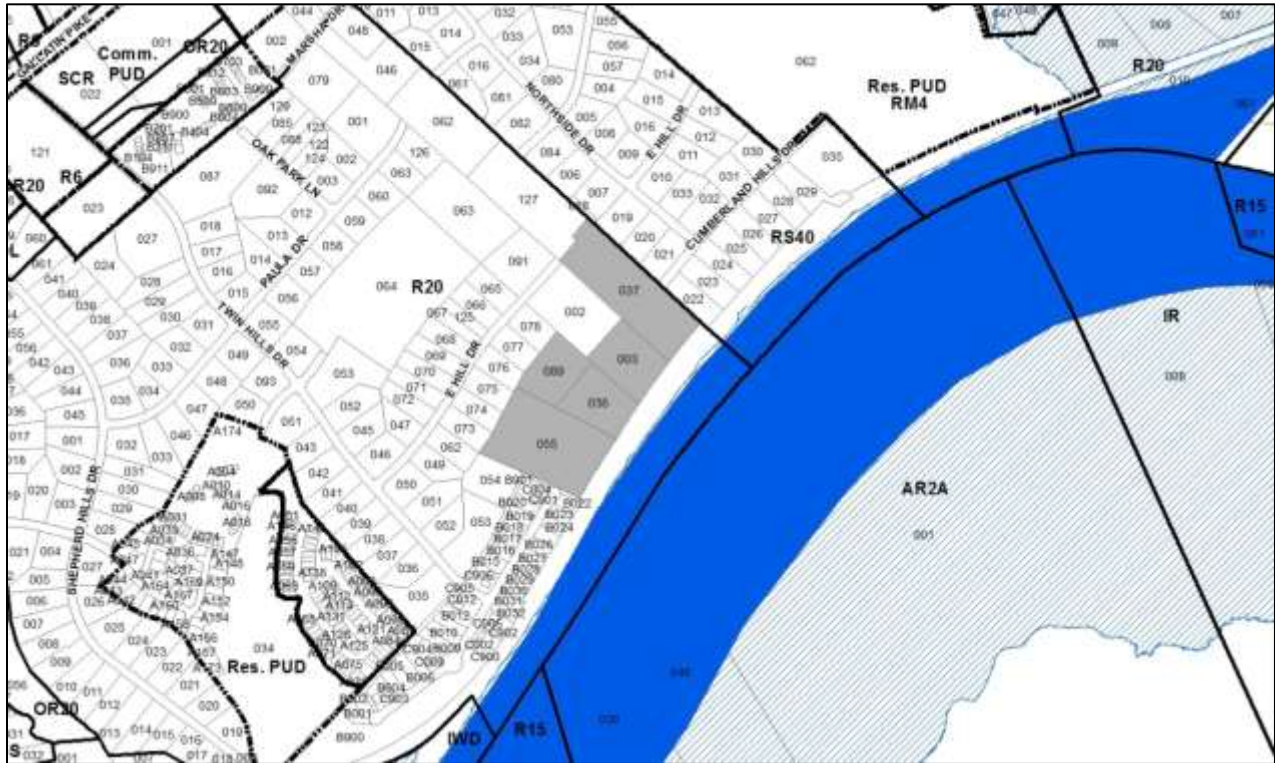
A request for final plat approval to create two lots on property located at 205 Scalf Drive, approximately 425 feet south of Roosevelt Avenue, zoned Single-Family Residential (RS7.5) (0.49 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the January 11, 2018, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 12/14/2017



2017S-254-001

RIVERVIEW AT CUMBERLAND HILLS

Map 034-03, Parcel(s) 089

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

Map 034-07, Parcel(s) 055

04, Madison

10 (Doug Pardue)



Project No. Concept Plan 2017S-254-001
Project Name Riverview at Cumberland Hills
Council District 10 - Pardue
School District 3 – Speering
Requested by Dewey Engineering, applicant; Domus Partners, LLC, owner.

Deferrals This item was deferred at the November 9, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Birkeland
Staff Recommendation *Defer to the January 11, 2018, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval without all 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.*

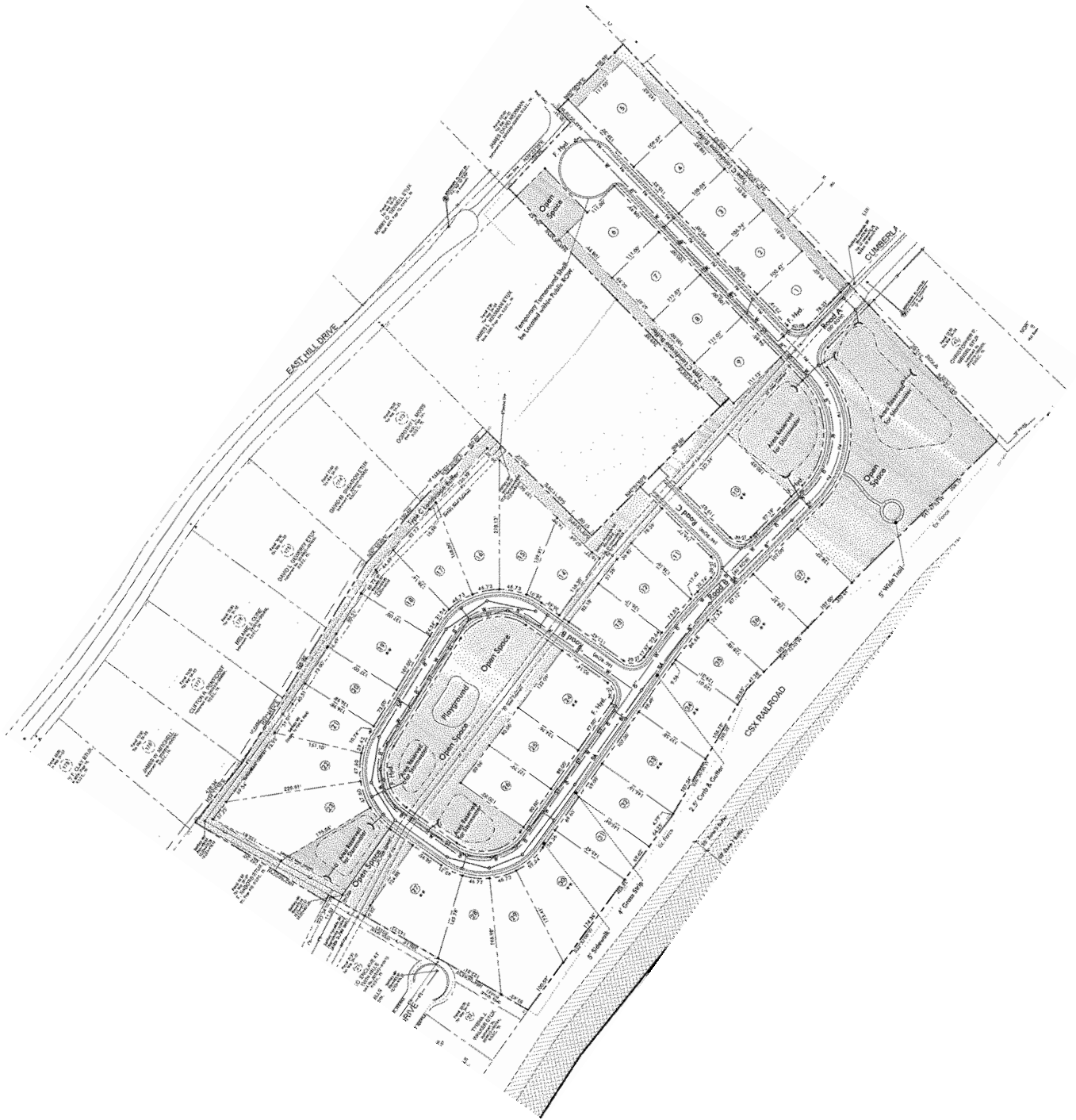
MADISON COMMUNITY PLAN

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



Metro Planning Commission Meeting 12/14/2017



Proposed Concept Plan



Metro Planning Commission Meeting 12/14/2017

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 exiting 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



Metro Planning Commission Meeting 12/14/2017

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

Returned for corrections

- 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.
- Show the pavement connection/tie-in of the proposed Road A and Cumberland Hills Drive.
- Extend Road C to the property line.
- Add the following MPW standard notes to the cover sheet:
 - All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
 - Proof-rolling of ALL street sub-grades is required in the presence of the Public Works Inspector, request to be made 24 hours in advance.
 - Stop signs to be 30 inch by 30 inch.
 - Street signs to have six inch white letters on a nine inch green aluminum blade.
 - All signs to have 3M reflective coating.
- Provide a pedestrian barrier/fence along the stormwater pond located adjacent to Lots 9 and 10 where the slope is approximately 3:1
- Add the necessary MPW standard details (road cross section, sidewalk, curb and gutter, etc.).
- The “temporary turnaround” shall be located within Public ROW and not an access easement. The turnaround shall be designed and constructed as if permanent and therefore curb and gutter and sidewalk should extend around the entire perimeter. The pavement of Road B shall also extend to the nearest property line (due to the irregular property line).

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:



Metro Planning Commission Meeting 12/14/2017

- 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

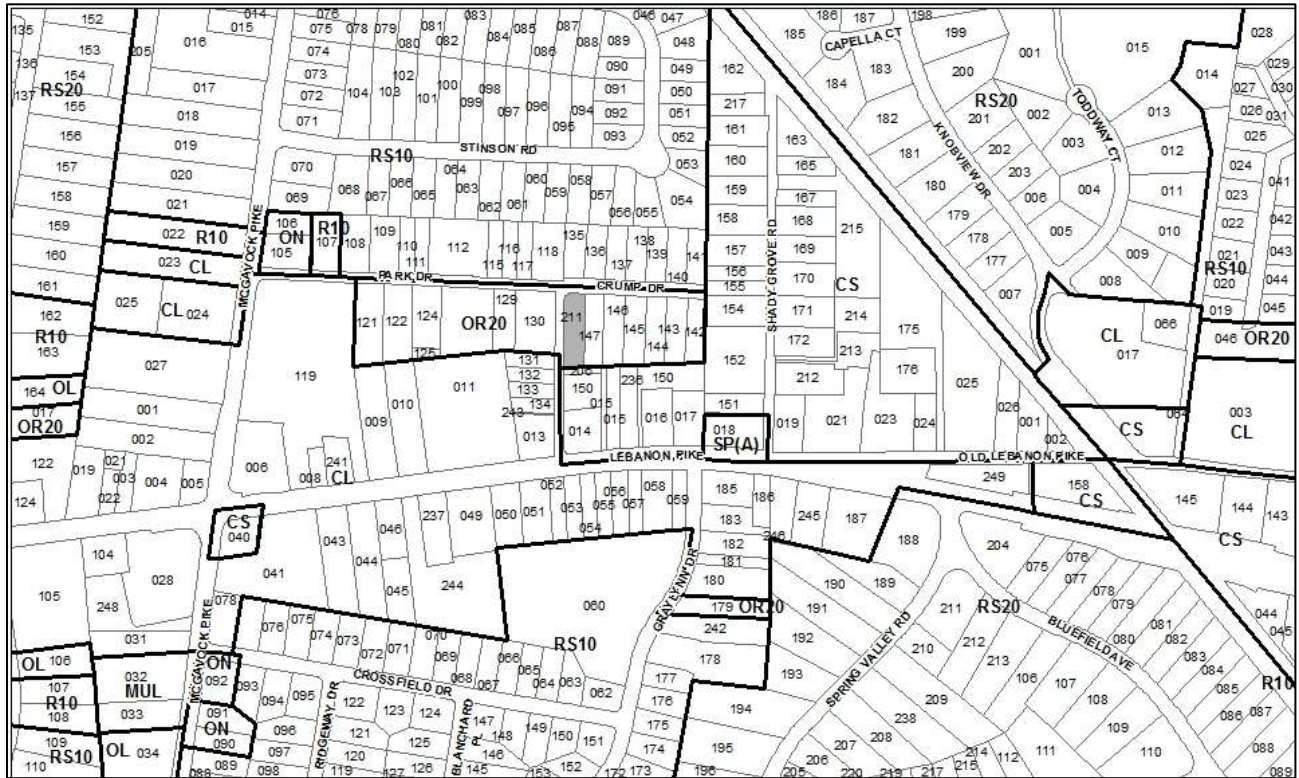
Staff recommends deferral to the January 11, 2018, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If recommendations of approval are received from all reviewing agencies, staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS (if approved)

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.



Metro Planning Commission Meeting 12/14/2017



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



Project No. UDO Final Site Plan and Modification
2009UD-001-009

Project Name Masonry Specialty Office Building

Council District 15 – Syracuse

School District 4 – Shepherd

Requested by Holland Holdings, LLC, applicant and owner.

Deferrals This item was deferred at the November 9, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Buechler

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

APPLICANT REQUEST

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

UDO Modification and Final Site Plan

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

STAFF RECOMMENDATION

Staff recommends deferral to the January 11, 2018, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting 12/14/2017



2017Z-037PR-001
Various Maps, Various Parcels
05, East Nashville
05 (Scott Davis)



Project No. **Zone Change 2017Z-037PR-001**
Council District 05 – Davis
School District 5 – Buggs
Requested by Councilmember Scott Davis, applicant; various property owners.

Deferrals This item was deferred at the May 11, 2017, June 8, 2017, July 13, 2017, August 10, 2017, September 14, 2017, October 12, 2017, and the October 26, 2017, Planning Commission meeting. No public hearing was held.

Staff Reviewer Birkeland
Staff Recommendation *Approve.*

APPLICANT REQUEST

Zone change from CS and RS5 to RM20-A, MUL-A, R6-A, and RM9-A.

Zone Change

A request to rezone from Commercial Service (CS) and Single-Family Residential (RS5) to Multi-Family Residential-Alternative (RM20-A), Mixed Use Limited-Alternative (MUL-A), One and Two-Family Residential-Alternative (R6-A), and Multi-Family Residential-Alternative (RM9-A) zoning for various properties south of E Trinity Lane, (35.65 acres).

Existing Zoning

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses, (2.49 acres).

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre, (33.16 acres).

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 163 units, based on 8.17 acres.*

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. (2.49 acres)

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6-A would permit a maximum of 125 lots with 31 duplex lots for a total of 156 units, based on 17.22 acres. This calculation is based on acreage only.*



Metro Planning Commission Meeting 12/14/2017

Multi-Family Residential-Alternative (RM9-A) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM9-A would permit a maximum of 69 units, based on 7.77 acres.*

EAST NASHVILLE COMMUNITY PLAN

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

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

Consistent with Policy?

Yes. The proposed zone change is consistent within each policy and transitions from the corridors into the neighborhood. Each district provides opportunity for change that is respectful of its location and relationships to adjacent districts. The proposed MUL-A zoning district is consistent with the T4 CM policy area along East Trinity Lane. The RM20-A and RM9-A policies are consistent with the T4 NE policy as it transitions from Dickerson Pike, within the Urban Mixed Use Corridor policy, to the interior neighborhood. This area is served by an existing transit route along Meridian Street, Edwin Street and Lischey Avenue, which supports the zone change proposal. The proposed R6-A zoning is consistent with the T4 NE policy in the interior of the neighborhood along Lischey Avenue, a collector street.

ANALYSIS

The zone change request includes many parcels located south of East Trinity Lane and east of Luton Street. The majority of the parcels include single-family residential uses with a few two-family residential uses. This area includes two unbuilt alleys. The proposed zone change requests are appropriate for the T4 Urban Neighborhood Evolving and T4 Mixed Use Corridor policies, in these locations. The proposed zoning districts provide a transition of intensity from the corridors into the neighborhood. As this area continues to evolve and redevelop, the proposed Alternative zoning will foster a more pedestrian friendly environment by limiting new driveways to a maximum width of 12 feet and providing for alley access where an alley exists.



Metro Planning Commission Meeting 12/14/2017

FIRE MARSHAL'S OFFICE RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.49	0.6	65,078 SF	2,796	66	243

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	33.16	8.71 D	288 U	2752	212	278

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.25	1.0	54,450 SF	2,341	55	204

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
General Office (710)	0.62	1.0	27,007 SF	487	66	110

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)	0.62	1.0	27 U	288	17	33

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	17.22	7.26 D	125 U	1277	98	132

*Based on two-family lots



Metro Planning Commission Meeting 12/14/2017

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	8.17	-	163 U	1,112	84	108

Maximum Uses in Proposed Zoning District: **RM9-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)	7.77	-	69 U	542	38	56

Traffic changes between maximum: **CS, RS5, MUL-A, R6-A, RM20-A, and RM9-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+499	+80	+122

STAFF RECOMMENDATION

Staff recommends approval.



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2017Z-106PR-001
Map 071-108, Parcel(s) 256-258
05, East Nashville
05 (Scott Davis)



Project No. **Zone Change 2017Z-106PR-001**
Council Bill BL2017-1028
Council District 05 – Davis
School District 3 – Speering
Requested by Councilmember Scott Davis, applicant; Jake Cauley, Thomas Hopper, Sr., et ux, and James and Kathy Criswell, owners.

Deferrals This item was deferred at the October 26, 2017, Planning Commission meeting. A public hearing was held and closed.

Staff Reviewer Rickoff
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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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

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

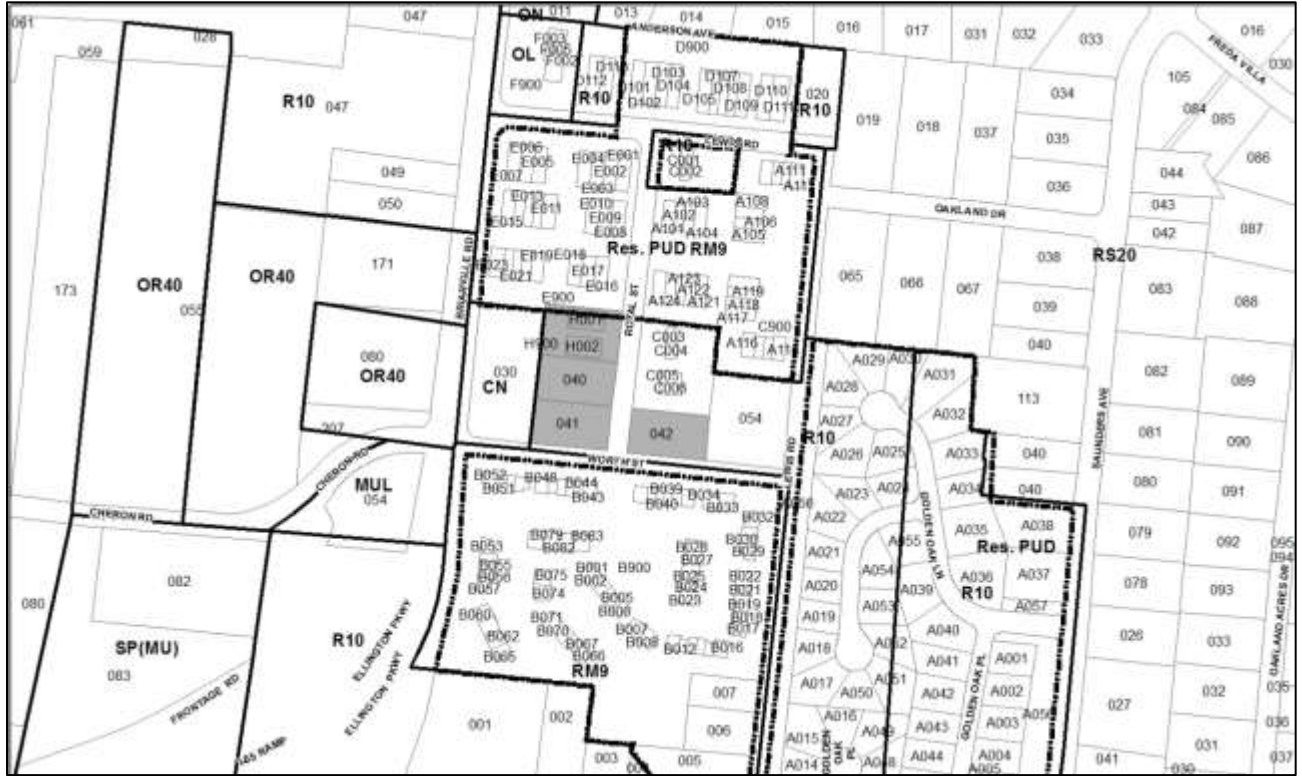
Staff recommends approval with conditions as the request is consistent with the T4 Urban Residential Corridor policy.

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.



Metro Planning Commission Meeting 12/14/2017



2017SP-093-001
ROYAL & WORTH SP
Map 051-10, Parcel(s) 040-042;
Map 051-10-0-H, Parcel(s) 100, 200, 900
04, Madison
08 (Nancy VanReece)



Project No.	Specific Plan 2017SP-093-001
Project Name	Royal & Worth SP
Council District	08 – VanReece
School District	3 - Speering
Requested by	Dale & Associates, applicant; North by Northeast Development, LLC, and OIC Homes at 1516 Royal Street, owners.
Staff Reviewer	Hill
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Rezone 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.



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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 Planning Commission Meeting 12/14/2017

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, Gramar 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

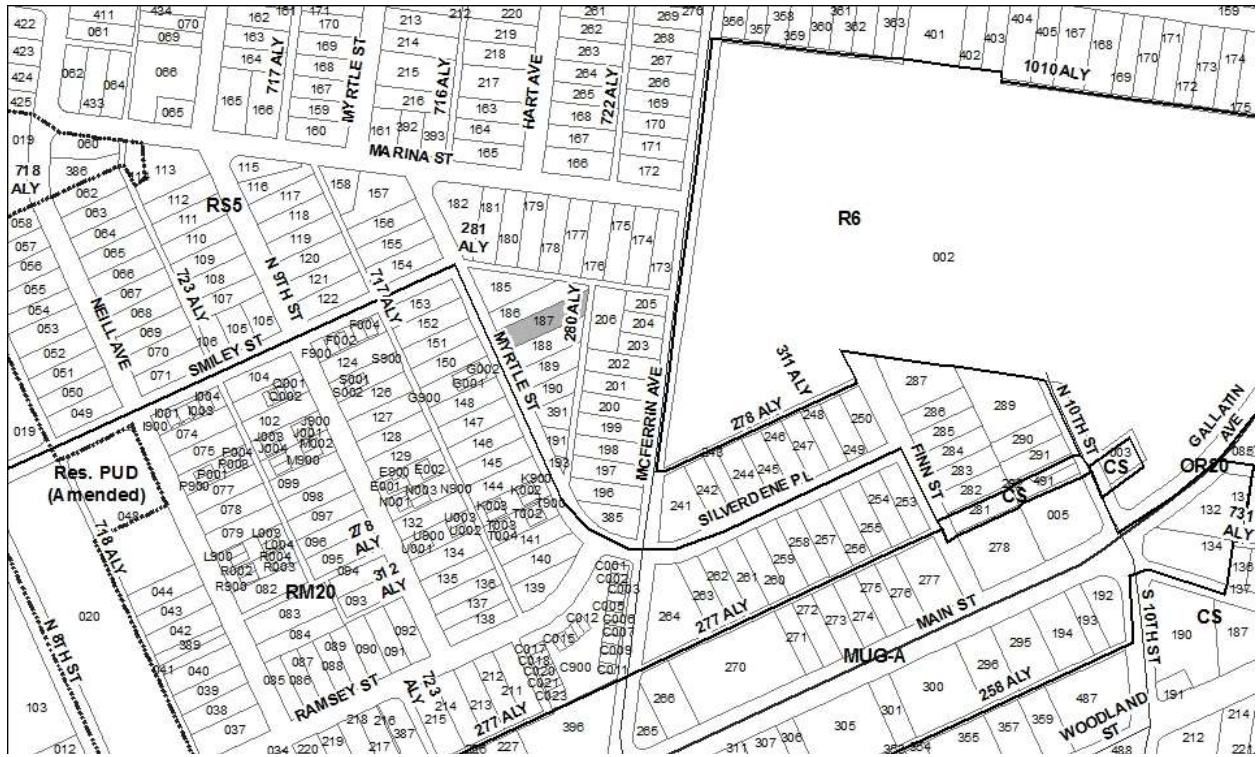
Staff recommends approval with conditions and disapproval without all conditions.

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.



Metro Planning Commission Meeting 12/14/2017



2017SP-097-001
207 MYRTLE STREET SP
Map 082-12, Parcel 187
05, East Nashville
05 (Scott Davis)



Project No.	Specific Plan 2017SP-097-001
Project Name	207 Myrtle Street SP
Council District	05 - Davis
School District	5 - Buggs
Requested by	Dale & Associates, applicant; Michael H. Moghadam & Emily Johnson, owners.
Staff Reviewer	Grider
Staff Recommendation	<i>Disapprove.</i>

APPLICANT REQUEST

Preliminary SP to permit up to four residential units.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning on property located at 207 Myrtle Street, approximately 165 feet south of Smiley Street (0.27 acres), to permit up to four multi-family residential units.

Existing Zoning

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

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.

EAST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No, the proposed SP-R zoning is inconsistent with T4 Urban Neighborhood Maintenance policy which is intended to maintain the general character of the existing urban neighborhood. The neighborhood primarily consists of single-family homes with some scattered two-family homes. The property requested to be rezoned contains a single family residential unit. The proposed zone change would allow four multi-family residential units on this lot. The plan also proposes two parking spaces in the front setback that are inconsistent both with the policy and the existing development pattern along Myrtle Street. The proposed plan of four residential units is not consistent with the existing character of the area and is not supported by the T4 Neighborhood Maintenance policy.



Metro Planning Commission Meeting 12/14/2017

The property is located on the edge of a T4 NM policy area, directly across the street from T4 Neighborhood Evolving (T4 NE) policy. The T4 NE policy area is developed predominantly with one and two-family dwellings. The requested zoning, SP-R, is more intense than the development located within the T4 Neighborhood Evolving policy.

PLAN DETAILS

The site consists of one parcel totaling 0.27 acres located on the east side of Myrtle Street, approximately 165 feet south of Smiley Street. A single-family home exists on this lot. The existing zoning district allows for single-family residential uses. The neighborhood maintenance area contains single-family homes.

Site Plan

The plan proposes four detached residential units. Two of the proposed units front Myrtle Street and the remaining two units in the rear orient to the driveway. The buildings are proposed to have a height of 2 stories within 30 feet. The plan includes architectural standards requiring raised foundations, minimum glazing requirements, minimum porch depths and prohibited materials.

Vehicular access is via an existing alley. Two parking spaces are located on Myrtle Street and six parking spaces are provided in the rear. Traffic and Parking has indicated that the parking spaces along Myrtle Street must be removed.

Four-foot sidewalks are provided interior to the development connecting the units in the rear to the units in the front, to the parking area, and the street and alley. There is an existing sidewalk on Myrtle Street; however, a five-foot sidewalk and four-foot planting strip consistent with Metro Public Works standards for a local road is required along Myrtle Street.

ANALYSIS

The current zoning allows only single-family residential uses; the proposed plan would permit a multi-family development on this parcel. Multi-family residential development is not consistent with the existing development in the area, which is comprised of single and two-family housing on individual lots. The plan also proposes two parking spaces in the front setback which is inconsistent with policy and not in context with the existing pattern of development in the neighborhood.

The proposed zone change is inconsistent with T4 Neighborhood Maintenance policy and is not context sensitive to the neighborhood. Additionally, the Fire Marshal has not recommended approval of the plan.

FIRE MARSHAL RECOMMENDATION

Returned for corrections

- Access to back units is inadequate.

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.



Metro Planning Commission Meeting 12/14/2017

- If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs.
- The head in parking stalls on the alley are to have 24' clear from the back of the stall to the opposite ROW.
- Remove the head in parking on Myrtle St or provide a turn around on development.

WATER SERVICES RECOMMENDATION

Approve with conditions

- There is concern that 4 individual water service lines can be built to serve this submitted layout. Before the Final SP can be approved, the applicant must prove all four of these units can be served by individual water service lines, via an approved private water/sewer utility plan.
- MWS policy does not allow shared private sewer lines, unless a variance is approved, and a Letter of Responsibility is filed with MWS. Before the Final SP is approved, these items must be addressed, if this development wishes to employ a shared private sewer design.
- The required capacity fees must also be paid prior to Final Site Plan/SP approval.

STORMWATER RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.27	8.71 D	2 U	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.27		4 U	39	3	5

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed SP-R zoning could generate one more student than what is typically generated under the existing RS5 zoning district. Students would attend Glenn Enhanced Option Elementary, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as



Metro Planning Commission Meeting 12/14/2017

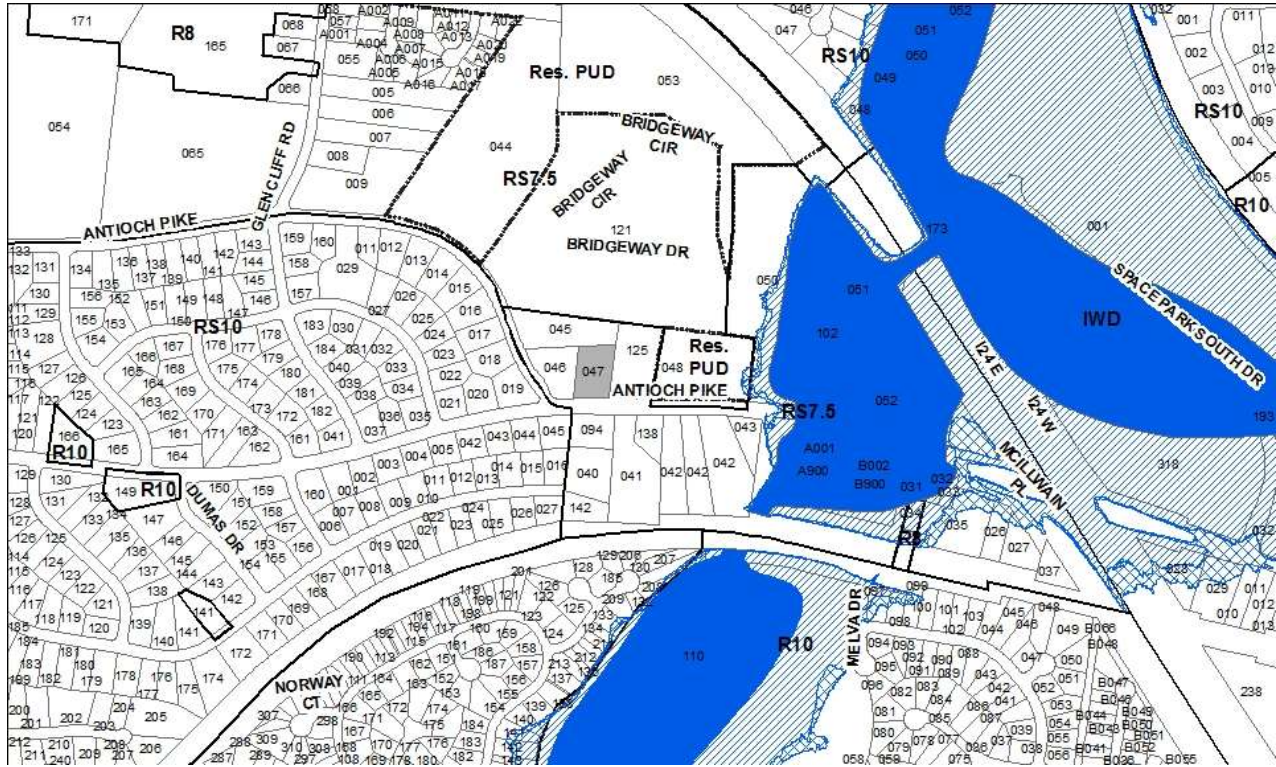
having additional capacity. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is inconsistent with the T4 Neighborhood Maintenance policy and not all reviewing agencies have recommended approval.



Metro Planning Commission Meeting 12/14/2017



2017S-264-001
LENTILE 3 LOT SUBDIVISION
Map 133, Parcel(s) 047
11, South Nashville
16 (Mike Freeman)



Project No.	Final Plat 2017S-264-001
Project Name	Lentile 3 Lot Subdivision
Council District	16 – Freeman
School District	7 – Pinkston
Requested by	Donlon Land Surveying, LLC, applicant; Larissa Lentile, owner.
Staff Reviewer	Hill
Staff Recommendation	<i>Approve with conditions.</i>

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

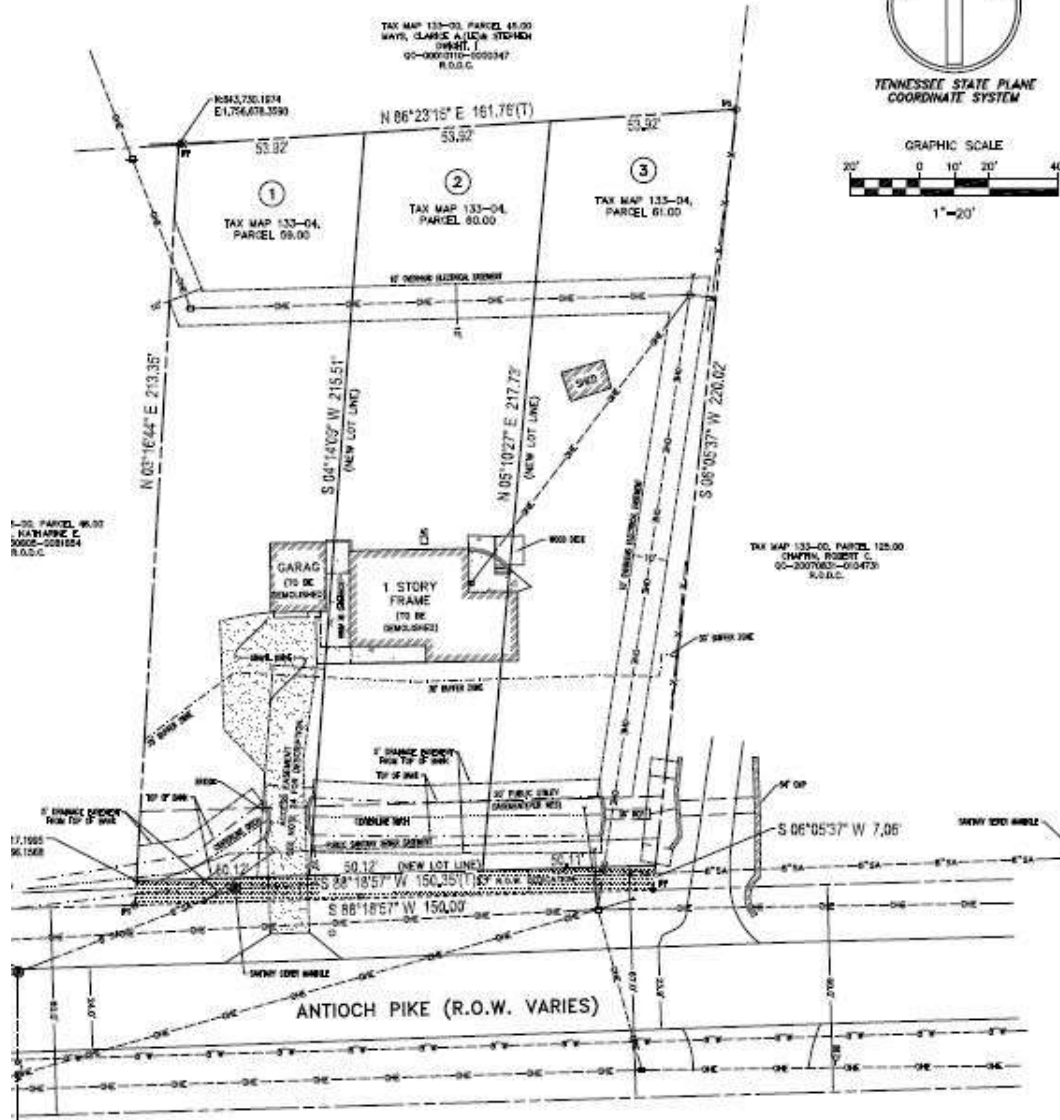
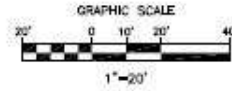
This request is for final plat approval to create three lots on property located at 1004 Antioch Pike. The site is approximately 34,569 square feet (0.79 acres) and is developed with a single family dwelling which is to be removed. The proposed plat would subdivide one parcel into three lots as follows:



Metro Planning Commission Meeting 12/14/2017



TENNESSEE STATE PLANE
COORDINATE SYSTEM



Proposed Subdivision



Metro Planning Commission Meeting 12/14/2017

- 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.



Metro Planning Commission Meeting 12/14/2017

CONDITIONS

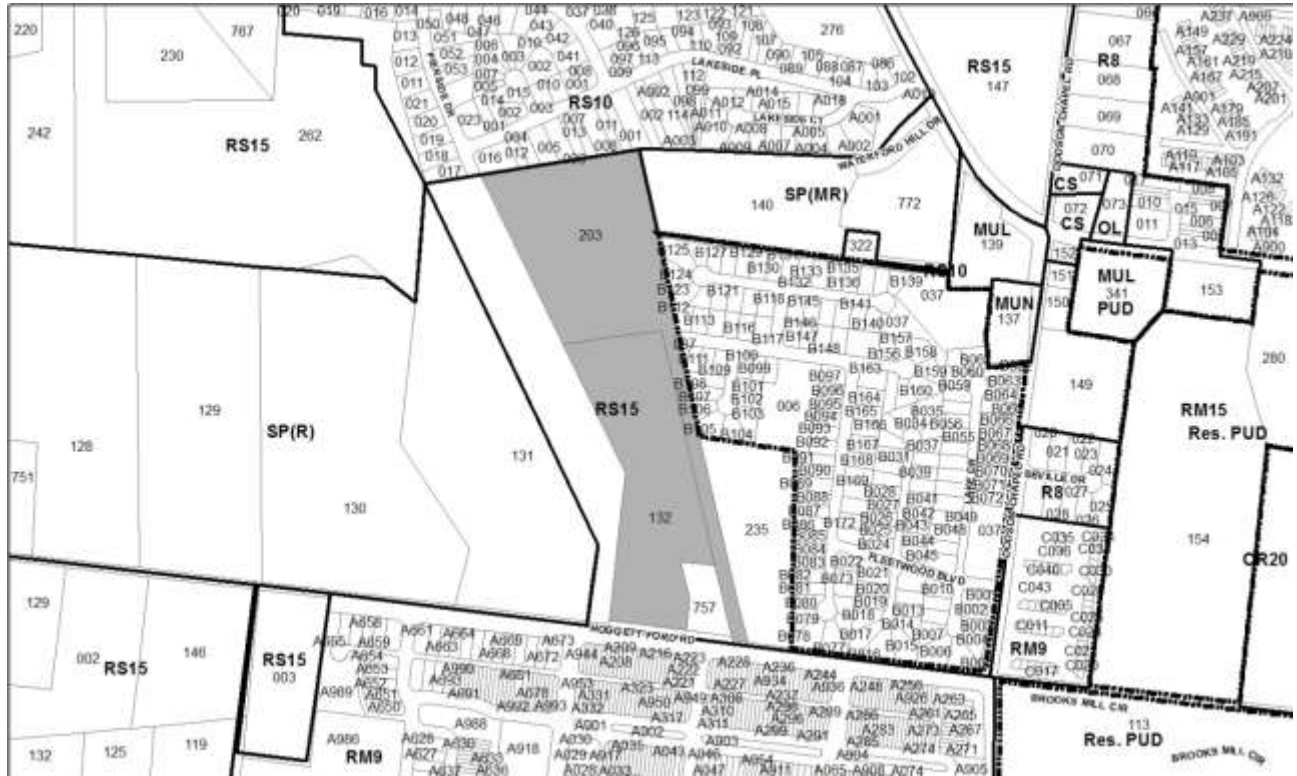
1. Lots 1 and 2 shall have access only through a shared access easement a maximum of 16 feet wide from Antioch Pike.
2. All requirements of the Public Works Department shall be met prior to recording of the final plat.
3. The building permit site plan shall depict the required public sidewalks, any required 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.



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2017S-280-001
HOGGET FORD ROAD CONCEPT PLAN
Map 086, Parcel(s) 132, 203
14, Donelson –Hermatige – Old Hickory
14(Kevin Rhoten)



Project No.	Concept Plan 2017S-280-001
Project Name	Hoggett Ford Road
Council District	14 – Rhoten
School District	3 – Speering
Requested by	Dale and Associates, applicant; Southeast Development Enterprise and Bruce and George Ray, et al, owners
Staff Reviewer	Birkeland
Staff Recommendation	<i>Approve with conditions.</i>

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

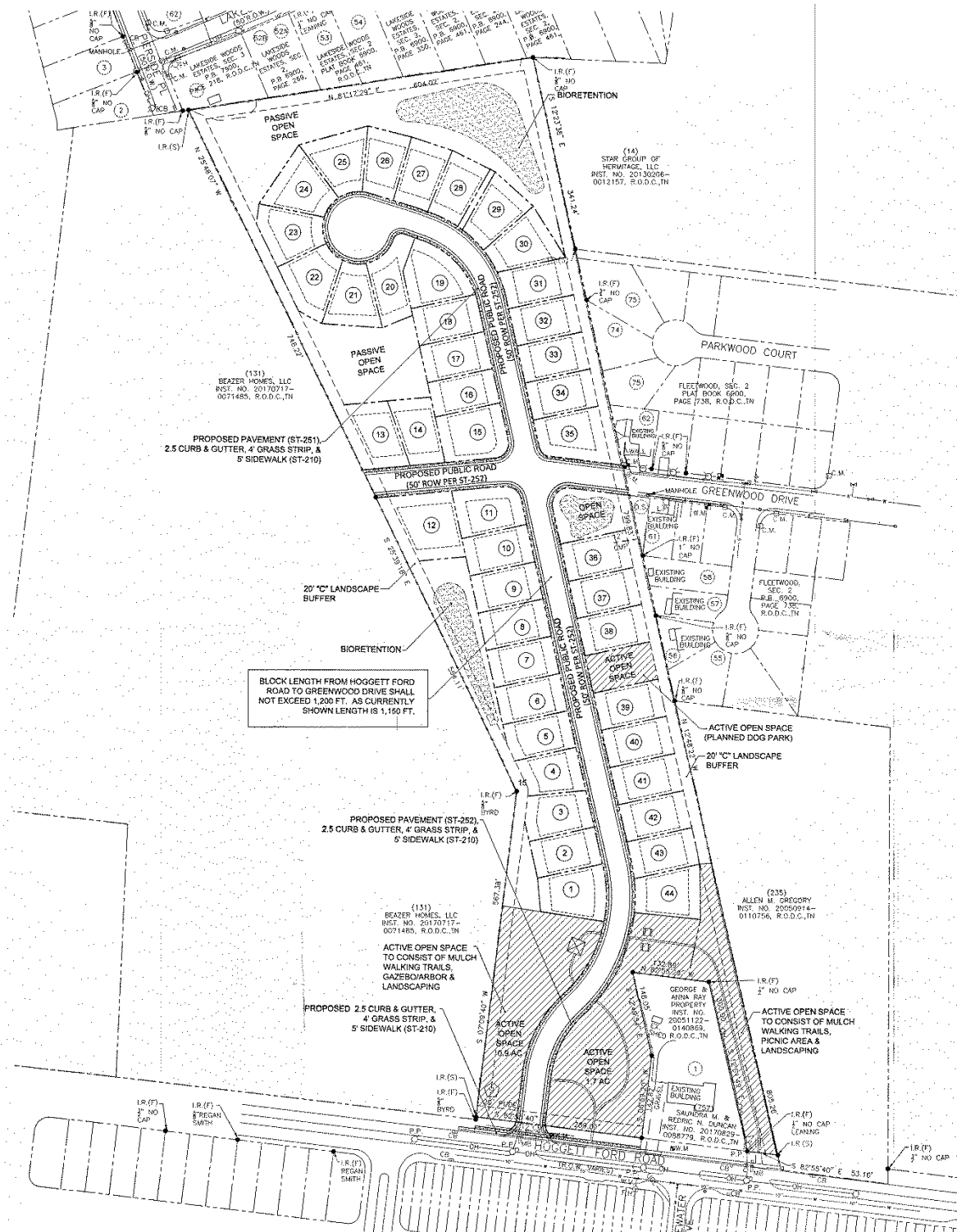
T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy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



Metro Planning Commission Meeting 12/14/2017



Proposed Concept Plan



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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

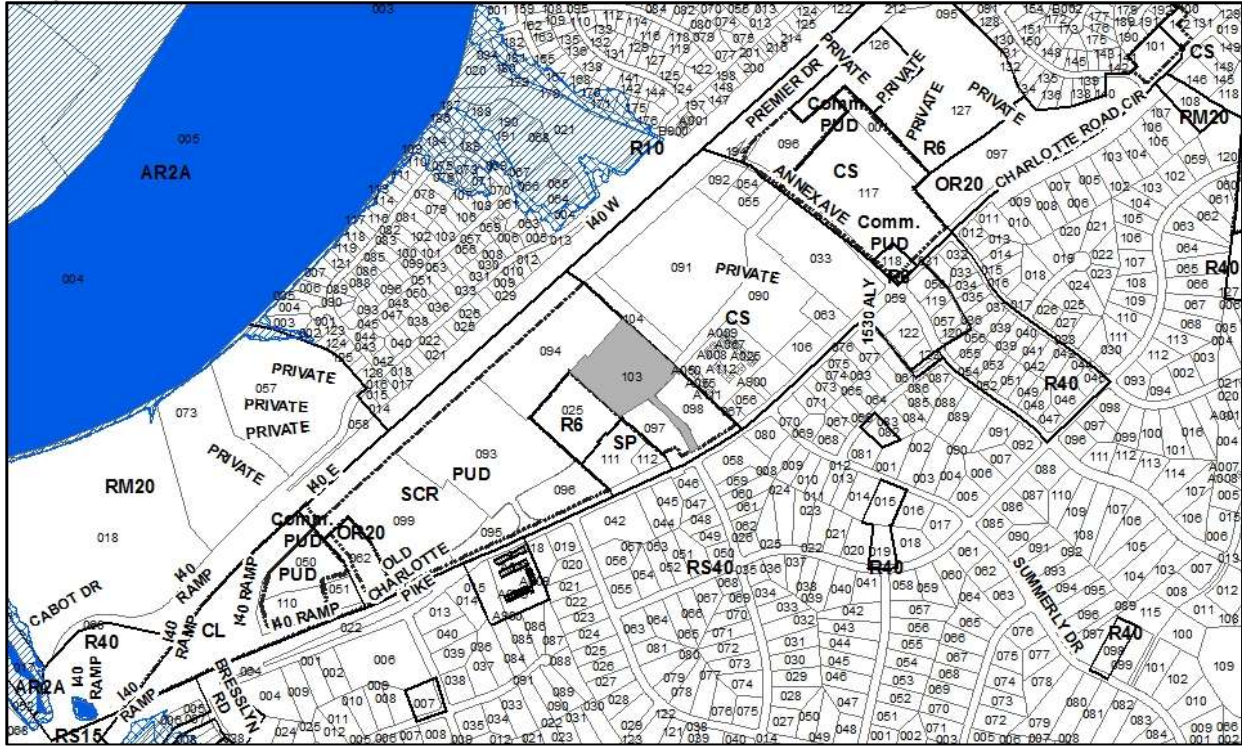
1. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final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



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2004P-036-005

NASHVILLE WEST SHOPPING CENTER (PUD)

Map 102, Parcel(s) 103

07, West Nashville

20 (Mary Carolyn Roberts)



Project No.	Planned Unit Development 2004P-036-005
Project Name	Nashville West Shopping Center PUD
Council District	20- Roberts
School District	9- Frogge
Requested by	Catalyst Design Group, applicant; Nashville West Shopping Center LLC, owner.
Staff Reviewer	Burse
Staff Recommendation	<i>Approve with conditions.</i>

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.

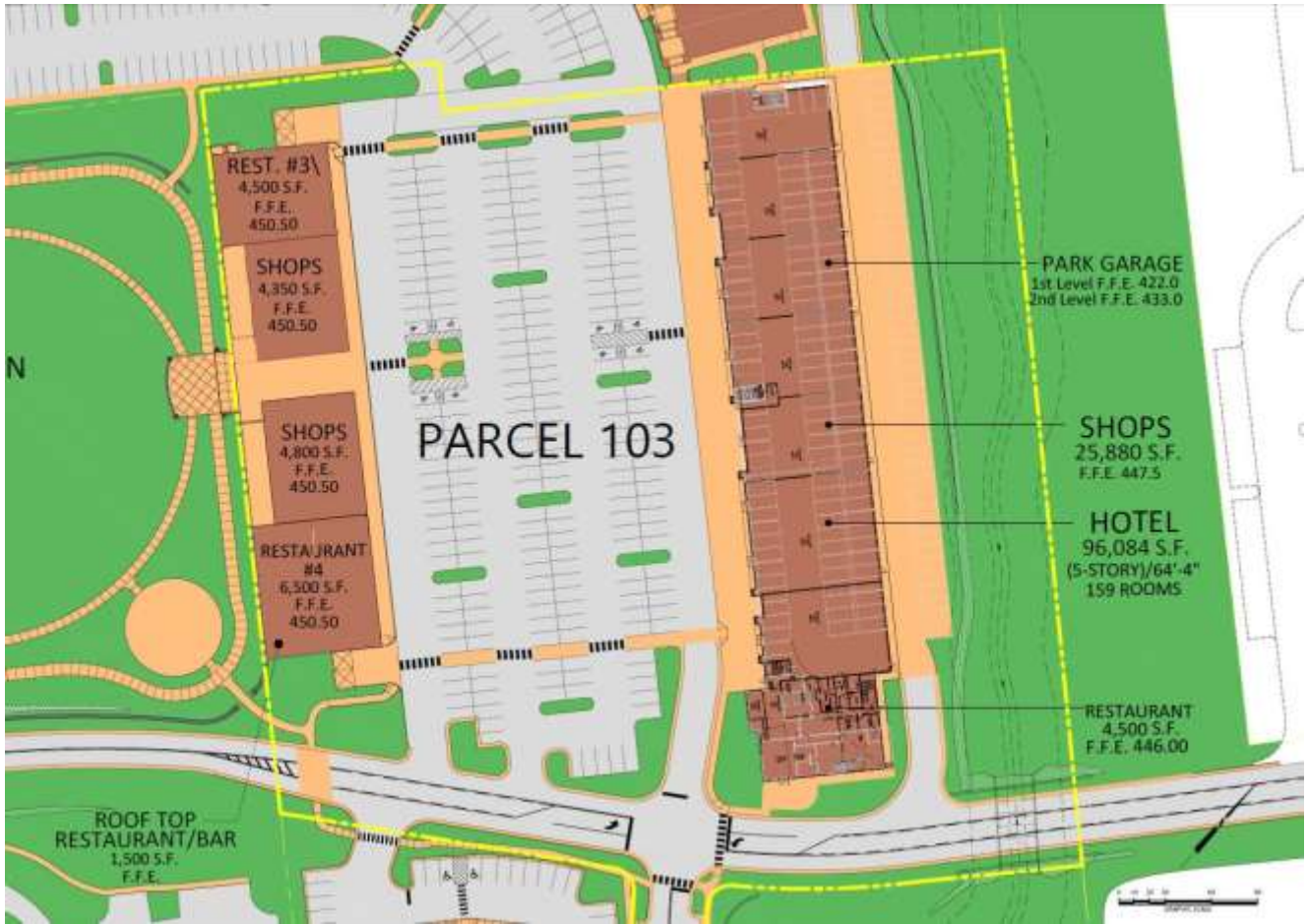
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of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



Metro Planning Commission Meeting 12/14/2017



Proposed Site Plan



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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

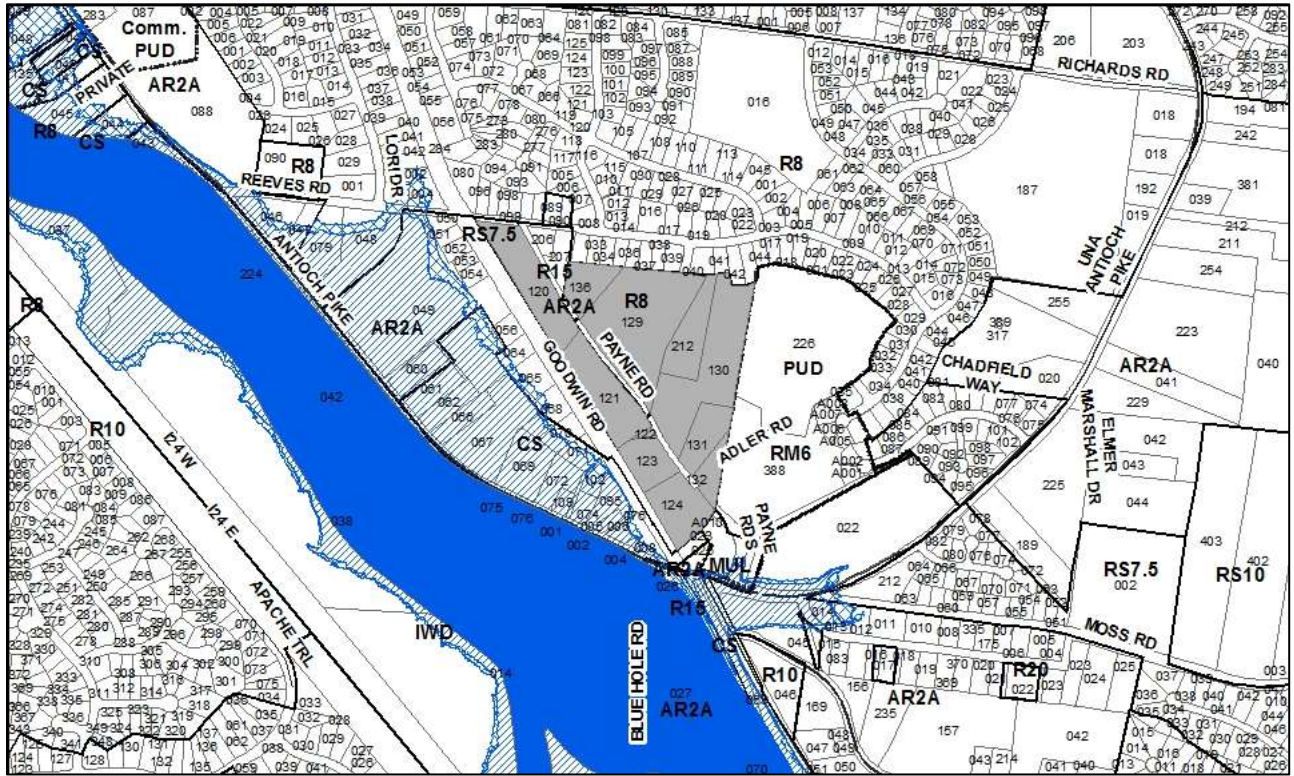
1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2017UD-006-001
PAYNE ROAD UDO
Map 148, Various Parcel(s)
13, Antioch – Priest Lake
28 (Tanaka Vercher)



Project No.	Urban Design Overlay 2017UD-006-001
Project Name	Payne Road UDO
Council Bill	BL2017-1004
Council District	28 – Vercher
School District	6 – Hunter
Requested by	Councilmember Tanaka Vercher, applicant; various owners.
Staff Reviewer	Buechler
Staff Recommendation	<i>Approve with an amendment.</i>

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



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

- **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.



Metro Planning Commission Meeting 12/14/2017

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:

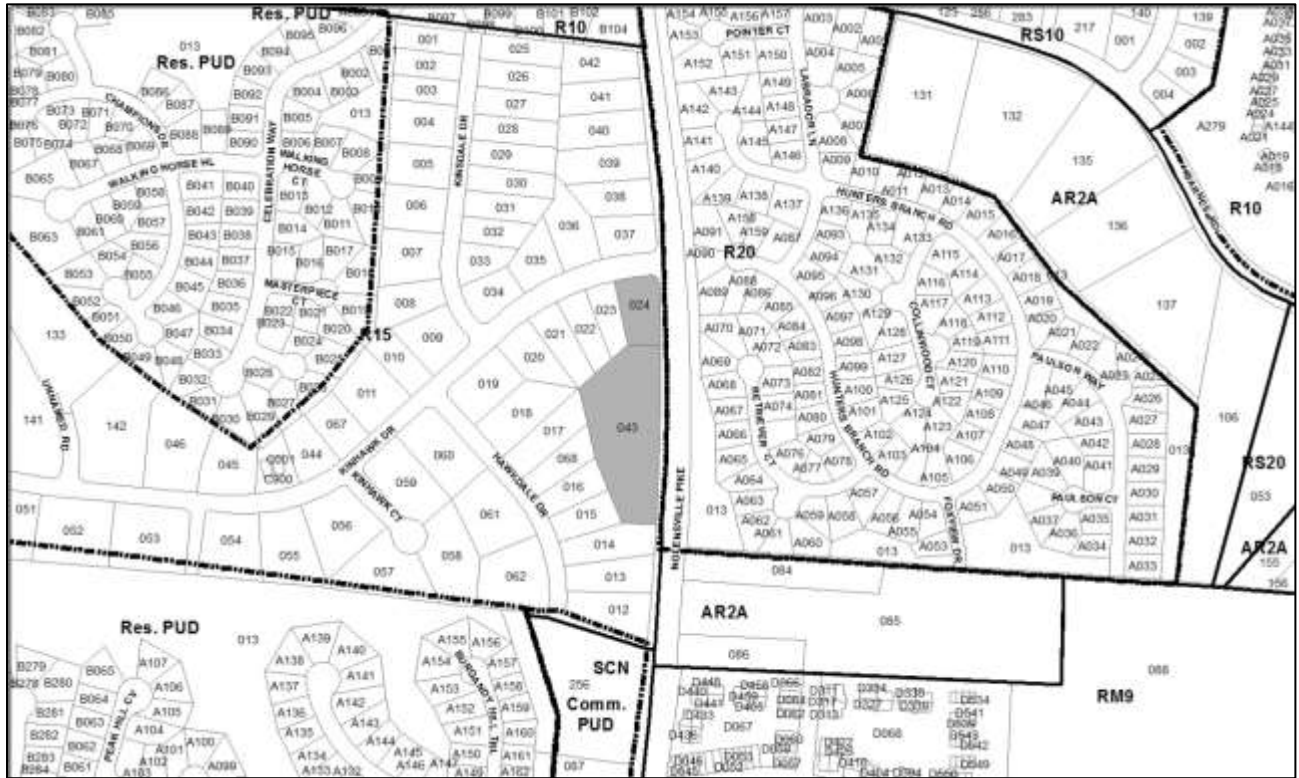


Metro Planning Commission Meeting 12/14/2017

- 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.



Metro Planning Commission Meeting 12/14/2017



2017Z-116PR-001
Map 172-08, Parcel(s) 024,043
12, Southeast
04 (Robert Swope)



Project No.	Zone Change 2017Z-116PR-001
Council District	04 – Swope
School District	2 – Brannon
Requested by	Dale and Associates, applicant; Thomas and Dena Campbell and Forest Acres Estates Trust, owners.
Staff Reviewer	Shepard
Staff Recommendation	<i>Disapprove.</i>

APPLICANT REQUEST

Zone change from R15 to MUL-A.

Zone Change

A request to rezone from One and Two-Family Residential (R15) to Mixed Use Limited – Alternative (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).

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of eight lots with two duplex lots for a total of 10 units, subject to compliance with all applicable provisions of the Metro Subdivision Regulations.*

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.

SOUTHEAST NASHVILLE COMMUNITY PLAN

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, 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?

No. The requested MUL-A zoning is not consistent with policy. Portions of the southern parcel in the zone change area, Parcel 043, are within Conservation policy, which recognizes the presence of



Metro Planning Commission Meeting 12/14/2017

a stream and associated buffers in the northern part of the parcel and the presence of steep slopes in the southern portion of the parcel. Conservation policy is also present along the Nolensville Pike frontage of the northern parcel in the zone change area, Parcel 025. The remainder of the site is within T3 NM policy, which is intended to maintain the general character of existing suburban neighborhoods and support residential uses.

The existing land use pattern in the neighborhoods surrounding the site along both sides of Nolensville Pike consists of single-family residential uses on moderately-sized lots. The T3 NM policy acknowledges that these neighborhoods may experience some change over time, when existing buildings are replaced or when vacant properties develop, but that efforts should be made to retain the existing character of the neighborhood in terms of development pattern, building form, land use, and the public realm. The requested MUL-A zoning would permit a range of land uses, including nonresidential uses, and building types that are inconsistent with the existing character of the neighborhood and not supported by the policy.

This section of Nolensville Pike is identified as an arterial-boulevard and classified in NashvilleNext as a Long Term Need Multimodal Corridor. The T3 NM policy states that the design of development along arterial-boulevards or at the edges of T3 NM areas may vary slightly in character from development interior to the neighborhood, in terms of lot size, building spacing, and building footprint. In all other respects, development along the corridor complements development behind the corridor. While a broader range of housing types might be appropriate in this location to transition between the corridor and the neighborhood, T3 NM policy does not support non-residential uses other than institutional uses. The requested MUL-A zoning would introduce non-residential uses in an area with a predominant pattern of single-family residential uses. MUL-A zoning would also permit an intensity of development that does not provide an appropriate transition to the neighborhood in terms of building type, massing and orientation.

Finally, T3 NM policy was applied along this section of Nolensville Pike, in part, in response to a community desire to limit commercial development to established centers and avoid the development of strip commercial centers along the full length of the corridor. There are areas of T3 Suburban Community Center policy less than one half mile to the north of the site and areas of T4 Urban Neighborhood Center and T4 Urban Community Center policy less than 400 feet to the south of the site. These existing centers provide opportunities for mixed use development and neighborhood services in proximity to the subject properties. The requested zoning, MUL-A, is not supported by the T3 NM policy and is inappropriate given the location of the site in proximity to existing centers.

ANALYSIS

The zone change area consists of two parcels totaling 2.8 acres located at the southwest corner of the intersection of Nolensville Pike and Kinhawk Drive. The smaller parcel, Parcel 025, which has frontage on Kinhawk Drive, contains a single-family residence. The larger parcel, Parcel 043, has frontage solely on Nolensville Pike and is vacant. The site is surrounded by existing neighborhoods, with a development pattern of single-family residences on moderately-sized lots.

The requested zoning, MUL-A, would permit a variety of residential, institutional, office, medical, commercial, and recreational uses. MUL-A zoning includes building placement and bulk standards designed to create walkable neighborhoods, but it does not include a minimum lot size, and it



Metro Planning Commission Meeting 12/14/2017

permits building sizes, heights, and lot coverages that are far greater than those currently present in the residential neighborhood. The standards of the MUL-A zoning district are inconsistent with the existing character of the neighborhood and the predominant development pattern of the area. The requested zoning is also inconsistent with the goals of T3 NM policy to preserve the character of the neighborhood, and would be inappropriate in this location, which is close to existing neighborhood and community centers that provide opportunities for residents of these neighborhoods to access jobs and services. As the requested zoning is not supported by the policy, staff recommends disapproval.

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: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	2.8	2.9 D	10 U	96	8	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
Multi-Family Residential (220)	1.4	1.0	60 U	488	34	51

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)	0.7	1.0 F	30,492 SF	535	73	113

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)	0.7	1.0 F	30,492 SF	1343	32	95

Traffic changes between maximum: **R15 and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+2,270	+131	+248



Metro Planning Commission Meeting 12/14/2017

METRO SCHOOL BOARD REPORT

Projected student generation existing R15 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed MUL-A district: 6 Elementary 3 Middle 3 High

The proposed MUL-A zoning district will generate 9 additional students beyond what would be generated under the existing R15 zoning, assuming 40% of the floor area is utilized for non-residential uses. Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. Shayne Elementary and Overton High School have been identified as over capacity. There is capacity within the cluster for elementary school students and within the adjacent cluster for additional high school students. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

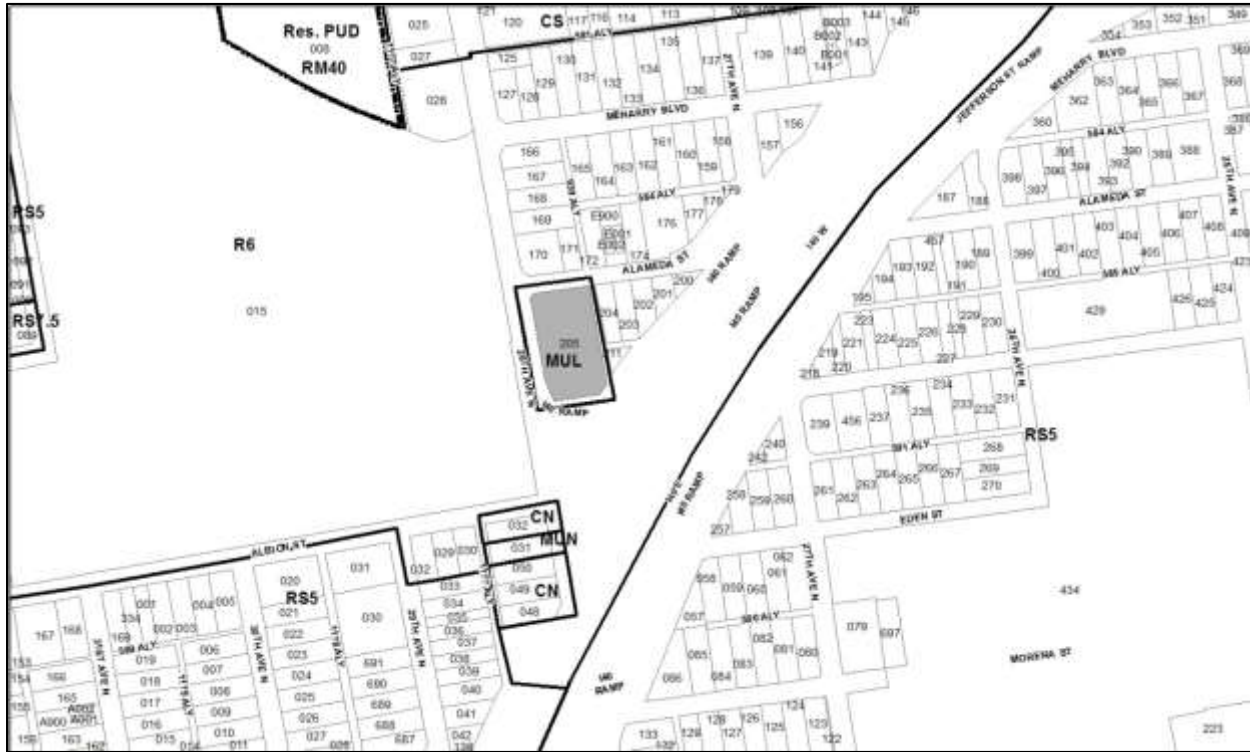
Staff recommends disapproval as the request is not consistent with the T3 Suburban Neighborhood Maintenance policy.



SEE NEXT PAGE



Metro Planning Commission Meeting 12/14/2017



2017Z-117PR-001
Map 092-02, Parcel(s) 205
8, North Nashville
21 (Ed Kindall)



Project No.	Zone Change 2017Z-117PR-001
Council District	21- Kindall
School District	1- Gentry
Requested by	Lukens Engineering Consultants, applicant; Alameda, LLC, owner.
Staff Reviewer	Burse
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Zone change from MUL to MUL-A.

Zone Change

A request to rezone from Mixed Use Limited (MUL) to Mixed Use Limited-Alternative (MUL-A) zoning on 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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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**

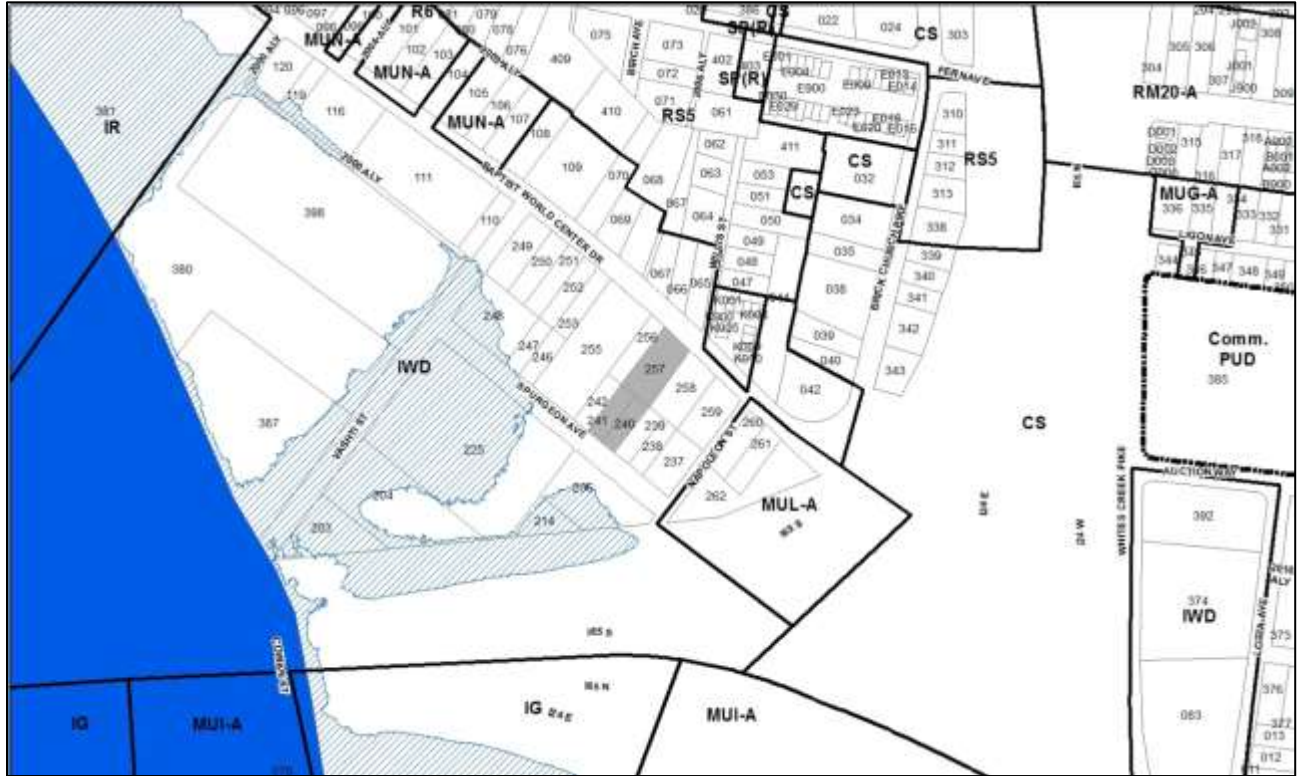
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-	-	-

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.



Metro Planning Commission Meeting 12/14/2017



2017Z-118PR-001
Map 71-14, Parcels 240-241, 257
3, Bordeaux-Whites Creek
2 (DeCosta Hastings)



Project No.	Zone Change 2017Z-118PR-001
Council District	02 - Hastings
School District	1 - Gentry
Requested by	Highland Homes, applicant; 1200 BWC Joint Venture and Richard and Angela Berryman, owners.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions.</i>

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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

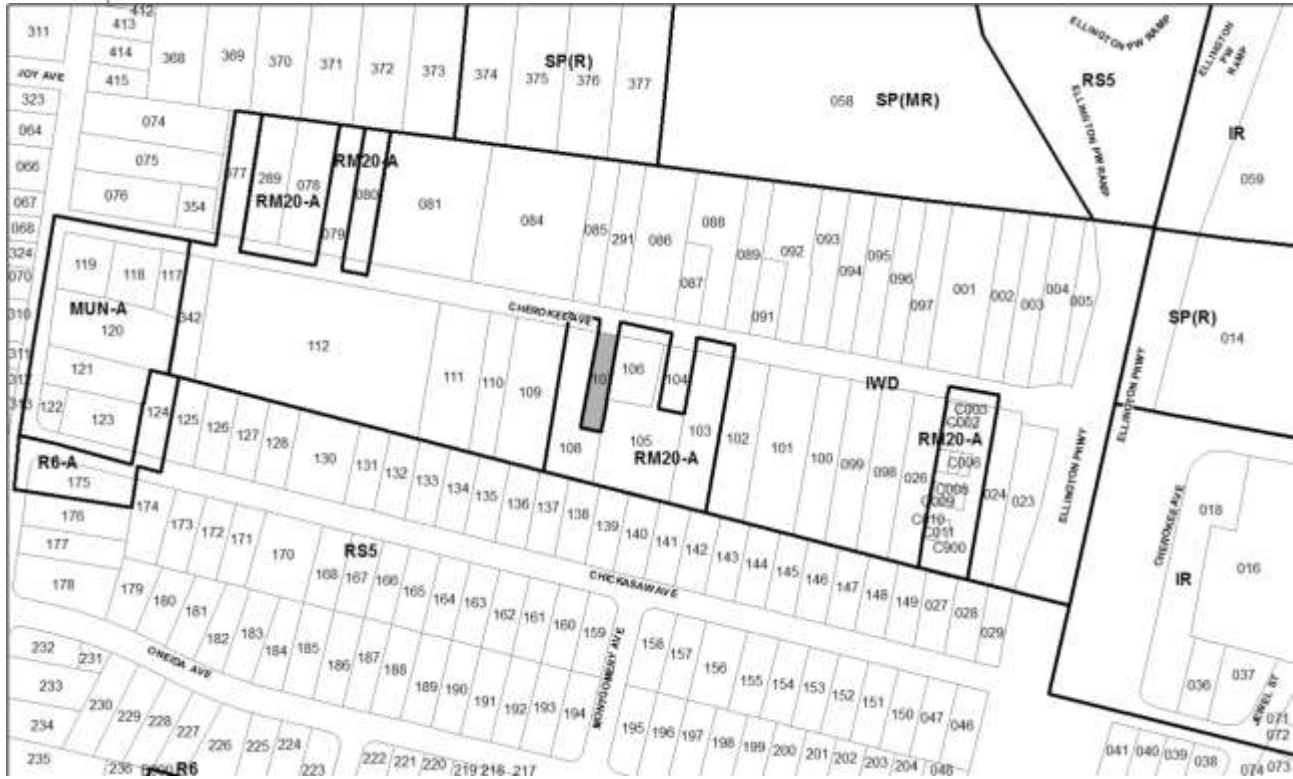
Staff recommends approval with conditions, as the requested zone change is consistent with the T4 Mixed Use Neighborhood land use policy.

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.



Metro Planning Commission Meeting 12/14/2017



2017Z-121PR-001
Map 071-152, Parcel(s) 107
05, East Nashville
19 (Scott Davis)



Project No.
Council District
School District
Requested by

Zone Change 2017Z-121PR-001
05- Davis
5- Buggs
Garafola Properties, LLC, applicant; Nest Remodel, LLC owner.

Staff Reviewer
Staff Recommendation

Burse
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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

Traffic changes between maximum: IWD and RM20-A

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

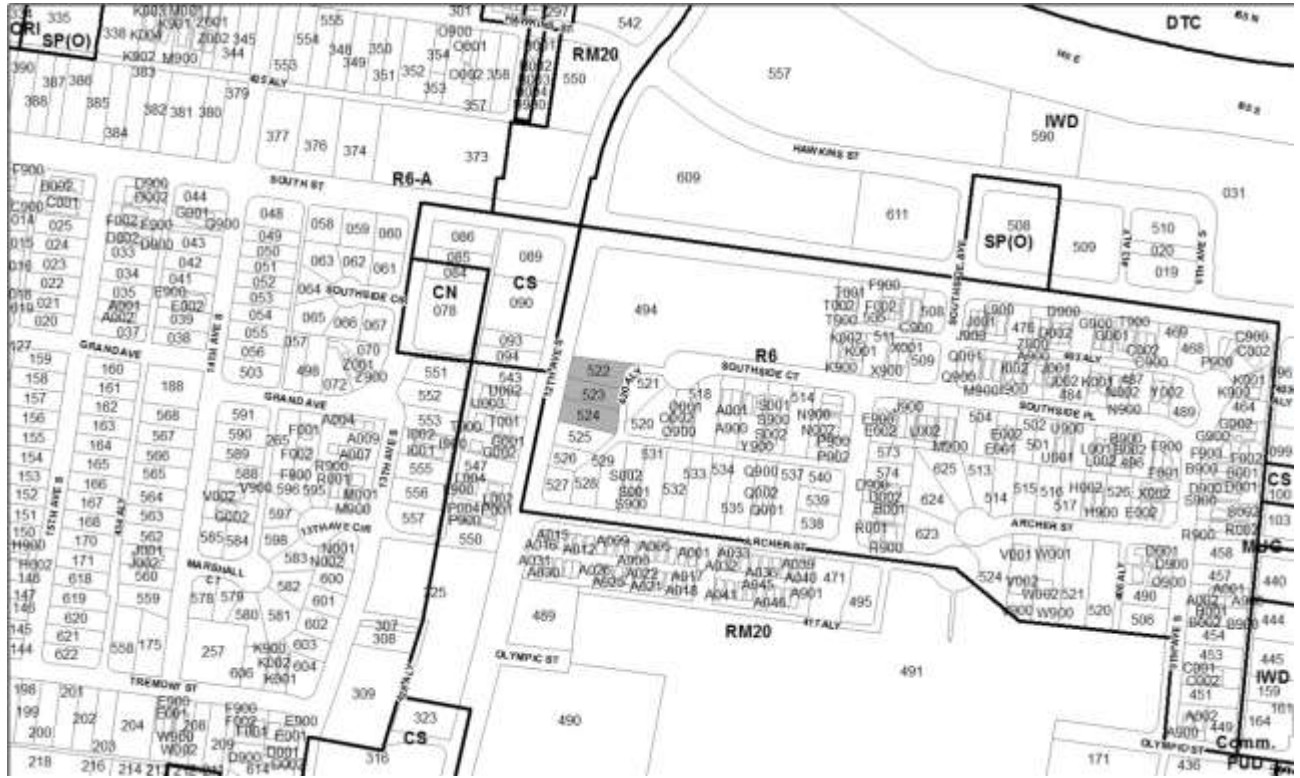
Staff recommends approval as the request is consistent with the T4 Mixed Use Neighborhood policy of the East Nashville Community Plan.

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.



Metro Planning Commission Meeting 12/14/2017



2017Z-122PR-001

Map 105-01, Parcel(s) 522-524

10, Green Hills – Midtown

17 (Colby Sledge)



Project No.	Zone Change 2017Z-122PR-001
Council District	17 – Sledge
School District	5 – Buggs
Requested by	T and T Development, LLC, applicant; T and T Development, LLC and Troy Olsen, owners.
Staff Reviewer	Shepard
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Zone change from R6 to RM20-A.

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Multi-Family Residential – Alternative (RM20-A) zoning on properties located at 1088, 1090 and 1092 12th Avenue South, approximately 205 feet north of Archer Street (0.62 acres).

Existing Zoning

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

Proposed Zoning

Multi-Family Residential – Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 12 units.*

GREEN HILLS – MIDTOWN COMMUNITY PLAN

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

Consistent with Policy?

The requested RM20-A zoning is consistent with policy in this location. The properties included in the zone change area are located at the northern edge of an area of T4 NE policy applied along the 12th Avenue South Corridor. The properties to the north, at the intersection of 12th Avenue South and South Street, are located in an area of more intense T4 Mixed Use Corridor policy. The neighborhood to the east, which is within an area of T4 Neighborhood Maintenance policy, has experienced change as older, single-family homes have been converted to large, duplex units under



Metro Planning Commission Meeting 12/14/2017

the existing R6 zoning. More intense redevelopment under existing RM20 zoning has also occurred within the T4 NE policy area on the west side of 12th Avenue South and to the south along Archer Street.

T4 NE policy areas contain a more diverse mix of housing types than T4 Neighborhood Maintenance areas, with buildings that contain more units placed abutting or adjacent to corridors to serve as transitions from the corridor to lower intensity neighborhoods. Alley access is preferred. The parcels in the zone change area front on 12th Avenue South, an arterial boulevard, and are approximately 335 feet south of the intersection of 12th Avenue South and South Street, a collector. The site is also located on a transit route and is less than 200 feet from two MTA bus stops. All of the parcels accessed via an alley to the east. The requested zoning, RM20-A, would permit multi-family residential units along the 12th Avenue South corridor to serve as a transition from more intense development along the corridor to the primarily two-family residential development pattern to the east. The requested RM20-A zoning includes standards for alley access and building placement that will achieve policy goals for consolidated access and diversity of housing types in a manner that is sensitive to the lower intensity area.

ANALYSIS

The zone change area consists of three parcels totaling 0.62 acres along 12th Avenue South. One of the parcels is currently vacant; the remaining two contain existing single-family residences. Access to all three lots is via the alley extending from the end of Southside Court. The site is bordered to the north by institutional uses associated with The Rochelle Center, and is less approximately 335 feet south of the nearest collector, South Street. A mix of multi-family residential units and commercial and institutional uses are located on the west side of 12th Avenue South, opposite the site. The neighborhood to the east contains a historic pattern of single-family homes which are being replaced by duplex units under the existing R6 zoning. To the south, along Archer Street, are newer multi-family units and Rose Park, which contains open space and recreational facilities.

The location of the site on the 12th Avenue South corridor and adjacent to institutional uses allows the site to serve as a transition from the corridor to the neighborhood behind. The requested zoning, RM20-A, permits multi-family residential units and requires that the façade of the building extend across at least 60 percent of the property's frontage, which would result in a more appropriate massing along 12th Avenue than the two-family units permitted by the existing zoning and enhance the pedestrian realm. Additionally, consolidation of the units into a larger building or buildings would create opportunities for consolidation of access that are not available if the parcels are developed separately. The requested zoning, RM20-A, requires access from the alley and would limit parking to the sides or rear of the buildings, improving the streetscape along 12th Avenue South. The maximum height permitted by the RM20-A zoning district is 45 feet, which is generally consistent with the allowance for heights of up to 3 stories in the existing R6 zoning applied to the neighborhood. The requested zoning will allow for development of the property in a manner that is more consistent with the goals of the policy given the property's location and context than the existing R6 zoning. Therefore, staff recommends approval.

FIRE MARSHAL RECOMMENDATION

N/A



Metro Planning Commission Meeting 12/14/2017

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: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.62	7.26 D	5 U	48	4	6

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)	0.62		12 U	102	10	11

Traffic changes between maximum: **R6 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+7 U	+54	+6	+5

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 district: 0 Elementary 0 Middle 0 High

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

The proposed RM20-A zoning district will generate one additional student beyond what would be generated under the existing R6 zoning. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. None of these schools have been identified as over capacity. This information is based upon data from the school board last updated November 2016.

STAFF RECOMMENDATION

Staff recommends approval with a condition as the request is consistent with the T4 Urban Neighborhood Evolving policy in this location.

CONDITIONS

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



Project No.	Zone Change 2017Z-123PR-001
Council District	29 - Johnson
School District	7 - Pinkston
Requested by	Holladay Properties, applicant; Airport Logistics, LLC, owner.
Staff Reviewer	Napier
Staff Recommendation	<i>Approve.</i>

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



Metro Planning Commission Meeting 12/14/2017

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.



SEE NEXT PAGE



NO SKETCH



**Project Nos. and
Council Bill Nos.**

**Text Amendment 2017Z-024TX-001, BL2017-937
Text Amendment 2017Z-026TX-001, BL2017-981
Text Amendment 2017Z-027TX-001, BL2017-982
Text Amendment 2017Z-028TX-001, BL2017-1005**

**Project Name
Council District
School District**

Short Term Rental Properties and Hotels
Countywide
Countywide

**Staff Reviewer
Staff Recommendation**

Logan
*Approve Substitute Ordinance BL2017-937.
Approve Ordinance BL2017-981 with amendments.
Approve Ordinance BL2017-982 with amendments.
Disapprove BL2017-1005.*

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



Metro Planning Commission Meeting 12/14/2017

Owner-Occupied) permits in Single-Family and One and Two-Family zoning districts with the following regulations:

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

BL2017-981 revises the Zoning Code to create two uses: STRP (Owner-Occupied) and STRP (Not Owner-Occupied). STRP (Owner-occupied) would remain as an accessory use to residential uses. STRP (Not Owner-Occupied) would be a commercial use that is permitted with conditions in zoning districts where multi-family residential uses and hotels are permitted, which does not include AG, AR2a, R, R-A, RS and RS-A zoning districts. This ordinance would allow permits issued under previous regulations to be renewed prior to their expiration. Proposed amendments are included to clarify, but not change the intent of the ordinance.

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

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.



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

- as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.
- b. Any advertising or description of a STRP on any internet website must prominently display the permit number for the STRP unit.
 - c. For properties within the Urban Zoning Overlay (UZO) district, no more than three percent (3%) of the single-family or two-family residential units within each census tract shall be permitted as STRP – Not Owner-Occupied use. For properties outside of the Urban Zoning Overlay (UZO) district, no more than one percent (1%) of the single-family or two-family residential units within each census tract shall be permitted as STRP – Not Owner-Occupied use.
 - d. In Single-Family and One and Two-Family zoning districts, no property proposed for STRP - Not Owner-Occupied use shall be located within a radius of less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another STRP - Not Owner- Occupied use is located.
 - e. Only one (1) permit shall be issued per lot in single-family and two-family zoning districts.
 - f. In IWD, IR, and IG, STRP – Not Owner-Occupied is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan.
2. Application.
- a. STRP permit applications shall be valid for ninety (90) calendar days from the date filed and shall expire if the application process has not been completed within that time.
 - b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:
 - i. The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five (25) miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - ii. Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.
 - iii. Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
 - iv. A statement that the applicant has confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.
 - v. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.



Metro Planning Commission Meeting 12/14/2017

3. Signage.

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

4. Regulations.

- a. All STRP occupants shall abide by applicable provisions of the Metropolitan Code of Laws, including without limitation:
 - (i) all regulations regarding the public peace, morals and welfare contained in Title 11 thereof, including Sections 11.12.070 (excessive noise); 11.12.010 (disorderly conduct); 11.16.020 (indecent exposure); and 11.12.060 (disorderly house – prostitution, gambling and rowdiness);
 - (ii) all applicable waste management provisions of Chapter 10.20 and the applicable property standards of 16.24 of the Metropolitan Code; and
 - (iii) all applicable parking provisions of Section 17.20.030 of the Metropolitan Code.
- b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - i. In all sleeping areas.
 - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - iii. In each story within the sleeping unit, including basements.
- c. Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.
- d. No food shall be prepared for or served to the transient by the permit holder.
- e. The principal renter of a STRP unit shall be at least twenty-one years of age.
- f. Maximum occupancy: The maximum number of occupants permitted on a STRP property at any one time shall not exceed (i) more than twice the number of sleeping rooms plus four, or (ii) ten occupants, whichever is less. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising a STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.
- g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.
- h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week, for the duration of each short term rental period to address problems associated with the STRP.
- i. Expiration and renewal of permit.
 - (1) A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
 - (2) For STRP units that have received no documented complaints to Metro Codes,



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

- 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



Metro Planning Commission Meeting 12/14/2017

- 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.



Metro Planning Commission Meeting 12/14/2017

- (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:



Metro Planning Commission Meeting 12/14/2017

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



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

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.



Metro Planning Commission Meeting 12/14/2017

- 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:



Metro Planning Commission Meeting 12/14/2017

- (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:



Metro Planning Commission Meeting 12/14/2017

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.~~

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:



Metro Planning Commission Meeting 12/14/2017

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