



METROPOLITAN PLANNING COMMISSION MINUTES

September 27, 2018
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Ron Gobbell
Brian Tibbs
Daveisha Moore
Dr. Pearl Sims
Roe Elam, representing Mayor David Briley

Commissioners Absent:

Lillian Blackshear
Jeff Haynes
Dr. Terry Jo Bichell
Councilmember Fabian Bedne

Staff Present:

Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Special Projects Manager
Kelly Adams, Admin Services Officer III
Lisa Milligan, Planning Manager II
Lee Jones, Planning Manager II
Michael Briggs, Planning Manager I
Shawn Shepard, Senior Planner
Anita McCaig, Planner III
Marty Sewell, Planner III
Dara Sanders, Planner III
Latisha Birkeland, Planner II
Abbie Rickoff, Planner II
Anna Grider, Planner II
Jason Swaggart, Planner II
Levi Hill, Planner II

Patrick Napier, Planner I
Elham Daha, Planner I
Gene Burse, Planner I
Emily Lamb, Legal

Lucy Alden Kempf

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

Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

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

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

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

Legal Notice

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



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

MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:03 p.m.

B: ADOPTION OF AGENDA

Ms. Farr moved and Mr. Tibbs seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF SEPTEMBER 13, 2018 MINUTES

Mr. Tibbs moved and Ms. Moore seconded the motion to approve the September 13, 2018 minutes. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Allen spoke in favor of Item 3a.

Councilmember Murphy requested a deferral of Item 1 and spoke in favor of Items 14 and 15.

Councilmember Kindall spoke in favor of Item 3a and agreed to continue to work with the community.

E: ITEMS FOR DEFERRAL / WITHDRAWAL

1. **2018SP-001-001**
SLOAN AND WESTLAWN SP
5. **2005UD-005-006**
BEDFORD HOTEL
7. **2018CP-007-003**
WEST NASHVILLE COMMUNITY PLAN AMENDMENT
8. **2018CP-012-002**
SOUTHEAST COMMUNITY PLAN AMENDMENT
12. **2018SP-058-001**
1265 MCGAVOCK PIKE
13. **2018SP-062-001**
222 - 228 DONELSON PIKE

Chairman Adkins recused himself from Item 5.

Mr. Gobbell moved and Dr. Sims seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

F: CONSENT AGENDA ITEMS

- 4. 2018S-128-001**
1308 LITTON AVE
- 6. 2018Z-073PR-001**
- 10. 2018Z-006TX-001**
- 11. 2018Z-007TX-001**
- 14. 2018SP-065-001**
4110 CHARLOTTE SP
- 15. 2018SP-066-001**
3800 CHARLOTTE SP
- 16. 2014NL-003-003**
COWBOY JACK STUDIO (DEVELOPMENT PLAN)
- 17. 2018S-149-001**
G. CO. INVESTMENTS, LLC. SUBDIVISION
- 18. 2018S-162-001**
PARADISE ON ELM
- 19. 89P-022-006**
MELROSE SHOPPING CENTER PUD (REVISION AND FINAL)
- 20. 2018Z-088PR-001**
- 22. 2018Z-094PR-001**
- 23. Contract Renewal for Jason Swaggart**
- 27. Accept the Director's Report and Approve Administrative Items**

Ms. Farr moved and Mr. Gobbell seconded the motion to approve the Consent Agenda. (7-0)

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

G: ITEMS TO BE CONSIDERED

1. 2018SP-001-001

SLOAN AND WESTLAWN SP

Council District 24 (Kathleen Murphy)

Staff Reviewer: Abbie Rickoff

A request to rezone from R6 to SP-R zoning on properties located at 4603 Sloan Road and 4409 and 4411 Westlawn Drive, at the corner of Sloan Road and Westlawn Drive (1.03 acres), to permit seven multi-family residential units, requested by Dale and Associates, applicant; LL & E Holdings, LLC, owner.

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

The Metropolitan Planning Commission deferred 2018SP-001-001 to the October 11, 2018, Planning Commission meeting. (7-0)

2. 2016SP-071-001

1300 N 5TH SP

Council District 05 (Scott Davis)

Staff Reviewer: Shawn Shepard

A request to rezone from RS5 to SP-R zoning for property located at 1300 N 5th Street, at the northwest corner of North 5th Street and Douglas Avenue (0.34 acres), to permit up to 10 multi-family residential units, requested by Allison Patton, applicant and owner.

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

APPLICANT REQUEST

Zone change to permit a multi-family residential development.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1300 N 5th Street, at the northwest corner of North 5th Street and Douglas Avenue (0.34 acres), to permit up to 10 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 units, subject to compliance with all standards of the Metro Subdivision Regulations.*

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.

BACKGROUND

On April 14, 2016, the Metro Planning Commission recommended disapproval of a zone change from RS5 to RM20-A for the subject property. The bill was introduced at Metro Council, and a public hearing on the zone change was held on July 5, 2016. Following Council public hearing, the zone change request was converted to a Specific Plan and re-referred to the Planning Commission for consideration. The applicant prepared the necessary plans, and the case is now moving forward as a Specific Plan proposal. Since the zone change was submitted, and subsequently converted to a Specific Plan, the Metro Planning Commission has approved and adopted the Highland Heights Study, which updated the land use policies and provided additional supplementary guidance for properties in this area. The Specific Plan proposal is being reviewed for consistency with the newly adopted Highland Heights Study now in effect. The Planning Commission considered the current proposal at the August 23, 2018, Planning Commission meeting. The public hearing was held and closed. The Commission recommended deferral, but also directed staff to further evaluate the conditions related to maximum height and the requirement for a manor home-style building with a pitched roof. As a result of this evaluation, staff is recommending a modified condition for the maximum height of the structure, described in more detail in the analysis section below.

EAST NASHVILLE COMMUNITY PLAN

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

Highland Heights Study Supplemental Policy

The site is within the Highland Heights Study Supplemental Policy which was recently approved and adopted by the Planning Commission on June 14, 2018. The Highland Heights Study was completed after an extensive community engagement process and resulted in updates to the community character policies for the area, as well as establishment of a supplementary Building Regulating Plan and Mobility Plan for the area. The community character policy for this site, T4 NE, did not change with adoption of the Highland Heights plan.

This site is within the R4 Subdistrict of the Building Regulating Plan, which is intended to create and enhance neighborhoods with greater housing choice and improved connectivity, consistent with the goals of the general T4 NE policy. The R4 Subdistrict supports a range of residential uses, including two-family and multi-family residential, at varying intensities depending on the location and context. The R4 Subdistrict also supports a variety of building forms, including house (1 unit), detached accessory dwelling unit, house (2 unit), plex or manor house, house court, and low rise townhouse.

The Mobility Plan component of the Highland Heights Study identifies N 5th Street as a local street and does not specify any infrastructure improvements such as new street or alley connections in the vicinity of this site.

Consistent with Policy?

The proposed site plan is generally consistent with the guidance of the T4 NE policy and the supplemental policies of the Highland Heights Study. Both the T4 NE policy and the R4 Subdistrict support the enhancement of neighborhoods with more housing choice. This site is located on N 5th street, with one parcel to the south separating the site from Douglas Avenue. Douglas is identified on the Mobility Plan as a Primary Avenue and as a collector on the Major and Collector Street Plan. The site is located on a seam between several different community character policy and subdistrict areas.

The T4 NE policy and R4 Subdistrict encompass this property as well as the properties immediately north and south of the site. The properties immediately to the west are within an area of higher intensity, mixed use T4 Urban Neighborhood Center policy, within the M1 Subdistrict, which is intended to support neighborhood centers. The properties to the north, within the core of the neighborhood, and on the east side of N 5th Street, opposite the site, are within an area of T4 Urban Neighborhood Maintenance policy and within the R1 Subdistrict, intended to maintain the existing low to moderate density, predominantly single-family residential development pattern.

The plan proposes up to ten multi-family residential units, located within a single plex or manor home style building. In this location, less than 10 feet from Douglas Avenue and adjacent to a neighborhood center, the multi-family residential will serve as a transition from more intense development in the center and along the corridor to the existing residential neighborhood. Staff recommends conditions requiring a manor home style of building, which is a permitted type in the R4 Subdistrict, in order to ensure that the form of the use is consistent with the existing, predominantly single-family character of the neighborhood.

PLAN DETAILS

The 0.34-acre site is located on the west side of N 5th Street, less than 10 feet north of Douglas Avenue. A 20-foot-wide strip along the southern property boundary is within easements associated with former Mile End Drive; the road was abandoned but easements through the area were retained. There is an existing alley at the rear of the site, along the western property line. A single triangular parcel, zoned RM20-A, separates this site from the corridor. The triangular parcel to the south is currently redeveloping under the RM20-A zoning. The general land use pattern along Douglas Avenue includes a mix of single-family residential and multi-family residential uses, with mixed use located at intersections, including at the intersection of Douglas Avenue and Lischey Avenue immediate west of this site. To the north, along N 5th Street, the existing land use is predominantly low to moderate density single-family residential.

Site Plan

The plan proposes a multi-family residential development with a maximum of ten units. All of the units are located in a single building. The building has a front setback of 26.2 feet and a maximum height of 35 feet. All access will be provided from the alley to the rear. A total of 14 parking spaces are proposed behind the building. A five-foot sidewalk and 4-foot planting strip, consistent with the Public Works requirements for a local road, are provided along the entire property frontage and will tie into an existing sidewalk along Douglas Avenue.

Sidewalks are also provided along both sides of the building to connect to the parking area in the rear. The plan includes architectural standards for entrances, minimum glazing, window orientation, materials, porch depth and raised foundations.

ANALYSIS

The plan proposes a maximum of ten multi-family residential units, located in a single building. The building has a front setback consistent with the setbacks of existing homes along N 5th Street, which range from 25 to 30 feet. The height of the building is limited to 35 feet, which is generally consistent with the maximum height permitted in the RS5 zoning district to the north and east. Vehicular access is provided only from the alley, which is only accessible from Douglas Avenue, minimizing the impact of any additional traffic on the residential neighborhood, particularly the residences along N 5th Street immediately north of the site.

The combination of access, proximity to the corridor, and adjacency to higher intensity mixed use development, make this site an appropriate location to incorporate additional housing choices into the neighborhood, consistent with the goals of the policy and the Highland Heights supplemental policies.

The site is located in an area of T4 Neighborhood Evolving policy, and within the R4 Subdistrict, but it sits directly across N 5th Street from an area of T4 Neighborhood Maintenance policy within the R1 subdistrict. In order to ensure that the proposed residential development is sensitive to the context and character of the existing neighborhood, staff recommends additional architectural standards be incorporated as conditions of approval. The final building elevations should reflect a manor home building form, which includes elements such as a single entrance, consistency in materials, a pitched roof, and window spacing that give the structure the appearance of a larger single-family home. The manor home style building is more appropriate in this location than a plex building, house court or townhomes, all of which would be permitted by the R4 district, in order to respect the character of the lower intensity Neighborhood Maintenance policy area across N 5th Street and to the north.

Following the Planning Commission's initial consideration of this request at the August 23, 2018, Planning Commission meeting, staff conducted additional analysis of the relationship between the maximum building height and the requirement for a pitched roof specified in the conditions. Based on this analysis, staff determined that it is possible to accommodate three levels of occupied space and a pitched roof within a maximum height of 35 feet as specified on the plan. The uppermost occupied level would be within the pitch of the roof, rather than a distinct story below the roof, which might be more accurately described as a two and a half story building. Therefore, staff recommends a condition limiting the height to a maximum of two and a half stories within 35 feet.

As conditioned by staff, the SP will incorporate additional housing choice into the neighborhood in a manner that provides an appropriate transition from more intense development along the corridor and in the adjacent center, and is sensitive to surrounding residential development, consistent with the goals of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- The required capacity fees must be paid prior to Final Site Plan/SP approval.
- Remove the dumpster pad and any major landscaping from the existing public water easement crossing the property, to acquire Final SP approval.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Submit copy of ROW dedications prior to bldg. permit sign off.
- Build and dedicate one-half of alley per MPW standard ST-263. ~ 10ft ROW dedication needed for one half of alley. The 10 ft ROW dedication should be measured from the center line of the current existing alley ROW extending to the southern property line.
- Install an ST-320 ramp at the corner of Douglas and North 5th street.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Trim vegetation at alley and Douglas intersection for adequate sight distance.

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)	0.34	8.71 D	2 U	29	7	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
Single-Family Residential (210)	0.34		10 U	126	12	12

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+8 U	+97	+5	+9

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 1 Elementary 0 Middle 0 High

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

The proposed SP zoning is expected to generate six more student than the existing RS5 zoning. Students would attend Shwab 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 December 2017.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the plan is consistent with the T4 Neighborhood Evolving policy and the supplemental policy guidance of the Highland Heights Study.

CONDITIONS

1. Uses shall be limited to a maximum of 10 multi-family residential units. Short term rental property (STRP) use shall be prohibited.
2. Maximum height shall be two and a half stories in 35 feet measured to the highest point of the roof.
3. The proposed building shall be designed in a manor home style appropriate give the context and the topography of the site. With the Final SP, the applicant shall be required to submit a building elevation for the street-facing façade of the building that depicts a manor home style, with architectural elements that could include, but are not limited to:
 - A pitched roof;
 - Window styles that repeat;
 - Consistency in materials across a floor; and
 - One door on the street-facing façade that reads as a main entrance. Other balconies or doors on the front façade shall be limited to avoid the appearance of a stacked flat or plex building.
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 RM20-A zoning district as of the date of the applicable request or application.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. 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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate

Ms. Shepard presented the approval with conditions and disapproval without all conditions.

Ms. Farr moved and Mr. Tibbs seconded the motion to reopen the Public Hearing. (7-0)

Clint Elliott, 7930 Hwy 70 S, spoke in favor of the application.

Ashanti Davis, 321 Edwin St, spoke in opposition to the application due to access concerns as well as inadequate parking.

Courtney Williams, 1303 Lischey Ave, spoke in opposition to the application because the density is too high.

Chairman Adkins closed the Public Hearing.

Ms. Farr spoke in favor of the application; the developer has done a nice job, this blends in well with the neighborhood.

Mr. Tibbs spoke in favor of the application as it seems like what we would typically want in an area like this.

Ms. Moore spoke in favor of the application but still expressed concerns with density and parking.

Mr. Gobbell spoke in favor of the application.

Dr. Sims spoke in favor of the application.

Mr. Gobbell moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2018-237

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-064PR-001 is **approved with conditions and disapprove without all conditions. (7-0)**

CONDITIONS

1. Uses shall be limited to a maximum of 10 multi-family residential units. Short term rental property (STRP) use shall be prohibited.
2. Maximum height shall be two and a half stories in 35 feet measured to the highest point of the roof.
3. The proposed building shall be designed in a manor home style appropriate give the context and the topography of the site. With the Final SP, the applicant shall be required to submit a building elevation for the street-facing façade of the building that depicts a manor home style, with architectural elements that could include, but are not limited to:
 - A pitched roof;
 - Window styles that repeat;
 - Consistency in materials across a floor; and
 - One door on the street-facing façade that reads as a main entrance. Other balconies or doors on the front façade shall be limited to avoid the appearance of a stacked flat or plex building.
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 RM20-A zoning district as of the date of the applicable request or application.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. 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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate

3a. 2018SP-049-001
3415 MURPHY ROAD SP
Council District 21 (Ed Kindall)
Staff Reviewer: Shawn Shepard

A request to rezone from ORI-A to SP-MU zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development, requested by Franklin Land Associates, LLC, applicant; Fifth Third Bank, N.A., owner. (See associated case # 2001P-005-001)

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

APPLICANT REQUEST

Zone change to permit a mixed use development.

Preliminary SP

A request to rezone from Office Residential Intensive – Alternative (ORI-A) to Specific Plan – Mixed Use (SP-MU) zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development.

Existing Zoning

Office/Residential Intensive-Alternative (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

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 a mixture of uses.

PLAN DETAILS

The site consists of a single 1.47-acre parcel located on the south side of Murphy Road between Interstate 440 (I-440) and West End Avenue, approximately 200 feet west of the intersection of Murphy Road and West End. The site is bounded to the west by Murphy Court, by Alley # 1138 to the east and Alley #1141 to the south. Existing development on the site includes a bank and associated parking. The properties immediately surrounding the site along Murphy Road contain a mix of office and auto-oriented commercial uses. The predominant land use pattern north of the site includes commercial and office uses along West End Avenue with multi-family residential development located behind. The larger area, which is identified as a Tier One Center in NashvilleNext, contains a mix of commercial, office, and multi-family residential uses.

Site Plan

The plan proposes a maximum of 378,700 square feet of all uses permitted by the ORI-A zoning district. The exact use mix may vary with the final site plan, but the preliminary proposal anticipates a maximum of 250,000 square feet of general office, a 175-room hotel, and 18,700 square feet of other uses permitted in the ORI-A zoning district, all within a single building. Although permitted by ORI-A zoning, no residential is shown on the site plan currently under review. The additional 18,700 square feet is anticipated to contain a mixture of retail, restaurant, and financial institution uses. The SP proposes a maximum height of 16 stories in 207.5 feet.

Vehicular access to the parking structure for office tenants and hotel guests is provided from Alley #1141 at the rear of the site. A second garage access to additional parking and service and loading is provided from Alley #1138 to the east. A total of 820 parking spaces are proposed based on the current anticipated use mix. A drop-off zone for the hotel and other uses is located at the rear of the site, along Alley #1141, and two drive-thru lanes to serve a proposed bank use are located under the southeast corner of the building, at the intersection of Alleys 1138 and 1141. Murphy Road is identified as an arterial-boulevard on the Major and Collector Street Plan (MCSP), which calls for a 12-foot sidewalk, 4-foot planting strip, and 5-foot bike lane. The MCSP requirements are consistent with the special guidance for street sections and the pedestrian realm included in the Midtown Study. The plan proposes a 12-foot sidewalk and

4-foot planting strip within public right-of-way, consistent with the MCSP requirements and the guidance in the Midtown Study; an additional covered pedestrian zone intended for plaza and outdoor dining is also incorporated into the plan to further enhance the pedestrian realm and activate the street.

A total of 34 bicycle parking spaces available to the public are included on the plan near the entrances to the building on Murphy Road and the hotel entrance interior to the site, with additional bicycle parking, showers and lockers provided for building tenants in the building fitness center. A designated space for shared urban mobility devices, such as dockless scooters or bicycles, is also included on the plan.

The principle pedestrian entrances to the building are provided on the first level along Murphy Road and along an interior breezeway through the center of the site. The building is built to the edge of the public right-of-way and sidewalk, and incorporates a covered colonnade over the additional pedestrian zone. All parking is located within the structure and is screened by other uses or architectural cladding. The plan includes conceptual elevations and renderings of the proposed building which identify proposed entrances, building articulations, materials and glazing.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

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

The site is within a supplemental policy area in the Midtown Study, 10-MT-T5-MU-02. The supplemental policy for T5 Center Mixed Use Neighborhood Area 2 includes specific guidance on building form, vehicular and pedestrian connectivity, and intensity, particularly for properties facing Centennial Park or in the area east of Division and 19th Avenue South. The supplemental policy does provide guidance for this site on height, indicating that lower building heights and masses are intended than along the West End Corridor because of structural constraints to development. Maximum building heights of eight to twenty stories are identified as appropriate, depending on context and location. Additionally, the policy provides guidance on the form of Murphy Road, which is identified as Primary Street in the Midtown Study plan. The policy specifies a continuous street wall and sidewalks that are generally 16 feet wide, with room for street trees, benches, trash and recycling, and bicycle parking as well as a clear travel path for pedestrians.

ANALYSIS

The project site is the largest of ten parcels located in a triangular area bounded by Murphy Road, West End Avenue, and Interstate 440. Of the ten parcels in this area, only three have frontage directly on Murphy Road. The majority of the parcels to the east are oriented to West End Avenue. If redeveloped in a manner consistent with the goals of the T5 MU policy and Midtown Study, these parcels are anticipated to accommodate high intensity development with a more urban form and character in the future. On the north side of Murphy Road, parcels take access from and are oriented to Park Drive which runs parallel to Murphy Road resulting in deep setbacks and a lack of direct relationship to properties on the south side of this section of Murphy. The location of the project site is somewhat of an island, removed from development on the north side of the street, separated from residential neighborhoods to the west by the interstate, and located immediately between an area anticipated to accommodate high intensity mixed use development in the future and the interstate.

T5 MU policy areas contain a significant amount of vertical mixed use development in buildings with high density residential, institutional, high-intensity commercial, and office land uses. These areas are served by high levels of connectivity with complete street networks, and provide services to meet the daily needs of residents in the neighborhood and within a five to ten minute walk. Buildings have high lot coverage, shallow setbacks, and are oriented to the street. This portion of Nashville is intended to be among the most intense in the county outside of the downtown area, and to include both Nashville's major employers as well as residential, commercial and service uses to create lively, mixed use neighborhoods.

The mix of uses and the massing, orientation and placement of the building are consistent with the goals of the T5 MU policy and the location of this site within a Tier One Center identified in NashvilleNext. The proposed SP includes a mix of office, hotel and retail and restaurant uses, intended to serve both tenants of the building and residents and employees of the surrounding neighborhood.

The building is located adjacent to Murphy Road, and includes ground-level pedestrian access to active uses such as retail or restaurant and outdoor plaza and dining space which will serve to activate this portion of Murphy Road and enhance the pedestrian realm, consistent with the guidance in the policy.

The Midtown Study guidance supports building heights of eight to twenty stories in this area. Taller and more intense buildings are intended to be located along West End Avenue, with building height and massing stepping down away from the corridor in areas that are adjacent to residential neighborhoods or that have constrained infrastructure such as substandard streets. The proposed building, at 16 stories in 207 feet, falls in the mid- to upper-end of the range of supported height. Although the site is approximately 200 feet west of West End Avenue, this portion of Murphy Road

is a five-lane arterial-boulevard and the site is bounded by public streets and alleys which will be improved to meet Public Works standards as part of this development. Throughout the review process, planning staff provided feedback regarding the building height and massing relative to the policy and the surrounding context. In response to staff feedback, the applicant made numerous changes to the building, including lowering the overall height approximately 100 feet and shifting the tower elements of the building away from Murphy Road and the area of T4 Urban Neighborhood Evolving policy that is located north of the site, and toward West End Avenue and the interstate, where more intensity is appropriate. Given the site's unique location and context, and the existing infrastructure serving the site, the height and massing proposed is consistent with the policy guidance.

A Traffic Impact Study (TIS) was completed for the project to evaluate potential impacts of the development on traffic and circulation in the project vicinity. Recommendations from the TIS, which have been recommended as conditions by Public Works and Traffic, include widening of Murphy Court and Alley #1138, restriping and intersection improvements, and coordination and optimization of signal phasing at nearby intersections. Improvements to pedestrian infrastructure, including the addition of crosswalks and pedestrian signals, are also proposed, along with travel demand management strategies such as encouraging off-peak deliveries and encouraging tenants to offer staggered work hours or incentives for carpooling, biking or using transit. Parking is provided to meet all Metro Zoning Ordinance standards for the uses as proposed. As the SP permits a variety of uses and the exact mix could vary, staff recommends a condition requiring parking to comply with the Metro Zoning Ordinance standards for all uses proposed with the Final SP. Staff recommends additional conditions regarding striping of Murphy Road to accommodate bicyclists and preparation of a Travel Demand Management (TDM) plan focused on reducing single-occupancy-vehicle trips with the final SP.

Although the site is separated from residential areas by Murphy Road and the interstate, it is located near the edge of the T5 MU policy area, and a portion of the site sits opposite Murphy Road from an area of T4 Neighborhood Evolving policy which supports primarily residential uses. In order to minimize potential impacts on nearby residential areas, and to ensure that the proposed building meets goals of the T5 MU policy to activate the street and enhance the pedestrian environment along Murphy Road, staff recommends conditions regarding screening of parking areas and mechanical equipment to include the applicant working to minimize light glare from vehicles. Finally, staff recommends a condition that signage be limited to ORI-A permitted signage.

As conditioned, the proposed SP will permit a mixed use development that achieves the goals of the T5 MU policy and the Midtown Study and that fits the unique location and context of the site; therefore, staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Fire Code issues will be addressed in the 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.

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.
- Submit copy of ROW dedications prior to bldg. permit sign off.
- If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs.
- Comply with MPW Traffic Engineer conditions of approval.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

In accordance with TIS findings for 3415 Murphy Road SP, the developer shall construct the following roadway improvements.

- Developer shall submit roadway construction plans, signal plans and signage and marking plans with final SP plan.
- Conclusions and Recommendations: According to information provided by the developer, the development is proposed to consist of approximately 250,000 square feet of office space, a hotel with 175 rooms, 11,000 square feet of retail space, 8,000 square feet of restaurant space, and a bank with two drive-through lanes. The analyses presented in this study indicate that the impacts of the proposed project on the existing street network will be manageable by providing the recommendations below. The analyses also indicate that the impacts on West End

Avenue will not materially degrade the corridor. These specific recommendations will provide safe and efficient traffic operations within the study area following the completion of the proposed project. The recommendations are as follows:

- West End Avenue and Murphy Road
 - Modify the phasing of the traffic signal to eliminate the split phasing provided for the eastbound approach of Murphy Road and the westbound approach of Orleans Drive. Protected left-turn phasing should be provided for the eastbound approach of Murphy Road and protected-permissive left-turn phasing should be provided for the westbound approach of Orleans Drive. All existing overlap phasing should remain. A signal timing coordination study may be required along West End Ave and Murphy Rd.
- West End Avenue and Bowling Avenue
 - Optimize the signal phasing to account for projected volume patterns.
- Murphy Road and Murphy Court/I-440 Westbound On-Ramp
 - Based on the results of a preliminary signal warrant analysis, a traffic signal will be warranted at this intersection. A traffic signal should be installed in conjunction with the proposed development. The eastbound and westbound left-turn movements on Murphy Road should operate with protected permissive signal phasing.
 - Remove the concrete median on the I-440 Westbound On-Ramp to allow through movements from northbound Murphy Court.
 - Modify the north leg of the intersection to accommodate the vehicular traffic, traffic signal, and pedestrian crossing.
 - Widen the northbound approach of Murphy Court to provide one ingress lane and two egress lanes, one shared through/left-turn lane with approximately 100 feet of storage and one right-turn lane.
 - Provide a pedestrian crosswalk, ADA compliant pedestrian ramps, and pedestrian signals with push buttons and countdown timers for movements across the approaches of Murphy Court, I-440 Westbound On-Ramp, and the eastbound approach of Murphy Road.
 - Murphy Ct shall be constructed with 3 lane x section to allow a turn lane at the drop off area.
 - Restripe the TWTL on Murphy to provide dedicated LT lanes on MURPHY Rd. at the new signal at Murphy Ct.
 - According to the site plan, on-street parking is planned to be provided adjacent to the project site on the east side of Murphy Court.
- Murphy Road and Public Alley #1138/Driveway to Park Drive
 - Widen the northbound approach of Public Alley #1138 to provide one ingress lane and two egress lanes, one left-turn lane only with approximately 50 feet of storage and one right-turn lane.
 - Provide a pedestrian crosswalk for movements across the northbound approach of Public Alley #1138.
- Garage Driveways
 - The proposed garage driveway on Public Alley #1141 to the south side of the proposed building should be designed to include sufficient width for a minimum of one entering lane and one exiting lane. A stop bar and R1-1 'Stop' sign should be installed on the egress approach.
 - The proposed garage driveway on Public Alley #1138 to the east side of the proposed building should be designed to include sufficient width for a minimum of one entering lane and one exiting lane. A stop bar and R1-1 'Stop' sign should be installed on the egress approach.
 - Any gates for access control in garages shall be located to allow adequate queueing distance to public roads. A denial lane shall be required.
 - Provide adequate truck turning radius at garage access to allow access to loading docks required by code.
- Parking
 - A maximum of 1,081 structured parking spaces will be requested to accommodate the development as part of the Specific Plan (SP) submittal. A maximum of 931 structured parking spaces will accommodate the office and hotel land uses (Parking Group 1). An additional 150 structured parking spaces will accommodate the retail, restaurant, and bank land uses (Parking Group 2). These two structured parking areas are not planned to be interconnected.
 - Metro Nashville's current Code of Ordinances was reviewed to determine the minimum parking that would be required for the proposed land uses. Based on the parking demand rates, the development would require a combined 771 parking spaces at a minimum, 677 parking spaces for Parking Group 1 and 94 parking spaces for Parking Group 2, if shared parking were not considered.
 - Adequate parking shall be required based on final SP land uses. A shared parking study may be required.
- Rideshare, Parcel Delivery, and Valet Operations
 - According to the site plan, a two-lane drop-off zone will be provided along the development's southern frontage with the Public Alley, west of Site Access 1. This area will accommodate rideshare drop-offs, parcel deliveries, as well as onsite valet operations. Drop off zone shall operate as 1 way only. Adequate valet staff shall be available to prevent unnecessary queueing into Public ROW.
 - Signs should be provided on the property's frontage with Murphy Road to direct motorists to the location of the drop-off zone.
- Travel Demand Management
 - Office tenants should be encouraged to offer employees staggered work hours or an option to work remotely. Additionally, all employers should be encouraged to offer incentives for carpooling, biking, or using transit services.

- It is recommended to provide information via a kiosk for hotel guests outlining greenways, bike routes and transit facilities nearby.
- Off-peak deliveries should be encouraged to minimize impacts to traffic operations.
- The signalized intersection of Murphy Road and Murphy Court is intended to be the primary egress point for motorists traveling west on I-440 or Murphy Road. Signs should be provided near the garage driveway egresses directing westbound motorists towards this intersection.

Maximum Uses in Existing Zoning District: **ORI-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)	0.74		32 U	202	17	22

Maximum Uses in Existing Zoning District: **ORI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.73	3.0 F	95,396 S.F.	1014	117	109

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
Office (710)	1.47			2581	262	272

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
Hotel (310)			175 Rooms	1549	83	106

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)			11,000 S.F.	1341	155	107

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (931)			8,000 S.F.	671	6	65

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
Bank* (912)				-	-	-

Traffic changes between maximum: **ORI-A and SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4926	+372	+419

*There is an existing bank on the property today that will be incorporated into the proposed SP, generating no net change in traffic.

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted by the SP, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Uses shall be limited to a maximum of 378,700 square feet of all uses permitted by the ORI-A zoning district.
2. Façade treatment of parking structures and mechanical areas shall be reviewed by staff with the submittal of the final site plan. Façade treatments shall be generally consistent with the submitted elevations. Applicant shall work with staff to minimize light bleed from cars utilizing the garage.
3. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance.
4. No building signage is approved with this Preliminary SP. All signage shall comply with the standards of the ORI-A zoning district.
5. Prior to submittal of the Final SP, coordinate with Planning and Public Works to identify appropriate bicycle infrastructure improvements for Murphy Road between Bowling Avenue and West End Avenue given the site location and context. Appropriate improvements shall be incorporated into an implementation plan to be submitted with the final. This may include physically protecting the existing bike lanes where feasible, adding bicycle signals at signalized intersections, and improving the bike lanes I-440 ramp crossings.
6. Show locations and numbers of required bicycle parking on site plan with Final SP submittal.
7. Provide employee lockers, shower facility, and indoor bicycle parking for employees. Show on site plan with Final SP submittal.
8. Prior to submittal of Final SP, meet with Planning to develop a Transportation Demand Management (TDM) plan and implementation strategy that includes transportation modal shift goals that reduce number of single occupancy vehicle (SOV) trips to and from the development. TDM plan shall be included with Final SP submittal.
9. Comply with all conditions of Metro Public Works and Traffic and Parking.
10. 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 ORI-A zoning district.
11. 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.
12. 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.
13. 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.
14. 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.

Chairman Adkins stepped out of the room at 4:44 p.m.

Ms. Shepard presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 3a and 3b were heard and discussed together.

Joe Bucher, Gresham Smith, spoke in favor of the application and noted that there will be traffic improvements.

James Weaver, Waller Lansden, spoke in favor of the application.

Steve Kulinski, 1125 Belvidere Dr, spoke in favor of the application. If this project doesn't go forward, the building will probably be sold to a multi-family developer.

Alex Ryan, 3415 West End Ave, spoke in favor of the application. More urban designs like this are needed along key corridors – walkable, bikeable, transit-oriented developments.

Rusty Dunn, 212 Belclair Place, spoke in favor of the application. This is an ideal location for this project.

Robin Johnson, 3728 Richland Ave, spoke in opposition to the application on behalf of 127 neighborhood residents. The height and floor area are nearly double what is currently allowed. This is out of scale for this location. She expressed concerns regarding the following: increased traffic, inadequate parking, light and noise pollution, and setting a precedent for development on both West End and Murphy Road.

Wesley Weeks, 3705 Richland Ave, spoke in opposition to the application due to increased traffic concerns as well as the scale is too large.

Lauren Benton, 3335 Acklen Ave, spoke in opposition to the application due to increased traffic concerns; the traffic in this area is already bad.

Gary Layda, 3606 Meadowbrook Ave, spoke in opposition to the application due to increased traffic concerns.

Eli Ball, 3340 Acklen Ave, spoke in opposition to the application and requested a deferral.

James Weaver asked for approval and explained that the project is consistent with the community plan as well as NashvilleNext.

Ms. Farr closed the Public Hearing.

Mr. Tibbs spoke in favor of continuing to move this forward to Council. This is the appropriate place for this development.

Ms. Moore spoke in favor and noted that the project is appropriate for this area.

Mr. Gobbell spoke in favor of the application.

Dr. Sims spoke in favor of the application. This is an appropriate place for this at an appropriate time.

Ms. Farr inquired about signage requirements and stated that this building is too big.

Mr. Tibbs moved and Mr. Gobbell seconded the motion to approve with conditions and disapprove without all conditions, including the commitments to the community referenced as Items 1, 3, 4, and 5 on Page 4 of the letter from GBT Realty Corporation to the Planning Commission dated September 27, 2018, and the greenways improvements described on Page 3 of the letter from Waller to the Planning Commission dated September 26, 2018, and an additional condition that the applicant shall complete a traffic calming study in consultation with Metro Public Works and fund calming measures necessary to deter prospective cut-through traffic. (5-1) Ms. Farr voted against.

Resolution No. RS2018-238

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018SP-049-001 is approved with conditions and disapprove without all conditions, including the commitments to the community referenced as Items 1, 3, 4, and 5 on Page 4 of the letter from GBT Realty Corporation to the Planning Commission dated September 27, 2018, and the greenways improvements described on Page 3 of the letter from Waller to the Planning Commission dated September 26, 2018, and an additional condition that the applicant shall complete a traffic calming study in consultation with Metro Public Works and fund calming measures necessary to deter prospective cut-through traffic. (5-1)

CONDITIONS

1. Uses shall be limited to a maximum of 378,700 square feet of all uses permitted by the ORI-A zoning district.
2. Façade treatment of parking structures and mechanical areas shall be reviewed by staff with the submittal of the final site plan. Façade treatments shall be generally consistent with the submitted elevations. Applicant shall work with staff to minimize light bleed from cars utilizing the garage.
3. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance.
4. No building signage is approved with this Preliminary SP. All signage shall comply with the standards of the ORI-A zoning district.
5. Prior to submittal of the Final SP, coordinate with Planning and Public Works to identify appropriate bicycle infrastructure improvements for Murphy Road between Bowling Avenue and West End Avenue given the site location and context. Appropriate improvements shall be incorporated into an implementation plan to be submitted with the final. This may include physically protecting the existing bike lanes where feasible, adding bicycle signals at signalized intersections, and improving the bike lanes I-440 ramp crossings.
6. Show locations and numbers of required bicycle parking on site plan with Final SP submittal.
7. Provide employee lockers, shower facility, and indoor bicycle parking for employees. Show on site plan with Final SP submittal.

8. Prior to submittal of Final SP, meet with Planning to develop a Transportation Demand Management (TDM) plan and implementation strategy that includes transportation modal shift goals that reduce number of single occupancy vehicle (SOV) trips to and from the development. TDM plan shall be included with Final SP submittal.
9. Comply with all conditions of Metro Public Works and Traffic and Parking.
10. 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 ORI-A zoning district.
11. 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.
12. 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.
13. 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.
14. 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.

**3b. 2001P-005-001
RESIDENCE INN BY MARRIOTT PUD (CANCEL)**

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

A request to cancel a Planned Unit Development Overlay District on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue (1.47 acres), requested by Franklin Land Associates, LLC, applicant; Fifth Third Bank, N.A., owner. (See associated case # 2018SP-049-001)

Staff Recommendation: Approve subject to the approval of the associated zone change, and disapprove if the associated zone change is not approved.

APPLICANT REQUEST

Cancel a Planned Unit Development.

PUD Cancellation

A request to cancel a Planned Unit Development Overlay District (PUD) on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue (1.47 acres).

Existing Zoning

Office/Residential Intensive-Alternative (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

GREEN HILLS – MIDTOWN COMMUNITY PLAN

T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County.

T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

The site is within a supplemental policy area in the Midtown Study, 10-MT-T5-MU-02. The supplemental policy for T5 Center Mixed Use Neighborhood Area 2 includes specific guidance on building form, vehicular and pedestrian connectivity, and intensity, particularly for properties facing Centennial Park or in the area east of Division and 19th Avenue South. The supplemental policy does provide guidance for this site on height, indicating that lower building

heights and masses are intended than along the West End Corridor because of structural constraints to development. Maximum building heights of eight to twenty stories are identified as appropriate, depending on context and location. Additionally, the policy provides guidance on the form of Murphy Road, which is identified as Primary Street in the Midtown Study plan. The policy specifies a continuous street wall and sidewalks that are generally 16 feet wide, with room for street trees, benches, trash and recycling, and bicycle parking as well as a clear travel path for pedestrians.

Consistent with Policy?

The cancellation of the Residence Inn by Marriott PUD to allow for the development of the associated Specific Plan (2018SP-049-001) is consistent with the existing land use policy for the area. The approved PUD was originally approved for a hotel and later amended to permit a bank. The site is surrounded by moderate intensity residential, office, commercial and mixed use development, and is adjacent to an on-ramp serving I-440.

PLAN DETAILS

The Residence Inn by Marriott PUD was originally approved in 2001 to permit an 89,507-square-foot, 123 room hotel in six stories. In 2001, the preliminary PUD plan was revised to permit a 90,439 square foot hotel with 128 rooms. A final site plan for the hotel was also approved in 2001, but the hotel was never constructed. In 2003, the PUD was amended to a permit 2-story, 11,300-square-foot bank and allow changes to the access for the bank to accommodate a drive-thru. A final site plan for the bank was approved later that year. The site is currently occupied solely by the bank.

ANALYSIS

Cancellation of the PUD is required to accommodate the requested Specific Plan rezoning to allow for a mixed use development on the site. The proposed SP permits all uses allowed by ORI-A zoning within a single building. The building has an urban form, and is located close to the street, with a wide sidewalk and pedestrian frontage zone intended to activate the street and enhance the pedestrian realm. The proposed SP is more consistent with the mix of uses and the goals for a vibrant, urban streetscape supported by the T5 MU policy than the development permitted under the current PUD.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

WATER SERVICES

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval subject to the approval of the associated zone change, and disapproval if the associated zone change is not approved.

Ms. Shepard presented the staff recommendation of approval subject to the approval of the associated zone change, and disapproval if the associated zone change is not approved.

Items 3a and 3b were heard and discussed together.

Joe Bucher, Gresham Smith, spoke in favor of the application and noted that there will be traffic improvements.

James Weaver, Waller Lansden, spoke in favor of the application.

Steve Kulinski, 1125 Belvidere Dr, spoke in favor of the application. If this project doesn't go forward, the building will probably be sold to a multi-family developer.

Alex Ryan, 3415 West End Ave, spoke in favor of the application. More urban designs like this are needed along key corridors – walkable, bikeable, transit-oriented developments.

Rusty Dunn, 212 Belclair Place, spoke in favor of the application. This is an ideal location for this project. Robin Johnson, 3728 Richland Ave, spoke in opposition to the application on behalf of 127 neighborhood residents. The height and floor area are nearly double what is currently allowed. This is out of scale for this location. She expressed concerns regarding the following: increased traffic, inadequate parking, light and noise pollution, and setting a precedent for development on both West End and Murphy Road.

Wesley Weeks, 3705 Richland Ave, spoke in opposition to the application due to increased traffic concerns as well as the scale is too large.

Lauren Benton, 3335 Acklen Ave, spoke in opposition to the application due to increased traffic concerns; the traffic in this area is already bad.

Gary Layda, 3606 Meadowbrook Ave, spoke in opposition to the application due to increased traffic concerns.

Eli Ball, 3340 Acklen Ave, spoke in opposition to the application and requested a deferral.

James Weaver asked for approval and explained that the project is consistent with the community plan as well as NashvilleNext.

Ms. Farr closed the Public Hearing.

Mr. Tibbs spoke in favor of continuing to move this forward to Council. This is the appropriate place for this development.

Ms. Moore spoke in favor and noted that the project is appropriate for this area.

Mr. Gobbell spoke in favor of the application.

Dr. Sims spoke in favor of the application. This is an appropriate place for this at an appropriate time.

Ms. Farr inquired about signage requirements and stated that this building is too big.

Mr. Tibbs moved and Mr. Gobbell seconded the motion to approve subject to the approval of the associated zone change, and disapprove if the associated zone change is not approved. (6-0)

Resolution No. RS2018-239

“BE IT RESOLVED by The Metropolitan Planning Commission that 2001P-005-001 is **approved. (6-0)**”

Mr. Tibbs left the meeting at 6:14 p.m.

Chairman Adkins stepped back in the room at 6:14 p.m.

**4. 2018S-128-001
1308 LITTON AVE**

Council District 07 (Anthony Davis)
Staff Reviewer: Levi Hill

A request for final plat approval to create two lots on property located at 1308 Litton Avenue, approximately 300 feet west of Scott Avenue, zoned R6 (0.58 acres), requested by Agee Professional Land Surveying, LLC, applicant; Lesa Smith and Marcus Bright, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Final plat approval to create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 1308 Litton Avenue, approximately 300 feet west of Scott Avenue, zoned One and Two-Family Residential (R6) (0.58 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 3 duplex lots for a total of 6 units based on acreage alone. Application of the Subdivision Regulations will result in fewer units.*

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.

PLAN DETAILS

This request is for final plat approval to create two lots on property located at 1308 Litton Avenue. The site currently contains one single-family dwelling unit on a 0.58 acres lot. Lot 1 is proposed to contain 12,540 square feet, and lot 2 is proposed to contain 12,511 square feet.

HISTORY

The Planning Commission considered this item at the August 23, 2018, Planning Commission meeting. The item was deferred and staff was directed to evaluate the lots across Litton Avenue from the site. The proposal has not changed.

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 R6 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 52.03 feet for the frontage along Litton Avenue. Neither of the proposed lots meets the requirement for lot frontage.

Lot 1 Frontage	
Proposed Frontage	49.50 ft.
Minimum Frontage	50.00 ft.
70% Average	52.03 ft.

Lot 2 Frontage	
Proposed Frontage	49.50 ft.
Minimum Frontage	50.00 ft.
70% Average	52.03 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 11,586 square feet. Both of the proposed lots satisfy the area requirement for lot compatibility.

Lot 1 Area	
Proposed Size	12,540 sq. ft.
Minimum Size	7,405 sq. ft.
70% Average	11,586 sq. ft.

Lot 2 Area	
Proposed Size	12,511 sq. ft.
Minimum Size	7,405 sq. ft.
70% Average	11,586 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 Litton Avenue consistent with the orientation of the adjacent lots to the north and south.

Agency Review

All review agencies have recommended approval.

Harmonious Development

If the proposed subdivision fails to meet subsection d of Section 3-5.2 of the Subdivision Regulations, the Planning Commission may consider whether the subdivision can provide for the harmonious development of the community. The Commission shall consider the development pattern of the area; any unique geographic, topographic, and environmental factors; and other relevant information. The Commission may also place reasonable conditions on the subdivision to ensure harmony.

As directed by the Planning Commission at the August 23, 2018, Planning Commission meeting, staff evaluated the lots on the opposite side of Litton Avenue from the proposed subdivision in addition to the lots on the same block face. Lot areas for lots on both sides of Litton on this block range from 3,484 square feet to 22,650 square feet. Frontages for the same block range from 15 feet to 87 feet. This plat proposes lots with a minimum size of 12,511 square feet and a minimum frontage of 49.5 feet. Given the varied lot sizes and frontages on this block, the proposed

lots are generally consistent. Staff also evaluated the development pattern within the general area and found the lots to be harmonious. Many properties within the broader neighborhood have frontages of 50 feet or less, consistent with the proposed lots. Additionally, the proposed subdivision is in keeping with the existing development pattern for the area as properties developed with two-family residential uses, on comparable lots, can be found throughout the neighborhood.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (7-0)

Resolution No. RS2018-240

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018S-128-001 is approved. (7-0)

**5. 2005UD-005-006
BEDFORD HOTEL**

Council District 25 (Russ Pulley)

Staff Reviewer: Jessica Buechler

A request for final site plan approval for a portion of the Bedford Avenue Urban Design Overlay on property located at 3818 Bedford Avenue, approximately 420 feet northeast of Abbott Martin Road, zoned MUL (0.87 acres), to permit a hotel, requested by Barge Cauthen and Associates, Inc., applicant; Edward Ewing, owner.

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

The Metropolitan Planning Commission deferred 2005UD-005-006 to the October 11, 2018, Planning Commission meeting. (6-0-1)

6. 2018Z-073PR-001

Council District 21 (Ed Kindall)

Staff Reviewer: Shawn Shepard

A request to rezone from RS5 and IR to MUL-A and RM20-A zoning on properties located at 707, 709, 711, 715, 717 26th Avenue North, 2600, 2604 and 2606 Clifton Avenue, at the northwest corner of 26th Avenue North and Clifton Avenue (1.39 acres), requested by Catalyst Design Group, applicant; Nick Dorrol, E3 Construction Services, LLC and Jeffery Hampton, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 and IR to MUL-A and RM20-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) and Industrial Restrictive (IR) to Mixed Use Limited – Alternative (MUL-A) and Multi-family Residential – Alternative (RM20-A) zoning on properties located at 707, 709, 711, 715, 717 26th Avenue North, 2600, 2604 and 2606 Clifton Avenue, at the northwest corner of 26th Avenue North and Clifton Avenue (1.39 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *Approximately 0.84 acres of the site are zoned RS5. RS5 would permit a maximum of seven units, subject to compliance with all standards of the Metro Subdivision Regulations.*

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

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.

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 17 units, if applied to 0.84 acres of the site as requested.*

NORTH NASHVILLE COMMUNITY PLAN

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

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

ANALYSIS

The site consists of eight parcels located at the northwest corner of the intersection of 26th Avenue North and Clifton Avenue. Three of the parcels, including Parcels 575, 576, and 578, are oriented to Clifton Avenue and are within an area of T4 CM policy. These three parcels are requested to be rezoned to MUL-A zoning. The remaining five parcels, Parcels 579-583 are oriented to 26th Avenue North and are located within an area of T4 NE policy. These five parcels are requested to be rezoned to RM20-A zoning.

The site is located at the corner of Clifton Avenue and 26th Avenue North. Clifton Avenue is designated in the Major and Collector Street Plan as an urban mixed-use collector avenue, and 28th Avenue North, located approximately 900 feet to the west, is designated as a mixed use arterial boulevard with existing transit service.

Alley #933, located along the western boundary of the site, is currently built but is substandard. Alley #940 runs east-west through the site, located behind the parcels oriented to Clifton Avenue. This alley is also substandard and is currently functioning as a private driveway serving the three parcels along Clifton. Surrounding properties along Clifton Avenue include commercial and mixed uses, with scattered one and two-family residential. The land use pattern north of Clifton Avenue consists of a mix of vacant properties, single-family, two-family, and multi-family residential development. There are two existing triplexes located just north of this site along 26th Avenue North, and a four-unit, multi-family building and a duplex are located to the rear of the site, along 27th Avenue North.

The requested rezoning to MUL-A is consistent with the T4 CM policy applicable to the three parcels in the zone change area oriented toward Clifton Avenue. This portion of the site has frontage directly on the Clifton Avenue corridor, and has access via two substandard alleys. The requested MUL-A zoning district would require these alleys to be improved and used as primary access for this portion of the site. Multiple properties on the south side of Clifton Avenue, opposite this portion of the site, are also located in the T4 CM policy area and were rezoned to MUL-A zoning in 2016 and 2017. The uses permitted by MUL-A are compatible with the surrounding land uses along Clifton Avenue.

The bulk and building placement standards associated with MUL-A zoning ensure mixed-use development that addresses the pedestrian realm and limits the amount of parking between the building and the street, consistent with the goals of the T4 CM policy.

The requested RM20-A zoning is also consistent with the T4 NE policy applicable to the five parcels oriented toward 26th Avenue North. T4 NE policy permits a range of residential uses and intensities, depending on location and

context, with higher density residential building types placed in proximity to centers or corridors, such as Clifton Avenue. Sites located on the edge of the policy area are intended to provide transitions between more intense development along the corridor and less intense development in residential neighborhoods.

The T4 NE portion of this site is located between an area of more intense T4 CM policy along Clifton Avenue and existing multi-family residential development along 26th Avenue North. The existing triplexes on this block are located on smaller lots, resulting in an approximate density of 18 units per acre. The RM20-A zoning requested for this portion of the zone change area will support multi-family residential at a similar intensity to the existing multi-family residential developments along this block of 26th Avenue North, and will provide for a transition between mixed use development along Clifton and the primarily single-family and two-family residential character of the central and northern part of the neighborhood. The RM20-A zoning district requires improvement of the existing, substandard alleys to serve as primary access for the development, which will improve and increase overall connectivity for the area. Additionally, the building placement and design standards included in the RM20-A zoning district will contribute toward the creation of a more pedestrian-friendly and walkable residential neighborhood, consistent with the goals of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.84	8.71 D	7 U	91	10	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.55	0.6 F	14,374 S.F.	69	28	30

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.84		17 U	88	9	13

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)	0.28		12 U	50	7	9

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)	0.14	1.0	6,098 S.F.	71	33	8

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)	0.13	1.0	5,662 S.F.	360	19	39

Traffic changes between maximum: RS5, IR, RM20-A and MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+409	+30	+41

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 1 Elementary 1 Middle 1 High
 Projected student generation existing IR district: 0 Elementary 0 Middle 0 High
 Projected student generation proposed RM20-A district: 13 Elementary 9 Middle 8 High
 Projected student generation proposed MUL-A district: 9 Elementary 6 Middle 5 High

The current RS5 zoning district, which is applicable to 0.84 acres of the site, is projected to generate three students. The existing IR zoning does not permit residential uses and therefore is projected to generate no students. The RM20-A zoning district, if applied to 0.84 acres of the site as requested, will generate 30 students. The MUL-A zoning district, if applied to 0.55 acres of the site, will generate 20 students, assuming 50% of the floor area is utilized for non-residential uses. The proposed zonings would generate 47 additional students beyond the existing RS5 and IR zoning. Students would attend Park Avenue Enhanced Option Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated December 2017.

STAFF RECOMMENDATION

Staff recommends approval as the requested MUL-A and RM20-A zoning districts are consistent with the goals of the T4 Urban Mixed Use Corridor and T4 Urban Neighborhood Evolving policies in this location.

Approve. Consent Agenda. (7-0)

Resolution No. RS2018-241

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-073PR-001 is **approved. (7-0)**”

- 7. 2018CP-007-003**
WEST NASHVILLE COMMUNITY PLAN AMENDMENT
 Council District 21 (Ed Kindall); 24 (Kathleen Murphy)
 Staff Reviewer: Dara Sanders

A request to amend the West Nashville Community Plan on various parcels located within the Charlotte Avenue between I-440 and White Bridge Pike, amend the adopted Major and Collector Street Plan designations for Charlotte Avenue, and amend WalknBike, requested by the Metropolitan Nashville Planning Department, applicant; various owners.

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

The Metropolitan Planning Commission deferred 2018CP-007-003 to the October 11, 2018, Planning Commission meeting. (7-0)

- 8. 2018CP-012-002**
SOUTHEAST COMMUNITY PLAN AMENDMENT
 Council District 30 (Jason Potts)
 Staff Reviewer: Anna Grider

On Consent: No
 Public Hearing: Open

A request to amend the Southeast Community Plan by changing from T3 Suburban Neighborhood Maintenance Policy to T3 Suburban Neighborhood Evolving Policy and to add a Supplemental Policy on various properties on Flora Maxwell Rd, Taylor Rd, Goins Rd, Old Goins Rd and Alice Ave, east of Nolensville Pike, zoned R6 and OR20 (20.01 acres), requested by S and H Group, LLC., applicant; Pillars Development LLC, owner.

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

The Metropolitan Planning Commission deferred 2018CP-012-003 to the October 25, 2018, Planning Commission meeting. (7-0)

9. 2018Z-003TX-001

BL2018-1183/Freeman
Staff Reviewer: Lisa Milligan

A request to amend Chapter 17.16 of the Metropolitan Zoning Code to add conditions to the uses of automobile repair and automobile sales, used, requested by Councilmember Mike Freeman.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Amend the Zoning Code related to automobile related uses.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.16.070.E – Automobile Repair of the Zoning Code by adding a new condition (9) as follows:

9. No automobile repair establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

The proposed bill would amend Section 17.16.070.F – Automobile Sales, Used of the Zoning Code by adding a new condition (9) as follows:

9. No automobile sales, used establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

ANALYSIS

The amendment would add a separation requirement for any new automobile repair establishments or used automobile sales establishments from existing automobile related uses. Over the past several years, there have been multiple proposed text amendments relating to design standards and separation requirements for automobile uses. The last proposal which included separation requirements was recommended for disapproval by the Planning Commission and ultimately withdrawn at Council.

In 2013, Metro Council passed BL2013-418 which made it possible for certain auto-related uses to be permitted with conditions (PC) in the CS zoning district. The amendment also added design standards for these uses as follows:

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:
 - a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
 - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Driveways shall be consolidated if required by the metro traffic engineer.
3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.
5. Service doors facing any district that permits residential uses or a legally occupied residential structure shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
6. All buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be located a minimum of 25 feet from any district boundary that permits residential uses or a legally occupied residential structure, and all buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened from any district boundary that permits residential uses or a legally occupied residential structure by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
7. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.
8. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

Lot Frontage in Feet	Max Number of Signs	Max Sign Area	Max Height
Less than 100	1	64 sq. ft.	20 ft.
100—299	1	100 sq. ft.	20 ft.

>300	2 (with minimum 100' separation)	100 sq. ft.	20 ft.
------	----------------------------------	-------------	--------

Later in 2013, a new bill (BL2013-569) was introduced that modified some of the above design standards and added additional requirements for auto related uses. The proposal included a separation requirement. Planning staff had concerns with the proposal at that time, particularly with the separation requirements. Staff recommended disapproval of BL2013-569 as did the Planning Commission.

Staff's concerns in regards to adding a separation requirement are twofold. First, adding this requirement may prohibit automobile related uses in locations where they may be appropriate, including CS zoning districts located on major corridors. Arterials, which have the capability of carrying high levels of traffic, are an appropriate place for automobile centered uses to be located. These locations provide ease of access to consumers.

Second, requiring a separation from existing uses could entrench existing uses in their current locations and limit competition as like businesses would be unable to locate nearby. Additionally, if there are existing businesses located within the separation requirement proposed by the Code, such uses could become legally non-conforming and receive additional protections based on the non-conforming allowances found in Tennessee Code Annotated. Once established, a legally non-conforming use is less likely to close or relocate as possible new locations are limited. Changes of ownership do not impact a non-conforming status. In other words, if a property changes hands the use can continue to operate under the new owner as prescribed by State law.

ZONING ADMINISTRATOR RECOMMENDATION

The Zoning Administrator recommends disapproval of the proposed text amendment. Separation requirements are difficult to enforce during the permitting process. Additionally, the proposal may create legally non-conforming uses that would have protections through state law.

STAFF RECOMMENDATION

Staff recommends disapproval.

Bill BL2018-1183

An ordinance amending Chapter 17.16 of the Metropolitan Zoning Code to add conditions to the uses of automobile repair and automobile sales, used. (Proposal No. 2018Z-003TX-001).

WHEREAS, cities have authority to regulate the location and operation of businesses within their boundaries, particularly in the aftermath of the U.S. Supreme Court decision in Village of Euclid, Ohio v. Ambler Realty Co. which established the general principle that zoning restrictions can legitimately be designed to protect public safety, health, and welfare of residents, specifically allowing the exclusion, separation, or limitation of particular types of land uses deemed harmful in some way to the local community; and

WHEREAS, Nashville, Tennessee has a high concentration of automobile repair and used automobile sales facilities along the major thoroughfares in the city; and

WHEREAS, automobile repair facilities and automobile services facilities deal with hazardous materials, emit harmful fumes, and produce hazardous waste, which are environmental and health concerns; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of automobile repair and used automobile sales facilities be further regulated through the Metropolitan Zoning Code.

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

Section 1. That Section 17.16.070, Commercial Uses, is hereby amended by adding the following to the end of subsection E.:

9. No automobile repair establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 2. That Section 17.16.070, Commercial uses, is hereby further amended by adding the following to the end of subsection F.:

9. No automobile sales, used establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 3. If any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of the Ordinance.

Section 4. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s): Mike Freeman

Ms. Milligan presented the staff recommendation of disapproval.

No one spoke in favor or in opposition.

Chairman Adkins closed the Public Hearing.

Ms. Farr moved and Ms. Moore seconded the motion to disapprove. (6-0)

Resolution No. RS2018-242

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-003TX-001 is **disapproved. (6-0)**

10. 2018Z-006TX-001

BL2018-1316/Dowell

Staff Reviewer: Shawn Shepard

A request to amend Section 17.24.060 of the Metropolitan Code of Laws pertaining to special screening requirements for dumpsters and other trash receptacles, requested by Councilmember Jacobia Dowell.

Staff Recommendation: Approve with a substitute.

APPLICANT REQUEST

Amend the Zoning Code pertaining to special screening requirements for dumpsters and other trash receptacles.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.24.060 of the Zoning Code by deleting Subsection A in its entirety and and replacing it as follows:

- A. Dumpsters and other trash receptacles for all structures other than single-family and two-family residences shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use. The following design standards shall apply:
 1. Receptacles shall be placed on a concrete pad, constructed from steel reinforced concrete and a minimum of four inches (4") thick.
 2. Enclosures shall consist of a fence or wall constructed of opaque-type materials, such as wood, masonry, or other permanent materials, which prevent direct visibility of the receptacle. Evergreen plants may be used in part to meet the requirement of opacity.
 3. Enclosures shall be constructed to a minimum height of one foot (1') higher than the height of the enclosed receptacle, or six feet (6') in height, whichever is higher.
 4. Enclosures shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections, are located within the interior of the enclosure.
 5. Unless the service opening is oriented away from adjacent public streets and residential properties, enclosures shall have a service access gate meeting the following design standards:
 - a) Access gates shall be of sufficient size to remove the receptacle from the enclosure.
 - b) Access gates shall be constructed of opaque-type materials which prevent direct visibility of the receptacle.
 - c) Access gates shall be constructed with a latch to keep the access gate closed when the receptacle is not in use.
 - d) Access gates shall not open directly onto public streets or sidewalks.
 6. Enclosures may have an additional side door for accessing the receptacle. This additional side door may be up to three feet (3') in width and may be secured or unsecured.

7. Receptacles shall be located in the rear of the building or structure which they service. If a receptacle cannot be placed behind the building or structure it services, the location shall be determined by the department of codes administration.
8. Receptacles must remain readily accessible to the Nashville Fire Department.
 - B. On sites which are developed at the time of adoption of the ordinance codified in this chapter which are subsequently upgraded, dumpsters shall be screened to meet the standards set out in this subsection if:
 1. Any single expansion of the site increases the total building area by twenty-five percent or more;
 2. Multiple expansions within a five-year period increase the total building area by twenty-five percent or more;
 3. The value of any single expansion is more than twenty-five percent of the existing value of improvements;
 4. The total value of all improvements increases by fifty percent or more as a result of multiple expansions over a five year period.

ANALYSIS

The Metro Zoning Code establishes special screening requirements for unsightly areas, such as dumpsters and trash receptacles. The code currently requires that dumpsters and trash receptacles be placed on a pad within an enclosure of at least six feet in height. Materials for the enclosure are required to be opaque.

The proposed amendment would enhance the standards with additional detail to ensure that the intent of the section to screen trash receptacles from view from public streets and residential uses is met. For example, the current standards require the enclosure to be a minimum of six feet in height, regardless of the size of the receptacle. The amendment proposes a minimum enclosure height of at least one foot higher than the receptacle or six feet, whichever is greater. The amendment also incorporates additional standards related to the orientation and design of the gate to allow access to the dumpster, ensuring that the gates are also opaque and are designed not to open onto public streets or sidewalks. Finally, the amendment would establish that trash receptacles are required to be located to the rear of the building or structure they serve. If locating the receptacle behind the building is not possible, the codes department would determine an appropriate location.

Staff is recommending a substitute to modify a single standard of the proposed amendment. The amendment would require dumpsters and trash receptacles to be located on a concrete pad, constructed from steel reinforced concrete and a minimum of four inches thick. The recommended substitute would increase the minimum thickness of the pad from four inches to eight inches, consistent with the dumpster pad specifications required by the Metro Public Works Department.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval with a substitute.

SUBSTITUTE ORDINANCE BL2018-1316

An ordinance to amend Section 17.24.060 of the Metropolitan Code of Laws pertaining to special screening requirements for dumpsters and other trash receptacles (Proposal No. 2018Z-006TX-001).

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

Section 1. That Section 17.24.060 of the Metropolitan Code of Laws is hereby amended by deleting subsection A thereof in its entirety and substituting in lieu thereof the following:

- A. Dumpsters and other trash receptacles for all structures other than single-family and two-family residences shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use. The following design standards shall apply:
 1. Receptacles shall be placed on a concrete pad, constructed from steel reinforced concrete and a minimum of eight inches (8") ~~four inches (4")~~ thick.
 2. Enclosures shall consist of a fence or wall constructed of opaque-type materials, such as wood, masonry, or other permanent materials, which prevent direct visibility of the receptacle. Evergreen plants may be used in part to meet the requirement of opacity.
 3. Enclosures shall be constructed to a minimum height of one foot (1') higher than the height of the enclosed receptacle, or six feet (6') in height, whichever is higher.
 4. Enclosures shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections, are located within the interior of the enclosure.
 5. Unless the service opening is oriented away from adjacent public streets and residential properties, enclosures shall have a service access gate meeting the following design standards:

- a) Access gates shall be of sufficient size to remove the receptacle from the enclosure.
 - b) Access gates shall be constructed of opaque-type materials which prevent direct visibility of the receptacle.
 - c) Access gates shall be constructed with a latch to keep the access gate closed when the receptacle is not in use.
 - d) Access gates shall not open directly onto public streets or sidewalks.
6. Enclosures may have an additional side door for accessing the receptacle. This additional side door may be up to three feet (3') in width and may be secured or unsecured.
7. Receptacles shall be located in the rear of the building or structure which they service. If a receptacle cannot be placed behind the building or structure it services, the location shall be determined by the department of codes administration.
8. Receptacles must remain readily accessible to the Nashville Fire Department.
- B. On sites which are developed at the time of adoption of the ordinance codified in this chapter which are subsequently upgraded, dumpsters shall be screened to meet the standards set out in this subsection if:
- 1. Any single expansion of the site increases the total building area by twenty-five percent or more;
 - 2. Multiple expansions within a five-year period increase the total building area by twenty-five percent or more;
 - 3. The value of any single expansion is more than twenty-five percent of the existing value of improvements;
 - 4. The total value of all improvements increases by fifty percent or more as a result of multiple expansions over a five year period.

Section 2. All other subsections of Section 17.24.060 shall be renumbered accordingly.

Section 3 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.

Sponsor(s): Jacobia Dowell

Approve with a substitute. Consent Agenda. (7-0)

Resolution No. RS2018-243

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-064PR-001 is **approved with substitute. (7-0)**

11. 2018Z-007TX-001

BL2018-1317/A. Davis

Council District 07 (Anthony Davis)

Staff Reviewer: Shawn Shepard

A request to amend Section 17.40.160 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to permitted land uses under neighborhood landmark districts, requested by Councilmember Anthony Davis.

Staff Recommendation: Approve with a substitute.

APPLICANT REQUEST

Amend the Zoning Code pertaining to permitted land uses under neighborhood landmark districts.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.40.160 of the Zoning Code by deleting Subsection E in its entirety and and replacing it as follows:

E. Permitted Land Uses. All land uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted by the metropolitan council subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

ANALYSIS

The Neighborhood Landmark District (NL District) is a zoning overlay defined in Article XI of Chapter 17.36 of the Metro Zoning Code. The purpose and intent of the overlay is to preserve and protect features that are important to maintain and enhance neighborhood character by allowing for adaptive reuse of the feature. Article XI, Chapter 17.36 establishes the criteria that must be met for a feature to qualify for an NL district. No changes are proposed to the definition of the NL District in Chapter 17.36 with this amendment.

Section 17.40.160 of the Metro Zoning Code outlines the administrative procedures for NL Districts. The current process for NL Districts is broken into two parts—establishment of the district, which requires approval of an

ordinance by Metro Council, and approval of an NL development plan for reuse of the feature, which requires approval by the Planning Commission, but does not require concurrence by Metro Council. These two parts can be reviewed concurrently, but have most often occurred in sequence, with an applicant seeking approval for establishment of an NL District, and then submitting a separate application to the Planning Commission for the required development plan approval at a later time.

Permitted land uses are generally established by Metro Council through an approved ordinance to amend the zoning map, for zone changes, or to amend the text of the zoning code to add a use to an existing zoning district or districts. Under the current version of the code, the land uses permitted within an NL District are approved as part of the development plan considered by the Planning Commission, pursuant to Subsection 17.40.160.E, without a requirement for concurrence by Council. The proposed amendment modifies the text of Subsection 17.40.160.E to state that additional uses may be permitted by Council upon a recommendation from the Planning Commission. By placing the authority to permit uses with Council, instead of solely with the Planning Commission, the proposed amendment brings the process for establishment of uses within an NL District in line with the rest of the Zoning Code.

Staff finds that the proposed amendment is appropriate to ensure consistency in the Zoning Code; however, the amended language still requires the Planning Commission to make a recommendation regarding the compatibility of any proposed uses with the abutting properties and the overall neighborhood fabric and to recommend conditions appropriate to ensure that the uses proposed in the NL development plan are appropriate for the district and sensitive to the surrounding context. Currently, the Planning Commission evaluates the proposed uses in concert with a development plan that not only specifies use, but includes information regarding building mass and scale, parking, lighting, landscaping and signage.

This additional information assists the Planning Commission with evaluating the use in context and with identifying conditions that may be necessary to ensure compatibility of the proposed use. If the proposed amendment to Subsection 17.40.160 were made in isolation, with no other changes to Section 17.40.160, the Planning Commission could be placed in a position of having to make a recommendation on the appropriateness of a proposed use without the benefit of a development plan to facilitate evaluation of the physical setting and other factors. Therefore, staff is recommending approval of a substitute that constitutes a broad reorganization of the existing standards for the NL District and the associated development plan.

The proposed substitute will consolidate the two parts of the NL District process, establishment of the district and approval of the development plan, into a single application process. Applicants will no longer be permitted to apply to establish an NL District separately from an application for the associated development plan, but instead will submit a single application that includes both the boundaries of the proposed district as well as a development plan outlining the proposed reuse of the feature. The consolidated process will ensure that the Planning Commission has adequate information regarding the proposed uses and surrounding context to make a recommendation to the Metro Council on the appropriateness of the proposal. This will provide additional certainty for applicants, as the development plan, uses and associated conditions could all be approved up front, and will go into effect simultaneously with the application of the NL district overlay. Additionally, neighboring property owners and the general public will be able to review and understand an applicant's proposal for reuse of the feature as part of the larger conversation about the significance of the feature to the neighborhood character, reducing uncertainty and permitting the public to provide more meaningful comment during the process.

The proposed substitute includes standards to address existing NL Districts approved under the current, two-part process. Any existing NL District with an approved development plan establishing uses will continue to be governed by the approved development plan. A proposal to change the use to one not permitted by the approved development plan, or to add a new use to the development plan, will be considered an amendment and will require Metro Council concurrence. There are also some existing NL Districts that do not yet have an approved development plan. When a development plan to establish permitted uses is submitted for those districts, it will be reviewed as an amendment and will require Metro Council approval.

The modification to Subsection 17.40.160.E proposed by the original amendment requires changes to the portions of Section 17.40.160 addressing changes to an NL district and associated development plan or cancellation of a district to ensure that Metro Council retains authority over permitted uses in all phases of review. Additionally, the consolidation of the process in the substitute proposed by staff resulted in duplication of some standards and requirements. The proposed substitute addresses both of these issues by including clerical and housekeeping changes to eliminate duplicate standards, clarify the role of Planning Commission and Council throughout the process, and ensure consistency with other applicable sections of the Metro Zoning Code, including those pertaining to amendments to the zoning map and public notice requirements.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval with a substitute.

SUBSTITUTE ORDINANCE BL2018-1317

An ordinance to amend Section 17.40.160 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to ~~permitted land uses under~~ neighborhood landmark districts, all of which is more particularly described herein (Proposal No. 2018Z-007TX-001).

WHEREAS, section 17.40.160 of the Metropolitan Code of Laws provides for the establishment of Neighborhood Landmark Districts following a recommendation from the Metropolitan Planning Commission; and

WHEREAS, subsection 17.40.160.A of the Metropolitan Code explicitly provides that establishment of such Neighborhood Landmark Districts is achieved only by "approval of an ordinance by the metropolitan council"; and

WHEREAS, subsection 17.40.160.E of the Metropolitan Code provides in part that additional uses -- beyond those classified as accessory, permitted, or permitted with conditions -- may be permitted, subject to certain conditions as described in the neighborhood landmark development plan; and

WHEREAS, it is implicit within subsection 17.40.160.E of the Metropolitan Code that additional permitted uses consist only of those approved by the metropolitan council. Nevertheless, in the interests of clarity, an explicit statement to this effect is in order.

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

Section 1. That Chapter 17.40 of Title 17 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by ~~deleting Section 17.40.160 amending Section 17.40.160 by deleting subsection E~~ thereof in its entirety and substituting in lieu thereof the following:

17.40.160 Neighborhood Landmark (NL) district.

The following provisions apply to all Neighborhood Landmark (NL) overlay districts.

A. Application Requirements. An application to establish a NL district shall be submitted by the property owner (or authorized agent) in form and content established by the planning commission, along with all applicable processing fees. The application shall be accompanied by a development plan consisting of scaled drawings, written text, and any reports necessary to demonstrate compliance with the purpose and intent of the NL district, to demonstrate how the proposal will protect the character of the district and neighborhood, and to ensure compatibility with surrounding uses. The application shall detail the following, as applicable:

1. The overall NL district boundary including underlying zoning districts;
2. How the proposed NL district meets the criteria for an NL district as described in Section 17.36.420 of the Zoning Ordinance, to be described in a written statement;
3. The location, orientation, and size of all existing and proposed structures, features and other elements and associated parking spaces;
4. The location of any structures on any property adjacent to the boundaries of the district;
5. The type, location, number, and size of all existing and proposed vegetation and landscaping;
6. The location, width, height, and type of any existing and proposed fence or wall;
7. The number, location, width, height, type and lighting of any existing or proposed sign(s);
8. The location of any accessory structures for refuse collection, recycling, or feature maintenance;
9. The existing and proposed location of any water mains and sewer lines required to serve the property;
10. The location of all existing and proposed access points, loading areas, and drive-thru lanes;
11. The location and name of all existing streets and alleys;
12. The anticipated traffic impacts of the proposed development, as documented in a traffic impact study or access study, if deemed necessary by Metro Public Works;
13. Tabular data identifying the specific existing and proposed uses and square footage; proposed densities; floor area ratios; impervious surface ratios; feature height(s); and parking spaces; and
14. A proposed development schedule.

B. Relationship to Other Requirements. Unless explicitly authorized otherwise by the approved NL District and development plan, all requirements and standards established by other chapters of this title, as a well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties located within a NL district. All development within a NL district shall conform to Chapter 15.64, the "ordinance for storm water management" and the subdivision regulations. In case of conflict between the standards of this article and other chapters of this Zoning Code, the provisions of this article shall control.

- C. Permitted Land Uses. All uses classified as a “A”, “P” or “PC” by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted subject to certain conditions as described in the development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district, and approved by the metropolitan council.
- D. Alternative Design Standards. In addition to permitted uses, the approval of an NL district development plan may establish alternative design standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties in fulfillment of the land use policies of the general plan. Alternative design standards may be approved in lieu of otherwise applicable code provisions to the following provisions of this title.
1. Minimum lot area, maximum building coverage, setback and building height standards of Tables 17.12.020A, 17.12.020B, and 17.12.020C;
 2. Street setback standards of Tables 17.12.030A and 17.12.030B provided any new setback does not conflict with any adopted major street plan as contained in the general plan;
 3. Landscape buffer yard standards of Chapter 17.24;
 4. Parking, loading, and access standards of Chapter 17.20; and
 5. Sign regulations of Chapter 17.32.
- E. Design Standards. To ensure compatibility of a NL district with surrounding uses and streetscape, the NL District development plan should adequately address the following design elements at a minimum:
1. Building Mass and Scale. The mass and scale of any new construction or alterations to a feature shall be consistent with the principal features, if any, on-site and in relation to existing and surrounding uses, buildings, structures, and streetscape.
 2. Parking. The number of any required parking spaces shall be established recognizing any available on-street and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm, and streetscape. New parking spaces shall be located to the side and rear of the feature to the extent possible.
 3. Lighting. Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting properties. Lighting poles and fixtures shall be compatible with the function and design of the feature and abutting properties.
 4. Signs. Any sign, where permitted as part of the development plan, shall be consistent with the context, scale, and character of the neighborhood and streetscape. The mass and scale of the feature and the neighborhood context shall be considered in any sign size and design to ensure appropriate sign proportions and sensitivity to surrounding properties.
 5. Landscaping. Landscaping shall enhance and reinforce the distinguishing characteristics of the feature and appropriately buffer development within the district from adjacent properties.
- F. Staff Recommendation. The staff of the planning commission shall review all applications to establish an NL district or amend an existing district and submit a written report to the planning commission to serve as a basis for action. The report shall adequately describe the location, nature, and scope of the proposed neighborhood landmark development plan, and the manner in which the plan demonstrates conformance with the development and performance standards of Chapter 17.36, Article XI and other applicable provisions of this title.
- G. Metro Historic Zoning Commission Action. Any feature located within an historic overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on any alterations proposed to the feature which would be subject to any applicable historical design review guidelines.
- H. Planning Commission Action. The planning commission shall act to provide a recommendation on the application according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).
1. Findings for approval. In recommending approval of a neighborhood landmark district, the planning commission shall find that:
 - a. The feature is a critical component of the neighborhood context and structure;
 - b. Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
 - c. Adaptive reuse, as described in the development plan, will facilitate protection and preservation of the identified feature;
 - d. The proposed use(s) in the development plan is compatible with and sensitive to abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district; and
 - e. All other provisions of Chapter 17.36, Article XI; Section 17.40.160, and this title have been satisfied. Absent a finding that the proposed feature meets all of the criteria for consideration, the planning commission shall recommend disapproval.
 2. Conditions. The planning commission may recommend approval of a NL district and development plan subject to conditions. Conditions shall be adopted that serve to minimize or mitigate potential impacts of a proposed use or development on the neighborhood character and abutting properties, protect the continuity of the existing building rhythm and streetscape in the neighborhood, enhance the pedestrian realm, and/or to otherwise achieve the purpose and intent of the NL district as described in Chapter 36, Article XI of this title.

I. Council Consideration. The metropolitan council shall consider an ordinance establishing a NL district and its associated development plan according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).

J. Development Permits. All zoning, building and other land development permits shall only be issued in conformance with the provisions of the approved NL District development plan. For previously approved NL Districts that do not have an approved development plan and approved uses in place, no zoning permits, building permits or other land development permit of any kind that would alter the character of the district shall be issued within a NL district prior to approval of a neighborhood landmark development plan according to the procedures of this article and chapter. This provision shall not be intended to prevent the issuance of any permit necessary to stabilize any condition of imminent danger to life safety.

K. Changes to a Neighborhood Landmark District. Applications to modify a NL District and/or its associated development plan in whole or in part shall be filed with the planning department, and shall be submitted in accordance with the requirements of Section 17.40.160.A of this title. The planning executive director may waive specific application details or requirements as appropriate based on the type of modification proposed.

1. Amendments. The following types of changes shall be considered amendments to an NL district and require concurrence by the metropolitan council according to the provisions of Subsection I of this section:

a. Expansion or modification of the boundary of an existing NL district; and

b. Change in the use(s) or addition of new use(s) for an existing NL district with an approved development plan.

2. Existing NL Districts without an approved development plan. Submittal of a development plan to establish permitted uses for an existing NL district that lacks an approved development plan shall be considered an amendment to the district and shall require concurrence by the metropolitan council.

3. Revisions. All other modifications to an approved NL District and the associated development plan shall be considered revisions subject to the planning commission's review and action as set forth in this section.

4. Minor modifications. The planning executive director shall have the authority to grant minor modifications to an approved NL District development plan that do not exceed 10% of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning executive director's discretion, any minor modification may be referred to the planning commission for consideration in accordance with this section.

L. Removal of Feature. If the feature identified as a neighborhood landmark is removed or destroyed, only those uses permitted by the base zoning district shall be permitted. Uses approved for the NL district beyond those permitted by the base zoning shall no longer be permitted.

M. Cancellation. In the event a building permit and/or certificate of use and occupancy has not been issued for a feature within two years from and after the effective date of the Council ordinance establishing the NL district and approving the associated development plan, the metropolitan council, the planning commission, or a property owner within the NL district may initiate cancellation of the district. An NL district shall be cancelled by ordinance according to the provisions of Article III of this chapter. (Amdts. 1, 2 with Ord. BL2000-365, Exh.A (part), 2000)

~~E. Permitted Land Uses. All land uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted by the metropolitan council subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.~~

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

Sponsor(s): Anthony Davis

Ms. Shepard presented the staff recommendation of approval with a substitute.

Charlotte Cooper, 3409 Trimble, spoke in opposition to the application.

Rebecca Freeman, McChesney Ave, spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Mr. Gobbell inquired about the reason for the proposal and coordination of the proposed substitute with the Councilmember and sought clarification from staff regarding the proposed process.

Ms. Farr inquired about who can initiate a neighborhood landmark application, the review process for proposed changes to a district, and the timing of the development plan requirement.

Mr. Gobbell and Ms. Farr sought clarification from staff regarding a two-step review process and timing of establishment of use.

Dr. Sims inquired about tools available to facilitate neighborhoods designating features as significant.

Ms. Farr moved and Mr. Gobbell seconded the motion to approve with a substitute. (6-0)

Resolution No. RS2018-244

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-064PR-001 is **approved with substitute. (6-0)**

12. 2018SP-058-001

1265 MCGAVOCK PIKE

Council District 07 (Anthony Davis)

Staff Reviewer: Shawn Shepard

A request to rezone from RS7.5 to SP-R zoning on property located at 1265 McGavock Pike, at the northwest corner of McGavock Pike and Oxford Street (.45 acres), to permit 4 multi-family residential units, requested by Dale and Associates, applicant; Pantheon Development, LLC., owner.

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

The Metropolitan Planning Commission deferred 2018SP-058-001 to the November 08, 2018, Planning Commission meeting. (7-0)

13. 2018SP-062-001

222 - 228 DONELSON PIKE

Council District 15 (Jeff Syracuse)

Staff Reviewer: Patrick Napier

A request to rezone from R10 to SP-MU zoning on property located at 222, 224, 226, and 228 Donelson Pike, at the southwest corner of Woodberry Drive and Donelson Pike (1.55 acres), to permit 13 multi-family residential units and 5,800 square feet of office space, requested by Dale and Associates, applicant; SWA Dream Home LLC, owner

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

The Metropolitan Planning Commission deferred 2018SP-062-001 to the October 11, 2018, Planning Commission meeting. (7-0)

14. 2018SP-065-001

4110 CHARLOTTE SP

Council District 24 (Kathleen Murphy)

Staff Reviewer: Levi Hill

A request to rezone from IR to SP-MU zoning for property located at 4110 Charlotte Avenue, on the northeast corner of Charlotte Avenue and 42nd Avenue North, to permit a mixed use development, (1.41 acres), requested by Department of General Services of the State of Tennessee, applicant and owner.

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

APPLICANT REQUEST

Zone change to permit a mixed use development.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) to Specific Plan – Mixed Use (SP-MU) for property located at 4110 Charlotte Avenue, on the northeast corner of Charlotte Avenue and 42nd Avenue North, to permit a mixed-use development, (1.41 acres).

Existing Zoning

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

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 a mix of uses.

WEST NASHVILLE COMMUNITY PLAN

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

SPA 07-T4-CM-01 — Charlotte Avenue is a supplemental policy consisting of properties along both sides of Charlotte Avenue between I-440 and Richland Creek. This supplemental policy is intended to provide additional building form and site design guidance for properties within the policy area.

Consistent with Policy?

The site lies within the T4 Urban Mixed Use Corridor policy area and is bordered by Mixed Use Corridor policy to the east and west. The proposed SP is consistent with the T4 CM policy, which encourages a greater mix of high intensity residential and mixed use development along corridors. The proposed plan includes development standards regulating building form, site design, and access. The regulatory SP proposal permits all uses allowed by MUL-A zoning, consistent with the goals of the T4 CM policy.

It should be noted that this property is within the Charlotte Avenue Corridor Study Area. The Planning Department, along with community stakeholders, has engaged in an update to the community plan that involves proposed changes to the policies applicable along Charlotte Avenue. Consistent with Planning Department practice, staff evaluated this proposal under the policy in place at the time the application was filed; however, in this instance, staff also evaluated the proposal against the draft policies for Charlotte Avenue. Staff has determined that the proposal is generally consistent with the draft policy update.

PLAN DETAILS

The project site is approximately 1.41 acres and is located at 4110 Charlotte Avenue, on the northeast corner of Charlotte Avenue and 42nd Avenue North. The site is developed with a light manufacturing use. Properties west of 42nd Avenue North are developed with warehousing uses while properties to the east are developed with office uses.

The plan is a regulatory Specific Plan and does not include a detailed site plan. The plan permits all uses of the MUL-A zoning district and contains bulk standards pertaining to build-to zones, building form, and maximum allowed heights. Additional requirements for access are included in the plan.

ANALYSIS

The site is currently zoned IR with a land use policy of T4 CM. The existing zoning is inconsistent with the current policy, as 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. The proposed SP is consistent with the goals of the T4 CM policy as it would permit a mixture of office, retail, and residential uses along Charlotte Avenue, which is identified as a Major Arterial in the Major and Collector Street Plan. The site is also in proximity to a Tier 1 Center as identified by NashvilleNext. The plan provides design standards pertaining to building form, access, and maximum allowed heights which ensure future development would be consistent with the goals of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Please submit an availability study before the submission of the Final SP. If this study requires public water and/or public sewer extensions, than public water and/or 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 (as detailed on the results of this study) must also be paid prior to Final Site Plan/SP approval.

STORMWATER RECOMMENDATION

Approve with conditions

- Grading plan must be submitted/approved prior to final sp approval.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Comply with the Metro Zoning Code for access except as noted in the regulatory SP.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.
- Provide parking per Metro Code.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.41	0.6 F	36,851 S.F.	104	30	33

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.71		93 U	663	45	56

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
Office (710)	0.35	3.0 F	45,738 S.F.	497	70	55

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.35	3.0 F	45,738 S.F.	2903	146	313

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+3959	+231	+391

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Uses shall be limited to all uses permitted the MUL-A zoning district. Short term rental property (STRP) shall be prohibited.
2. Comply with all conditions and requirements of Metro agencies.
3. 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 MUL-A zoning district.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

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

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

Approve with conditions and disapprove without all conditions. Consent Agenda. (7-0)

Resolution No. RS2018-245

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018SP-065-001 is **approved with conditions.**
(7-0)

CONDITIONS

1. Uses shall be limited to all uses permitted the MUL-A zoning district. Short term rental property (STRP) shall be prohibited.
2. Comply with all conditions and requirements of Metro agencies.
3. 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 MUL-A zoning district.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

15. 2018SP-066-001

3800 CHARLOTTE SP

Council District 24 (Kathleen Murphy)

Staff Reviewer: Levi Hill

A request to rezone from IR and CS to SP-MU zoning for property located at 3800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and 38th Avenue North, to permit a mixed use development, (4.38 acres), requested by Metro Planning Department, applicant; Metro Public Works Department, owner.

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

APPLICANT REQUEST

Zone change to permit a mixed use development.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) and Commercial Service (CS) to Specific Plan – Mixed Use (SP-MU) zoning for property located at 3800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and 38th Avenue North, to permit a mixed-use development, (4.38 acres).

Existing Zoning

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

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

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 a mix of uses.

WEST NASHVILLE COMMUNITY PLAN

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This

recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

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.

SPA 07-T4-CM-01 — Charlotte Avenue is a supplemental policy consisting of properties along both sides of Charlotte Avenue between I-440 and Richland Creek. This supplemental policy is intended to provide additional building form and site design guidance for properties within the policy area.

Consistent with Policy?

The site is predominantly within the Civic policy area; however, a portion lies within Conservation policy in response to steep slopes along the eastern property boundary and a water course along the northern property boundary.

The proposed SP is consistent with the CI policy, which states that in most cases, the most appropriate policy to apply to Civic sites when they change ownership from the public to the private sector is the one that surrounds them. In this instance, the property is surrounded by the T4 Urban Mixed Use Corridor policy area. Additionally, the CI policy encourages design-based zoning when considering appropriate zoning for the redevelopment of these properties. The regulatory SP proposal permits a mix of uses, which in this instance, is consistent with the goals of the CI policy as well as the surrounding T4 CM policy for the larger area.

It should be noted that this property is within the Charlotte Avenue Corridor Study Area. The Planning Department, along with community stakeholders, has engaged in an update to the community plan that involves proposed changes to the policies applicable along Charlotte Avenue. Consistent with Planning Department practice, staff evaluated this proposal under the policy in place at the time the application was filed; however, in this instance, staff also evaluated the proposal against the draft policies for Charlotte Avenue. Staff has determined that the proposal is generally consistent with the draft policy update.

PLAN DETAILS

The project site is approximately 4.38 acres and is located at 3800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and 38th Avenue North. The site is developed with the Metro Public Works West Nashville service center. Properties to the west are developed with light industrial uses while properties east of 38th Avenue North are currently used for automobile sales and utility facilities.

The plan is a regulatory Specific Plan and does not include a detailed site plan. The plan permits all uses of the MUL-A zoning district and contains bulk standards pertaining to build-to zones, building form, and maximum allowed heights. Additional requirements for access and open space are included in the plan.

ANALYSIS

The site is currently zoned IR and CS with a land use policy of CI. The CI policy provides guidance on proposed rezonings when ownership is changing from public to private and states that in most cases, applying the surrounding policy is appropriate. Under the direction of the Civic policy, the proposed SP is consistent with the goals of the surrounding T4 CM policy as it would permit a mixture of office, retail, and residential uses. The site has frontage on Charlotte Avenue, which is identified as a Major Arterial by the Major and Collector Street Plan. The site is also in proximity to multiple Tier 1 Centers as identified by NashvilleNext. The plan provides design standards ensuring future development would be pedestrian oriented and would include significant public open space consistent with the goals of the policy. The applicable stormwater regulations and hillside development standards will ensure proposed development is respectful of the environmentally sensitive features of the site.

METRO HISTORIC ZONING COMMISSION STAFF

The Metro Public Works “West Nashville Service Center” located at 3800 Charlotte Avenue is currently identified as Worthy of Conservation. Staff recommends documentation of the buildings and site with photographs and drawings prior to demolition. MHC staff can provide additional information regarding documentation requirements. If the owner is interested in conducting additional research and finds that the property is eligible for listing in the National Register of Historic Places, then actual listing would make the property eligible for the federal historic preservation tax incentive for rehabilitation. Historical Commission staff can provide additional information upon request.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Please submit an availability study before the submission of the Final SP. If this study requires public water and/or public sewer extensions, than public water and/or 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 (as detailed on the results of this study) must also be paid prior to Final Site Plan/SP approval.

STORMWATER RECOMMENDATION

Approve with conditions

- Grading plan must be submitted/approved prior to final sp approval.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Comply with the Metro Zoning Code for access except as noted in the regulatory SP.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.
- Align proposed new street off Charlotte Pk opposite 38th Ave

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	3.38	0.6 F	88,339 S.F.	186	36	39

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.0	0.6 F	26,136 S.F.	1659	84	179

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	2.38		311 U	2311	141	163

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
Office (710)	1.0	1.0	43,560 S.F.	474	68	52

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)	1.0	1.0	43,560 S.F.	3417	156	294

Traffic changes between maximum: **IR, CS and SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+4357	+245	+291

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Uses shall be limited to all uses permitted the MUL-A zoning district and liquor sales. Prohibited uses shall be as specified in the plan.
2. Comply with all conditions and requirements of Metro agencies.
3. 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 MUL-A zoning district.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
 1. 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.
 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.

Approve with conditions and disapprove without all conditions. Consent Agenda. (7-0)

Resolution No. RS2018-256

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018SP-066-001 is **approved with conditions and disapprove without all conditions. (7-0)**

CONDITIONS

1. Uses shall be limited to all uses permitted the MUL-A zoning district and liquor sales. Prohibited uses shall be as specified in the plan.
2. Comply with all conditions and requirements of Metro agencies.
3. 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 MUL-A zoning district.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**16. 2014NL-003-003
COWBOY JACK STUDIO (DEVELOPMENT PLAN)**

Council District 25 (Russ Pulley)

Staff Reviewer: Abbie Rickoff

A request for approval of a Neighborhood Landmark Development Plan for property located at 3405 Belmont Boulevard, approximately 260 feet south of Stokes Lane (1.53 acres), zoned R10 and within a Neighborhood Landmark Overlay District, to permit the addition of 1,100 square feet to an existing structure, requested by Robert and Terri Clement, applicants and owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Approve Neighborhood Landmark Development Plan.

Neighborhood Landmark Development Plan

A request for approval of a Neighborhood Landmark Development Plan for property located at 3405 Belmont Boulevard, approximately 260 feet south of Stokes Lane (1.53 acres), zoned One and Two-Family Residential (R10) and within a Neighborhood Landmark Overlay District, to permit the addition of 1,100 square feet to an existing structure.

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 6 lots with 1 duplex lots for a total of 8 units.*

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

HISTORY

In 2014, Metro Council approved BL2014-886, which created a Neighborhood Landmark Overlay District at 3405 Belmont Boulevard. The Neighborhood Landmark designation recognizes the site's music production studio founded and operated by music icon "Cowboy" Jack Clement as an important contribution to the neighborhood. The Neighborhood Landmark designation permits adaptive reuse of neighborhood features in order to protect and preserve the feature. In 2015, the Planning Commission approved a Neighborhood Landmark Development Plan (2014NL-003-002) at this site to permit multimedia production and a single-family home within the existing structure.

PLAN DETAILS

The proposed development plan (2014NL-003-003) proposes an 1,100 square foot addition to an existing residence at 3405 Belmont Boulevard. The existing structure is approximately 5,800 square feet and includes a single-family residence on the first level, and a recording studio (approximately 2,400 square feet) on the second level. The new construction is located on the southern side of the first level, approximately five feet behind the existing front façade, and will include a master suite and laundry room.

The site also includes two existing accessory structures, a pool, and a driveway that wraps the structure, with parking spaces currently located behind the building and along the southern side of the site, near the proposed addition. A stone wall is located along the southern property line, south of the existing driveway. No changes to the accessory structures, pool, or stone wall are proposed. The driveway will be narrowed near the addition and expanded towards the southern and western property lines, eliminating some of the existing parking spaces. A total of 10 existing parking spaces will remain, including 7 spaces at the rear of the structure and 3 spaces in the front; a total of 10 parking spaces are required for the uses at this site per the parking standards of the Metro Zoning Ordinance.

ANALYSIS

A Neighborhood Landmark Development Plan requires approval by the Planning Commission and must include design standards to ensure the compatibility of the proposed plan with surrounding uses. The previously-approved Landmark Development Plan (2014NL-003-002) established multimedia production and a single-family home as permitted uses, and the plan was found to be compatible with surrounding uses and consistent with the intent of the Neighborhood Landmark District. The proposed plan is for a residential addition only; no changes or expansion to the already-permitted multimedia production use are proposed.

The proposal includes a detailed site plan, architectural elevations and floorplans, addressing each of the requirements for a Neighborhood Landmark Development outlined in Section 17.40.160 of the Metro Zoning Ordinance, including building mass and scale, parking, lighting, signage, and landscaping. The mass and scale of the new construction is in keeping with the existing structure. The one-story addition incorporates architectural features complimentary to the existing building and to the character of the surrounding area. The plan complies with all setback requirements of the Metro Zoning Code, and the addition is set back at least 5 feet from the existing front façade, maintaining the front setback and existing rhythm along Belmont Boulevard. No new parking is proposed, and the majority of the existing parking spaces are located to the rear of the structure. Additionally, since the new construction is located in an already-impervious area that is currently used as a driveway, the improvements are not anticipated to significantly increase the amount of impervious area already on site. All of the existing trees along the southern side of the property line, near the addition, are indicated to remain. No lighting or signage is proposed with this development plan.

The plan allows for a residential addition that will support the preservation of a significant neighborhood feature. As the proposed development plan is consistent with the purpose and intent of the Neighborhood Landmark district, and is consistent with the uses established with previously-approved development plan, staff recommends approval with conditions.

FIRE RECOMMENDATION

Approve with conditions

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

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Provide a response letter stating how the comments were addressed and specifically where in the plans they were addressed by providing page numbers and note numbers.
- If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs.

STORMWATER RECOMMENDATION

Approve with conditions

- Site must comply with Residential Infill Requirements (Building Permit phase).
- No mowing / maintaining of the buffer may be required (to be determined at the Building Permit phase).

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. The residence shall be limited to single-family use only.
2. No expansion of the multimedia production use shall be permitted.
3. All standards included in the previously-approved Landmark Development Plan (2014NL-003-002), including hours of operation and noise standards, shall be maintained.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2018-247

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014NL-003-003 is **approved with conditions.** (7-0)

CONDITIONS

1. The residence shall be limited to single-family use only.
2. No expansion of the multimedia production use shall be permitted.
3. All standards included in the previously-approved Landmark Development Plan (2014NL-003-002), including hours of operation and noise standards, shall be maintained.

17. 2018S-149-001

G. CO. INVESTMENTS, LLC. SUBDIVISION

Council District 21 (Ed Kindall)

Staff Reviewer: Patrick Napier

A request for final plat approval to create three lots on property located at 1716 25th Avenue North, at the terminus of Finland Street, zoned RS5 (0.35 acres), requested by Jeffery A. Leopard, applicant;G. CO. Investments, LLC., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 1716 25th Avenue North, at the terminus of Finland Street, zoned Single-Family Residential (RS5) (0.35 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 3 lots.*

NORTH NASHVILLE COMMUNITY PLAN

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

PLAN DETAILS

This request is for final plat approval to create three lots on the east side of 25th Avenue North, at the terminus of Finland Street. The site is currently vacant and contains some dense vegetation.

The three proposed lots range in size from 5,031 square feet to 5,046 square feet. Each lot will contain 33 feet of frontage.

ANALYSIS

Section 3-5.3 of the Subdivision Regulations establishes criteria for reviewing infill subdivisions and for determining their compatibility in Neighborhood Evolving policies.

Zoning Code

The proposed lots meet the minimum standards of the RS5 zoning district.

Street Frontage

The three proposed lots have frontage on a public street, 25th Ave. North.

Agency Review

All reviewing agencies have recommended approval.

Special Policies

There are no applicable special policies that pertain to this property.

Analysis

The Subdivision Regulations require access to be provided from the alley; no driveway connection is permitted to 25th Avenue North. The proposed subdivision complies with Section 3-5.3 of the Subdivision Regulations, and meets the requirements for the RS5 zoning district.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- The required capacity fees must be paid prior to recordation.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions of reviewing agencies.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2018-248

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018S-149-001 is **approved with conditions.**
(7-0)

CONDITIONS

1. Comply with all conditions of reviewing agencies.

18. 2018S-162-001

PARADISE ON ELM

Council District 13 (Holly Huevo)

Staff Reviewer: Gene Burse

A request for final plat approval to create three lots on property located at 3108 Elm Hill Pike, approximately 150 feet east of Patio Drive, zoned R10 (0.91 acres), requested by Wamble and Associates, PLLC., applicant; Paradise on Pine, LLC., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final plat to create 3 lots.

Final Plat

A request for final plat approval to create three lots on property located at 3108 Elm Hill Pike, approximately 150 feet east of Patio Drive, zoned One and Two-Family Residential (R10) (0.91 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.35 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of three duplex lots for a total of six units.*

DONELSON-HERMITAGE-OLD HICKORY 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.

PLAN DETAILS

This site is located at 3108 Elm Hill Pike, approximately 150 feet east of Patio Drive. The proposal is to create three lots. The proposed lots have the following area and frontage:

Proposed Lots:

- Lot 1: 12,153 square feet (0.28 acres) and 60 feet of frontage along Elm Hill Pike
- Lot 2: 12,034 square feet (0.28 acres) and 60 feet of frontage along Elm Hill Pike
- Lot 3: 11,915 square feet (0.27 acres) and 60 feet of frontage along Elm Hill Pike

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Suburban Neighborhood Maintenance policy area. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

Each proposed lot meets the minimum standards of the One and Two-Family (R10) zoning district.

Street Frontage

Each proposed lot has 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 have the following frontages:

Lot 1 Frontage	
Proposed Frontage	60 ft.
Minimum Frontage	111 ft.
70% Average	111 ft.

Lot 2 Frontage	
Proposed Frontage	60 ft.
Minimum Frontage	111 ft.
70% Average	111 ft.

Lot 3 Frontage	
Proposed Frontage	60 ft.
Minimum Frontage	111 ft.
70% Average	111 ft.

None of the proposed lots meet the frontage requirement; however, the site of the proposed lots is located adjacent to an existing multi-family residential development to the east along Elm Hill Pike and a two-family residential development with smaller lot sizes along Patio Drive to the west.

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.

Lot 1 Area	
Proposed Size	12,153 sq. ft.
Minimum Size	91,902 sq. ft,
70% Average	91,902 sq. ft,

Lot 2 Area	
Proposed Size	12,034 sq. ft.
Minimum Size	91,902 sq. ft,
70% Average	91,902 sq. ft,

Lot 3 Area	
Proposed Size	11,915 sq. ft.
Minimum Size	91,902 sq. ft,
70% Average	91,902 sq. ft,

In this instance, the lots created must have the following areas:

The proposed lots do not meet the area requirement; however, each lot does meet the minimum area requirement of the One and Two-Family (R10) zoning district.

Lot orientation: Orientation of proposed lots shall be consistent with the surrounding parcels. Each lot is oriented to Elm Hill Pike, consistent with the lot pattern in the area.

Agency Review

Not all agencies have recommended approval.

HARMONY OF DEVELOPMENT

Lots in this proposal do not meet the compatibility criteria of the Subdivision Regulations pertaining to lot size and lot frontage requirements, when compared to surrounding parcels as defined in the Metro Subdivision Regulations. If the proposed subdivision fails to meet subsection d of Section 3-5.2 of the Subdivision Regulations, the Planning Commission may consider whether the subdivision can provide for the harmonious development of the community.

The Commission shall consider the development pattern of the area; any unique geographic, topographic, and environmental factors; and other relevant information. The Commission may also place reasonable conditions on the subdivision to ensure harmony.

The broader neighborhood along Elm Hill Pike has a varied development pattern consisting of moderately sized single-family and two-family lots, larger undeveloped parcels with single-family residential zoning, and a daycare. The property immediately adjacent to this site to the east is within a residential Planned Unit Development that permits 172 multi-family residential units.

This plat proposes lots that are of similar size and more frontage than nearby lots west and south of the site. Lots along Patio Drive, to the west of the site, have a minimum frontage of 53 feet and minimum sizes of 10,000 square feet. Lots in the East Lake Subdivision, on the south side of Elm Hill Pike, have a minimum frontage of 36 feet and minimum size of 10,000 square feet. This plat proposes lots with a minimum frontage of 60 feet and a minimum size of 11,915 square feet. Given the varied development pattern along this section of Elm Hill Pike, and the location of this site between smaller, two-family lots and a multi-family residential development, the proposed lots are consistent with the development pattern of the area.

Staff finds that this proposal, with conditions mentioned below, would provide for harmonious development within the immediate area along Elm Hill Pike.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve

STORMWATER RECOMMENDATION
Approve

PUBLIC WORKS RECOMMENDATION
Approve

TRAFFIC AND PARKING RECOMMENDATION
Approve

STAFF RECOMMENDATION
Approve with conditions.

CONDITIONS

1. Add the following note to the plat: Setbacks shall be as per Metro Zoning Code.
2. Existing structures must be demolished prior to plat recordation.
3. No parking is permitted between the primary structure and street. Access to all lots shall be limited to the shared access easement indicated on the plat.
4. A raised foundation between 18 inches and 36 inches is required for all residential structures.
5. Building height is limited to two stories in 35 feet to the highest point of the roof.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2018-249

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018S-162-0011 is **approved with conditions.**
(7-0)

CONDITIONS

1. Add the following note to the plat: Setbacks shall be as per Metro Zoning Code.
2. Existing structures must be demolished prior to plat recordation.
3. No parking is permitted between the primary structure and street. Access to all lots shall be limited to the shared access easement indicated on the plat.
4. A raised foundation between 18 inches and 36 inches is required for all residential structures.
5. Building height is limited to two stories in 35 feet to the highest point of the roof.

19. 89P-022-006
MELROSE SHOPPING CENTER PUD (REVISION AND FINAL)

Council District 17 (Colby Sledge)
Staff Reviewer: Gene Burse

A request to revise a portion of the preliminary plan and for the final site plan approval for a Planned Unit Development Overlay District on property located at 2619 8th Avenue South, approximately 80 feet north of Gale Lane, zoned CS and SCC (0.79 acres), to permit a restaurant, fast food, requested by GBC Design, Inc., applicant; Lily A. Wheeler 2001 Trust ET Al, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of the preliminary plan and approve final site plan.

Revise Preliminary PUD and Final Site Plan

A request to revise a portion of the preliminary plan and for final site plan approval for a Planned Unit Development Overlay District on property located at 2619 8th Avenue South, approximately 80 feet north of Gale Lane, zoned Commercial Service (CS) and Shopping Center Community (SCC) (0.79 acres), to permit a restaurant, fast food.

Existing Zoning

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

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

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

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

HISTORY

The Melrose Shopping Center (Gale Park) PUD is located southwest of the intersection of Gale Lane and Franklin Pike, near the Metro/Berry Hill boundary. The entire PUD was approved by Metro Council in 1989 for commercial uses. This specific site was included in the original PUD, although the site had an existing fast food restaurant use at the time the original PUD was approved. This request is to revise a portion of the preliminary PUD plan and for final site plan approval for a fast food restaurant. This request would replace the existing fast food restaurant with a different fast food restaurant that has a smaller building footprint.

SITE PLAN

The site is located approximately 80 feet north of the intersection of Gale Lane and 8th Avenue south. A portion of the site is under the jurisdiction of the satellite City of Berry Hill and a portion of the site is located within jurisdiction of Metro Nashville Government. The City of Berry Hill has provided approval of this project. Existing site conditions include a fast food restaurant, a small office building and associated parking areas. The site plan proposes to remove all existing structures. This plan proposes a 2,320 square foot fast food restaurant, a two-lane order station, associated outdoor seating and surface parking with 26 parking stalls including 2 ADA parking stalls. An existing pole sign that is within the City of Berry Hill portion of the site is to be removed. Access to the site will be from 8th Avenue South, identified as an arterial boulevard on the Major and Collector Street Plan. The plan includes installation of a sidewalk 8 feet in width along site frontage on 8th Avenue South. Landscaping is proposed along the western site boundary and along site frontage.

ANALYSIS

This request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G 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.G, provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous Zoning Code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district.

The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

Melrose Shopping Center PUD was approved by Metro Council and included a variety of retail and commercial uses including restaurant uses. This request would permit the site to continue to be used as a restaurant with a smaller building footprint. The proposed plan upgrades the existing sidewalks along 8th Avenue South, thereby strengthening the sidewalk network within the immediate area. This proposal does not alter the basic development concept established by the approved PUD plan or introduce new access points to a street not previously approved for access. The proposed use and site layout is consistent with the PUD approved by Metro Council.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

WATER SERVICES

Approve with conditions

- Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.
- Additionally, any remaining capacity fee payment must be confirmed prior to issuance of the building permit.

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.
- Comply with Berry Hill conditions of approval for access (vehicular and pedestrian)

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Approve with conditions.

CONDITIONS

1. This approval does not include any signs. Permitted signage shall be as per the base zoning district requirements or as per the City of Berry Hill, if signs are located within their jurisdiction.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until three additional copies of the approved plans have been submitted to the Metro Planning Commission along with a \$250 fee for building permit review.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2018-250

“BE IT RESOLVED by The Metropolitan Planning Commission that 89P-022-006 is **approved with conditions. (7-0)**
CONDITIONS

1. This approval does not include any signs. Permitted signage shall be as per the base zoning district requirements or as per the City of Berry Hill, if signs are located within their jurisdiction.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until three additional copies of the approved plans have been submitted to the Metro Planning Commission along with a \$250 fee for building permit review.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

20. 2018Z-088PR-001

Council District 33 (Antoinette Lee)
Staff Reviewer: Abbie Rickoff

A request to rezone from AR2a to R15 zoning for properties located at 3807 and 3817 Hamilton Church Road, approximately 860 feet east of South Shore Drive (4.41 acres), requested by Keller Williams Realty, applicant; Shams Properties, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to R15

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to One and Two-Family Residential (R15) zoning for properties located at 3807 and 3817 Hamilton Church Road, approximately 860 feet east of South Shore Drive (4.41 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a may permit a maximum of two lots with two duplex lots for a total of four units, based on the acreage only. However, a final determination on duplex eligibility is made by Codes.*

Proposed 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 12 lots with 3 duplex lots for a total of 15 units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units at this site.*

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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

Consistent with Policy?

The rezoning is consistent with the T3 NE policy, which is intended to enhance suburban neighborhoods with moderate density development patterns. The site is located in a larger area of Neighborhood Evolving policy south of Hamilton Church Road, generally characterized by suburban subdivisions and low-intensity residential development. The surrounding area also includes Open Space and Conservation policies associated with Percy Priest Lake (east and north). The site is approximately 0.25 miles west of Suburban Neighborhood Center (T3 NC) policy, which is intended to enhance and create suburban neighborhood centers that serve the surrounding neighborhoods. Rezoning to R15 will enhance the existing neighborhood with residential development that is consistent with the character of the surrounding area.

ANALYSIS

The 4.41-acre site is located on two parcels on the south side of Hamilton Church Road, east of Hobson Pike and west of Percy Priest Lake and Lavergne Couchville Pike. The smaller parcel is vacant, and the larger parcel contains a residential structure and accessory structure. The site is situated on the seam of predominantly R- and RS-zoned properties (west) and AR2a-zoned properties (east). The surrounding area west of the site includes primarily single-family subdivisions, and the surrounding area east of the site, towards Lavergne Couchville Pike and Percy Priest Lake, includes scattered single-family, vacant, and commercial uses associated with the Four Corners Recreation Area and Four Corners Marina. The corner of Hamilton Church Road and Lavergne Couchville Pike, located opposite the Four Corners Recreation Area, includes several parcels that are located within the T3 NC policy area. Rezoning to R15 would provide additional housing choice near a T3 NC policy area, and would also encourage moderate density development near Hamilton Church Road and Lavergne Couchville Pike, identified as collector-avenues in the Major and Collector Street Plan.

The R15 zoning district is supported by the T3 NE policy and is appropriate given the surrounding land uses and land use policies. Future development will be subject to the Metro Zoning Code and Subdivision Regulations.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	4.41	0.5 D	2 U	29	7	3

*Based on two-family residential lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	4.41	2.9 D	15 U	182	16	17

*Based on two-family residential lots

Traffic changes between maximum: **AR2a and R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+13 U	+153	+9	+14

SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 2 Elementary 2 Middle 1 High

Projected student generation proposed R15 district: 3 Elementary 2 Middle 2 High

The proposed R15 zoning district will generate 2 additional students than what would be generated under the existing AR2a zoning. Students would attend Mt. View Elementary School, J.F. Kennedy Middle School, and Antioch High School. Mt. View Elementary and J.F. Kenney Middle have been identified as having additional capacity. There is no capacity for high school students within the Antioch High School cluster; however, there is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated December 2017.

STAFF RECOMMENDATION

Staff recommends approval, as the requested zone change is consistent with the T3 Neighborhood Evolving land use policy.

Approve. Consent Agenda. (7-0)

Resolution No. RS2018-251

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-088PR-001 is **approved. (7-0)**”

21. 2018Z-092PR-001

Council District 31 (Fabian Bedne)

Staff Reviewer: Gene Burse

A request to rezone from AR2A to CS zoning for properties located at 1488 and 1492 Bell Road, approximately 820 feet East of Brook View Estate Drive, (6.72 acres), requested by Williams Properties LLC., applicant; Peggy Maxwell-Coleman and Henry Lee Jordan, owners.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from AR2a to CS.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Commercial Service (CS) zoning for properties located at 1488 and 1492 Bell Road, approximately 820 feet East of Brook View Estate Drive, (6.72 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 3 duplex lots for a total of 6 residential units based on acreage alone. Application of the Subdivision Regulations may result in fewer lots.*

Proposed Zoning

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

SOUTHEAST NASHVILLE COMMUNITY PLAN

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

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal 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.

ANALYSIS

The site is located on 6.72 acres, approximately 820 feet east of Brook View Estate Drive along Bell Road. Existing site conditions include two parcels each with a single-family house. The site is located on Bell Road which is an identified as a Scenic Arterial Boulevard on the Major and Collector Street Plan. The Major and Collector Street Plan identifies a future collector street partially within this site which would connect Bell Road to Old Hickory Boulevard to the south. . Surrounding land uses consist of single-family residential with some two-family residential and large vacant parcels. The site is located near the center of a large area of Agricultural/Residential (AR2a) zoning. Zoning districts in the larger area include Specific Plan-Residential, Agricultural/Residential (AR2a), One and Two-family Residential (R10) and Commercial Service (CS) zoning.

T3 Suburban Neighborhood Evolving policy is intended primarily for residential uses. The Commercial Service (CS) zoning district permits commercial uses, which is not consistent with the T3 Suburban Neighborhood Evolving policy. This site has sensitive environmental features identified by Conservation policy that include stream buffers, wetland buffers and steep slopes located in the center of the site and along site frontage. The proposed rezoning is not consistent with the T3 Suburban Neighborhood Evolving policy area as it could introduce commercial uses into a policy area that is intended to create and enhance residential neighborhoods.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development

WATER SERVICES

Approve with conditions

- The “Owner’s Responsibility in regard to Metro Water Services’ Service Availability” agreement must be signed prior to the Planning Commission meeting or the item will be recommended for deferral.

Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	6.72	0.5 D	6 U	79	10	7

*Based on two-family residential lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	6.72	0.6 F	175,633 S.F.	8818	157	825

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+8739	+147	+818

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed CS district: 0 Elementary 0 Middle 0 High

The proposed CS zoning is not expected to generate more students than the existing AR2a zoning district. Students would attend Maxwell Elementary School, Marshall Middle School, and Cane Ridge High School. All three schools have been identified as having additional capacity by the Metro School Board. This information is based upon data from the school board last updated December 2017.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is not consistent with the T3 Neighborhood Evolving policy of the Southeast Nashville Community Plan.

Mr. Burse presented the staff recommendation of disapproval.

John Fox, 1015 Cumberland Ridge Way, spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Farr suggested a deferral to allow the councilmember to be in attendance for the discussion.

Ms. Moore moved and Mr. Gobbell seconded the motion to defer to the October 11, 2018 Planning Commission meeting. (6-0)

Resolution No. RS2018-252

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-092PR-001 is deferred to the October 11, 2018 Planning Commission meeting. (6-0)

22. 2018Z-094PR-001

Council District 02 (DeCosta Hastings)

Staff Reviewer: Levi Hill

A request to rezone from SP-R to RM15 zoning for various properties located on 9th Avenue North, approximately 100 feet north of Dominican Drive, (1.65 acres), requested by Baker Donelson, applicant; various property owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from SP-R to RM15.

Zone Change

A request to rezone from Specific Plan –Residential (SP-R) to Multi-family Residential (RM15) zoning for various properties located on 9th Avenue North, approximately 100 feet north of Dominican Drive, (1.65 acres).

Existing Zoning

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

Proposed Zoning

Multi-family Residential (RM15) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. *RM15 would permit a maximum of 25 units.*

NORTH 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.

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

Consistent with Policy?

The requested rezoning is consistent with the site’s T3 NE policy and the current use of the property. The T3 NE policy is applied to areas served by moderate levels of connectivity with complete street networks and that are envisioned to provide a variety of housing types.

The request would permit single-family, duplex, and multi-family dwellings consistent with the T3 NE policy. The Conservation policy on the site is in response to steep slopes along the eastern property boundary. The existing development is outside of the environmentally sensitive areas of the site.

HISTORY

Metro Council approved a Specific Plan for this site August 14, 2015. The approved SP permits 24 residential units. A final site plan was approved and building permits were issued for the development in 2017.

ANALYSIS

The site is approximately 1.65 acres and is located approximately 100 feet north of the intersection of 9th Avenue North and Dominican Drive. The property is currently being developed with 24 multi-family residential units. The site has frontage on 9th Avenue North which is identified as a collector in the Major and Collector Street Plan. Surrounding property to the north is developed with light manufacturing uses while property to the east is developed with a utility transformer.

The requested rezoning to RM15 is consistent with the land use policy for the area and the development previously approved by the specific plan zoning currently in effect. The proposed rezoning will continue to allow for a variety of housing options in a development form consistent with the goals of the policy. As the SP final site plan has been approved and building permits issued, the site design will remain consistent with the approved SP.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.65		24 U	141	13	17

Maximum Uses in Proposed Zoning District: **RM15**

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)	1.65		25 U	149	13	18

Traffic changes between maximum: **SP-R and RM15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+8	0	+1

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM15 district: 2 Elementary 1 Middle 1 High

The proposed zoning is expected to generate no more students than the existing zoning. Students would attend Buena Vista Enhanced Option Elementary School, John Early Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated December 2017.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (7-0)

Resolution No. RS2018-253

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-094PR-001 is **approved. (7-0)**

H: OTHER BUSINESS

23. Contract Renewal for Jason Swaggart

Resolution No. RS2018-254

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Renewal for Jason Swaggart **is approved (7-0)**

24. Historic Zoning Commission Report
25. Board of Parks and Recreation Report
26. Executive Committee Report
27. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2018-255

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items **is approved (7-0)**

28. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

October 11, 2018

MPC Meeting

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

October 25, 2018

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Board of Education Administration Building

November 8, 2018

MPC Meeting

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

December 13, 2018

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 7:21 p.m.

Chairman

Secretary