



# METROPOLITAN PLANNING COMMISSION MINUTES

**January 24, 2019**  
**4:00 pm Regular Meeting**

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

## MISSION STATEMENT

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

Commissioners Present:  
Greg Adkins, Chair  
Jessica Farr, Vice Chair  
Jeff Haynes  
Ron Gobbell  
Brian Tibbs  
Lillian Blackshear  
Daveisha Moore  
Dr. Pearl Sims  
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 IV  
Lisa Milligan, Planning Manager II  
Greg Claxton, Planning Manager I  
Joni Priest, Planning Manager I  
Shawn Shepard, Senior Planner  
Marty Sewell, Planner III  
Dara Sanders, Planner III  
Abbie Rickoff, Planner II  
Jason Swaggart, Planner II  
Latisha Birkeland, Planner II  
Gene Burse, Planner II  
Joren Dunnavant, Planner II  
Quan Poole, 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  
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## Notice to Public

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### 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](mailto: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.**



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# MEETING AGENDA

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## A: CALL TO ORDER

The meeting was called to order at 4:01 p.m.

## B: ADOPTION OF AGENDA

Mr. Haynes moved and Dr. Sims seconded the motion to adopt the agenda. (9-0)

## C: APPROVAL OF JANUARY 24, 2019 MINUTES

Mr. Gobbell moved and Mr. Haynes seconded the motion to approve the January 10, 2019 minutes. (9-0)

## D: RECOGNITION OF COUNCILMEMBERS

Ms. Farr arrived at 4:06 p.m.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL

- 1a. **2018CP-010-003**  
801 12TH AVENUE SOUTH - GREEN HILLS - MIDTOWN COMMUNITY PLAN
- 1b. **2018SP-077-001**  
NOVEL EDGEHILL
- 3. **2015SP-019-003**  
121 LUCILLE STREET
- 6. **2018S-110-001**  
SNYDER 1-LOT SUBDIVISION
- 8. **2018S-204-001**  
HUNTERS RUN
- 9. **2018S-210-001**  
MOSSWOOD SUBDIVISION LOT 57
- 13. **2018Z-068PR-001**
- 16. **2018Z-129PR-001**
- 19. **2018CP-001-001**  
JOELTON COMMUNITY PLAN
- 21. **2018SP-084-001**  
WEST TRINITY LANE SP
- 22. **2019SP-006-001**  
3RD AVENUE NORTH
- 29. **2019Z-017PR-001**
- 30. **2019Z-020PR-001**

Ms. Farr moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (10-0)

Ms. Blackshear recused herself from Items 1a and 1b.

## F: CONSENT AGENDA ITEMS

- 2. **2014SP-072-003**  
19TH & BROADWAY MIXED USE DEVELOPMENT (AMENDMENT)

5. **2019SP-004-001**  
BATE AVENUE RESIDENCES SP
7. **2018S-188-001**  
THE PARKS AT CANE RIDGE
10. **2019S-015-001**  
THE MCKINNIS PROPERTY
12. **2017UD-005-002**  
100 SPRING STREET
17. **2019Z-002TX-001**
18. **2019Z-003TX-001**
20. **2018SP-082-001**  
VILLAGE WEST
23. **2019SP-008-001**  
311 GATEWOOD AVENUE
24. **43-87P-003**  
OAKWOOD COMMONS
25. **93P-004-002**  
14896 OLD HICKORY BOULEVARD
26. **2019Z-005PR-001**
28. **2019Z-015PR-001**
31. **Contract Amendment for Karimeh Sharp**
32. **Contract Renewal for Deborah Sullivan**
33. **Certification of Bonus Height Compliance within the DTC: 1222 Demonbreun (13<sup>th</sup> & Demonbreun) Development**
34. **Certification of Bonus Height Compliance within the DTC: 1125 10<sup>th</sup> Avenue North (Ludlow Flats) Development**
38. **Accept the Director's Report and Approve Administrative Items**

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

Ms. Blackshear recused herself from Item 23.

**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

### 1a. 2018CP-010-003

#### 801 12TH AVENUE SOUTH - GREEN HILLS - MIDTOWN COMMUNITY PLAN

Council District 19 (Freddie O'Connell)

Staff Reviewer: Anna Grider

A request to amend the Green Hills - Midtown Community Plan by changing from T4 Urban Neighborhood Evolving Policy, T4 Urban Neighborhood Maintenance Policy and T4 Urban Mixed Use Neighborhood to T4 Urban Mixed Use Corridor Policy on various properties located between South Street and Interstate 40 East, zoned IWD, R6, RM20 and RM20-A (16.36 acres), requested by Kimley-Horn and Associates, applicant; various owners. (See associated case # 2018SP-077-001)

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018CP-010-001 to the February 14, 2019, Planning Commission meeting. (9-0-1)**

### 1b. 2018SP-077-001

#### NOVEL EDGEHILL

Council District 19 (Freddie O'Connell)

Staff Reviewer: Levi Hill

A request to rezone from RM20 to SP-MU zoning for property located at 1113 Sigler Street and 801 12th Avenue South, at the northwest corner of Hawkins Street and 12th Avenue South, (2.9 acres), to permit up to 360 multi-family residential units and 9,000 square feet of commercial space, requested by Kimley-Horn and Associates, applicant; Park Center and John and Micheline Doulis, owners. (Associated case # 2018CP-010-003)

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018SP-077-001 to the February 14, 2019, Planning Commission meeting. (9-0-1)**

### 2. 2014SP-072-003

#### 19TH & BROADWAY MIXED USE DEVELOPMENT (AMENDMENT)

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan on properties located at 1810, 1812 and 1814 Broadway Avenue and 106 and 108 19th Avenue South, at the north corner of the Broadway Avenue and 19th Avenue South intersection, zoned SP (1.2 acres), to permit a mixed-use development with a maximum of 355 multi-family residential units, requested by Kimley-Horn, applicant; GV-R Nashville LLC, owner.

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

#### APPLICANT REQUEST

**Amend SP to permit a mixed-use development.**

#### SP Amendment

A request to amend a Specific Plan on properties located at 1810, 1812 and 1814 Broadway Avenue and 106 and 108 19th Avenue South, at the north corner of the Broadway Avenue and 19th Avenue South intersection, zoned Specific Plan (SP) (1.2 acres), to permit a mixed-use development with a maximum of 355 multi-family residential units.

#### **Existing Zoning**

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

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

### **Proposed Zoning**

Specific Plan-Residential (SP-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.

### **PLAN DETAILS**

The approximately 1.33 acre site is located near the northwest corner of 19<sup>th</sup> Avenue South and Broadway Avenue. The site boundaries are Broadway Avenue to the south, 19<sup>th</sup> Avenue to the east and an existing alley to the north.

This is an amendment to the original SP that was approved by Council in 2015. The original plan is approved for a 25-story multi-family residential component and a 16-story hotel component along with structured parking. It permits a maximum of 270 multi-family units along with retail space, restaurants and bars. The applicant is now requesting additional height and multi-family units, requiring an amendment.

#### Site Plan

The plan proposes a 26 story residential tower and a ten story hotel tower. The hotel sits on a one story ground floor and four stories of parking. The plan calls for a maximum of 355 residential units and 220 hotel rooms. An outdoor amenity area is centralized on the seventh floor. The plan also includes retail and restaurant space on the ground floor. The plan identifies 3,500 square feet of retail, but additional retail or other uses permitted by MUI-A would be permitted. The following bulk standards apply:

Max ISR:	1.0
Max FAR:	9.9
Max Height:	26 stories

Vehicular access is from a private drive on Broadway, which is located along the northeastern property line and an existing alley at the rear of the site. A total of 434 parking spaces are identified. The plan also includes bike parking. The plan calls for a 12 foot wide sidewalk and four foot wide planting/furnishing zone along Broadway, and a ten foot wide sidewalk and four foot wide planting strip/furnishing zone along 19<sup>th</sup> Avenue South.

### **GREENHILLS - MIDTOWN COMMUNITY PLAN**

Center Mixed Use Neighborhood (T5 MU) policy is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

The site is within a supplemental policy area in the Midtown Study, T5 Center Mixed Use Neighborhood Area 2 (10-MT-T5-MU-02). The supplemental policy for 10-MT-T5-MU-02 includes specific guidance on building form (mass, orientation and placement), height, parking, vehicular and pedestrian connectivity and pedestrian infrastructure improvements. In terms of height the supplemental policy generally supports between eight and 20 stories, depending on context and location. The policy also supports punctuations of greater height at prominent locations, provided that the building design meets the policy.

### **ANALYSIS**

The plan is consistent with the T5 MU and the supplemental policy, at this location. While the height exceeds the recommended 20 story limit, the design and location warrant additional height consistent with the supplemental policy. The 26 story tower is primarily located at the rear of the site adjacent to supplemental policy area that supports heights over 20 stories (10-MT-T5-MU-01). The tallest tower is located approximately 95 feet from Broadway. The building then drops to 15 stories and includes ground floor space, four stories of parking and a ten story hotel. The ten story tower of parking and hotel space is stepped back from the building façade along Broadway so that the height along Broadway is six stories. As proposed the plan provides a transition in height from the adjacent policy area by stepping down to an appropriate height along Broadway. The location of the project in relation to other planned and existing projects also supports the proposed building height. It is also important to note that the proposed building height is only one story above what is currently approved.

The plan further meets the intent of the T5 MU and supplemental policies by providing uses and a building design consistent with the policy goals. The proposed plan would provide high density residential and supportive structured parking along with hotel and ancillary uses which would support the already diverse mixed use area.

This provides more opportunities for living in the urban core of the city and additional options for people visiting the area. The concentration of high density residential, office, restaurant and retail uses will foster walking, biking and the use of public transportation. The plan supports a pedestrian friendly streetscape by activating the ground floor, providing a lower height along Broadway, wide sidewalks and bicycle parking.

#### **HISTORICAL COMMISSION STAFF RECOMMENDATION**

##### **Approve with conditions**

- The SP will result in the demolition of the National Register-eligible Warren House at 1812 Broadway. The developer shall continue to work with the Metropolitan Historical Commission to meet the conditions outlined in the original SP (Section 4, Condition 1, BL2014-946), which address efforts to relocate the building and, if demolition is approved, documentation of the property and salvage of materials.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approve with conditions**

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

#### **STORMWATER RECOMMENDATION**

##### **Approve**

#### **WATER SERVICES RECOMMENDATION**

##### **Approve with conditions**

- Approved as a Preliminary SP only. This development lies in a Combined Sewer Watershed, so all of the combined sewer policies will be in effect for Final SP approval. If public sewer construction plans will be required, they must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

#### **PUBLIC WORKS RECOMMENDATION**

##### **Approved 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.

#### **TRAFFIC AND PARKING RECOMMENDATION**

##### **Approved with conditions**

In accordance with findings of Jan 2019 TIS, developer shall determine the feasibility to construct the following roadway improvements prior to final SP approval. Additional traffic analysis may be required.

- Short-term deliveries and ride-hailing pick-up / drop-off for the hotel and restaurant shall utilize the hotel porte cochere from Broadway. Consultant shall determine if additional queue space is required and determine construction feasibility of a bulb in lay by lane along Broadway property frontage. If on site check-in and ride share, and short term delivery demand cannot be accommodated on site, additional bulb in lay by lane along Broadway frontage may be required
- Prior to final SP approval, Developer shall determine if a short-term delivery / ridehailing pick-up / drop-off layby bulb in lane can be constructed along 19<sup>th</sup> Ave property frontage.
- Wayfinding signage shall be identified to be installed on 19th Avenue along the proposed development frontage and approved by MPW operations. At a minimum, motorists shall utilize Alley 383 and loading bay for pick-up / drop-off of apartment residents and guests
- Developer shall provide direct access to loading dock area by residents and guests. Ride share and pizza/food delivery shall not block alley access.
- Final SP approval shall require developer to construct the following road improvements, if not already constructed by other developers in area.

##### West End Avenue at 19th Avenue

- Install a northbound left-turn protected / permissive signal head. Final SP and Permit plans may need to include signal plan.

##### Division Street at 19th Avenue

- The following improvements are proposed to be constructed by a background development. 19<sup>th</sup> and Broadway development shall construct the following improvements if not installed by other developers in area.
- A northbound right-turn lane with 100 feet of storage. Final SP and Permit plans will need to include pavement marking plan. Adequate lane widths on Broadway and on 19<sup>th</sup> Ave shall be provided.
- A southbound right-turn lane with 100 feet of storage.
- New stop bars and pedestrian crosswalks will be striped across the north and south legs.
- Prior to Final SP approval, 19<sup>th</sup> and Broadway developer shall apply to T&P signal operations to determine if a traffic signal is appropriate for 19<sup>th</sup> and Division St. due to poor LOS. If a signal is approved, developer shall design and install signal at 19<sup>th</sup> and Division St. Developer shall submit signal warrant analysis at a minimum.

- Developer shall apply to MPW traffic operations to study the feasibility of a one-way street pair for 18th Avenue and 19th Avenue.

19th Avenue at Alley 383

- At a minimum, Developer shall widen Alley 383 to 20 feet. Developer shall work with Midtown café to angle Café parking along alley or 19<sup>th</sup> and Broadway developer shall widen alley as necessary in order that café parking is able to back out of head in parking off alley with construction of the residential building
- Adequate sight distance for loading area access drive shall be provided.
- Provide STOP control along the westbound approach of Alley 383.
- Provide adequate intersection sight distance in accordance with the criteria provided in *A Policy Geometric Design of Highways and Streets*.
- Install signs and pavement markings in accordance with the standards provided in the *Manual on Uniform Traffic Control Devices* (MUTCD). Developer shall identify proposed signage prior to final SP approval.

Broadway at Private Driveway

- Construct Private Driveway with two (2) lanes for vehicular movement: one (1) lane for vehicle ingress and one (1) for vehicle egress.
- Provide STOP control along the southbound approach of Private Driveway.
- Provide adequate intersection sight distance in accordance with the criteria provided in *A Policy on Geometric Design of Highways and Streets*. Provide sight distance exhibits at access drives.
- Install signs and pavement markings in accordance with the standards provided in the *Manual on Uniform Traffic Control Devices* (MUTCD). Identify and show proposed signage and pavement marking on final site plan.
- Developer shall construct an EB LTL on Broadway at project driveway if feasible.
- Developer shall provide appropriate lane assignment signage for WB left turn at 19<sup>th</sup>, if needed during construction or after project drive construction. Identify proposed relocation of overhead lane assignment signage if required due to proposed driveway location on Broadway.
- Comply with Roads comment regarding location of new access drive and locate access an appropriate distance to existing adjacent garage access for 1801 property and align access drive with opposing access drive.
- Porte cochere access drive shall be located an appropriate distance from Broadway and sidewalk to ensure that arriving traffic does not queue into Broadway and sidewalk and exiting traffic does not block access to porte cochere.
- Identify entering and exiting traffic flow directional pavement markings, and provide adequate turning movement to access garage from porte cochere.
- Identify if airport shuttle buses can access porte cochere.
- Adequate valet staff shall be available and staff shall prevent traffic queues into Broadway or blocked access to porte cochere.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.6	5.0 F	270 U	2001	123	143

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	0.3	5.0 F	65,340 S.F.	4502	156	397

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.3	5.0 F	65,340 S.F.	703	88	76

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)	0.6	5.0 F	355 U	2643	159	183



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.3	5.0 F	3,500 S.F.	223	12	24

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)	0.3	5.0 F	220 Rooms	2057	105	139

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		-2283	-91	-270

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP-MU district: **4 Elementary 2 Middle 2 High**

Projected student generation proposed SP-MU district: **5 Elementary 3 Middle 2 High**

The proposed SP-MU zoning district would generate two additional students than what is typically generated under the existing SP-MU zoning district. Students would attend Eakin Elementary, West End Middle School, and Hillsboro High School. There is capacity for additional elementary and high school students, but there is no additional capacity for middle school students. This information is based upon data from the school board last updated November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to all uses permitted by MUI-A. Nonresidential uses are limited to the ground floor with the exception of office, retail, restaurant and bar uses, which shall be permitted on all floors.
2. The SP will result in the demolition of the National Register-eligible Warren House at 1812 Broadway. The developer shall continue to work with the Metropolitan Historical Commission to meet the conditions outlined in the original SP (Section 4, Condition 1, BL2014-946), which address efforts to relocate the building and, if demolition is approved, documentation of the property and salvage of materials.
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 MUI-A zoning district.
4. 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.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**Approve with conditions and disapprove without all conditions including a condition to meet the parking ratios established in the TIS with the original SP approval. Consent Agenda. (10-0)**

**Resolution No. RS2019-1**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-072-003 is approved with conditions and disapproved without all conditions including a condition to meet the parking ratios established in the TIS with the original SP approval. (10-0)**

**CONDITIONS**

1. Permitted uses shall be limited to all uses permitted by MUI-A. Nonresidential uses are limited to the ground floor with the exception of office, retail, restaurant and bar uses, which shall be permitted on all floors.
2. The SP will result in the demolition of the National Register-eligible Warren House at 1812 Broadway. The developer shall continue to work with the Metropolitan Historical Commission to meet the conditions outlined in the

original SP (Section 4, Condition 1, BL2014-946), which address efforts to relocate the building and, if demolition is approved, documentation of the property and salvage of materials.

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 MUI-A zoning district.

4. 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.

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

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

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

### 3. **2015SP-019-003**

#### **121 LUCILLE STREET**

Council District 05 (Scott Davis)

Staff Reviewer: Patrick Napier

A request to amend a Specific Plan on property located at 121 Lucille Street, approximately 440 feet east of Dickerson Pike, (1.42 acres), to permit all uses of RM20-A as per the Metro Zoning Ordinance to a maximum of 18 units, requested by Dale and Associates, applicant; Cleveland Parke Partners, G.P, owner.

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2015SP-019-003 to the February 14, 2019, Planning Commission meeting. (10-0)**

### 4. **2018SP-074-001**

#### **3049 EARHART**

Council District 12 (Steve Glover)

Staff Reviewer: Patrick Napier

A request to rezone from RS15 to SP-C zoning for property located at 3049 Earhart Road, approximately 620 feet north of Rising Fawn Trail, (5.5 acres), to permit an office/warehouse and billboards, requested by Dale and Associates, applicant; Chris Pardue, owner.

**Staff Recommendation: Disapprove.**

**The Metropolitan Planning Commission: deferred 2018SP-074-001 to the February 28, 2019, Planning Commission meeting. (10-0)**

### 5. **2019SP-004-001**

#### **BATE AVENUE RESIDENCES SP**

Council District 17 (Colby Sledge)

Staff Reviewer: Abbie Rickoff

A request to rezone from R8 to SP-MR zoning for property located at 2080 12th Avenue South, at the intersection of 12th Avenue South and Bate Avenue (0.63 acres), to permit 10 multi-family residential units, requested by Catalyst Design Group, PC, applicant; Southside Community Church, owner.

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

#### **APPLICANT REQUEST**

**Preliminary SP to permit 10 multi-family residential units.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Mixed Residential (SP-MR) zoning for property located at 2080 12th Avenue South, at the intersection of 12th Avenue South and Bate Avenue, to permit 10 multi-family residential units (0.63 acres).

### **Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 3 lots with 3 duplex lots for a total of 6 units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units at this site. The Codes Department provides a final determination on duplex eligibility.*

### **Proposed Zoning**

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

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

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

### Supplemental Policy Area

The 12<sup>th</sup> Avenue South Detailed Corridor Neighborhood Design Plan (DNDP) provides guidance for future development along the 12<sup>th</sup> Avenue South corridor and the interior neighborhoods, including guidance for infill opportunities, appropriate land uses and transitions between land uses, and enhanced connectivity.

### **PLAN DETAILS**

The 0.63-acre site is located at the southeast corner of 12<sup>th</sup> Avenue South and Bate Avenue and currently contains a church, which is not included in the proposed SP. An existing alley runs along the southern property line, extending from 12<sup>th</sup> Avenue South to 10<sup>th</sup> Avenue South (east). The site is located in a T4 RC policy area that extends north and south of the site, and is also located in a subdistrict of the supplemental policy area which generally focuses on creating a mixture of housing types along the corridor. Surrounding uses along the 12<sup>th</sup> Avenue South corridor include higher intensity residential and non-residential development located in higher intensity policy areas, including T4 RC, T4 CM (Mixed Use Corridor), and DI MI (District Major Institutional). Surrounding uses along the interior neighborhood streets include mixed single and two-family residential properties located in the T4 NM (Neighborhood Maintenance) policy area.

The plan proposes a total of ten multi-family units, including eight detached units and two attached units. The eight detached units are located on the western half of the site, with four units (units 1-4) fronting 12<sup>th</sup> Avenue South, and four units (units 5-8) located behind units 1-4, oriented towards common open space along Bate Avenue. The two northernmost units (units 4 and 5) also have frontage on Bate Avenue, and have been designed with porches that wrap the corners to address Bate Avenue. A private drive, accessed from the rear alley, is located between units 1-4 and units 5-8, providing rear access to the two-car garages included on Units 1-8. The attached units (Units 9 and 10) are located near the southeastern corner and front the Bate Avenue open space. Units 9 and 10 contain two-car garages with vehicular access provided directly from the rear alley.

Open space is located around the periphery of the site and in a central area near the eastern property line, south of Bate Avenue. The central open space is accessible from internal walkways, provided on all units, and directly from the public sidewalks along Bate Avenue. An existing fence, located along the eastern property line, is identified to be retained and supplemented with a landscape 'B' buffer to screen the site from adjacent properties to the east. A proposed retaining wall is located within the buffer area. A screen wall with landscaping is proposed north of the private drive, between Units 4 and 5, to buffer views of the drive aisle from Bate Avenue. Twelfth Avenue South will be improved to include an 8 foot sidewalk and 4 foot planting strip, consistent with the arterial-boulevard standards of the Major and Collector Street Plan. The existing sidewalk on Bate Avenue will be maintained.

The plan includes architectural standards requiring raised foundations, minimum glazing requirements, minimum porch depths and prohibited materials. The plan limits the building height to a maximum of 3 stories within 35 feet, plus one basement level, for Units 1-8, and a maximum of 2 stories, plus one basement level, for Units 9 and 10.

### **ANALYSIS**

The SP is consistent with the site's land use policies. The site is located along the 12<sup>th</sup> Avenue South corridor in a Residential Corridor policy area, where additional residential intensity may be supported.

The plan includes detached and attached units, providing a mixture of housing types to meet the diverse needs of the neighborhood, consistent with the goals of the supplemental policy.

The original plan proposed a maximum building height of 3 stories in 35 feet, plus one basement level, for all units. At staff's request, the height of the alley units (Units 9 and 10) was reduced, providing a better transition to the

residential properties east of the site, in T4 NM policy, and also reducing the overall intensity along the alley. Additionally, the original design of Units 4 and 5 was not responsive to the Bate Avenue streetscape. These units now include wraparound porches, additional glazing, and pedestrian entrances to Bate Avenue that addresses the street. The final SP will include architectural elevations that demonstrate compliance with the conceptual elevations and the proposed architectural standards.

The plan appropriately transitions in building form, massing, and height from the higher intensity development pattern along 12<sup>th</sup> Avenue South to the residential uses interior to the neighborhood. The SP provides for additional housing choice for residents in the area, and the proposed architectural standards and treatments enhance the design quality of the neighborhood.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Offsite improvements may be required.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approved as a Preliminary SP only. The applicant must submit for, and receive approval of, a variance for the proposed shared private sewer system, prior to Final SP approval. This variance package must contain a Letter Of Responsibility, and must match the Final Site Plan/SP plans. If this sewer design requires a public sewer manhole, public sewer construction plans must be submitted and approved prior to Final SP approval. The required capacity fees must also be paid prior to Final Site Plan/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.
- Prior to the issuance of a building permit by MPW submit a recorded copy of the ROW dedications.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- ROW shall be dedicated in accordance with the Major & Collector Street Plan.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.64		6 U	79	10	7

\*Based on two-family lots

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

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)	0.64		10 U	74	5	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4 U	-5	-5	-1

**METRO SCHOOL BOARD REPORT**

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

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

The proposed SP zoning is expected to generate 1 more student than the existing R8 zoning. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. Waverly-Belmont Elementary and Hillsboro High School have been identified as having additional capacity.

There is no capacity for middle school students within the Hillsboro Cluster. This information is based upon data from the school board last updated November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 10 multi-family residential units.
2. On the corrected copy, identify the private alley as a private drive.
3. The maximum height of Units 1-8 shall not exceed 3 stories in 35 feet plus one basement level. The maximum height of Units 1-9 shall not exceed 2 stories plus one basement level.
4. Units 4 and 5 shall include porches that wrap the corners with pedestrian entrances to Bate Avenue.
5. The screening wall along Bate Avenue shall not exceed a height of 6 feet along the street and shall include landscaping around the exterior of the wall.
6. Areas reserved for bioretention and stormwater management shall be designed as an amenity in addition to their other functions, including any stormwater treatment areas located with the common open space fronting Bate Avenue. Applicant shall work with staff on landscape details, including landscape buffer details, with the final site plan.
7. With the submittal of the final site plan, provide architectural elevations that demonstrate compliance with the conceptual elevations and the proposed architectural standards outlined on the Preliminary SP for review and approval.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
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. Comply with all conditions of Stormwater, Water Services, and Public Works.
15. 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 condition and disapprove without all conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-2**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-004-001 is **approved with conditions and disapproved without all conditions. (10-0)**

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 10 multi-family residential units.
2. On the corrected copy, identify the private alley as a private drive.
3. The maximum height of Units 1-8 shall not exceed 3 stories in 35 feet plus one basement level. The maximum height of Units 1-9 shall not exceed 2 stories plus one basement level.
4. Units 4 and 5 shall include porches that wrap the corners with pedestrian entrances to Bate Avenue.
5. The screening wall along Bate Avenue shall not exceed a height of 6 feet along the street and shall include landscaping around the exterior of the wall.
6. Areas reserved for bioretention and stormwater management shall be designed as an amenity in addition to their other functions, including any stormwater treatment areas located with the common open space fronting Bate Avenue. Applicant shall work with staff on landscape details, including landscape buffer details, with the final site plan.
7. With the submittal of the final site plan, provide architectural elevations that demonstrate compliance with the conceptual elevations and the proposed architectural standards outlined on the Preliminary SP for review and approval.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
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. Comply with all conditions of Stormwater, Water Services, and Public Works.
15. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**6. 2018S-110-001  
SNYDER 1-LOT SUBDIVISION**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create one lot on property located at 8517 Cub Creek Road, approximately 5,350 feet southwest of River Road Pike, zoned AR2a (2.43 acres), requested by Southern Precision Land Surveying, Inc., applicant; Janie and Hillman Snyder, owners.

**Staff Recommendation: Defer to the February 28, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018S-110-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**7. 2018S-188-001  
THE PARKS AT CANE RIDGE**

Council District 31 (Fabian Bedne)  
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 269 lots on properties located at 5905 Cane Ridge Road and Cane Ridge Road (unnumbered), approximately 3230 feet north of Old Hickory Boulevard, zoned RS10 (104.03 acres), requested by Dale and Associates, applicant; Cane Ridge Tennessee, LLC., owner.

**Staff Recommendation: Approve with conditions including a variance from Section 3-4.4.a.**

**APPLICANT REQUEST**

**Concept plan approval to create 269 single-family lots.**

Concept Plan

A request for concept plan approval to create 269 lots on properties located at 5905 Cane Ridge Road and Cane Ridge Road (unnumbered), approximately 3230 feet north of Old Hickory Boulevard, zoned Single-Family Residential (RS10) (104.03 acres).

**Existing Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 453 residential lots.*

**PLAN DETAILS**

The site is approximately 104 acres in size and, is located in the Antioch area on the west side of Cane Ridge Road. It is adjacent to Old Hickory Hills to the south and west, and Cane Ridge Farms is located to the north. The site is densely wooded, and the terrain on the site is hilly, with the center of the site being the highest point. While the site contains pockets of slope at fifteen percent or greater, records do not indicate any slopes in excess of twenty-five percent. Environmental constraints include a stream as well as possible sink holes and wetlands. It is possible that there are several small cemeteries located on the site.

### Site Plan

The plan proposes 269 single-family residential cluster lots. As proposed the density is approximately 2.5 dwelling units per acre. Lots range in size from approximately 5,200 square feet to 11,000 square feet.

Access to the site is proposed from Cane Ridge Road to the east and the continuation of Ramstone Way from the west. All proposed lots are accessed by new public streets.

The plan proposes four future street connections to adjacent undeveloped properties to the north, south and west including a future collector that runs from east to west to Cane Ridge Road. The plan calls for a five foot wide sidewalk and a four foot wide grass strip along both sides of all new streets.

The plan calls for a five foot wide sidewalk and four foot planting strip along Cane Ridge Road. The plan also identifies pedestrian pathways throughout the site.

Out of the approximately 104 acre site, approximately 46 acres (45%) is designated as open space. Out of the approximately 46 acres of open space, approximately 2.7 acres is identified as active. The remaining areas designated as open space include areas for stormwater facilities, buffer yards as well as areas with environmentally sensitive features.

### **ANALYSIS**

The cluster lot option in the Zoning Code allows for flexibility of design, the creation of open space and the preservation of natural features in Single-Family (RS) and One and Two-Family (R) zoning districts. To permit creative design necessary to meet the premise of the cluster lot option, residential lots are allowed to contain less land area than what is normally required by the base zoning district when certain standards are met. The minimum lot area within a cluster lot subdivision may be reduced down to a minimum of two smaller base zone districts. The proposed plan reduces the minimum lot area by two zone districts to 5,000 square feet (RS5).

As proposed, the plan meets all standards in the Zoning Code for the cluster lot option. It also provides for the planned collector of the Major and Collector Street Plan (MCSP), connects to an existing street, and provides for future public street connections to adjacent properties that are currently undeveloped. It is important to note that the plan does not connect to Legacy Drive to the west. Instead, the plan proposes a permanent cul-de-sac. This is due to possible wetlands that would prohibit the connection. A condition of staff's recommendation of approval is that the connection be made if it is determined later that there are no wetlands or other environmental constraints that would prevent the connection.

The sidewalks identified on the proposed collector street and along Cane Ridge Road are not consistent with the MCSP. The MCSP calls for a six foot wide sidewalk and six foot wide planting strip along the future collector, and an eight foot wide sidewalk and six foot wide planting strip along Cane Ridge Road. A condition of staff's recommendation of approval is that the sidewalk and planting strip along the proposed collector and Cane Ridge Road meet the MCSP.

### **VARIANCE REQUEST**

This application includes a variance request from Section 3-4.4.a, of the Subdivision Regulations. This section pertains to driveways for residential lots from arterial and collector streets. It is intended to limit the number of curb cuts on high traffic roadways in order to maintain traffic flow and reduce conflict points between moving traffic and cars entering and exiting driveways. The section reads as follows:

Access for Attached and Detached Single Family Lots. Where driveway access for attached and detached single family lots is permitted from arterial or collector streets, lots shall be served by combined driveways (usually one driveway entrance shared by two lots), or by a private access drive serving more than two lots (if necessary shared maintenance arrangements shall be incorporated into the subdivision deeds) in order to limit driveway entrances and potential traffic hazards. A note shall be added to the plat that the platted joint access easement(s) shall be the only locations where access shall be permitted.

This section of the regulations requires that all of the lots fronting the proposed collector provide some form of coordinated access. This can be in the form of shared driveways or rear access from a private or public alleyway. The proposed plan does not include any form of coordinated access along the proposed collector with each lot having its own driveway.

Section 1-11 of the Subdivision Regulations specifies the requirements for granting a variance. The section reads as follows:

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

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
  - d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).
- 2) *Procedures.* A petition for any such variance shall be submitted in writing by the applicant along with the initial filing of the concept plan. The petition shall state fully the grounds for the application and all of the facts upon which the petitioner is relying.
  - 3) *Conditions.* In approving variances, the Planning Commission may impose such conditions as in its judgment, shall secure substantially the objectives, standards, and requirements of these regulations.
  - 4) *Additional Findings.* Certain Sections of the regulations may require additional findings to be made by the Planning Commission in order to permit variances.

Due to topographic conditions staff finds that the requested variance meets the minimum requirements for granting the variance consistent with Section 1-11 of the Subdivision Regulations. As stated previously, the terrain on the site is hilly. The slopes on the site create a situation where homes along the proposed collector will be at different elevations. This makes shared drives infeasible. In this case, the specific site condition on the site creates a hardship and not a mere inconvenience if the strict letter of these regulations were carried out. While other sites in the county may have similar conditions, specific site conditions are different for all sites. Any recommendations for similar variance requests for future projects will be based on that project's site conditions. Furthermore, the requested variance does not conflict with the General Plan. A condition of staff's recommendation pertaining to the variance is that all lots along the collector have a minimum lot width of sixty feet. This will provide for the ability to permit a greater separation between driveways.

**FIRE DEPARTMENT 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 with conditions**

- Developer shall construct the project access on Cane Ridge Road with the first phase of the final subdivision plans to include one entering lane and two exiting lanes, striped as separate left and right turn lanes for exiting motorists. Each of these turn lanes should include at least 50 feet of storage with transition per AASHTO standards.
- Developer shall dedicate ROW along the Parks at Cane Ridge project frontage per the Major & Collector Street Plan standards at a minimum.
- The internal roads of the Parks at Cane Ridge subdivision shall be constructed prior to the connection to Ramstone Way.
- Developer shall construct a northbound left turn lane on Cane Ridge Road at the project access. The left turn lane should be designed and constructed according to AASHTO standards. The proposed connection at Cane Ridge Rd shall be located to provide maximum LTL storage and transitions per AASHTO standards while maintaining adequate sight distance.
- Developer shall contribute \$250/lot and based on the lot count provided in the approved concept plan. These funds are to be used for transportation improvements in the vicinity of the project including but not limited to the intersection of Old Hickory Blvd. and Burkitt Road, the intersection of Old Hickory Blvd. and Cane Ridge Road, or to improvements along Cane Ridge Road itself. The total contribution shall be made upon platting of the 100th lot.
- Developer shall provide adequate sight distance at access roads. For a speed of 40 mph, the minimum stopping sight distance is 305 feet. The minimum intersection sight distance is 445 feet. This is the distance that a motorist on a project access will need to safely complete a turn onto Cane Ridge Road.
- Developer shall identify traffic control and pavement markings for subdivision streets.

**WATER SERVICES**

**Approve with conditions**

- Approved as a Concept Plan only. Public water and sanitary sewer construction plans must be submitted and approved prior to Final Site/Development Plan approval. The approved construction plans must match the Final Site/Development Plans.



Any required capacity must be reserved and any associated fees must also be paid prior to Final Site/Development Plan approval. There are current water capacity issues in the area.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions, including a variance from Section 3-4.4.a.

**CONDITIONS**

1. If it is determined that wetlands or other environmentally sensitive lands would not prevent a public roadway connection to Legacy Drive, then the connection shall be made and shown on the development plan.
2. A six foot wide sidewalk and six foot wide planting strip shall be provided along both sides of the proposed collector identified on the plan as Road A.
3. Prior to final site plan approval a field study is required to determine if cemetery/burial sites are located on the project site. The applicant/developer shall work with the Historical Commission in making the determination, and follow the instructions of the Historical Commission in terms of disturbance and if deemed appropriate relocation.
4. Right-of-Way dedication, sidewalk width and planting strip width consistent with the Major and Collector Street Plan shall be provided along Cane Ridge Road.
5. The minimum lot width for lots fronting onto the proposed collector (Road A) shall be sixty feet.
6. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
7. Comply with all conditions and requirements of Metro agencies.

Mr. Swaggart presented the staff recommendation of approval with conditions including a variance from Section 3-4.4.a.

Joel Tew, applicant, spoke in favor of the application. They are only proposing development at 60% of the allowable density; the plan will provide for 45% green space.

Roy Dale, 516 Heather Place, spoke in favor of the application. All comments from the community meeting have been incorporated into the plan.

Twana Chick, 5967 Cane Ridge, spoke in opposition to the application due to traffic concerns and trying to protect the resources in Cane Ridge.

Joel Tew asked for approval and spoke in agreement with all staff conditions.

**Chairman Adkins closed the Public Hearing.**

Councilmember Bedne noted the importance of preserving the cemetery and asked for clarification on that and any traffic calming conditions.

Mr. Tew agreed to modify the conditions to preserve the cemetery and develop around it as well as work with staff at the final site plan on potential traffic calming measures.

Dr. Sims spoke in favor of the application.

**Councilmember Bedne moved and Mr. Haynes seconded the motion to approve with conditions including a variance from Section 3-4.4.a, and with a condition to protect the historic cemetery located on site, and to work with staff at the final site plan on potential traffic calming measures for the through collector street. (10-0)**

**Resolution No. RS2019-3**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2018S-188-001 is approved with conditions including a variance from Section 3-4.4.a, and with a condition to protect the historic cemetery located on site, and to work with staff at the final site plan on potential traffic calming measures for the through collector street. (10-0)**

**CONDITIONS**

1. If it is determined that wetlands or other environmentally sensitive lands would not prevent a public roadway connection to Legacy Drive, then the connection shall be made and shown on the development plan.
2. A six foot wide sidewalk and six foot wide planting strip shall be provided along both sides of the proposed collector identified on the plan as Road A.
3. Prior to final site plan approval a field study is required to determine if cemetery/burial sites are located on the project site. The applicant/developer shall work with the Historical Commission in making the determination, and follow the instructions of the Historical Commission in terms of disturbance and if deemed appropriate relocation.
4. Right-of-Way dedication, sidewalk width and planting strip width consistent with the Major and Collector Street Plan shall be provided along Cane Ridge Road.

5. The minimum lot width for lots fronting onto the proposed collector (Road A) shall be sixty feet.
6. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
7. Comply with all conditions and requirements of Metro agencies.

**8. 2018S-204-001  
HUNTERS RUN**

Council District 03 (Brenda Haywood)  
Staff Reviewer: Abbie Rickoff

A request for concept plan approval to create 237 cluster lots on properties located at 1269 Hunters Lane and Hunters Lane (unnumbered), approximately 440 feet north of Dalemere Drive, zoned R20 (149.45 acres), requested by Ragan-Smith and Associates, applicant; The Galbreath Family Gen. Partnership and P.J. Dunn, owners.

**Staff Recommendation: Defer to the February 14, 2019, Planning commission meeting.**

**The Metropolitan Planning Commission: deferred 2018S-204-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**9. 2018S-210-001  
MOSSWOOD SUBDIVISION LOT 57**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Patrick Napier

A request to amend the previously platted setbacks on property located at 715 Ries Avenue, at the southwest corner of Laredo Avenue and Ries Avenue, zoned R8 (0.21 acres), requested by Dale & Associates, applicant; Edward Griffin & Melissa Faucette Michaels, owners.

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018S-210-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**10. 2019S-015-001  
THE MCKINNIS PROPERTY**

Council District 16 (Mike Freeman)  
Staff Reviewer: Patrick Napier

A request for final plat approval to create four lots on property located at 90 Antioch Pike, at the corner of Antioch Pike and McCall Street, zoned RS7.5 (0.88 acres), requested by Clint Elliott Surveying, applicant; Sean McKinnis, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Request for final plat approval to create four lots.**

Final Plat

A request for final plat approval to create four lots on property located at 90 Antioch Pike, at the corner of Antioch Pike and McCall Street, zoned Residential Single-Family (RS7.5) (0.88 acres).

**Existing Zoning**

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

**SOUTH NASHVILLE COMMUNITY PLAN**

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some

elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

**PLAN DETAILS**

This request is for final plat approval to create four lots on property located 90 Antioch Pike. The site contains a single residential structure and one accessory structure, each structure will be demolished if the plat is approved. The four proposed lots range in size from 7,561 square feet to 8,709 square feet. Lot frontage will range from 32 feet to 53 feet.

**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 RS7.5 zoning district.

Street Frontage

The four proposed lots have frontage on a public street, Antioch Pike.

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 shared access to be provided for the proposed lots. The plat indicates shared access will be provided as required by Section 3-4.4 of the Subdivision Regulations.

**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**

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. Consent Agenda. (10-0)**

**Resolution No. RS2019-4**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-015-001 is **approved. (10-0)**

**11.**

**2016NHL-001-002**

**THE BARN AT MAYO FARM**

Council District 08 (Nancy VanReece)

Staff Reviewer: Latisha Birkeland

A request for final site plan approval for property located at 1020 Gibson Drive, approximately 190 feet south of Barbara Drive (12.87 acres), zoned R15 and within a Historic Landmark Overlay District and Neighborhood Landmark Overlay District, to permit weddings and events, requested by Todd Mayo, applicant and owner.

**Staff Recommendation: Approve with conditions.**

## **APPLICANT REQUEST**

### **To approve a Neighborhood Landmark development plan.**

#### Neighborhood Landmark Development Plan

A request for final site plan approval for property located at 1020 Gibson Drive, approximately 190 feet south of Barbara Drive (12.87 acres), zoned R15 and within a Historic Landmark Overlay District and Neighborhood Landmark Overlay District, to permit weddings and events.

#### **Existing Zoning**

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of xx units. RS15 would permit a maximum of 37 units. Application of the Subdivision Regulations may result in fewer lots.*

Neighborhood Landmark Overlay District (NHL) is intended to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. Neighborhood features are defined as buildings, structures, objects, sites, and areas of historic, cultural, civic, neighborhood, or architectural value and/or importance to Metropolitan Nashville and Davidson County.

Historic Landmark Overlay District (HL) A Historic Landmark is a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County.

#### **HISTORY**

The house on the property was constructed in 1925 and became the family home of June Carter Cash (then June Carter Smith) in 1952. Various performers at the Grand Ole Opry frequented the home. June's mother, Maybelle Carter, a musical legacy in her own right, later lived on the property. In 1980, the property was incorporated along with the parcel to the south as the Maybelle Carter Senior Adult Community Planned Unit Development (PUD 27-80P-002). The house, historic outbuildings, and grounds were retained under the PUD; per an easement recorded in 1983, no additional buildings or structures are permitted in order to preserve the beauty and openness of the property. The PUD was cancelled in 2016 when the Neighborhood Landmark Overlay District and the Historic Landmark Overlay District were approved.

#### **PLAN DETAILS**

The Neighborhood Landmark development plan proposes to use the existing buildings and open space to host weddings and events. The existing residence and barn buildings total a maximum of 5,390 square feet. No other exterior modifications are proposed. The applicant has indicated they will host 25-35 wedding/events between April-October each year.

Vehicular access will be provided via two existing access points. The public guest entrance will be from Cash Lane along the southern property line. Vendors will use the access from Gibson Drive along the eastern property line and park on-site. A guest parking area is provided on an existing grass area just north of Cash Lane. The parking area can hold up to 80 vehicles. The maximum guest capacity is limited to 200 guests. The guests will walk from the parking area to the wedding field where the ceremony will be held. Then the guests will walk from the wedding field to the barn and outdoor reception area. Both the wedding field and outdoor reception area will be tented in the event of rain.

#### **ANALYSIS**

In 2016, Metro Council approved a Neighborhood Landmark Overlay District and a Historic Landmark Overlay District on the subject property. At that time, a development plan was not required to be submitted.

The applicant has submitted an application for a development plan to permit weddings and events on the property. The Council Bill included standards to address existing NL Districts approved under the former, two-part process. There are some existing NL Districts, such as The Barn at Mayo Farm, 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 approval by the Planning Commission and Metro Council approval.

Section 17.40.160 of the Zoning Code defines criteria for a development plan application to permit additional uses beyond those classified as accessory, permitted or permit with conditions within the zoning district associated with the Neighborhood Landmark Overlay District.

The purpose of the Neighborhood Landmark Overlay District is to facilitate preservation and protection of neighborhood features by permitting adaptive reuse in a way that is compatible with the existing neighborhood. The NL development plan identifies land uses not permitted under the underlying zoning district.

At 12.87 acres, the site is significantly larger than the average single-family lots along Barbara Drive and Gibson Drive. The development plan proposes to maintain the existing structures to host weddings and events, which will generate revenue to support the preservation of the property, as an alternative to subdivision and redevelopment.

Staff finds that the application meets the criteria to approve the Neighborhood Landmark Development Plan. This site is historic and critical to the neighborhood to be maintained. A proposed development plan shall be compatible with and sensitive to the abutting properties and the overall neighborhood fabric. The proposed plan maintains the established landscaping on the site. The wedding/event activities are located interior to the site, which minimizes any potential impacts to the surrounding uses. The development plan must be approved by Metro Council in order for a Neighborhood Landmark development plan to take effect. The development plan permits weddings and events for an economically viable use of this historic home in order to support its preservation; therefore, staff recommends approval of the development plan conditioned upon Council approval of the development plan.

#### **FIRE DEPARTMENT RECOMMENDATION**

##### **Approve with conditions**

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

#### **HISTORIC ZONING STAFF RECOMMENDATION**

##### **Approve with conditions**

- No exception taken. Any exterior alterations or interior alterations that affect the exterior, to any buildings will need to receive a Preservation Permit.

#### **STORMWATER RECOMMENDATION**

##### **Ignore**

#### **WATER SERVICES RECOMMENDATION**

##### **Approve**

- No objection as it relates to sanitary sewer. Water service to this parcel provided by MSUD. No permanent structures can be built over the existing sanitary sewer or easements.

#### **MADISON SUBURBAN UTILITY DISTRICT**

##### **Approve**

#### **PUBLIC WORKS**

##### **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.
- If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs

#### **TRAFFIC AND PARKING**

##### **Approve with conditions**

Comply with TIS recommendations for traffic management for event traffic.

- Based on the calculations as provided in this report, the intersections of Cash/Due West and Gibson/Due West each operate at sufficient levels if an event is taking place during the peak hour of Due West Avenue. Provide adequate sight distance at access drives.

- Based on the traffic analysis and site layout for each events, below is a recommended traffic management:

##### Access Points

- All guests shall use entrance to the property via Cash Lane.
- All vendors and staff shall access the property via Gibson Drive.
- Through on-site traffic will be prevented by portable barriers with signage, "Do Not Enter".
- Traffic control staff will be utilized at both entrances during each event. Parking attendants will direct Guests to the parking area and direct them where to park on-site.
- All events will have traffic control staff without exception.
- Shuttle services will not be utilized for event mode of transportation to the venue or on-site.
- Each entrance shall have a sign as follows:
  - Cash Lane – "Guest Entrance/Exit Only"
  - Gibson Drive – "Vendor/Staff Entrance/Exit Only"
- Invitations for all events will include directions utilizing the Cash Lane Entrance Only.
- Traffic control personnel will be utilized while guests, vendors, and staff entering and exiting the site from both entrances.
- Guest and Vendor/Staff parking areas shall be identified around the outer perimeter with physical barricade (ie. Rope, orange fencing, rail road ties, ground barrier, and etc.) not to allow parking within the "Floodway and Floodplain" areas.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Neighborhood Landmark Development plan with conditions.

## **CONDITIONS**

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark development plan. No permits related to the Neighborhood Landmark Overlay uses shall be issued until Metro Council adopts the development plan.
2. Comply with the Metro noise ordinance.
3. Events shall be limited to no more than 35 events per calendar year.
4. Comply with all conditions of Public Works and Traffic and Parking.
5. No outdoor amplification is permitted.

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

Councilmember VanReece explained that no new structures are being built, and that all issues from 2016 have been addressed.

Todd Mayo, applicant, spoke in favor of the application.

Kenneth White, 206 Beverly Dr, spoke in favor of the application.

(Name not given), 118 Due West Ave, spoke in favor of the application. This project will make Madison vibrant.

Sue Havlish, 1400 Neely's Bend Rd, spoke in favor of the application. This project will help bring back Madison and the joy of Madison.

Andrew McGill, 118 Due West Ave, spoke in favor of the application.

Amy Richardson, Dee's Country Cocktail Lounge, spoke in favor of the application.

Leslie Rosenbaum, 901 Vantrease, spoke in opposition to the application due to traffic and noise concerns.

Charles Harrison, 901 Vantrease, spoke in opposition to the application due to traffic concerns.

Liz Lancaster, 415 Barber Dr, spoke in opposition to the application due to noise concerns.

Connie Guerin, 409 Barber Dr, spoke in opposition due to neighborhood safety, quality of life, noise, and decreased property value concerns.

Roger Hendrick, 921 Vantrease, spoke in opposition to the application as this will disrupt a very peaceful neighborhood and decrease property values.

Todd Mayo clarified that this will be for small events only; 200 people or less.

Councilmember VanReece spoke in favor of the application.

## **Chairman Adkins closed the Public Hearing.**

Mr. Haynes spoke in favor of the application and noted it's a great project and a good effort to revitalize the city.

Dr. Sims spoke in favor of the application.

Mr. Gobbell spoke in favor of the application.

Ms. Moore spoke in favor of the application.

Councilmember Bedne spoke in favor of the application.

Dr. Bichell requested clarification on allowed dates and times.

Mr. Mayo explained events will be Friday-Sunday and will add it as a condition if necessary.

Ms. Blackshear suggested that amplified music outside the barn end at 10:00 p.m. on Friday and Saturday, and end at 9:00 p.m. Sunday through Thursday, except for federal holidays when it must end at 10:00 p.m.

Ms. Blackshear suggested and the applicant agreed to set a limit of 200 guests plus vendors.

Mr. Tibbs spoke in favor of the application.

Councilmember Bedne explained that it's a misconception that weddings are always noisy; that is not always the case.

**Ms. Blackshear moved and Ms. Farr seconded the motion to approve with conditions, including a condition that amplified music must end at 10:00 p.m. on Friday and Saturday, and that amplified music must end at 9:00 p.m. on Sunday through Thursday, except for federal holidays when it must end at 10:00 p.m. (10-0)**

**Resolution No. RS2019-5**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016NHL-001-002 is **approved with conditions, including a condition that music must end at 10:00 pm on Friday and Saturday and that music end at 9:00 pm on Sunday through Thursday, except for federal holidays when it must end at 10:00 pm. (10-0)**

**CONDITIONS**

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark development plan. No permits related to the Neighborhood Landmark Overlay uses shall be issued until Metro Council adopts the development plan.
2. Comply with the Metro noise ordinance.
3. Events shall be limited to no more than 35 events per calendar year.
4. Comply with all conditions of Public Works and Traffic and Parking.
5. No outdoor amplification is permitted.

**12. 2017UD-005-002  
100 SPRING STREET**

Council District 05 (Scott Davis)  
Staff Reviewer: Eric Hammer

A request to modify the standards of the River North Urban Design Overlay for property located at 100 Spring Street, at the corner of Spring Street and Cowan Street, zoned Mixed Use Intensive-Alternative (MUI-A) (0.96 acres) to modify the maximum floor-to-floor height and glazing requirements. , requested by Kimley-Horn and Associates, Inc., applicant; Day Investment Services Trust, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Modifications to the floor-to-floor height and glazing standards of the River North Urban Design Overlay.**

UDO Modification

A request to modify the standards of the River North Urban Design Overlay for property located at 100 Spring Street, at the corner of Spring Street and Cowan Street, zoned Mixed Use Intensive-Alternative (MUI-A) (0.96 acres) to modify the maximum floor-to-floor height and glazing requirements.

**Existing Zoning**

Mixed Use Intensive-Alternative (MUI-A) is intended to implement the moderate intensity mixed-use policies of the general plan. These districts also may be used in areas policed for concentrations of mixed commercial uses and for existing areas of commercial arterial development that are located in the vicinity of major intersections. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. These districts should be applied to areas that have good access to collector or arterial streets and public transportation service. MUL-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

**Existing Overlay Zoning**

River North Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not ensured by the application of the conventional bulk, landscaping and parking standards of the Metro Zoning Code.

**EAST NASHVILLE 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.

**PROPOSAL DETAILS**

This request is for major modifications only; a UDO Final Site Plan must be submitted and considered at a later time. The modifications are requested to allow stories to exceed the maximum individual story height and to allow substandard glazing for the ground floor and upper floor.

The property is located at the northeast corner of Spring Street and Cowan Street. The project consists of an indoor skydiving facility, as well as 26 surface parking spaces.

The River North UDO is divided into two subdistricts. Subdistricts are smaller districts within the larger UDO area that are envisioned to have unique character and development standards. The property is within Subdistrict 1, which is generally on the periphery of the overlay.

**ANALYSIS**

In this case, the proposed land use of indoor skydiving is unique and places constraints on the applicant's ability to strictly comply with the UDO. Indoor skydiving uses a vertical wind tunnel with fans at the top to draw air through the flight chamber and then push it back down the sides through large ducts. These ducts lead to an inlet contractor that compresses and speeds up the air before it reenters the flight chamber. This process requires a significant mechanical space and makes it difficult for a building with this land use to comply with the UDO. The vertical wind tunnel is positioned in the center of the facility, with ducts being positioned vertically, near exterior walls.

Due to the height of the vertical wind tunnel inside the building, the building envelope contains only two stories but is 65' in height. Much of the upper portion of the building is dedicated to enclosed mechanical space. The UDO measures the height of buildings in stories and has a maximum individual height that standardizes the range of allowed height. This modification does not allow additional height entitlements for the property. Staff supports this request due to the challenges associated with the proposed land use.

The necessary location of the ducts and mechanical elements along the exterior walls also makes compliance with the glazing standards difficult. The UDO requires a 40% minimum ground floor glazing for the principal frontage and 30% for minor frontages, as well as a minimum of 25% of upper floors as openings. The applicants are proposing providing glazing in the façade areas that are not encumbered by mechanical elements, namely the entrance to the building along the street and habitable spaces, including offices.

Staff supports this request. Additional glazing would not yield a more engaging pedestrian experience, as views into the facility would be of various mechanical elements.

Although signage is shown on the provided plans, it is not the subject of this request.

**FIRE MARSHAL RECOMMENDATION**

**Approve with Conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with Conditions**

- Approved as a (Preliminary) UDO Modification only. (If needed) public water and/or sewer construction plans must be submitted and approved prior to Final UDO/Site approval. These approved construction plans must match the Final Site Plan/UDO plans. The required capacity fees must also be paid prior to Final Site Plan/UDO 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.
- Prior to any work within the ROW provide copy of the TDOT approval letter.
- Remove the right in/ right out on Spring Street. MPW does not permit this design.
- Remove all striping on driveway connections to the public street. These are not necessary, use MPW ST-324 driveway ramp, or TDOT equivalent.
- Add callouts for curb and gutter (ST-200) and sidewalk (ST-210.)
- Indicate location of Solid waste and recycling container onsite. MPW does not service this facility.



**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with Conditions**

- Provide any transportation impact studies that are currently underway for Planning and Public Works to adequately review and respond to potential concerns.
- Planning, Public Works, and MTA will continue to review the cross sections proposed outside of the UDO draft in response to traffic studies that are needed.

**STAFF RECOMMENDATION**

Staff recommends approval of the modifications with the condition that signage not be part of this approval. Although signage is shown within the submittal, it must be handled separately through the designated process. The request is necessary due to the unique challenges associated with the proposed land use at this location.

**CONDITIONS**

1. No signage is part of this approval.
2. Final right-of-way requirements will be determined with the final site plan. Additional dedication may be required and may require the concept plan to be changed.

**Approve with conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-6**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017UD-005-0021 is **approved with conditions.** (10-0)

**CONDITIONS**

1. No signage is part of this approval.
2. Final right-of-way requirements will be determined with the final site plan. Additional dedication may be required and may require the concept plan to be changed.

**13. 2018Z-068PR-001**

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

A request to rezone from RS5 to RM20-A zoning on property located at 706 26th Avenue North, approximately 175 feet north of Clifton Avenue (0.22 acres), requested by Catalyst Design Group, applicant; Joseph Bowman and Jere Pewitt, owners.

**Staff Recommendation: Defer to the February 28, 2019, Planning commission meeting.**

**The Metropolitan Planning Commission: deferred 2018Z-068PR-001 to the February 28, 2019, Planning Commission meeting. (10-0)**

**14. 2018Z-127PR-001**

BL2019-1464/Scott Davis  
Council District 05 (Scott Davis)  
Staff Reviewer: Jason Swaggart

A request to rezone from SP-R to RM15-A zoning for property located at 1218 Montgomery Avenue, at the southwest corner of Douglas Avenue and Montgomery Avenue (0.20 acres), requested by SN Development, LLC., applicant; Jordan and Sloan Allison, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from SP-R to RM15-A.**

Zone Change

A request to rezone from Specific Plan – Residential (SP-R) to Multi-Family Residential - Alternative (RM15-A) zoning for property located at 1218 Montgomery Avenue, at the southwest corner of Douglas Avenue and Montgomery Avenue (0.20 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 permits single-family residential and Detached Accessory Dwelling Units (DADU).*

**Proposed Zoning**

Multi-Family Residential – Alternative (RM15-A) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM15-A may permit up to 3 multi-family units. Final determination is made by the Codes Department.*

**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.

**ANALYSIS**

The approximately 0.2 acre site is located at the southwest corner of Douglas Avenue and Montgomery Avenue. The property does not have a driveway to Douglas or Montgomery, and vehicular access is from a rear alley. Sidewalks are located along both property frontages. The current use is single-family residential, and there is an existing home that fronts Montgomery Avenue on the site. The existing SP-R zoning permits single-family with the addition of Detached Accessory Dwelling Units (DADU). The site is level, and there are no known environmental constraints.

The proposed RM15-A zoning district is consistent with the T4 NE policy. The T4 NE policy is a residential policy, and it can support a variety of appropriately designed residential uses at appropriate locations. The Major and Collector Street Plan (MCSP) classifies Douglas as a collector, and Douglas is a MTA bus route. Moderate to high density residential is often more appropriate along busy streets. Given the street classification, the proposed RM15-A zoning district is more appropriate than the current single-family zoning. The additional density permitted by RM15-A also helps support public transit along the Douglas corridor. The density permitted under RM15-A is consistent with other zonings in the area including a multi-family development on the opposite side of Douglas.

The development standards for RM15-A are also consistent with the goals of the policy. The proposed district requires that buildings be placed at the street, parking be located behind structures/away from the street, and that access be derived from alley ways. These requirements are consistent with the urban policy.

Since the proposed RM15-A is consistent with the sites T4 NE policy, staff recommends that the application be approved.

**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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.20		2 U	29	7	3

Maximum Uses in Proposed Zoning District: **RM15-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)	0.20		4 U	30	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+1	-5	0

## **METRO SCHOOL BOARD REPORT**

The proposed RM15-A zoning district would generate no more students than what is typically generated under the existing SP-R zoning district. Students would attend Shawab Elementary School, Jere Baxter Middle School, and Maplewood High School. None of the schools has been identified as being over capacity. This information is based upon data from the school board last updated November 2018.

## **STAFF RECOMMENDATION**

Staff recommends approval as the request is consistent with the Urban Neighborhood Evolving policy of the East Nashville Community Plan.

Mr. Swaggart presented the staff recommendation of approval.

Michael Sloie, 141 Saxon Miss Dr, spoke in favor of the application.

Gordon Harmon, 1826 Joy Circle, spoke in opposition to the application because he does not want short term rentals in that area.

Ashonti Davis, 321 Edwin St, spoke in opposition to the application. The lot is too small to add two additional units.

Shawn Parker, 1004 Spain Ave, spoke in opposition to the application due to traffic concerns.

Mr. Sloie noted that the couple that owns the property will be living on the property and would not be interested in anything that would negatively impact their property.

Councilmember Davis spoke in favor of the application as it is consistent with policy.

## **Chairman Adkins closed the Public Hearing.**

Dr. Sims spoke in opposition because, in the bigger arena of true research, this will actually hurt Nashville over the long haul.

Mr. Gobbell spoke in favor of the application although it will be a real challenge to get three units on this lot.

Ms. Moore spoke in opposition; standalone is fine, but there will be implications on a larger scale.

Dr. Bichell noted there are a lot of units on a tiny space across the street; what is the argument against doing something similar here?

Ms. Blackshear spoke in opposition because it's a straight zone change on just one lot in the middle of an otherwise fairly orderly zoning area.

Mr. Tibbs spoke in favor of the application although he expressed concerns with how three lots will work.

Ms. Farr spoke in opposition as it is not appropriate for the area. She explained she would have a higher comfort level if the entire block face was being rezoned. One lot doesn't feel like it's the correct approach.

**Ms. Farr moved and Ms. Blackshear seconded the motion to disapprove. (5-4) Mr. Gobbell, Chairman Adkins, Mr. Tibbs, and Dr. Bichell voted against.**

## **Resolution No. RS2019-7**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-127PR-001 is **disapproved. (5-4)**

### **15. 2018Z-128PR-001**

BL2019-1460/Scott Davis

Council District 05 (Scott Davis)

Staff Reviewer: Abbie Rickoff

A request to rezone from SP-R to RM20-A zoning for property located at 108 Douglas Avenue, at the southwest corner of Joseph Avenue and Douglas Avenue (0.19 acres), requested by Metro Councilmember Scott Davis, applicant; Doris and Ronald Covington, owners.

**Staff Recommendation: Approve.**

## **APPLICANT REQUEST**

### **Zone change from SP-R to RM20-A.**

#### Zone Change

A request to rezone from Specific Plan-Residential (SP-R) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at 108 Douglas Avenue, at the southwest corner of Joseph Avenue and Douglas Avenue (0.19 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 allows detached accessory dwelling units for various properties in the area, with all other standards of the RS5 district being applicable. There is no site plan associated with this Specific Plan.*

#### **Proposed Zoning**

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 4 units.*

## **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.

## **ANALYSIS**

The 0.19-acre site is located at the southwestern corner of Douglas and Joseph Avenues and currently contains a residential structure. The site has frontage on Joseph Avenue, a local street, Douglas Avenue, a collector-avenue, and is approximately 150 feet east of Dickerson Pike, an arterial-boulevard, designated by the Major and Collector Street Plan. An existing alley runs parallel with the western property line, providing rear access to properties along Joseph Avenue (east) and Dickerson Pike (west). Properties directly west of the alley front Dickerson Pike and include higher intensity commercial and industrial uses. Properties along Douglas Avenue contain mixed residential, institutional, and commercial uses, transitioning to primarily residential uses interior to the neighborhood, away from the corridor.

The site is located on the western edge of the T4 NE policy, adjacent to higher intensity policy areas where additional residential density may be supported. Urban Community Center policy (T4 CC), which is intended to enhance urban centers with commercial and mixed-use development, is located directly west of the site, opposite the alley and on both sides of Dickerson Pike. Urban Mixed-Use Corridor policy (T4 CM), which encourages higher density residential and mixed use development along urban corridors, is located on the north side of Douglas Avenue and along Dickerson Pike.

NashvilleNext also identifies the site as within a Tier 2 Center in close proximity to a high capacity transit corridor (Dickerson Pike), identifying this area as appropriate for additional future growth. Policy guidance in the Community Character Manual recommends that properties on the edge of T4 NE policy with adjacency to Corridors and Centers, such as this property, are appropriate for higher density residential development in order to provide more housing choices in proximity to consumer services and transit, and to serve as a transition to adjoining policy areas.

Multi-family development at this site will provide an appropriate transition from the non-residential policy areas along Dickerson Pike to the residential policy areas interior to the neighborhood. The site is also located approximately 300 feet from an existing MTA stop on Dickerson Pike, offering residents options beyond single occupancy vehicle trips.

The RM20-A zoning district is supported by the T4 NE policy and is appropriate given the surrounding land uses and land use policies. The bulk and building placement standards associated with the RM20-A district ensure that development addresses the pedestrian realm and limits the amount of parking between the building and the street, and the surrounding street network and public transportation service allows for improved pedestrian, bicycle and vehicular connectivity.

## **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: **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.19		2 U	29	7	3

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)	0.19		4 U	30	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+1	-5	0

**SCHOOL BOARD REPORT**

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

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

The proposed RM20-A zoning district will generate 2 additional students than what would be generated under the existing SP-R 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 November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval.

Ms. Rickoff presented the staff recommendation of approval.

Councilmember Davis spoke in favor of the application as it fits policy.

Doris Covington, 108 Douglas Ave, spoke in favor of the application.

Will Johnson spoke in favor of the application.

Gordon Harmon, 1826 Joy Circle, spoke in opposition to the application as he does not want short term rentals in this area.

Amanda Wagner, 1231 Joseph Ave, spoke in opposition to the application. The density isn't the issue. The concern is with RM20-A.

Tara Jo Kirk, 1232 Joseph Ave, spoke in opposition to RM20-A.

Ashonti Davis, 321 Edwin St, spoke in opposition to the application.

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

Councilmember Bedne stated he's inclined to agree with the density but not to opening a back door to short term rentals.

Dr. Bichell spoke in favor and explained that we are so paralyzed by our fear of short term rentals that we are going to limit the housing stock.

Ms. Blackshear spoke in favor as this is on a corner facing commercial which differentiates it from the previous item.

Mr. Tibbs spoke in favor of the application.

Ms. Moore spoke in favor of the application.

Mr. Gobbell spoke in favor of the application.

Dr. Sims spoke in favor and noted this is a good use of the corner.

Ms. Farr expressed agreement with Ms. Blackshear and spoke in favor of the application.

**Mr. Tibbs moved and Ms. Blackshear seconded the motion to approve. (7-1) Councilmember Bedne voted against.**

**Resolution No. RS2019-8**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-128PR-001 is **approved. (7-1)**

**16. 2018Z-129PR-001**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Patrick Napier

A request to rezone from SP to MUL on property located at 1510 Lebanon Pike, approximately 150 feet east of Spence Lane (1.77 acres), requested by Goodwyn, Mills, and Cawood Inc., applicant; Bodenhamer Florida Properties LLC, owner.

**Staff Recommendation: Defer to the February 14, 2019, Planning commission meeting.**

**The Metropolitan Planning Commission: deferred 2018Z-129PR-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**17. 2019Z-002TX-001**

Staff Reviewer: Shawn Shepard

A request to amend Chapter 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to add conditions the uses "Automobile Sales, Used" and "Automobile Repair" to restrict building within the floodplain, floodway or any associated buffer.

**Staff Recommendation: Approve with a substitute.**

**APPLICANT REQUEST**

Amend the Zoning Code pertaining to Automobile Sales, Used and Automobile Repair to add conditions to restrict these uses in floodway, floodplain, and water quality buffers.

**PROPOSED AMENDMENTS TO TITLE 17**

The proposed bill would amend Section 17.08.030 of the Zoning Code by replacing P (Permitted) wherever it appears with PC (Permitted with Conditions) for the uses of "automobile sales, used" and "automobile repair."

The proposed bill would amend Section 17.16.070.E by adding a new subsection 9 as follows:

9. Automobile repair uses shall not be located within the floodplain or floodway, as designated on the Flood Insurance Rate Map (FIRM) in use on January 1, 2019, or any water quality buffer, as defined in the Stormwater Management Manual.

The proposed bill would also amend Section 17.16.070.F by adding a new subsection 9 as follows:

9. Automobile sales, used uses shall not be located within the floodplain or floodway, as designated on the Flood Insurance Rate Map (FIRM) in use on January 1, 2019, or any water quality buffer, as defined in the Stormwater Management Manual.

**ANALYSIS**

Section 17.08.030 of the Metro Zoning Ordinance includes the district land use tables, which establish uses permitted in each zoning district. Uses are categorized as P (Permitted by right), PC (Permitted with conditions), SE (Permitted with a Special Exception), A (Permitted as accessory to a principal use), or O (Permitted only within an overlay district). Both Automobile Sales, Used and Automobile Repair are existing uses identified as permitted or permitted with conditions in various zoning districts listed in Subsection 17.08.030. For uses permitted with conditions, the specific conditions applicable to each use are established in Article II of Chapter 17.16 of the Zoning Code.

The proposed amendment would amend the district land use table to make Automobile Sales, Used and Automobile Repair uses permitted with conditions (PC) in any district in which they are currently permitted. The amendment will also add an additional condition for Automobile Sales, Used and Automobile Repair in Section 17.16.070 of the code. The additional conditions prohibit the location of Automobile Sales, Used and Automobile Repair uses within the floodway or floodplain, or any water quality buffer.

The Metro Zoning Ordinance, in conjunction with the Stormwater Management Ordinance in Chapter 15.64 of the Code of Laws and the Stormwater Management Manual, regulates development in floodways, floodplains, and water quality buffer areas to protect human life and health, minimize damage to public and private property and prolonged business interruptions, and to encourage the preservation of floodplains, floodways and open spaces to protect and benefit the community's quality of life and natural resources. Prohibition of Automobile Sales, Used and Automobile Repair uses within floodways, floodplains and water quality buffers will minimize the potential for impacts to waterways in Davidson County and is consistent with the intent of the floodplain and water quality buffer regulations already in effect.

The proposed amendment will be applicable to newly permitted Automobile Sales, Used or Automobile Repair uses. Existing, legally permitted instances of these uses located within floodway, floodplain or water quality buffers will be rendered legally nonconforming and will be allowed to continue subject to the nonconformity provisions of the Metro Zoning Ordinance.

The amendment currently proposes that these uses be prohibited in floodway and floodplain areas as identified on the FIRM maps in use on January 1, 2019. The FIRMs are updated periodically by the Federal Emergency Management Association (FEMA). Based on coordination with staff from Metro Stormwater, staff recommends a substitute to modify the language of the conditions to reference the FIRM currently in effect, rather than that of a specific date. This minor change will ensure that the code is always referencing the most current floodway and floodplain mapping, which is available in Metro's Parcel Viewer maps and GIS, to ensure consistent implementation of the requirements during permitting.

#### **ZONING ADMINISTRATOR RECOMMENDATION**

No exception taken to this bill.

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#### **STAFF RECOMMENDATION**

Staff recommends approval with a substitute.

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#### **SUBSTITUTE ORDINANCE BL2018-1457**

An ordinance amending Chapter 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to add conditions the uses "Automobile Sales, Used" and "Automobile Repair" to restrict building within the floodplain, floodway or any associated buffer (Proposal No. 2019Z-002TX-001).

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

Section 1. That Section 17.08.030 of the Metropolitan Code of Laws be amended by replacing P (Permitted) wherever it appears with PC (Permitted with Conditions) for the uses of "automobile sales, used" and "automobile repair".

Section 2. That Section 17.16.070.E is hereby amended by adding a new subsection 9 as follows:

9. Automobile repair uses shall not be located within the floodplain or floodway, as designated on the currently effective Flood Insurance Rate Map (FIRM) ~~in use on January 1, 2019~~, or any water quality buffer, as defined in the Stormwater Management Manual.

Section 3. That Section 17.16.070.F is hereby amended by adding a new subsection 9 as follows:

9. Automobile sales, used shall not be located within the floodplain or floodway, as designated on the currently effective Flood Insurance Rate Map (FIRM) ~~in use on January 1, 2019~~, or any water quality buffer, as defined in the Stormwater Management Manual.

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)** Tanaka Vercher

**Approve with a substitute. Consent Agenda. (10-0)**

**Resolution No. RS2019-9**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-002TX-001 is **approved with a substitute. (10-0)**”

**18. 2019Z-003TX-001**

Staff Reviewer: Shawn Shepard

A request to amend Section 17.04.060 of the Metropolitan Code, zoning regulations, to add a definition for “Permanently reside.”

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

Amend the Zoning Code to add a definition for “Permanently reside.”

**PROPOSED AMENDMENTS TO TITLE 17**

The proposed bill would amend Section 17.04.060 (Definitions of General Terms) by adding a definition for “Permanently reside” as follows:

“Permanently reside” means to occupy a home or unit as one’s legal domicile, where the habitation is fixed and to which, whenever the person is absent, the person has a definite intention to return. Factors relevant to whether an individual permanently resides at a particular home or unit include, but are not limited to, receipt of mail, registration to vote, licensing for activities such as driving, and the licensing or registration of that individual’s personal property.

**ANALYSIS**

The term “permanently reside” is used within the Metro Zoning Ordinance but is not currently defined. The amendment proposes to add a definition of “permanently reside” to Section 17.04.060, Definitions of General Terms. The definition proposed is similar to guidelines used by the State of Tennessee to determine residency. This proposal will allow for more consistent application of the Zoning Ordinance by defining a term used in the code.

**ZONING ADMINISTRATOR RECOMMENDATION**

No exception taken to this bill.

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**STAFF RECOMMENDATION**

Staff recommends approval.

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**ORDINANCE BL2018-1455**

An ordinance amending Section 17.04.060 of the Metropolitan Code, zoning regulations, to add a definition for “Permanently reside” (Proposal No. 2019Z-003TX-001).

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

Section 1. That Title 17 of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.04.060 (Definitions of General Terms) by adding a definition for “Permanently reside” as follows:

“Permanently reside” means to occupy a home or unit as one’s legal domicile, where the habitation is fixed and to which, whenever the person is absent, the person has a definite intention to return. Factors relevant to whether an individual permanently resides at a particular home or unit include, but are not limited to, receipt of mail, registration to vote, licensing for activities such as driving, and the licensing or registration of that individual’s personal property.

Section 2. This Ordinance shall take effect 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)** Colby Sledge, Freddie O’Connell

**Approve. Consent Agenda. (10-0)**

**Resolution No. RS2019-10**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-003TX-001 is **approved. (10-0)**”



**19. 2018CP-001-001**

**JOELTON COMMUNITY PLAN**

Council District 01 (Jonathan Hall)

Staff Reviewer: Dara Sanders

A request to amend the Joelton Community Plan by changing from T2 Rural Countryside Policy, T2 Rural Maintenance Policy, Neighborhood Center, Conservation to T3 Neighborhood Maintenance Policy and Conservation Policy on various properties located along Binkley Road, Eatons Creek Road, and Old Clarksville Pike, zoned RS40, R40, R15, SCC, ON, RM4 and AR2a (222.43 acres), requested by Joe Smith, Annette Winters and Wayne Winters, applicant; various owners.

**Staff Recommendation: Defer to the February 28, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018CP-001-001 to the February 28, 2019, Planning Commission meeting. (10-0)**

**20. 2018SP-082-001**

**VILLAGE WEST**

Council District 02 (DeCosta Hastings)

Staff Reviewer: Abbie Rickoff

A request to rezone from R8 to SP-MU zoning for properties located at 1014 B and 1018 West Trinity Lane, and for portions of properties located at 948 B Youngs Lane, Youngs Lane (unnumbered), and 1014 C and 1014 D West Trinity Lane, 700 feet west of Old Buena Vista Road (approximately 5.31 acres), to permit a mixed-use development with 117 multi-family residential units and 24,000 square feet of non-residential uses, requested by Civil Site Design Group, applicant; D&M Development, LLC, and Michael and Charlie Larue, owners.

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

**APPLICANT REQUEST**

**Preliminary SP to permit a mixed-use development with 117 multi-family residential units and 24,000 square feet of non-residential uses.**

Specific Plan

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 1014 B and 1018 West Trinity Lane, and for portions of properties located at 948 B Youngs Lane, Youngs Lane (unnumbered), and 1014 C and 1014 D West Trinity Lane, 700 feet west of Old Buena Vista Road to permit a mixed-use development with 117 multi-family residential units and 24,000 square feet of non-residential uses (approximately 5.31 acres).

**Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 24 lots with 6 duplex lots for a total of 30 units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units on this property.*

**Proposed Zoning**

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

**SITE CONTEXT AND PLAN DETAILS**

The site is approximately 5.31 acres and includes properties south of W. Trinity Lane, west of Youngs Lane, and north of Alice Street. The site currently contains a mixture of single-family and vacant land uses. The surrounding development pattern to the north includes larger residential and vacant properties along W. Trinity Lane. The surrounding development pattern to the south, along Alice Street, includes primarily single-family and recently-developed two-family units. A concept plan with 9 lots, including one lot that is included in the SP area, was recently approved by the MPC (Alice Street Subdivision, case 2018S-058-001). The Alice Street Subdivision includes adjacent properties located southwest of the site, and was approved with two new public streets that have been incorporated into the proposed SP.

### Site Plan

The plan proposes a mixed use development with 117 multi-family units and 24,000 square feet of non-residential uses, located on three lots. Two of the lots (A and C) include residential uses only, and the third lot (B) includes residential and non-residential uses. The non-residential uses on Lot B are limited to all uses of MUL-A. The site will be accessed from three new public streets (Roads A, B, and C) that connect the site back to W. Trinity Lane, Youngs Lane, and Alice Street. Roads A and B were approved with the associated Alice Street concept plan; Road C is a new street proposed with this plan.

Lot A is located at the northwestern corner of the site and fronts W. Trinity Lane and Road C, a north/south street which runs along the western property line, connecting W. Trinity Lane to the south. West Trinity Lane is identified as an arterial-boulevard on the Major and Collector Street Plan and will be improved with a 6 foot sidewalk and 8 foot planting strip, per the MCSP standards. Road C will be constructed as a local street with a 5 foot sidewalk and 4 foot planting strip. Lot A includes a total of 54 stacked flat units housed in two buildings (A1 and A2), each containing 27 units. Building A1 is located on the northern half of the lot and has frontage on W. Trinity Lane and Road C, and Building A2 is located to the south and has frontage on Road C. Vehicular access is provided between the buildings from Road C to a central drive aisle that leads to surface parking located below the buildings. Pedestrian access is provided from the public sidewalks to several shared entries located along the street frontage of the buildings. The maximum height proposed for Lot A is 3 stories above the street.

Lot B is located to the east, on the north side of a Road A, an east/west street located mid-site. Road A was approved with the Alice Street Concept Plan as a collector-avenue with an 8 foot sidewalk and 4 foot planting strip. Road A is located central to the development, connecting the overall site to Youngs Lane (east) and roads B and C, terminating at the western property line for a future connection to an approved SP located to the west. Lot B includes one four-story building (B1) with 24,000 total square feet of non-residential uses on the first two levels, 22 total stacked flat units on the third and fourth levels, and an attached two-story parking garage located behind the residential and non-residential uses. Vehicular access to the garage is provided from Road A to a drive aisle located along the eastern property line. The drive aisle includes surface parking spaces and a sidewalk connection to Road A. Pedestrian access is also provided directly from Building B to the public sidewalks on Road A. The maximum height proposed for Lot B is 4 stories. The parking garage is identified as 2 stories on the plans.

Lot C is a corner lot located to the south, fronting the south side of Road A and the east side of Road B. Road B was approved with the Alice Street Concept Plan as a local street with a 5 foot sidewalk and 4 foot planting strip, extending from Road A to the current terminus of Alice Street (south). Lot C includes 41 townhomes that are housed in several buildings, with 3-4 units located in each building. Buildings C1 through C6 are located along Road A and Buildings C7 through C13 are located south of the street-fronting units. All units contain two-car garages that are accessed from a central drive aisle, located behind the street-fronting units. The drive aisle leads to a small area of surface parking spaces located near the eastern property line. Pedestrian access is provided from the public sidewalks to the units through a combination of individual and shared sidewalk connections. The maximum height for proposed Lot C is 3 stories in 40 feet.

Open space is provided around the periphery of the site, interspersed between the buildings, and located between the buildings and the streets. The open space includes room for bioretention and stormwater management.

The site is parked through a combination of surface parking spaces, structured parking, and individual garages. Final parking counts will be determined with the final SP, per the Metro Zoning Code requirements, which may affect the final unit count.

The plan includes architectural standards requiring raised foundations, minimum glazing requirements, minimum porch depths and prohibited materials.

### **BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN**

The site is located in the T4 Mixed Use Corridor, T4 Residential Corridor, and Conservation policies, and is also guided by a Mobility Supplemental Policy, which focuses on establishing street networks for increased connectivity. Conservation policy is identified on portions of the northernmost parcel, located along W. Trinity Lane, identifying potential steep slopes, areas encumbered by the floodplain, and stormwater regulation buffers associated with the Cumberland River.

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.

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

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.

#### Mobility Supplemental Policy

The site is within the Haynes Trinity Small Area Plan, which was approved and adopted by the Planning Commission on January 11, 2018. The Plan was completed after an extensive community engagement process and resulted in updates to the community character policies for the area, as well as the establishment of supplemental policies to address mobility, parks, and open space.

The mobility supplemental policy contains guidance for increasing connectivity in developed areas and establishing a network of proposed street connectivity throughout Haynes Trinity that would provide a strong and cohesive block structure.

#### **ANALYSIS**

The plan is consistent with the land use policies and with the community's vision to enhance the area with an integrated mixture of housing and a connected street system. The plan responds to the community's needs and expectations for a planned street network that connects the neighborhood, providing access opportunities that allow for T4 development patterns.

The layout includes several public streets, setting up a cohesive block structure north of Alice Street that connects to W. Trinity Lane and significantly improving the street network in the area, which is a fundamental goal of the Mobility Supplemental Policy. The plan transitions from higher intensity residential development along the corridor, to mixed residential and non-residential uses located mid-site, with townhomes proposed near the southern boundary, closest to the existing residences along Alice Street. The SP provides for additional housing choice for residents in the area that is supported by mixed-use development, providing opportunities to live, work, and shop along an urban corridor, and the proposed architectural standards and treatments enhance the design quality of the neighborhood.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approve w/conditions**

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

#### **STORMWATER RECOMMENDATION**

##### **Approve**

#### **WATER SERVICES RECOMMENDATION**

##### **Approve with conditions**

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

#### **PUBLIC WORKS RECOMMENDATION**

##### **Approve**

#### **TRAFFIC AND PARKING RECOMMENDATION**

##### **Approve with conditions**

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

#### **TIS CONCLUSIONS AND RECOMMENDATIONS**

##### West Trinity Lane and Youngs Lane

- It is recommended to install pedestrian signals with countdown timers for movements across the eastbound and westbound approaches of West Trinity Lane. Developer shall design signal plan to construct ped signals at the signal at Youngs Lane and W Trinity Lane intersection and submit signal plan to MPW traffic engineer for approval and install signal improvements when directed by MPW traffic engineer.

- Additional analysis shall be conducted to determine if a NB LTL shall be constructed on Youngs lane at W Trinity Lane if the adjacent 2005sp-179u-03 public road connection to W Trinity lane has not been constructed prior to public road C and A construction.

Youngs Lane and Public Road A

- The proposed connection to Youngs Lane 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.
- As part of the construction of the project, the public road connection should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.
- According to field measurements, adequate intersection sight distance is available for turning left and right out of the proposed public road.

West Trinity Lane and Public Road C

- The proposed connection to West Trinity lane should be designed to include sufficient width for one entering lane and one exiting lane. A stop bar and R1-1 'Stop' sign should be installed on the egress approach.
- As part of the construction of the project, the public road connection should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.
- According to field measurements, adequate intersection sight distance is available for turning left and right out of the proposed public road.

Public road A and road C.

- It does not appear that developer owns the land to make this road connection. Public Road C shall be constructed to connect with public Road A prior to construction of any phased development or a revised TIS will be required.

Internal Roadways

- The distance between the proposed driveways on Public Road A and the nearest cross street should be maximized in order to reduce conflicts between turning and queued vehicles.
- Garage northern access on Road C shall be located a minimum of 100ft from W Trinity Lane.
- Public Road C shall be constructed with 2 exiting lanes if the adjacent 2005sp-179u-03 public road connection to W Trinity lane has not been constructed prior to public road C construction.
- Developer shall construct adequate parking for all residential, retail and office land use per metro code.
- Developer shall provide loading zones per metro code.
- Developer shall provide adequate rideshare, valet and short term deliveries on office and retail driveway and not in the public ROW. Collector Road A shall be constructed to allow future left turn lanes at intersections if warranted.
- Developer shall submit a pavement marking and signage plan prior to final sp plan approval.
- Final design of internal roadways and parking should meet all City of Nashville standards and the latest version of "A Policy of Geometric Design of Highways and Streets" published by AASHTO. Any parking lots and streets associated with the development should ensure that passenger cars and emergency vehicles are capable to making all turning movements. Internal intersections should be two-way stop-controlled.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	5.31	5.44 D	29 U	333	26	31

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)	5.31		117 U	844	56	68

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)			12,000 S.F.	762	39	83

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)			12,000 S.F.	136	38	16

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+1409	+107	+136

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R8 district: 0 Elementary 4 Middle 4 High

Projected student generation proposed SP-MU district: 3 Elementary 12 Middle 12 High

The proposed SP zoning is expected to generate 19 more students than the existing R8 zoning. Students would attend Lillard Elementary School, Joelton Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity.

This information is based upon data from the school board last updated November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 117 multi-family units and 24,000 square feet of non-residential uses. Non-residential uses shall be located on Lot B only and shall be limited to all uses of the MUL-A zoning district.
2. On the corrected copy, modify the Purpose Note: The purpose of this specific plan is to permit a mixed use development with up to 24,000 square feet of non-residential uses and 117 multi-family units. Non-residential uses shall be located on Lot B only and shall be limited to all uses of the MUL-A zoning district.
3. On the corrected copy, updated the Lot B Proposed Uses and B1 building area in the Site Data Table: Multi-family and 24,000 square feet of non-residential uses. Non-residential uses shall be limited to all uses of the MUL-A zoning district.
4. On the corrected copy, update the fallback zoning to MUL-A.
5. On the corrected copy, clarify the maximum height of Lot C is 40 feet, measured to the highest point of the roof.
6. On the corrected copy, modify Note #22: Corner units with street frontage shall include facades with porches and additional glazing to address both streets.
7. Building A1 shall include front entries to W. Trinity Lane and Road C. Building A2 shall include front entries to Road C.
8. Any areas of exposed foundation above a height of 36 inches for residential structures will require additional screening to be reviewed with the final site plan.
9. Common areas located around the periphery of the Lots may require additional screening to be reviewed with the final site plan.
10. Areas reserved for bioretention and stormwater management shall be designed as an amenity in addition to their other functions, including any stormwater treatment areas located within the common space fronting public streets.
11. Areas of right-of-way dedication shall be identified on the final site plan in accordance with the MCSP and local street requirements.
12. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.
13. The final site plan shall comply with Metro Zoning Code Parking requirements. Final parking counts will be determined with the final SP, per the Metro Zoning Code requirements, which may affect the final unit count.
14. 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.
15. 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 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
17. 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.

18. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
19. 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.
20. Comply with all conditions and requirements of Stormwater, Water Services, and Public Works.
21. 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. (10-0)**  
**Resolution No. RS2019-11**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Sp-082-001 is **approved with conditions and disapproved without all conditions. (10-0)**

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 117 multi-family units and 24,000 square feet of non-residential uses. Non-residential uses shall be located on Lot B only and shall be limited to all uses of the MUL-A zoning district.
2. On the corrected copy, modify the Purpose Note: The purpose of this specific plan is to permit a mixed use development with up to 24,000 square feet of non-residential uses and 117 multi-family units. Non-residential uses shall be located on Lot B only and shall be limited to all uses of the MUL-A zoning district.
3. On the corrected copy, updated the Lot B Proposed Uses and B1 building area in the Site Data Table: Multi-family and 24,000 square feet of non-residential uses. Non-residential uses shall be limited to all uses of the MUL-A zoning district.
4. On the corrected copy, update the fallback zoning to MUL-A.
5. On the corrected copy, clarify the maximum height of Lot C is 40 feet, measured to the highest point of the roof.
6. On the corrected copy, modify Note #22: Corner units with street frontage shall include facades with porches and additional glazing to address both streets.
7. Building A1 shall include front entries to W. Trinity Lane and Road C. Building A2 shall include front entries to Road C.
8. Any areas of exposed foundation above a height of 36 inches for residential structures will require additional screening to be reviewed with the final site plan.
9. Common areas located around the periphery of the Lots may require additional screening to be reviewed with the final site plan.
10. Areas reserved for bioretention and stormwater management shall be designed as an amenity in addition to their other functions, including any stormwater treatment areas located within the common space fronting public streets.
11. Areas of right-of-way dedication shall be identified on the final site plan in accordance with the MCSP and local street requirements.
12. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.
13. The final site plan shall comply with Metro Zoning Code Parking requirements. Final parking counts will be determined with the final SP, per the Metro Zoning Code requirements, which may affect the final unit count.
14. 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.
15. 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 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
17. 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.
18. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
19. 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.

20. Comply with all conditions and requirements of Stormwater, Water Services, and Public Works.  
21. 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.

**21. 2018SP-084-001**

**WEST TRINITY LANE SP**

Council District 02 (DeCosta Hastings)

Staff Reviewer: Levi Hill

A request to rezone from RS7.5 to SP-R zoning for properties located at West Trinity Lane (unnumbered), approximately 440 feet west of Brownlo Street (8.72 acres), to permit 375 multi-family residential units, requested by Wharton Capital Corp., applicant; Free Silver Land Trust, owner.

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2018SP-084-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**22. 2019SP-006-001**

**3RD AVENUE NORTH**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Patrick Napier

A request to rezone from R6-A to SP zoning on properties located at 1825, 1827, 1829, 1831, 1833, and 1835 3rd Avenue North, at the southeast corner of Coffee Street and 3rd Avenue North (1.18 acres), to permit 25 multi-family residential units, requested by Dale and Associates, applicant; TAB Homebuilders, LLC., owner.

**Staff Recommendation: Defer to the February 14, 2019, Planning Commission meeting.**

**The Metropolitan Planning Commission: deferred 2019SP-006-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**23. 2019SP-008-001**

**311 GATEWOOD AVENUE**

Council District 05 (Scott Davis)

Staff Reviewer: Patrick Napier

A request to rezone from RS5 to SP-R zoning for property located at 311 Gatewood Avenue, approximately 430 feet east of Meridian Street, (0.17 acres), to permit detached accessory dwelling unit, requested by DaVita Inc., applicant; Samuel Wey, owner.

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

**APPLICANT REQUEST**

**Rezone from RS5 to SP-R to permit a detached accessory dwelling unit (DADU).**

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Residential (SP-R) zoning for property located at 311 Gatewood Avenue, approximately 430 feet east of Meridian Street, (0.17 acres), to permit a Detached Accessory Dwelling Unit (DADU) and all other uses of the RS5 zoning district.

**Existing Zoning**

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

**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.

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood.

T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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 which resulted in updates to the community character policies for the area, The Highland Heights Study also established a supplementary Building Regulating Plan and Mobility Plan for the area. The community character policy for this did not change with adoption of the Highland Heights plan.

**311 Gatewood Avenue Specific Plan (SP)**

Development Summary		Site Data Table	
SP Name	311 Gatewood Avenue	Site Data	0.17 acres
2016SP-086-001	2019SP-008-001	Existing Zoning	RS5
Council District	5	Proposed Zoning	SP-R
		Allowable Land Uses	All uses permitted by the RS5 zoning district and a detached accessory dwelling unit.
Map & Parcel	Map 071-11, Parcel(s) 489		

Specific Plan (SP) Standards

1. The purpose of this SP is to permit all uses permitted by the RS5 zoning district and a detached accessory dwelling unit (DADU).
2. No driveway connection to Gatewood Avenue is permitted. This site must be accessed from the alley only.
3. A DADU structure will be regulated by the standards of the Metro Code.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.
5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

This site is within the R1 sub-district of the Building Regulating Plan, which is intended to maintain existing low to moderate density, predominately single family residential development patterns with appropriate building form/types, setbacks, and building rhythm along the street. This pattern of development is consistent with the goals of the general T4 NM policy. The R1 sub-district supports single-family and detached accessory dwelling units.

The Mobility Plan component of the Highland Heights Study identifies Gatewood as a local street. When a property redevelops sidewalk infrastructure may be required per the requirements of the Metro Code.

**ANALYSIS**

The permitted accessory use of a Detached Accessory Dwelling Unit (DADU) is consistent with the T4 NM policy and with the R1 sub-district of the Building Regulating Plan. This SP request will allow the construction of DADU unit which will be regulated by the requirements of the Metro Code. The DADU provides for an additional housing option while maintaining the existing character of the area.

**FIRE DEPARTMENT RECOMMENDATION**

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

**STORMWATER RECOMMENDATION**

Approved

**TRAFFIC AND PARKING RECOMMENDATION**

N/A

No traffic table was prepared as there is not anticipated to be an increase in traffic.



**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS5 district: 0 Elementary 0 Middle 0 High  
Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High**

The proposed SP-R zoning is not anticipated to generate more students than what is typically generated under the existing SP-R zoning district. 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 November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Access shall be limited to the alley; no driveway connection to Gatewood Avenue is permitted.
2. A DADU structure will be regulated by the standards of the Metro Code.

**Approve with conditions and disapprove without all conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-12**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2019SP-008-001 is approved with conditions and disapproved without all conditions. (10-0)**

**CONDITIONS**

1. Access shall be limited to the alley; no driveway connection to Gatewood Avenue is permitted.
2. A DADU structure will be regulated by the standards of the Metro Code.

**24. 43-87P-003**

**OAKWOOD COMMONS**

Council District 11 (Larry Hagar)

Staff Reviewer: Patrick Napier

A request to revise a portion of a Planned Unit Development Overlay District located at 4670 Lebanon Pike, approximately 1,500 feet east of Andrew Jackson Parkway, zoned R10 (15.21 acres), to create three lots, requested by Bohler Engineering, PLLC, applicant; BVC Oakwood Commons, LLC, owner (see associated case 2019S-018-001).

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise a portion of a Planned Unit Development to create three lots.**

Revise PUD

A request to revise a portion of a Planned Unit Development Overlay District located at 4670 Lebanon Pike, approximately 1,500 feet east of Andrew Jackson Parkway, zoned One and Two-Family Residential R10 (15.21 acres), to create three lots.

**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. *Permitted uses are specified by the PUD.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provisions 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 provisions of essential utilities and streets.

**PLAN DETAILS**

The site is located at 4670 Lebanon Pike, approximately 1,500 feet east of Andrew Jackson Parkway and contains 15.21 acres. Council approved the original PUD in 1987, and it has received numerous revisions. The PUD permits retail commercial uses as well as fast-food restaurants.

### Site Plan

The plan proposes three lots. Lots range in size from 0.62 acres to 13.66 acres. All lots will have frontage on Lebanon Pike. All lots will be accessed through an existing private drive which connects to Lebanon Pike. Each lot contains an existing commercial structure. Each lot as shown is consistent with the previous revisions to the PUD which approved the existing structures on the proposed lots.

### **ANALYSIS**

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with and meets all of the criteria of Section 17.40.120. These standards are 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.

The proposal is consistent with the council approval.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

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

**STORMWATER RECOMMENDATION**  
Approve

**PUBLIC WORKS RECOMMENDATION**  
Approved

**TRAFFIC & PARKING RECOMMENDATION**  
Approve with conditions

- Provide adequate parking for entire shopping center.

**WATER SERVICES RECOMMENDATION**  
Approve

**STAFF RECOMMENDATION**  
Staff recommends approval with conditions.

**CONDITIONS**

1. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Approve with conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-13**

"BE IT RESOLVED by The Metropolitan Planning Commission that 43-87P-003 is **approved with conditions. (10-0)**  
**CONDITIONS**

1. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**25. 93P-004-002**  
**14896 OLD HICKORY BOULEVARD**

Council District 31 (Fabian Bedne)  
Staff Reviewer: Latisha Birkeland

A request for revision and final site plan approval for a Planned Unit Development Overlay District on property located at 14896 Old Hickory Boulevard, at the northwest corner of Benzing Road and Old Hickory Boulevard, zoned CL (2.94 acres), to permit parking, requested by Dale and Associates, applicant; Old Hickory Buildings, LLC, owner.  
**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**  
**Revise the preliminary plan and final site plan for a Planned Unit Development.**

Revise Preliminary PUD

A request for revision and final site plan approval for a Planned Unit Development Overlay District on property located at 14896 Old Hickory Boulevard, at the northwest corner of Benzing Road and Old Hickory Boulevard, zoned Commercial Limited (CL), to permit parking (2.94 acres).

## **Existing Zoning**

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses. *The PUD controls the land uses for this property. The PUD is a commercial PUD.*

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

## **REQUEST DETAILS**

This is a request to revise the preliminary PUD plan and for final site plan for the 14896 Old Hickory Boulevard PUD. Metro Council approved the PUD in 1994 to permit a 2,250 square foot retail building on the eastern portion of parcel 041. The western portion of parcel 041 is zoned Commercial Limited (CL) and is not located within the PUD.

The request pertains to the PUD portion of parcel 041. The applicant is requesting to revise previously approved parking locations within the PUD. This revision and final is for parking locations only. Retail use is currently allowed under the PUD. In the future, when a retail building is proposed, then a new final site plan application shall be submitted for review. Note that due to the location of the proposed parking with this revision, any future retail use will be limited to the southeastern portion of the site.

## **PLAN DETAILS**

The plan proposes to relocate previously approved parking space locations. The plan proposes to relocate the previously approved retail use location to the southeast corner of the parcel. All proposed parking meets and exceeds the requirements of the Zoning Code for the retail use. The proposed parking for the retail use will also be used for medical office use along the western portion of the site. The proposed medical office use is not within the PUD boundaries. Access points will remain along Benzing Road. No access will be from Old Hickory Boulevard. An 8 foot sidewalk and 6 foot planting strip will be provided along Old Hickory Boulevard, consistent with the Major and Collector Street Plan. A 4 foot planting strip and 5 foot sidewalk shall be installed along the Benzing Road frontage.

## **ANALYSIS**

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with and meets all of the criteria of Section 17.40.120. These standards are 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.

This request can be considered a minor modification because there is no proposed change in land use or development type beyond that permitted by the CL zoning district.

**FIRE DEPARTMENT RECOMMENDATION**

**N/A**

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES**

**Approve with conditions**

- Approved as a Preliminary PUD Amendment only, concerning just the parking lot. Before Final PUD approval, the applicant shall update the availability study to reflect to latest layout for this property (including the buildings), and pay capacity fees, if they are required as a result of this revised study.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Indicate installation of sidewalk to western property line.
- If sidewalks are required on Benzing then they should be shown on the plans per the MCSP and MPW standards and specifications.
- Indicate installation of ADA compliant ramps at the intersection on OHB and Benzing
- Submit recorded copy of ROW dedication prior to building permit approval by MPW.
- Add note that all vertical obstructions (signs, poles, fire hydrants, etc.) are to be relocated out of the proposed sidewalks.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved with conditions**

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

- Each of the project accesses should be constructed to include at a minimum one entering lane and one exiting lane, striped as a shared left and right turn lane with at least 50 feet of storage. No parking spaces should be located within this storage for exiting vehicles. Adequate truck turning radius shall be provided.
- It is important to note that, at the unsignalized intersection of Old Hickory Boulevard and the project access, the southbound left and right turns will operate at LOS F during both peak hours. However, these results are typical for unsignalized intersections on major arterial roadways, and the southbound queues will be low. The eastbound queues on Old Hickory Boulevard at the intersection with Benzing Road will extend beyond the project access, particularly during the PM peak hour. However, motorists exiting the project site at this location will be able to take advantage of gaps created by the existing traffic signals on either side of the project. Also, if there are significant delays or queues, exiting motorists will have access to Benzing Road and the existing traffic signal at Old Hickory Boulevard.

- The existing three-lane cross-section on Benzing Road should be extended to the project
- Access
- Adequate sight distance shall be provided at access drives. Submit sight distance exhibits for drives prior to final PUD site plan approval. Specifically, for a speed of 30 mph, the minimum stopping sight distance is 200 feet. This is the distance that a motorist on Benzing Road will need to come to a stop if a vehicle turning from the project creates a conflict. Also, based on The Green Book, the minimum intersection sight distance is 335 feet. This is the distance that a motorist on a project access will need to safely complete a turn onto Benzing Road.
- Developer shall work with MTA to provide a Bus shelter along Old Hickory Blvd frontage.
- The current site plan for the proposed project site includes seven (7) parking spaces more than the minimum required by Metro. These additional parking spaces will provide an appropriate buffer for peak times during weekday operations at the planned medical office building
- Developer shall refurbish pavement markings on Benzing Rd and Old Hickory Blvd frontage as necessary.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

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

**Approve with conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-14**

"BE IT RESOLVED by The Metropolitan Planning Commission that 93P-004-002 is **approved with conditions. (9-0)**

**CONDITIONS**

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

**26. 2019Z-005PR-001**

Council District 05 (Scott Davis)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS5 to R6-A zoning for property located at 1603 Luton Street, approximately 820 feet north of Gatewood Avenue (0.39 acres), requested by Taylormade Contracting, applicant; Eric Taylor, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6-A) zoning property located at 1603 Luton Street, approximately 820 feet north of Gatewood Avenue (0.39 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. *RS5 would permit a maximum of three single-family residential units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units at this site.*

### **Proposed Zoning**

One and Two-Family Residential – Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of two duplex lots for a total of four residential units, based on the acreage only. However, application of the Subdivision Regulations may result in fewer units at this site. The Codes Department has determined that this site is duplex eligible.*

### **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 R5 Subdistrict of the Building Regulating Plan, which is intended to create and enhance neighborhoods with greater housing choice and improved connectivity by transitioning from Dickerson Pike’s higher density mixed use development to the interior residential areas. The R5 Subdistrict supports a range of residential uses, including two-family and multi-family residential, at varying intensities depending on the location, context and infrastructure. The R5 Subdistrict also supports a variety of building forms, including house (2 units), detached accessory dwelling unit, plex or manor house, house court, low rise townhouse, and courtyard flat, low-rise flat, or mid-rise flat.

The Mobility Plan component of the Highland Heights Study, which was incorporated into the Major and Collector Street Plan (MCSP), calls for a public alley to be constructed between Luton Street and Meridian Street with any new development or redevelopment. The proposed alley would be located to the rear of this property and would provide rear access to lots fronting Luton and Meridian Streets, north of Gatewood Avenue.

### **SITE AND CONTEXT**

The 0.39-acre site is located midblock on Luton Street, between Dickerson Pike and Meridian Street. The site contains an existing single-family residential unit and is adjacent to a church (south) and a two-family residential unit (north). Along the east side of Luton Street, the church is generally the dividing line between single-family uses to the south, and an even mix of single- and two-family uses to the north. A majority of the properties along the west side of Luton Street also have frontage on Dickerson Pike, where the development pattern includes mixed commercial and higher intensity residential development.

The majority of the properties along Dickerson Pike are zoned for commercial uses. A Specific Plan permitting 72 multi-family units was approved in 2011 for property located southwest of the site, at the intersections of Luton Street, Gatewood Avenue, and Dickerson Pike, and has since been constructed.

### **ANALYSIS**

The requested R6-A zoning is supported by the T4 NE policy and is appropriate for the R5 Subdistrict of the Highland Heights Study at this site. The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area. The standards for building placement, parking and access included in the R6-A district would also improve the relationship of development to the street, creating a more walkable neighborhood consistent with the goals of the T4 NE policy and R5 Subdistrict.

Heights Study envisioned that the R5 area would accommodate additional density in concert with the installation of infrastructure, specifically at an integrated road and alley network. The Mobility Plan provides a blueprint for this road and alley network and identifies a proposed north/south alley, between Luton and Meridian Streets, as part of this

network. The future alley is identified from north of Gatewood Avenue to south of E. Trinity Lane, aligning with the rear property line of the subject site.

The R6-A zoning district requires access to be taken from the alley if an improved alley exists, but construction of a proposed alley is not a requirement of the zoning district. Additionally, for the alley to meet all Metro Public Works standards and be acceptable for public maintenance, the alley would need to be designed, engineered and constructed in a cohesive manner, rather than on a lot-by-lot basis. To ensure that the intent of the policy regarding the alley is met, staff recommends a condition requiring that one-half of the standard alley right-of-way (10 feet of 20 feet required to meet the Public Works standard) be dedicated prior to building permit. The right-of-way dedication will ensure that the alley can be constructed through this area in the future, as more lots along Luton Street and Meridian Street redevelop, implementing the goals of the policy over time.

While the supplemental policy applicable to this site may support additional intensity, policy guidance also explains that additional intensity is appropriate only in concert with construction of public infrastructure to support the development. The requested R6-A district is on the lower end of the range of recommended zoning districts in this area, which is appropriate given the lack of existing infrastructure needed to accommodate additional density. The R6-A district represents a modest increase in intensity compared to surrounding parcels, consistent with the policy goals to establish a framework of public infrastructure that would accommodate the increased capacity of higher intensity residential development and coordinated growth over time.

**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)	0.39	8.71 D	3 U	42	7	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-family Residential (210)	0.39	7.26 D	4 U	54	8	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+12	+1	+1

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed R6-A district: 1 Elementary 0 Middle 0 High

The proposed R6-A zoning is not expected to generate any additional students beyond 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 November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions, as the requested rezoning is consistent with the T4 NE policy and is appropriate for the R5 Subdistrict of the Highland Heights Study at this site.



**CONDITIONS**

1. Prior to the issuance of building permits, one-half of the standard alley right-of-way (10 feet of 20 required to meet the Public Works standard) shall be dedicated along the rear property line.

**Approve with conditions. Consent Agenda. (10-0)**

**Resolution No. RS2019-15**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-005PR-001 is **approved with conditions.** (10-0)

**CONDITIONS**

1. Prior to the issuance of building permits, one-half of the standard alley right-of-way (10 feet of 20 required to meet the Public Works standard) shall be dedicated along the rear property line.

**27. 2019Z-008PR-001**

Council District 01 (Jonathan Hall)  
Staff Reviewer: Patrick Napier

On Consent: No  
Public Hearing: Closed

A request to rezone from RS15 to RM15-A zoning for property located at Ashland City Highway (unnumbered), at the corner of Cato Road and Ashland City Highway (3.74 acres), requested by Smith Gee Studio, applicant; Guerrier Development, LLC, owner.

**Staff Recommendation: Disapprove as submitted. Approve RM9-A.**

**The Metropolitan Planning Commission deferred 2019Z-008PR-001 to the February 14, 2019, Planning Commission meeting. (10-0)**

**28. 2019Z-015PR-001**

Council District 06 (Brett Withers)  
Staff Reviewer: Abbie Rickoff

A request to rezone from IR to MUL-A zoning for property located at 820 South 5th Street, at the northwest corner of Crutcher Street and South 5th Street (0.13 acres), requested by James Fineman applicant and owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Zone change from IR to MUL-A.**

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 820 South 5th Street, at the northwest corner of Crutcher Street and South 5th Street (0.13 acres).

**Existing Zoning**

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

**Proposed Zoning**

Mixed Use 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.

**EAST NASHVILLE 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.

**ANALYSIS**

The 0.13-acre site is located at the northwestern corner of S. 5<sup>th</sup> Street and Crutcher Street, north of Davidson Street and east of I-24. The site currently contains a commercial land use and has frontage on Crutcher Street, a local street, and S. 5<sup>th</sup> Street, a collector-avenue, designated by the Major and Collector Street Plan. Properties in the immediate vicinity include commercial, industrial, vacant, and utility uses, including Metro-owned property to the north

that houses the Metro Public Works Department. The Cayce Place SP development, which includes mixed residential and non-residential land uses, is located north and east of the site.

The site is located in a larger area of T5 MU policy area, which is intended to create high-intensity mixed use development in urban neighborhoods that are envisioned to develop with a diverse mixture of residential, commercial, and office land uses. Surrounding policy areas include Downtown Neighborhood (T6 DN), located west of the site inside the I-24 corridor, Civic (CI), located to the north where Public Works is located, and Urban Mixed Use Neighborhood (T4 MU) located to the north and east, at Cayce Place.

Policy guidance in the Community Character Manual recommends that properties in T5-MU areas be among the most intense areas in Davidson County, with high-density mixed use development that is served by high levels of connectivity. The requested rezoning to MUL-A is consistent with the policy for the area and is appropriate given the surrounding land uses and land use policies. The proposed zoning allows for a mixture of uses, including residential, retail, and office uses, and the bulk and design standards associated with MUL-A zoning will ensure mixed-use development is amenable to pedestrians by creating a vibrant public realm. Additionally, the existing IR zoning is inconsistent with the policy and allows for uses that are not in keeping with the goals of mixed-use policy areas.

**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: **IR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.13	0.6 F	3,397 S.F.	51	26	29

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)	0.07	1.0 F	3 U	42	7	4

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)	0.03	1.0 F	1,306 S.F.	16	28	2

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)	0.03	1.0 F	1,306 S.F.	83	5	9

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+90	+14	-14

**SCHOOL BOARD REPORT**

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

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

The proposed MUL-A zoning district will generate 1 additional student than what would be generated under the existing IR zoning. Students would attend Warner Elementary School, Stratford STEM Middle School, and Stratford

High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2018.

**STAFF RECOMMENDATION**

Staff recommends approval.

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

**Resolution No. RS2019-16**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-015PR-001 is **approved. (10-0)**

**29. 2019Z-017PR-001**

Council District 02 (DeCosta Hastings)

Staff Reviewer: Patrick Napier

A request to rezone from R8 to RM20-A zoning for property located at 832 West Trinity Lane, approximately 670 feet west of McKinley Street (1.0 acres), requested by Dale and Associates, applicant; Gilbert W. McCarter, owner.

**Staff Recommendation: Defer indefinitely.**

**The Metropolitan Planning Commission deferred indefinitely 2019Z-017PR-001. (10-0)**

**30. 2019Z-020PR-001**

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Abbie Rickoff

A request to rezone from CS and IR to RM20-A zoning for various properties north of Robertson Avenue, (5.67 acres), requested by Councilmember Mary Carolyn Roberts, applicant; various property owners.

**Staff Recommendation: Defer indefinitely.**

**The Metropolitan Planning Commission deferred indefinitely 2019Z-020PR-001. (10-0)**

**H: OTHER BUSINESS**

**31. Contract Amendment for Karimeh Sharp**

**Resolution No. RS2019-17**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Amendment for Karimeh Sharp are **approved. (10-0)**

**32. Contract Renewal for Deborah Sullivan**

**Resolution No. RS2019-18**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Renewal for Deborah Sullivan are **approved. (10-0)**

**33. Certification of Bonus Height Compliance within the DTC: 1222 Demonbreun (13<sup>th</sup> & Demonbreun) Development**

**Resolution No. RS2019-19**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Certification of Bonus Height Compliance within the DTC 1222 Demonbreun (13<sup>th</sup> & Demonbreun) Development is **approved. (10-0)**

**34. Certification of Bonus Height Compliance within the DTC: 1125 10<sup>th</sup> Avenue North (Ludlow Flats) Development**

**Resolution No. RS2019-20**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Certification of Bonus Height Compliance within the DTC 1125 10<sup>th</sup> Avenue North (Ludlow Flats) Development is **approved. (10-0)**

- 35. **Historic Zoning Commission Report**
- 36. **Board of Parks and Recreation Report**
- 37. **Executive Committee Report**
- 38. **Accept the Director's Report and Approve Administrative Items**

Resolution No. RS2019-21

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

- 39. **Legislative Update**

**I: MPC CALENDAR OF UPCOMING EVENTS**

**February 14, 2019**

MPC Meeting

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

**February 28, 2019**

MPC Meeting

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

**March 14, 2019**

MPC Meeting

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

**J: ADJOURNMENT**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary