



METROPOLITAN PLANNING COMMISSION

MINUTES

April 23, 2020
4:00 pm Regular Meeting

Meeting to be held via Teleconference

Metro Nashville Network will broadcast the April 9th meeting of Metro Planning Commission live on Comcast channel 3 and simulcast a livestream of the meeting on Nashville.gov. To locate the livestream, visit www.nashville.gov and click on the "Live Streaming" link located on the left side of the screen.

MISSION STATEMENT

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

Commissioners Present:
Greg Adkins, Chair
Jessica Farr, Vice Chair
Jeff Haynes
Ron Gobbell
Brian Tibbs
Daveisha Moore
Mina Johnson
Dr. Pearl Sims
Councilmember Kathleen Murphy

Commissioners Absent:
Lillian Blackshear

Staff Present:
Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Special Projects Manager
Kelly Adams, Admin Services Office IV
Lisa Milligan, Planning Manager II
Shawn Shepard, Planning Manager I
Greg Claxton, Planning Manager I
Anita McCaig, Planner III
Abbie Rickoff, Planner II
Jason Swaggart
Gene Burse, Planner II
Amelia Lewis, Planner II
Logan Elliott, Planner II
Patrick Napier, Planner I
Eben Cathey, Public Information Officer
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
p: (615) 862-7190; f: (615) 862-7130

SPECIAL NOTICE TO THE PUBLIC

Out of an abundance of caution, and pursuant to recommendations from federal, state and local health agencies regarding avoiding group gatherings due to the COVID-19 Coronavirus, the April 23, 2020, Planning Commission meeting will be held virtually. To protect the health and safety of our community, we strongly encourage all members of the public to view or participate online.

Planning Commission meetings are shown live on the Metro Nashville Network, Comcast channel 3, and streamed online live. In addition, meeting recordings are posted on YouTube, usually on the day after the meeting. We strongly encourage the public to view this meeting remotely. Any comments to the Commission should be mailed or emailed to the Planning Department to minimize face-to-face interactions by 3 p.m. on Tuesday, April 21. Visit <https://www.nashville.gov/Planning-Department/Meeting-Information/Virtual-Public-Comment.aspx> for the most up-to-date ways to contact the Commission. A remote station will be set up at the Metro Courthouse (1 Public Square) for anyone wishing to make comments via conference.

General Planning Commission Information Provided for Reference

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, although this location is subject to change at times. Only one meeting may be held in July, August, and 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, and [streamed online live](#). [In addition, meeting recordings are posted on YouTube](#), usually on the day after the meeting.

Writing to the Commission

Comments on any agenda item can be mailed or emailed to the Planning Department by 3 pm on the Tuesday prior to the meeting.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300

E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

For the April 23, 2020, meeting, we encourage comments remotely, by email, voicemail, or live remote participation during the meeting. Please visit our webpage on Virtual Comments to find out how:

<https://www.nashville.gov/Planning-Department/Meeting-Information/Virtual-Public-Comment.aspx>

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

Legal Notice

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



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

MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:05 p.m.

Establish that COVID-19 requires telephonic meeting as permitted under Executive Order No. 16.

Councilmember Murphy moved and Mr. Tibbs seconded the motion to establish the meeting agenda constitutes essential business of this body and that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-10 outbreak. (8-0)

B: ADOPTION OF AGENDA

Ms. Farr joined the meeting at 4:24 p.m.

Mr. Tibbs moved and Ms. Johnson seconded the motion to adopt the agenda. (9-0)

C: APPROVAL OF APRIL 9, 2020 MINUTES

Ms. Johnson moved and Ms. Moore seconded the motion to approve the April 9, 2020 Minutes. (9-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Styles spoke in favor of Items 30a and 30b.

Councilmember Gamble spoke in favor of Item 23.

Councilmember Hancock spoke in favor of deferring Item 18.

Councilmember Vercher requested deferral of Item 19 to the August 27, 2020 Planning Commission meeting.

Councilmember Porterfield requested deferral of Item 19.

E: ITEMS FOR DEFERRAL / WITHDRAWAL

1. **2020CP-000-001**
MAJOR AND COLLECTOR STREET PLAN AMENDMENT – NORTH NASHVILLE COMMUNITY PLAN
2. **2020SP-012-001**
SOLIS L & L MARKETPLACE
- 3a. **2020SP-019-001**
CROSSINGS MIXED USE DEVELOPMENT
- 3b. **84-87P-007**
THE CROSSINGS PUD (CANCELLATION)
4. **2018S-209-001**
W.E. SCOTT SUBDIVISION, RESUB PHASE 2
5. **2019S-086-001**
FINAL PLAT RESUBDIVISION OF LOT 3 AND 4 ON THE PLAT SHOWING THE DIVISION OF THE JOHN B. CROWDEN PROPERTY
6. **2020S-041-001**
TULIP GROVE SUBDIVISION
7. **2019HP-001-001**
MARATHON VILLAGE
8. **2005UD-006-043**
31st AND BELWOOD

9. **2020Z-016PR-001**
10. **2020Z-028PR-001**
11. **2020Z-029PR-001**
12. **2020Z-058PR-001**
13. **2020Z-059PR-001**
14. **247-84P-003**
SOUTH PLAZA SHOPPING CENTER (REVISION AND FINAL)
15. **2020NL-002-001**
3060 LEBANON PIKE
16. **2020CP-010-001**
GREEN HILLS – MIDTOWN COMMUNITY PLAN AMENDMENT
17. **2020Z-061PR-001**
18. **2020S-054-001**
408 FARRIS - FOUR LOT
19. **BL2020-197**
120-DAY MULTIFAMILY PERMIT MORATORIUM IN THE ANTIOCH AREA
20. **2019Z-015TX-001**

Ms. Farr moved and Councilmember Murphy seconded the motion to approve the Deferred and Withdrawn Items and to defer Item 19 to the August 27, 2020 Planning Commission meeting. (9-0)

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

F: CONSENT AGENDA ITEMS

21. **2020Z-006TX-001**
22. **2020Z-007TX-001**
23. **2020S-039-001**
PINEVIEW COTTAGES
24. **2006UD-001-002**
TWICE DAILY
25. **2020S-081-001**
WOODLAWN SUBDIVISION
26. **158-77P-006**
HICKORY HOLLOW RETAIL COMMERCIAL PUD (REVISION AND FINAL)
27. **2020HL-003-001**
2001 LEBANON PIKE

28. **2020HL-004-001**
421 CHURCH STREET

37. **Accept the Director's Report**

G: ITEMS TO BE CONSIDERED

1. **2020CP-000-001**
MAJOR AND COLLECTOR STREET PLAN AMENDMENT
NORTH NASHVILLE COMMUNITY PLAN
Council District 19 (Freddie O'Connell)
Staff Reviewer: Marty Sewell

A request to amend the Major and Collector Street Plan to classify 16th Avenue North, spanning from Charlotte Avenue northward to Jefferson Street, as a collector street, requested by Smith Gee Studios, applicant.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2020CP-000-001. (9-0)

2. **2020SP-012-001**
SOLIS L & L MARKETPLACE
Council District 24 (Kathleen Murphy)
Staff Reviewer: Amelia Lewis

A request to rezone from IR to SP zoning for a portion of property located at 384 Charlotte Pike, at the terminus of Alabama Avenue (3.05 acres), to permit 265 multi-family residential units and 20,000 square feet of office and retail space, requested by Catalyst Design Group, applicant; L & L Market Place LLC, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-012-001 to the May 14, 2020, Planning Commission meeting. (9-0)

3a. **2020SP-019-001**
CROSSINGS MIXED USE DEVELOPMENT
Council District 32 (Joy Styles)
Staff Reviewer: Amelia Lewis

A request to rezone from AR2a to SP zoning for properties located at Mt. View Road (unnumbered) and Crossings Boulevard (unnumbered) and a portion of property located at Crossings Boulevard (unnumbered), approximately 200 feet east of Hickory Hollow Parkway and within a Commercial Planned Unit Development (18.88 acres), to permit a mixed use development, requested by Catalyst Design Group LLC, applicant; V2 Capital LLC and Metro Gov't, owners (see associated case 84-87P-007).

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-019-001 to the May 14, 2020, Planning Commission meeting. (9-0)

3b. 84-87P-007

THE CROSSINGS PUD (CANCELLATION)

Council District 32 (Joy Styles)

Staff Reviewer: Amelia Lewis

A request to cancel a portion of a Commercial Planned Unit Development Overlay District for properties located at Mt. View Road (unnumbered), Crossings Boulevard (unnumbered), and a portion of property located at Crossings Boulevard (unnumbered), approximately 200 feet east of Hickory Hollow Parkway (18.88 acres), requested by Catalyst Design Group LLC, applicant; V2 Capital LLC and Metro Gov't, owners (see associated case 2020SP-019-001).

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 84-87P-007 to the May 14, 2020, Planning Commission meeting. (9-0)

4. 2018S-209-001

W.E. SCOTT SUBDIVISION, RESUB PHASE 2

Council District 03 (Jennifer Gamble)

Staff Reviewer: Latisha Birkeland

A request for final plat approval to create four lots on property located at Lowes Lane (unnumbered), at the corner of Birdwell Drive and Lowes Lane, zoned R20 (2.11 acres), requested by Dale & Associates, applicant; Be a Helping Hand Foundation, owner.

Staff Recommendation: Defer to the May 14, 2020, Metro Planning Commission meeting.

The Metropolitan Planning Commission deferred 2018S-209-001 to the May 14, 2020, Planning Commission meeting. (9-0)

5. 2019S-086-001

FINAL PLAT RESUBDIVISION OF LOT 3 AND 4 ON THE PLAT SHOWING THE DIVISION OF THE JOHN B. CROWDEN PROPERTY

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Joren Dunnivant

A request for final plat approval to create three lots on property located at 227 Marcia Avenue, approximately 50 feet northwest of Hill Circle, zoned R6 (0.91 acres), requested by Clint T. Elliott Survey, applicant; Luke Ryan and Xenia Hom, owners.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-086-001 to the May 14, 2020, Planning Commission meeting. (9-0)

6. 2020S-041-001

TULIP GROVE SUBDIVISION

Council District 11 (Larry Hagar)

Staff Reviewer: Amelia Lewis

A request for concept plan approval to create 32 single family lots and four two-family lots for a total of 36 lots for property located at Tulip Grove Road (unnumbered), at the terminus of Debbie Drive, zoned R10 (10.26 acres), requested by Civil and Environmental Engineering Services LLC, applicant; Alsisi Construction, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020S-041-001 to the May 14, 2020, Planning Commission meeting. (9-0)

7. 2019HP-001-001

MARATHON VILLAGE

BL2020-256/O'Connell

Council District 19 (Freddie O'Connell)

Staff Reviewer: Amelia Lewis

A request to apply a Historic Preservation Overlay District to various properties located along Clinton Street, from 16th Avenue North to 12th Avenue North, zoned CF, IR and SP (8.19 acres), requested by Councilmember Freddie O'Connell, applicant; various owners.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019HP-001-001 to the May 14, 2020, Planning Commission meeting. (9-0)

8. 2005UD-006-043

31st AND BELWOOD

Council District 21 (Brandon Taylor)

Staff Reviewer: Eric Hammer

A request for a modification to the 31st Avenue and Long Boulevard Urban Design Overlay District for properties located at 211, 211 B, 213, 215, and 217 31st Avenue, 2992, 2994, 2996 and 2998 Belwood Street, at the northwest corner of 31st Avenue North and Belwood Street, zoned RM40 (0.34 acres), to reduce setbacks, requested by Dale and Associates, applicant; Ross Schilling, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2005UD-006-043 to the May 14, 2020, Planning Commission meeting. (9-0)

9. 2020Z-016PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Abbie Rickoff

A request to rezone from R6-A and SP to RM15-A zoning for properties located at 865 and 869 Joseph Avenue, at the southeast corner of Joseph Avenue and Cleveland Street (0.4 acres), requested by Capital Invest, LLC, applicant; Capital Invest, LLC and Bradys Infinite Solutions, LLC, owners.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2020Z-016PR-001. (9-0)

10. 2020Z-028PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Amelia Lewis

A request to rezone from R6 to RM20-A zoning for properties located at 427A and 427 B 35th Ave N, 429 and 431 35th Ave N, at the southwest corner of Delaware Ave and 35th Ave N (0.34 acres), requested by Smith Gee Studio, applicant; Twenty Holdings, LLC, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-028PR-001 to the May 14, 2020, Planning Commission meeting. (9-0)

11. 2020Z-029PR-001

Council District 21 (Brandon Taylor)
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to RM20-A zoning for property located at 3327 Felicia Street, at the southeast corner of Felicia Street and 35th Ave N (0.14 acres), requested by Smith Gee Studio, applicant; Maria Martha Garcia, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-029PR-001 to the May 14, 2020, Planning Commission meeting. (9-0)

12. 2020Z-058PR-001

Council District 05 (Sean Parker)
Staff Reviewer: Logan Elliott

A request to rezone from SP to R6-A zoning for property located at 1001 Meridian Street, at the northeast corner of Meridian Street and Vaughn Street (0.22 acres), requested by Crye Leike, applicant; Lamont Jordan, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-058PR-001 to the May 14, 2020, Planning Commission meeting. (9-0)

13. 2020Z-059PR-001

Council District 31 (John Rutherford)
Staff Reviewer: Amelia Lewis

A request to rezone from AR2a to RM15 zoning for properties located at 5215 Blue Hole Road and Blue Hole Road (unnumbered), approximately 545 feet north of Bell Road (3.87 acres), requested by Catalyst Design Group, applicant; Michael Thomas, owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2020Z-059PR-001. (9-0)

14. 247-84P-003

SOUTH PLAZA SHOPPING CENTER (REVISION AND FINAL)

Council District 27 (Robert Nash)
Staff Reviewer: Joren Dunnavant

A request to revise a portion of a Planned Unit Development Overlay District and for a final site plan for property located at 5750 Nolensville Pike, at the northeast corner of Old Hickory Boulevard and Nolensville Pike, zoned SCR and within a Corridor Design Overlay District (0.64 acres), to permit a 3,298 square feet financial institution, requested by Kimley-Horn, applicant; Mike Outlaw, owner.

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 247-84P-003 to the May 14, 2020, Planning Commission meeting. (9-0)

15. 2020NL-002-001

3060 LEBANON PIKE

Council District 14 (Kevin Rhoten)

Staff Reviewer: Joren Dunnavant

A request to apply a Neighborhood Landmark Overlay District for property located at 3060 Lebanon Pike, at the southwest corner of Danyacrest Drive and Lebanon Pike, zoned RS15 (1.34 acres), requested by Century 21 W. Main Realty, applicant; Doug Irwin, owner.

Staff Recommendation: Defer to the May 28, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-028PR-001 to the May 14, 2020, Planning Commission meeting. (9-0)

16. 2020CP-010-001

GREEN HILLS – MIDTOWN COMMUNITY PLAN AMENDMENT

Council District 17 (Colby Sledge)

Staff Reviewer: Stephanie McCullough

A request to amend the Green Hills - Midtown Community Plan by changing from T4 Urban Neighborhood Evolving Policy and T4 Urban Neighborhood Center Policy to T4 Urban Mixed Use Corridor Policy and T4 Urban Mixed Use Neighborhood Center Policy for property located at 1100 Summit Avenue, and a portion of properties located at 1200 11th Avenue South and 1277 12th Avenue South, at the southeast corner of 14th Avenue South and Edgehill Avenue, zoned RM20 and located within a Planned Unit Development Overlay District (19.50 acres), requested by Barge Design Solutions, applicant; Edgehill Homes and MDHA, owners (see associated cases 2020SP-020-001 and 2018P-001-002).

Staff Recommendation: Defer to the June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020CP-010-001 to the June 11, 2020, Planning Commission meeting. (9-0)

17. 2020Z-061PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS5 to R6-A zoning for property located at 105 Eastmoreland Street, approximately 230 feet east of Dickerson Pike (0.17 acres), requested by Adam Myers, applicant and owner.

Staff Recommendation: Defer to the May 28, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-061PR-001 to the May 28, 2020, Planning Commission meeting. (9-0)

18. 2020S-054-001

408 FARRIS - FOUR LOT

Council District 09 (Tonya Hancock)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create four lots on property located at 408 Farris Avenue, approximately 375 feet south of Provident Pass, zoned RS10 (0.98 acres), requested by Southern Precision, applicant; Nashville Building Group LLC, owner.

Staff Recommendation: Defer to the May 28, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-054-001 to the May 28, 2020, Planning Commission meeting. (9-0)

19. BL2020-197

120-DAY MULTIFAMILY PERMIT MORATORIUM IN THE ANTIOCH AREA

Council District(s) 28 (Tanaka Vercher); 29 (Delishia Porterfield)

Staff Reviewer: Greg Claxton

An ordinance declaring a 120-day moratorium upon the issuance of building and grading permits for multi-family developments on property within portions of the Antioch area, requested by Councilmember Tanaka Vercher, applicant.

Staff Recommendation: Defer to the August 27, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred BL2020-197 to the August 27, 2020, Planning Commission meeting. (9-0)

20. 2019Z-015TX-001

BL2019-8/Roberts

Staff Reviewer: Lisa Milligan

A request for an ordinance amending Section 17.20.120 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks (Proposal No. 2019Z-015TX-001).

Staff Recommendation: Defer to the May 14, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-028PR-001 to the May 14, 2020, Planning Commission meeting. (9-0)

21. 2020Z-006TX-001

BL2020-187/Pulley and Johnston

Staff Reviewer: Lisa Milligan

A request to amend Titles 6 and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties.

Staff Recommendation: Approve amendments to Title 17.

APPLICANT REQUEST

Amend Titles 6 and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties.

HISTORY OF STRP REGULATION

In January of 2018, the Metro Council adopted BL2017-608, which established a countywide framework for the regulation of short term rental properties within Title 17, the Zoning Code. BL2017-608 created two separate uses in the zoning code: Short term rental property (STRP) – owner-occupied and short term rental property (STRP) – not owner-occupied. With adoption the Council specified which zoning districts would permit each type of STRP. The ordinance also established operational and regulatory criteria for the operation of short term rental properties, both owner and not owner-occupied.

Following adoption of BL2017-608, the State of Tennessee adopted the Short Term Rental Unit Act (The Act). The Act established parameters under which municipalities must operate in regulating short term rental properties. Additionally, The Act established that any properties permitted to operate as a short term rental prior to the adoption of municipal regulations that would otherwise restrict the use, may continue to operate so long as ownership remains constant.

The Metro Council has continued to refine the regulations pertaining to short term rental properties. BL2019-1633, adopted in August of 2019, removed not owner-occupied STRPs from the permitted use list within the RM (multi-family) zoning districts and further added operational criteria and brought the regulations into compliance with the state adopted Short Term Rental Act.

In February of 2020, the Planning Commission considered two additional proposals to amend the standards in Title 17 pertaining to STRPs. The first, BL2019-79 (2020Z-002TX-001), proposed changes to the standards governing advertisement and occupancy of owner-occupied STRPs. The Commission recommended approval of substitute ordinance. Council public hearing on that bill is currently scheduled for May 5, 2020. The second proposal, BL2019-78 (2020Z-001TX-001), proposed minimum distance requirements between not owner-occupied STRPs and

churches, schools, daycares and parks. The Commission recommended approval of a substitute ordinance which is also tracking for a May 5, 2020, public hearing at Metro Council.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend the Zoning Code as follows (new text shown underlined; deleted text shown with ~~strikethrough~~):

Delete Section 17.16.070.U and Section 17.16.250.E in their entirety.

Amend Title 17 by adding the following:

17.16.250.E – Short Term Rental Property Owner-Occupied. STRP owner-occupied is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as an STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.

1. All STRP owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.
17.16.070.U – Short Term Rental Property Not Owner-Occupied. STRP not owner-occupied is permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.
1. All STRP not owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.
2. Single-family and one and two-family zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk Regulations) for single-family or two-family uses, depending on the number of units on the property.

ANALYSIS

The current proposal would relocate a majority of the standards pertaining to operations and permitting of short term rental property uses from Title 17, Zoning to Title 6, Business Licenses and Regulations. The Zoning Code would continue to contain definitions for the two types of short term rental properties and to identify the zoning districts in which each use is permitted. No changes are proposed to the districts in which either type of short term rental property use is permitted with this proposal. No changes in eligibility for short term rental property uses would result from this bill. But rather than establish operational standards and permitting procedures for short term rental property uses within the text of Title 17, those standards would be shifted to Title 6.

The short term rental property industry is a rapidly evolving industry comprised of individual businesses. Classification of these businesses as a general use within the Zoning Code, and establishment of the zoning districts where it is appropriate for such businesses to be located, are undoubtedly land use issues best addressed in Title 17. But now that those standards have been established, and the Codes Department has gathered several years of experience in implementing those standards, it has become clear that the operational and permitting aspects of the regulations pertaining to short term rental properties are much more appropriately housed in Title 6 where they were originally codified, along with other types of regulated businesses.

This bill would also create, within Title 6, a separate short term rental property appeals board, that would hear appeals specific to short term rental property issues. Currently, because the standards are housed in Title 17, short term rental property appeals are required to be heard by the Board of Zoning Appeals (BZA). The BZA has a broad mandate to consider issues related to all standards of Title 17, including development guidelines such as height and build-to zone variances, calculations of contextual setbacks, and sidewalk requirements, among other things. The shift to Title 6 and establishment of a separate STRP appeals board will allow STRP issues to be heard by a board focused solely on this detailed and evolving area of regulatory law, easing the burden on the BZA, increasing the efficiency of appeals, and ensuring STRP matters are considered by a board with specific expertise. The Planning Commission is not charged with making recommendations to Council on proposed amendments to Title 6 of the code.

Overall, the changes proposed in this bill will reorganize the existing standards pertaining to short term rental property uses to place them in the most applicable Title of the Code of Ordinances. Land use standards, such as definition of use and districts in which it is permitted, will be appropriately housed within the Zoning Code, while business permitting and operational standards will be appropriately housed in Title 6. The Planning Commission is specifically charged with making recommendations to Metro Council on land use issues, based on the vision for the community established in NashvilleNext. As the proposed amendments to Title 17 do not alter the standards defining short term rental property as a land use, and will shift operational and administrative regulations to a more appropriate Title, staff recommends approval of the amendments to Title 17.

Zoning Administrator Recommendation

The Zoning Administrator strongly supports and encourages the Commission's recommendation of this legislation.

Fiscal Impact Recommendation

The Metro Codes Department will coordinate creation of the short term rental appeals board established by the proposed changes to Title 6 of the Code of Ordinances. The board will be comprised of volunteers and Codes already has staff and meeting spaces available to accommodate the new board. The Codes Department anticipates the proposed amendment to be revenue neutral.

Bill BL2019-78

An ordinance to amend Titles 6 and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties (Proposal No. 2020Z-006TX-001).

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals; and

WHEREAS, to further this goal, the appellate procedures in Nashville's Short Term Rental Property ordinance should be transferred from Title 17 to Title 6 and reorganized for greater clarity.

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

Section 1. That Title 17 of the Metropolitan Code is hereby amended by deleting Sections 17.16.070.U and Section 17.16.250.E in their entirety.

Section 2. That Title 17 of the Metropolitan Code is hereby amended by adding the following:

17.16.250.E – Short Term Rental Property Owner-Occupied. STRP owner-occupied is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as an STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.

1. All STRP owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.

17.16.070.U – Short Term Rental Property Not Owner-Occupied. STRP not owner-occupied is permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

1. All STRP not owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.

2. Single-family and one and two-family zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk Regulations) for single-family or two-family uses, depending on the number of units on the property.

Section 3. That Title 6 of the Metropolitan Code is hereby amended by adding the following:

6.28.030 – Short Term Rental Property Permit

A. "Short term rental property (STRP)—Owner-occupied" means an owner-occupied residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

1. STRP owner-occupied is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as an STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.

2. Requirements and restrictions.

- a. No person or entity shall operate an STRP or advertise a residential property for use as an STRP without the owner of the property first having obtained an STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.
- b. Any advertising or description of an STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.
- c. To qualify for an STRP—owner-occupied permit, the owner of the property shall permanently reside in the STRP or, for conforming uses in single-family and one and two-family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.
- d. Only one permit shall be issued per lot in single-family and two-family zoning districts.
- e. Ownership of two-family dwellings.
 - i The property ownership of the two-family units cannot be divided.
 - ii The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
 - iii Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP—Owner-occupied permit is valid.
- f. Notwithstanding any provision herein to the contrary, any residential dwelling created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq. shall not be limited or otherwise restricted by subsections (d) or (e) of this section if a permit was issued on or before July 1, 2019.

3. Application.

- a. STRP permit applications shall be valid for 90 calendar days from the date filed and shall expire if the application process has not been completed within that time.
- b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:
 - i The name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) residing or located within 25 miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - ii Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.
 - iii Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
 - iv For owners applying for an owner-occupied permit, two documents giving proof of owner-occupation shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for short term rental. Acceptable documentation includes: (a) Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); (e) current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or (i) a bank statement.
 - v A statement that the applicant has confirmed that operating the proposed STRP would not violate any homeowners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants,

easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.

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

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

5. Regulations.

a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

i In all sleeping areas.

ii In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

iii In each story within the sleeping unit, including basements.

c. Parking shall be provided as required by Section 17.20.030 of the Metropolitan Code. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

d. No food shall be prepared for or served to the transient by the permit holder.

e. The principal renter of an STRP unit shall be at least 21 years of age.

f. Maximum occupancy. The maximum number of occupants permitted on an STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising an STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.

g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of an STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.

h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls 24 hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.

i. Expiration and renewal of permit.

i An STRP permit shall expire 365 days after it is issued unless it is renewed prior to its expiration.

ii For STRP units that have received no documented complaints to metro codes, police, or public works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the metro codes department. All such renewal applications shall include:

(1) The payment of a renewal fee set by the zoning administrator; and

(2) A statement verified by affidavit that:

(a) Includes all of the information required in an application under Section 6.28.030.A.3; and

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

iii For an STRP that has received no documented complaints to metro codes, police, or public works during the most recent permit period, a 30 calendar day grace period for renewal after the expiration of the STRP permit may be

allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.

iv For an STRP with documented complaints to metro codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The renewal application shall be submitted with a statement verified by affidavit that includes all of the information required in an application under Section 6.28.030.A.3.

j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

k. An STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate an STRP on the property.

I. Denial or Revocation of Permit.

i Upon the filing of a complaint regarding an STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. § 39-16-702.

ii If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate an STRP may be revoked if no appeal rights remain.

iii Before revoking any permit, the department of codes administration shall give the permit holder 15 days written notice of the alleged violation(s) against him/her.

iv Any denial or revocation of an STRP permit may be appealed to the Short Term Rental Appeals Board pursuant to Section 6.28.035.B of the Metropolitan Code.

v Once an STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

vi The penalty for operating a short term rental property without a permit shall be:

(1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

(2) Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having obtained a permit, there shall be a waiting period of one year from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit. Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six months from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit.

(3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for an STRP permit.

B. "Short term rental property (STRP)—Not owner-occupied" means a residential dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

1. STRP not owner-occupied is permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

2. Requirements and restrictions.

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

b. Any advertising or description of an STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.

c. In single-family and one and two-family zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk Regulations) for single-family or two-family uses, depending on the number of units on the property.

3. Application.

a. STRP permit applications shall be valid for 90 calendar days from the date filed and shall expire if the application process has not been completed within that time.

b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:

i The name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) residing or located within 25 miles of the STRP that is responsible for addressing all maintenance and safety concerns;

ii Proof of insurance evidencing homeowner’s fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.

iii Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.

iv A statement that the applicant has confirmed that operating the proposed STRP would not violate any homeowners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.

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

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

5. Regulations.

a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

i In all sleeping areas.

ii In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

iii In each story within the sleeping unit, including basements.

c. Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

d. No food shall be prepared for or served to the transient by the permit holder.

e. The principal renter of an STRP unit shall be at least 21 years of age.

f. Maximum occupancy. The maximum number of occupants permitted on an STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising an STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.

g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of an STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.

h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls 24 hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.

i. Expiration and renewal of permit.

i An STRP permit shall expire 365 days after it is issued unless it is renewed prior to its expiration.

ii For STRP units that have received no documented complaints to Metro Codes, police, or public works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the metro codes department. All such renewal applications shall include a statement verified by affidavit that:

(1) includes all of the information required in an application under Section 6.28.030.B.3; and

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

iii For an STRP that has received no documented complaints to Metro Codes, police, or public works during the most recent permit period, a 30 calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.

iv For an STRP with documented complaints to Metro Codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The renewal application shall be submitted with a statement verified by affidavit that includes all of the information required in an application under Section 6.28.030.B.3.

j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

k. An STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate an STRP on the property.

l. Denial or Revocation of Permit.

i Upon the filing of a complaint regarding an STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. § 39-16-702.

ii If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate an STRP may be revoked if no appeal rights remain.

iii Before revoking any permit, the department of codes administration shall give the permit holder 15 days written notice of the alleged violation(s) against him/her.

iv Any denial or revocation of an STRP permit may be appealed to the Short Term Rental Appeals Board as an administrative appeal pursuant to Section 6.28.035.B. of the Metropolitan Code.

v Once an STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year from the date of the revocation.

vi The penalty for operating a short term rental property without a permit shall be:

(1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

(2) Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having obtained a permit, there shall be a waiting period of one year from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit. Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six months from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit.

(3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for an STRP permit.

Section 4. That Title 6 of the Metropolitan Code is hereby amended by adding the following:
6.28.035 – Short Term Rental Appeals Board

A. A short term rental (STR) appeal board is created and designated the metropolitan short term rental appeals board.

B. The board shall be staffed by the Department of Codes Administration and shall hear and decide appeals from decisions made by the zoning administrator regarding STR permits whereby it is alleged in writing that the zoning administrator is in error or acted arbitrarily. The board shall have jurisdiction to uphold, reverse, or modify in whole or in part the zoning administrator's decision regarding permit issuance or revocation for all permits eligible for review.

C. The board shall consist of seven members. One member of the seven shall be a member of the Metropolitan Council and shall be selected by that body from its membership to serve as a member of the board for a term of two years. The remaining six members shall be appointed by the mayor and confirmed by a majority vote of the Metropolitan Council and shall each serve terms of four years or until their successors are appointed. Of the remaining six members at least one shall be an attorney.

D. Of the six members first appointed, two shall serve for a term of two years, two for a term of three years, and two for a term of four years.

E. Board members shall annually elect a chair and a vice-chair from among their membership. The vice-chair is authorized to act in the place of the chair and in the same capacity as the chair when the chair is unavailable.

F. The board shall hold regular meetings each month at a time fixed by the board and may hold such special meetings as may be necessary.

G. The attendance of four members of the board shall be required to constitute a quorum for the purpose of transacting business. The concurring vote of at least a majority of those members present at the meeting shall be necessary to uphold, reverse, or modify in whole or in part the decision of the zoning administrator.

H. The board shall promulgate such bylaws, rules and/or regulations not inconsistent with state law, the Metropolitan Charter, or any ordinance as it deems appropriate, for the filing and pursuit of appeals under this chapter (including appropriate limitations periods), for the course of hearings held before them, and for the conducting of its business generally.

Section 5. This Ordinance shall take effect from and after its final passage, and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s)

Russ Pulley, Courtney Johnston

Approve amendments to Title 17. Consent Agenda. (6-0)

Resolution No. RS2020-96

"BE IT RESOLVED by The Metropolitan Planning Commission that the amendments to Title 17 proposed by 2019Z-006TX-001 are approved. (6-0)

22. 2020Z-007TX-001

BL2020-188/Henderson
Staff Reviewer: Lisa Milligan

A request for an ordinance amending Metropolitan Code Chapters 15.64 and 17.20 to require all driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights of way (Proposal No. 2020Z-007TX-001).

Staff Recommendation: Approve amendments to Title 17.

APPLICANT REQUEST

Amend Metropolitan Code Chapters 15.64 and 17.20 to require all driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights of way.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Subsection 17.20.060.G of the Zoning Code by adding the following language to the end (new text shown in underline):

All private driveways and parking areas shall also conform to the requirements of Section 15.64.132.

ANALYSIS

Chapter 15.64 of the Metropolitan Code of Ordinances establishes the standards for stormwater management. The proposed bill would add two new subsections to Chapter 15.64. The first requires that all driveways have an apron paved with a hard surface from the edge of street pavement to the edge of the right-of-way. The second prohibits gravel placed on private property, including as a surface material for driveways, from washing or encroaching into the public right-of-way. The bill also proposes to amend subsection 17.20.060.G of the Zoning Code, which establishes pavement and marking requirements for parking areas. The proposed amendment would require that all private driveways and parking areas conform to the new requirements for paved aprons and prohibition of gravel runoff established in Chapter 15.64.

The Planning Commission does not make recommendations regarding Title 15 of the Metropolitan Code of Ordinances, so the Commission’s review is limited to the proposed changes to Title 17, the Zoning Code. Gravel that washes into public rights-of-way from storms or general use of driveways and parking areas can pose a hazard to pedestrians and cyclists. The proposed amendments are intended to improve pedestrian and cyclist safety, consistent with goals established in NashvilleNext, by introducing standards that would minimize the runoff of gravel into the street or onto the sidewalk from driveways and parking areas on private property.

As the proposed amendment to Title 17 would enhance pedestrian safety and improve the public realm, consistent with goals established in NashvilleNext, staff recommends approval of the amendments to Title 17..

Zoning Administrator Recommendation

No exception taken.

Fiscal Impact Recommendation

The Metro Codes Department will implement this section of the Zoning Code at the time of building permit review as is their current enforcement practice, and building permits will continue to be referred to Stormwater for drainage control review consistent with the standards of Chapter 15.64. The Codes Department anticipates the proposed amendment to be revenue neutral.

Bill BL2020-188

An ordinance amending Metropolitan Code Chapters 15.64 and 17.20 to require all driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights of way (Proposal No. 2020Z-007TX-001).

WHEREAS, gravel washing into the public rights-of-way from rainstorms and general use, onto streets, bike lanes, and sidewalks, presents a hazard to pedestrians and cyclists; and

WHEREAS, The Metropolitan Government of Nashville & Davidson County currently does not have regulations in place to prevent gravel runoff or hold those property owners creating this runoff accountable.

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

Section 1. That Metropolitan Code Chapter 15.64 is hereby amended by creating new sections 15.64.132 and 15.64.133 as follows:

15.64.132 – Driveway Aprons Required.

All driveways shall have an apron to be paved with a hard surface from the edge of street pavement to the edge of the right-of-way or 10 feet, whichever is greater. The design and construction of this required apron shall not impede any drainage way.

15.64.133 – Gravel Runoff.

No gravel placed on private property, including as surfacing material for a driveway, shall be allowed to wash or encroach into the public rights-of-way.

Section 2. That Metropolitan Code Subsection 17.20.060.G is hereby amended by adding the following language to the end:

All private driveways and parking areas shall also conform to the requirements of Section 15.64.132.

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

Sponsor(s) Angie Henderson

Approve amendments to Title 17. Consent Agenda. (9-0)

Resolution No. RS2020-97

“BE IT RESOLVED by The Metropolitan Planning Commission that the amendments to Title 17 proposed 2019Z-007TX-001 are approved. (9-0)

23. 2020S-039-001

PINEVIEW COTTAGES

Council District 03 (Jennifer Gamble)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 42 lots on a portion of property located at Dickerson Pike (unnumbered), at the current terminus of Tuckahoe Drive, zoned R10 (12 acres), requested by Dale & Associates, applicant; Daniel R. Zumwalt, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 42 cluster lots.

Concept Plan

A request for concept plan approval to create 42 lots on a portion of property located at Dickerson Pike (unnumbered), at the current terminus of Tuckahoe Drive, zoned One and Two-Family Residential (R10) (12 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 52 lots with 13 duplex lots for a total of 65 units.*

Community Character Manual Policy

The site is within the Suburban Neighborhood Evolving (T3 NE) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

PLAN DETAILS

The 12 acre site is a portion of a lot and is located at the terminus of Pineview Drive, Tuckahoe Drive, and Bellshire Terrace Drive. The plan proposes 42 single-family residential cluster lots on an extension of three separate public roads and proposes these roads to be built to current Metro Public Works standards. The lots are proposed to range from a minimum of 6,000 square feet to a maximum of 6,686 square feet. A creek exists at the west boundary of the site and the plan proposes to conserve the existing conditions adjacent to the stream. The plan also proposes the required open space and stormwater management facilities to be located on the western portion of the property near

the stream and outside the required stream and floodway buffers. The applicant is providing a 20 foot landscape buffer on the northern property boundary to buffer the development from the existing subdivision to the north as required when utilizing the cluster lot option. The plan identifies area for a Greenway Conservation Easement in accordance with a planned Metro greenway along

the North Fork Ewing Creek. Also, the concept plan proposes a trail from the extension of Bellshire Terrace Drive to the future greenway.

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 residential zoning districts. To promote creative designs, cluster lots are allowed to contain less than area than what is required by the base zoning district. The minimum lot area within a cluster subdivision can be reduced down two smaller base zone districts. The proposed concept plan provides the required open space and is proposing to preserve the natural features of the site.

This concept plan includes 42 cluster lots under the R6 zoning, two reductions from the underlying R10 zoning. In cluster lot subdivisions, a minimum of 15% of the development must be set aside as open space. This development includes 8.4 acres of common open space which is 31% of the site gross acreage. The plan meets the requirements of the Subdivision Regulations and Zoning Code for a cluster lot subdivision.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Approved fire apparatus turnaround shall be provided for any dead-end (permanent or temp) access road exceeding 150 feet in length.
- Fire apparatus access roads shall be provided and maintained in accordance with the adopted fire code and standards.
- Except as approved by the fire code official; fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Fire apparatus access roads shall have a minimum unobstructed width of 20 feet. where a fire hydrant is located on a fire apparatus access road the minimum width in the vicinity of the hydrant shall be 26 feet.
- Buildings over 30 feet in height shall meet fire department aerial apparatus access requirements.
- Dead end fire apparatus access roads in excess of 150 feet shall be provided with an approved fire apparatus turnaround.
- All points of the building shall be within 500 feet of a fire hydrant when measured via approved fire apparatus access route.
- All buildings and/or developments are required to meet the fire-flow requirements listed in the adopted code prior to construction.
- Fire department connections for standpipe/sprinkler system shall be within 100 feet of the fire hydrant via approved access route.
- Developments of one- or two-family dwelling units where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- Buildings exceeding 30 feet in height or 62,000 square feet in area (124,000 fully sprinklered) shall be provided with two separate and approved fire apparatus access roads.
- Where two separate and approved fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. the Fire Marshal may approve variations to this requirement in the event remoteness cannot be accomplished.
- The maximum grade for fire apparatus access roads shall not exceed 10% without approval from the fire code official.
- Gates across fire apparatus access roads shall comply with adopted code and standards.
- Approval of a preliminary or final site plan is not an approval for building construction. full and complete review of building plans is required prior to approval for construction and may require changes to the site.

PUBLIC WORKS RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Add Buffer Note to plans:
(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Due to the narrow road section of Tuckahoe Dr. on the north side of Bellshire Dr., Developer shall install a NB left /thru lane and a separate Right turn lane on Tuckahoe Dr. with a minimum of 100 ft of storage for both lanes and align travel lanes with SB travel lanes on Tuckahoe Dr.
- Signage plan for new subdivision road may be required with road construction plans.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. All Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid prior to Final Site Plan/SP approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. The 20 foot landscape buffer shown adjacent to the northern property boundary shall be consistent with a "C" standard as identified in the Metro Zoning Code.
2. General Concept Note 15 shall be removed from the cover sheet.
3. At the intersection of Tuckahoe Drive & Bellshire Drive, the applicant agrees to construct a three lane section for the eastbound approach of Tuckahoe Drive. The section shall consist of one entering lane and two exiting lanes (separate right and left hand turns) with a minimum of 100' of vehicle storage.
4. Where right of way is available, the applicant is to install 200' of offsite sidewalk in the area of the offsite roadway improvements.
5. 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.

Approve with conditions. Consent Agenda. (9-0)

Resolution No. RS2020-98

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-039-001 is approved with conditions. (9-0)

CONDITIONS

1. The 20 foot landscape buffer shown adjacent to the northern property boundary shall be consistent with a "C" standard as identified in the Metro Zoning Code.
2. General Concept Note 15 shall be removed from the cover sheet.
3. At the intersection of Tuckahoe Drive & Bellshire Drive, the applicant agrees to construct a three lane section for the eastbound approach of Tuckahoe Drive. The section shall consist of one entering lane and two exiting lanes (separate right and left hand turns) with a minimum of 100' of vehicle storage.
4. Where right of way is available, the applicant is to install 200' of offsite sidewalk in the area of the offsite roadway improvements.
5. 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.

24. 2006UD-001-002

TWICE DAILY

Council District 34 (Angie Henderson)

Staff Reviewer: Eric Hammer

A request to modify standards of the Metro Brentwood Town Center Urban Design Overlay District for properties located 799 Old Hickory Boulevard, 8000 Brooks Chapel Road and Old Hickory Boulevard (unnumbered), at the northeast corner of Brooks Chapel Road and Wilson Pike Circle, zoned CS and MUL (1.49 acres), for a convenience store, requested by Goodwyn, Mills, Cawood, applicant; Kimbro Brothers Equities, owner.

Staff Recommendation: Approve the modifications with conditions.

APPLICANT REQUEST

Modification to standards of the Metro Brentwood Town Center Urban Design Overlay.

UDO Major Modification

A request to modify standards of the Metro Brentwood Town Center Urban Design Overlay District for properties located 799 Old Hickory Boulevard, 8000 Brooks Chapel Road and Old Hickory Boulevard (unnumbered), at the northeast corner of Brooks Chapel Road and Wilson Pike Circle, zoned CS and MUL (1.49 acres), for a convenience store.

Existing Zoning

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

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

Metro Brentwood Town Center Urban Design Overlay (UDO) is intended to create a compact and economically viable and vibrant mixed-use development pattern that reinforces and respects the public realm. It further envisioned that the area will seamlessly develop with the Brentwood C-4 district and complement future development within the Brentwood Town Center.

SOUTHEAST COMMUNITY PLAN

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

PLAN DETAILS

The applicant is proposing a 4,000 square foot convenience store with a fuel canopy to replace the existing dated convenience store with two fuel canopies and a one-story strip commercial building. The project is meeting the Major and Collector Street Plan (MCSP) and UDO sidewalk standards and adding additional landscaping to the site. There is approximately 12 feet of grade change from the intersection at Wilson Pike Circle and Brooks Chapel Road to the building. Currently vehicular access is provided on Old Hickory Blvd, two points on Wilson Pike Circle, and on Brooks Chapel Road. The applicant is proposing to remove one access from Wilson Pike Circle and narrow the other access from 117 feet to approximately 35 feet.

ANALYSIS

The applicant is seeking modifications to the build-to line, the two-story minimum building height, the parking location, the building width and the glazing standards of the Metro Brentwood Town Center UDO.

Build-to Line

The UDO requires that buildings be built between 3 feet to 12 feet from the back of the public sidewalk along all street frontages. The building is located central to the site so that the proposed drive thru can operate efficiently and safely. The applicant explored options with staff to move the building closer to Wilson Pike Circle, but those options didn't allow for circulation around the site and access to the drive thru. The building is located approximately 100 feet back from Brooks Chapel Road since there is an access drive off Brooks Chapel that needs to navigate 12 feet of grade change to get up to the building. The applicant is providing substantial landscaping and retaining walls along Wilson Pike Circle and Brooks Chapel Road. They are also preserving a 24" oak tree at that corner.

Minimum Building Height

The UDO requires two-story minimum building height and the applicant is proposing a single story building. Since the proposed use is a convenience store that use does not necessitate two stories. The building is proposed to be approximately 18 feet tall with a 22 foot tower element. Due to the grade change along the site, the building will appear taller from the street. The site sections below detail the landscaping and grade change.

Parking Location

The UDO requires that parking be located to the sides and rear only. A single loaded aisle of parking is proposed along Wilson Pike Circle. The applicant explored with staff moving the parking to the other side of the building, but that didn't allow for necessary circulation around the site. Due to the grade change along the sidewalk the parking is located above the sidewalk level and screened with landscaping and a retaining wall.

Minimum Building Width

The UDO requires that the standard width of buildings at the designated frontage be a minimum of 60% of the lot width with a minimum required building width of 25 feet. The building is proposed to be 60 feet wide along the Wilson Pike Circle frontage. It is not meeting the 60% standard due to the approximately 330 foot length of that frontage, but it is meeting the minimum required building width of 25 feet.

Glazing

The UDO requires 40% glazing along all public street frontages. The applicant is proposing 40% glazing along Old Hickory Blvd but is not meeting the standard along Wilson Pike Circle or Brooks Chapel Road. The applicant has necessary back of house and cooler functions that need to be located in the building. Since the drive-thru is located on the non-street facing façade the location of those functions needed to be along these frontages. The applicant is proposing building articulation to break up the façade on both street frontages and spandrel glass along Wilson Pike Circle.

While the applicant is not meeting all the requirements of the UDO, they are improving the current conditions and meeting the goal of the UDO to create a more pedestrian friendly environment. They are providing 10% minimum greenspace, adding sidewalks and street trees along Wilson Pike Circle and Brooks Chapel Road where they are currently not present, improving the sidewalk corridor along Old Hickory Blvd, and reducing the vehicular access points. The building is proposed to be brick and meet all the material standards of the UDO. The applicant is removing one of the fuel canopies and replacing the other canopy with one that has a mansard roof and brick columns. While this is an improvement to the fuel canopy, staff still feels that the current design with the yellow band is not in keeping with the UDO and is requesting that they continue to work with staff on the design of that during the Final Site Plan application.

Since one of the goals of the UDO is to create a development pattern that provides a cohesive experience between Brentwood zoning and Nashville zoning, staff reached out to the City of Brentwood Planning and Codes Department for their input on the project. They reviewed the project and the Planning and Codes Director provided us with a letter, as shown below:

Jeff Dobson
PLANNING AND CODES DIRECTOR

Tim Harrington
BUILDING CODES OFFICIAL



Todd Petrowski
SENIOR CITY PLANNER

Allison Henry
CITY PLANNER

BRENTWOOD PLANNING AND CODES

Via Electronic mail – jessica.buechler@nashville.gov

April 8, 2020

Ms. Jessica Buechler, AICP
Community Design
Metropolitan Nashville Planning Department
800 2nd Ave. South
Nashville, TN 37210

RE: TWICE DAILY'S CONVENIENCE STORE NO. 6615 -- WILSON PIKE CIRCLE AND OLD HICKORY BOULEVARD

Dear Ms. Buechler:

Thank you for providing staff with the City of Brentwood Planning and Codes Department the opportunity to review the above referenced plan.

As you are aware the subject property is zoned Commercial Services (CS), Mixed Use Limited (MUL) with an Urban Design Overlay (Metro/Brentwood Town Center District). Three properties are included as part of the proposal, which will be combined to create a unified development. The existing convenience store and the two fuel canopies will be demolished. A new convenience store, having an area of 4,000 square feet and one fuel canopy adjacent to Old Hickory Boulevard will be constructed on the site. The building located at the intersection of Wilson Pike Circle and Old Brooks Road will also be demolished to accommodate the redevelopment.

The applicant is requesting consideration of modification of four aspects of the technical requirements of the UDO. The proposed modifications include;

1. Modification of the required building height to allow a single-story building, having a height of 17' 7", which will include a tower element having a height of 21' 9". The grade of the site will allow the building to appear taller when viewed from the south.
2. A modification of the "build to" line so that the drive thru can operate efficiently and safely
3. Vehicle parking would be provided on the sides and rear of the building to allow parking between the building and fuel canopy and parking along Wilson Pike Circle. The parking area along Wilson Pike Circle will be screened with landscaping.
4. A reduction is proposed in the percentage of the building frontage requirement, allowing the building to be less than 60% of the frontage, due to the length of the western property line, which is approximately 330'.

Although the proposal does not meet all of the requirements for the Metro/Brentwood Town Center District overlay, overall, the City of Brentwood Planning and Codes Department staff feels that the proposed plan is an improvement to the site and the surrounding area. For the following reasons;

1. The plan provides the minimum green space requirement of 10%;
2. Sidewalks being 13 feet wide are provide along Wilson Pike Circle, Old Brooks Road and Old Hickory Boulevard, in an area where sidewalks are not presently provided;
3. Street trees are provided along Wilson Pike Circle and Old Hickory Boulevard, and
4. The width of the access to Wilson Pike Circle is reduced from approximately 117 feet to approximately 35 feet.

Brentwood Planning and Codes Department staff would like to request that the following additional considerations be applied to the approval of the plan.

1. Extend the sidewalk to the easterly property line along Old Brooks Road, east of the proposed drive;
2. Provide a mid-block pedestrian crossing to facilitate access to the Post Office;
3. Apply the standards of Chapter 78-420(f) of the Brentwood Municipal Code regarding the design of the wall signs, specifically that wall signs be "mounted flat against a wall and installed in locations that do not detract from the design and appearance of the building. Internally illuminated or back-lighted signage shall be permitted only through the use of individual letters or characters mounted directly against the building. "raceway" signs, in which letters or characters are mounted on a channel box containing wiring, transformers and/or other electrical components, shall be prohibited. External lighting for signs shall only be permitted through the use of gooseneck or other decorative lighting fixtures", and
4. Lower the proposed wall sign on the front building elevation so that it is below the apparent roof line.

Again, thank you for allowing Brentwood staff to opportunity to review the proposed redevelopment plan.

Should you have any questions or require additional information, please feel free to contact me by electronic mail – jeff.dobson@brentwoodtn.gov or by telephone at 615.371.2204.

Sincerely,

Jeff Dobson

Jeff Dobson
Planning and Codes Director

They have noted that they feel the project is an improvement to the site and surrounding area for the reasons listed above. They requested that the following considerations be applied to the approval of the plan:

1. Extend the sidewalk to the easterly property line along Old Brooks Road (Brooks Chapel Road), east of the proposed drive;
2. Provide a mid-block pedestrian crossing to facilitate access to the Post Office;
3. Apply the standards of Chapter 78-420(f) of the Brentwood Municipal Code regarding the design of wall signs, specifically that wall signs "be mounted flat against a wall and installed in locations that do not detract from the design and appearance of the building. Internally illuminated or back-lighted signage shall be permitted only through the use of individual letters or characters mounted directly against the building. "raceway" signs, in which letters or characters are mounted on a channel box containing wiring, transformers and/or other electrical components, shall be prohibited. External lightings for signs shall only be permitted through the use of gooseneck or other decorative lighting fixtures", and;
4. Lower the proposed wall sign on the front building elevation so that it is below the apparent roof line.

The first and second considerations were already addressed by the applicant in the latest plans. Signage is typically not reviewed during this stage of the process unless the applicant is requesting a modification and staff is putting on a

condition of approval that it will be reviewed for compliance with the UDO later. The UDO provides standards in regards to placement of signage that is consistent with the considerations noted above, as the plans indicate that signs facing Brentwood are not proposed in conflict with this statute. The UDO does not provide standards in regards to illumination and staff feels that the illumination considerations noted above are appropriate as conditions of approval since they are in keeping with the intent of the UDO to create a cohesive experience between Brentwood zoning and Nashville zoning.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes. Provide current fire hydrant flow test prior to construction.

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with regulations set at the time of final submittal.

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.
- Add note there shall be no vertical obstructions (poles, guys, signs, etc.) within the designated sidewalk area.
- Show relocation of signage along Wilson Pike Circle if needing relocation out of sidewalk.
- Install ADA compliant ramp for ped crossing at the intersection of Wilson Pike Circle and Old Hickory Blvd

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Site plan was not received. A TIS will be required prior to redevelopment to identify appropriate access locations and road improvements.

STAFF RECOMMENDATION

Staff recommends approval of the request to modify the build-to line, the two-story minimum building height, the parking location, the building width and the glazing standards of the Metro Brentwood Town Center UDO with conditions.

CONDITIONS

1. The applicant will continue to work with staff on the design of the fuel canopy.
2. Signage shall be reviewed for compliance with the UDO during the final site plan.
3. Signage shall comply with considerations noted by the Brentwood Planning and Codes Department only for signage facing Brentwood.
4. Provide a mid-block pedestrian crossing to facilitate access to the Post Office.

Approve the modifications with conditions. Consent Agenda. (9-0)

Resolution No. RS2020-99

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006UD-001-002 is approved with conditions. (9-0)

CONDITIONS

1. The applicant will continue to work with staff on the design of the fuel canopy.
2. Signage shall be reviewed for compliance with the UDO during the final site plan.
3. Signage shall comply with considerations noted by the Brentwood Planning and Codes Department only for signage facing Brentwood.
4. Provide a mid-block pedestrian crossing to facilitate access to the Post Office.

25. 2020S-081-001

WOODLAWN SUBDIVISION

Council District 24 (Kathleen Murphy)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to create four lots on properties located at 3700 Woodlawn Drive and Woodlawn Drive (unnumbered), approximately 740 feet west of Bowling Avenue, zoned RS20 (3.56 acres), requested by Ragan-Smith Associates, Inc, applicant; Volunteer Builders, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create four lots.

Final Plat

A request for final plat approval to create four lots on properties located at 3700 Woodlawn Drive and Woodlawn Drive (unnumbered), approximately 740 feet west of Bowling Avenue, zoned Single-Family Residential (RS20) (3.56 acres).

Existing Zoning

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

Community Character Manual Policy

The site is within the Suburban Neighborhood Maintenance (T3 NM) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For T3 NM, the conventional regulations found in Chapter 3 are utilized.

HISTORY

At the May 10, 2018, Metro Planning Commission meeting, the MPC disapproved case 2018S-046-001, a concept plan with 5 lots and a new public street at this site (map 117-01, parcels 006 and 009) following Staff's recommendation of disapproval, as the proposed subdivision did not meet the compatibility criteria for infill subdivisions and not all agencies had recommended approval. Following the MPC's disapproval, a new concept plan (case 2018S-117-001) with 4 lots and a new public street was proposed at parcel 009, the larger of the two parcels previously proposed for subdivision. Case 2018S-117-001 was initially disapproved by the MPC at its September 13, 2018 meeting, following Staff's recommendation of approval with conditions; it was later approved by the MPC on June 27, 2019, following a court order to grant approval. The concept plan approval for case 2018S-117-001 remains in effect.

The currently proposed subdivision for consideration (case 2020S-081-001) is a final plat with 4 lots located on parcels 006 and 009.

PLAN DETAILS

This request is for final plat approval to create four lots on approximately 3.56 acres located on the north side of Woodlawn Drive, mid-block between Wilson boulevard to the west and Bowling Avenue to the east. The site includes two existing parcels: one larger parcel (009) and one smaller parcel (006), and is located opposite of Lynbrook Road to the south.

The site contains an existing residence. The proposed plat would create 4 lots as follows:

- Lot 1: 42,500 SF (0.98 acres) and 102.23 feet of frontage
- Lot 2: 38,004 SF (0.87 acres) and 102.22 feet of frontage
- Lot 3: 38,002 SF (0.87 acres) and 102.22 feet of frontage
- Lot 4: 36,478 SF (0.84 acres) and 102.23 feet of frontage

All lots would be accessed from Woodlawn Drive via shared access easements which have been identified between Lots 1 and 2, and Lots 3 and 4.

ANALYSIS

Section 3-5.2 of the Subdivision Regulations establishes criteria for reviewing infill subdivisions and for determining their compatibility in Neighborhood Maintenance policies.

Zoning Code

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

Street Frontage

All proposed lots have frontage on a public street.

Community Character

Section 3-5.2.d of the Subdivision Regulations requires that newly created lots in areas that are previously subdivided and predominately developed must be comparable to the surrounding lots in regards to frontage, area, setback, and orientation. For the purposes of this analysis, "surrounding parcels" is defined by the Subdivision Regulations as the five R, RS, AR2A, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less.

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

Along Woodlawn Drive, all of the proposed lots must have frontage at least equal to approximately 116.45 feet. Lots 1, 2, 3, and 4 have either 102.22 or 102.23 feet of frontage and do not meet compatibility requirements for frontage.

Lot Frontage	Proposed Frontage	Minimum Frontage	70% Average
Lot 1	102.23 feet	84.65 feet	116.45 feet
Lot 2	102.22 feet		
Lot 3	102.22 feet		
Lot 4	102.23 feet		

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

Along Woodlawn Drive, all of the proposed lots must be equal to or greater than approximately 36,476 square feet (0.84 acres). The proposed lot sizes range from a minimum of approximately 36,478 square feet (0.84 acres) to a maximum of approximately 42,500 square feet (0.98 acres). All proposed lots meet compatibility requirements for area.

Lot Size	Proposed Size	Minimum Size	70% Average
Lot 1	42,500 SF	19,602 SF	36,476 SF
Lot 2	38,004 SF		
Lot 3	38,002 SF		
Lot 4	36,478 SF		

3. Street setbacks: Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback.

Future structures on the proposed lots would have to comply with setbacks as established by the Metro Zoning Code.

4. Lot orientation: Orientation of the proposed lots shall be consistent with the surrounding parcels.

Orientation of Lots 1, 2, 3, and 4 is consistent with the surrounding parcels.

Community Character Summary

Based on the Subdivision Regulation’s definition of surrounding parcels, the proposed lots do not meet the minimum frontage requirements of the surrounding lots. Lots 1, 2, 3, and 4 contain frontages of 102.22 or 102.23 feet, approximately 14 feet less than the 116.45 feet that is required.

Planning Commission Consideration – Harmonious Development

Section 3-5.2.f states that if a proposed subdivision meets all required standards except for the compatibility requirement, the Planning Commission may consider whether the subdivision can provide for the harmonious development of the community. In doing so, the Planning Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may also place reasonable conditions on the development of the subdivision. Below is information that the Planning Commission may want to consider in making the determination as to whether the subdivision provides for harmonious development.

Development Pattern

The Woodlawn Drive block face is unique in that it contains a consistent lot pattern with predominantly larger lots that have generally remained intact, as compared to surrounding blocks that have developed with smaller lots. Generally, the larger parcels are concentrated mid-block, with the smaller parcels located closer to Wilson Boulevard and Bowling Avenue.

Geographic, Topographic, and Environmental Factors

Staff has found no relevant geographic, topographic, or environmental features on this site.

Other Relevant Information: Consideration of Approved Concept Plan

As mentioned earlier in this report, there is an approved concept plan at this site. The approved plan (case 2018S-117-001) includes four lots and a new public street. The approved plan is located on the larger parcel only (parcel 009), comprised of 2.88 total acres. The lots as in the approved concept plan would be accessed from the new street that bisects the site, with one lot fronting Woodlawn Drive, and the remaining lots fronting the new street. Although the approved plan complies with the compatibility requirements found in Section 3-5.2 of the Subdivision Regulations, the plan introduces a new street that changes the configuration of lots along the block and results in smaller lots than those currently proposed. Parcel 006, which is not included in the approved plan, is permitted to develop independently by right.

The proposed plat (case 2020S-081-001) includes four lots located on both parcels (009 and 006), comprised of 3.56 total acres. The proposal does not include a new street. The absence of a new street, coupled with the addition of parcel 006, results in the proposed lots being larger and more uniformly spaced along the north side of Woodlawn Drive, consistent with the lot pattern along this section of the street. Although each proposed lot is lacking approximately 14 feet of frontage needed to meet compatibility requirements for frontage, the proposed lot frontage of approximately 102.22 feet is within the existing range of frontages along the block face, which span from approximately 84.65 feet of frontage to 319.5 feet of frontage. Additionally, the proposed lot depth and average lot sizes would be considerably larger than lot depths and average sizes on the currently approved plan. Under the current proposal, the lots would be similarly configured to surrounding parcels in a manner that respects the surrounding development pattern. On balance, staff supports this proposal and recommends that the Planning Commission consider the development pattern of the area and the approved concept plan (case 2018S-117-001) as relevant information to consider in evaluating whether the proposed plat provides for harmonious development.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- New driveway connections or access points will require a permit from the Public Works Department. Adequate sight distance must be provided per AASHTO for new driveway connections.

WATER SERVICES RECOMMENDATION

Approve with conditions

- MWS recommends approval, on the following condition: 1) Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.
- A minimum of 30% of capacity fees must be paid before issuance of building permits. (See Capacity fee Permit #'s T2020003393 and T2020003421).

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. A corrected copy of the final plat incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to plat recordation
2. On the corrected copy, add a note next to each shared access easement: Shared access easement shall extend to the zoning specified front setback.
3. On the corrected copy, update Note #19 to reflect the access easement width on the face of the lots.
4. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
5. All conditions from Metro Public Works and Metro Water Services must be completed or bonded prior to the recording of the final plat.
6. The building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or

frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

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.

8. 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.

Approve with conditions. Consent Agenda. (9-0)

Resolution No. RS2020-100

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-081-001 is approved with conditions. (9-0)
CONDITIONS

1. A corrected copy of the final plat incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to plat recordation
2. On the corrected copy, add a note next to each shared access easement: Shared access easement shall extend to the zoning specified front setback.
3. On the corrected copy, update Note #19 to reflect the access easement width on the face of the lots.
4. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
5. All conditions from Metro Public Works and Metro Water Services must be completed or bonded prior to the recording of the final plat.
6. The building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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.
8. 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.

26. 158-77P-006

HICKORY HOLLOW RETAIL COMMERCIAL PUD (REVISION AND FINAL)

Council District 32 (Joy Styles)

Staff Reviewer: Joren Dunnavant

A request to revise a portion of the Hickory Hollow Retail Commercial Planned Unit Development Overlay District for property located at 771 Bell Road, at the northeast corner of Bell Road and Mt. View Road, zoned R8 and within a Corridor Design Overlay District (8.87 acres), to permit 1,438 square feet of automotive service use, requested by Development Management Group LLC, applicant; The Corner LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of the Planned Unit Development and for final site plan approval to permit a 1,438 square foot oil change center.

Revise PUD and Final Site Plan

A request to revise a portion of the Hickory Hollow Retail Commercial Planned Unit Development Overlay District and for final site plan approval for property located at 771 Bell Road, at the northeast corner of Bell Road and Mt. View Road, zoned One and Two-Family Residential (R8) and within a Corridor Design Overlay District (CDO) (5.87 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 33 lots with 8 duplex lots for a total of 41 units.

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.

Corridor Design Overlay District (CDO) is an overlay intended to provide incremental improvements to the aesthetics of Nashville's commercial districts and corridors. The CDO provides standards for signage, landscaping and materials that are derived from standards of base zoning districts. The CDO does not regulate uses. Uses within a CDO are regulated by the base zoning district.

BACKGROUND

This PUD was originally approved by Metro Council in 1981 to allow for a residential and commercial development. This parcel is currently developed with a strip center and surface parking. The portion of the parcel impacted by the proposed revision was amended in 1987 to allow for a 1,908 square foot fuel-station. The PUD was later revised in 1985 to allow for a 5,000 square foot restaurant on this portion of the parcel.

PLAN DETAILS

The 5.87 acre-site at the corner of Bell Road and Mountain View Road is currently developed with a mixture of retail shops and surface parking. The proposed 1,438 square foot oil change service center will be located at the front of the site along Mountain View Road. Both Bell Road and Mountain View Road are arterial roads. A landscape plan has been included to buffer the parking areas from Bell Road and Mountain View Road and the multi-family residential development to the west.

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 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.
3. Application of Code Standards.
- a. Where modifications to a previously approved planned unit development are deemed to be minor, as determined under subsection (G)(2)(a) through (k) of this section, the parking and loading standards of Chapter 17.20, and the landscaping standards of Chapter 17.24 shall apply to all new development commencing under building permits issued after the effective date the ordinance codified in this chapter. All other chapters shall be applicable to the extent not inconsistent with the terms and conditions of the previously approved planned unit development.
 - b. Where modifications to a previously approved planned unit development are not deemed to be minor, as determined under subsection (G)(2)(a) through (k) of this section, all chapters of this code shall be applicable. Notwithstanding the foregoing, when legislation modifying the planned unit development is approved by the metropolitan council that expressly includes provisions that are not consistent with the chapters of this code, such express provisions shall govern however, the removal of any building, fire and life safety codes adopted by the metropolitan government shall be prohibited.

This request can be considered a minor modification because there is no proposed change in land use or development type beyond that permitted by approved Planned Unit Development Overlay district. The PUD was previously approved for a car service station at this location. The proposed building is within the square footage allowances permitted by the PUD. As proposed, the plan is consistent with the Council approved plan, and meets all the criteria for being considered a minor modification. The plan also provides for contribution in lieu of sidewalks and dedication of right of way along Mountain View Road, as approved in a sidewalk waiver granted by the Codes Department.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building details provided. Subject to full and complete plan review for compliance with adopted codes prior to construction permit.

STORMWATER RECOMMENDATION

Approve with conditions

- No objections to moving forward...working with Mr. Abbey to finalize technical data.

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. In general, following approval of final plans by MPW, a recorded copy of any ROW dedications (or per waiver decision) will need to be submitted to MPW for Bldg. permit approval. For building permit approval,
- Add general note call out for private hauler for site waste/recycle disposal. Submit hauler agreement to MPW.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Stripe 2 exiting turn lanes and 1 entering lane on access drive on Mt View Rd. refurbish pavement markings on Mt View frontage as needed.
- Identify correct pavement width and ROW on Mt view Rd. frontage.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Plans for this must be submitted and approved through a separate review process with Metro Water Permits before construction may begin. Capacity must be reserved before issuance of building permits. (Capacity Permit Nos. T2019075416 & T2019075419.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The standards for building materials on the front facades of buildings within the CDO must be met:
 - The front façade of a building must be at least 75% brick, brick veneer, stone, cast stone, or architecturally treated concrete masonry units. The remaining 25% may be any material except exposed untreated concrete masonry units.
 - The zoning administrator has the authority to grant modifications to the standards of the CDO that do not exceed twenty percent of any signage standard, landscaping requirement, or dimensional requirement relating to building materials. At the zoning administrator’s discretion, any modification may be referred to the board of zoning appeals for review and action.
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. (9-0)

Resolution No. RS2020-101

“BE IT RESOLVED by The Metropolitan Planning Commission that 158-77P-006 is approved with conditions. (9-0)
CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The standards for building materials on the front facades of buildings within the CDO must be met:
 - The front façade of a building must be at least 75% brick, brick veneer, stone, cast stone, or architecturally treated concrete masonry units. The remaining 25% may be any material except exposed untreated concrete masonry units.
 - The zoning administrator has the authority to grant modifications to the standards of the CDO that do not exceed twenty percent of any signage standard, landscaping requirement, or dimensional requirement relating to building materials. At the zoning administrator’s discretion, any modification may be referred to the board of zoning appeals for review and action.
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.

27. 2020HL-003-001

2001 LEBANON PIKE

Council District 15 (Jeff Syracuse)

Staff Reviewer: Logan Elliott

A request to apply a Historic Landmark Overlay District on property located at 2001 Lebanon Pike, approximately 285 feet southwest of Quinn Circle, zoned RS10 (0.65 acres), requested by Councilmember Jeff Syracuse, applicant; Tennestate Enterprises Inc., owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply a Historic Landmark Overlay District.

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District on property located at 2001 Lebanon Pike, approximately 285 feet southwest of Quinn Circle, zoned Single-Family Residential (RS10) (0.65 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 2 single-family lots.*

Proposed Overlay

Historic Landmark Overlay District (HL) is applied to 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.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

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

REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its February 19, 2020, meeting. Historic Zoning Commission staff recommended approval of this application. MHZC staff provided the following background information:

The original portion of the Cole House, shown on Wilbur Foster’s 1871 Map of Davidson County, is reputed to have been constructed c.1859. According to local legend and family tradition, Edmund Cole constructed the front portions of this structure for his first wife who died in 1869. The house is significant as an example of early Tennessee vernacular architecture and is the only one of three Cole residence remaining. Cole served as president of the Nashville and Chattanooga Railroad and had extensive interests in iron and coal mines in Alabama as well as large land holdings in the Nashville area. The National Register nomination states that the house “stands as the only remaining residence of this noteworthy couple [EdmundW. “King” and Anna Russell] who contributed both culturally and monetarily to the advancement of Nashville” and that it is “one of the few remaining structures built by the early leaders of our state.” (Additional information available in the Cole House National Register of Historic Places nomination.)

Analysis & Findings:

The property was listed in the National Register of Historic Places in 1974. The building retains historic integrity and there are no planned alterations; therefore staff finds that the property meets section 17.36.120.B.5.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On February 19, 2020, the Metro Historic Zoning Commission reviewed the request and recommended approval of the Historic Landmark designation. In addition, they adopted the existing design guidelines for Historic Landmarks to guide changes on the property.

STAFF RECOMMENDATION

The proposed Historic Landmark Overlay District is intended to preserve the historic structures on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and Staff. The T3 Neighborhood Maintenance policy encourages the protection and preservation of historic features. Staff recommends approval of the Historic Landmark Overlay District.

Approve. Consent Agenda. (9-0)

Resolution No. RS2020-102

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020HL-003-001 is approved. (9-0)

28. 2020HL-004-001

421 CHURCH STREET

Council District 19 (Freddie O’Connell)

Staff Reviewer: Amelia Lewis

A request to apply a Historic Landmark Overlay District on property located at 421 Church Street, approximately 100 feet east of Opry Place, zoned DTC and located within the Capitol Mall Redevelopment District Overlay (0.09 acres), requested by Barge Design Solutions, applicant; Premier Parking land Company LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply a Historic Landmark Overlay District.

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District on property located at 421 Church Street, approximately 100 feet east of Opry Place, zoned Downtown Code (DTC) and located within the Capitol Mall Redevelopment District Overlay (0.09 acres).

Existing Zoning

Downtown Code (DTC) is the underlying base zoning and is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown.

Proposed Overlay

Historic Landmark Overlay District (HL) is applied to 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.

DOWNTOWN COMMUNITY PLAN

T6 Downtown Core (T6 DC) is intended to maintain and enhance the “core” of Downtown such that it will remain the commercial, civic, and entertainment center of Nashville and Middle Tennessee. T6 DC is intended to have the highest intensity of development in the County. Offices are the predominant type of development, although the T6 DC contains a diverse array of land uses including retail, entertainment, institutional uses, government services, and higher density residential. The highest intensity development is in the central portion of the Core (north of Broadway), with less intensive uses locating in the surrounding “frame” area of T6 DC, in the SoBro neighborhood.

Supplemental Policy

The site is located within a supplemental policy which was created to provide additional guidance for specific areas within the downtown community plan. The supplemental policy, 09-T6-DN-CORE-01, is the densest neighborhood in Downtown and is intended to accommodate a mix of uses. Within the Core, and primarily within the Historic Core, there are a number of historic structures that figure prominently into Nashville’s history and are unique building types in the country. The Core is also home to several historic structures that housed some of the earliest banks and commercial institutions in Nashville. Many of the goals within the supplemental policy are directed at the protection and preservation of existing historic structures within the Historic Core, including:

- There is an area with an especially high concentration of historic structures and a National Register Landmark District, including the Arcade and Printer’s Alley. It is the intent to preserve these historic structures to the greatest extent possible, to support their adaptive reuse, and to ensure that new development within the area complements the context of the historic structures.
- A Historic Preservation Overlay District is recommended for the Historic Core.

REQUEST DETAILS

Metro Historic Commission staff provided the following background information:

The Cohen Building at 421 Church is significant for both its Neo-Classical Revival architecture and for its connection to the development of Nashville in the early twentieth century. It is of particular significance because its connection to George Etta Cohen, and is a manifestation of her artistic vision. Its survival into the twentieth century is remarkable given the changes to downtown Nashville over the last one hundred years.

The Cohen Building meets the National Register of Historic Places criteria A, B, and C. For criterion A, it is associated with the development of the commercial downtown core of Nashville. For criterion B, it is associated with a prominent Nashville couple, Meyer Cohen, a local businessman, and his wife, George Etta Cohen, a highly respected artist and art collector who also designed the building. For criterion C, its Neo-Classical Revival architecture is likely the work of a collaboration between a well-known Nashville architect, James H. Yeaman, and his client, George Etta Cohen. The Cohen Building is therefore eligible for listing in the National Register of Historic Places.

As an eligible building, the property meets standard numbers 1, 2, 3, and 5 of 17.36.120. No exterior alterations are currently planned.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

The Metro Historic Zoning Commission is scheduled to consider this item at their meeting on April 22, 2020. The Historic Zoning Commission staff is recommending approval.

STAFF RECOMMENDATION

Staff recommends approval of the historic landmark. If consideration by the Metro Historic Zoning Commission is deferred, this item will need to be deferred as well.

Approve. Consent Agenda. (9-0)

Resolution No. RS2020-103

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020HL-004-001 is approved. (9-0)

29a. 2020Z-042PR-001

BL2020-253/Young
Council District 10 (Zach Young)
Staff Reviewer: Jason Swaggart

A request to rezone from OR20 to OR40 zoning for property located at 87 Shepherd Hills Drive, approximately 340 feet southeast of Gallatin Pike and within a Planned Unit Development Overlay District (2.64 acres), requested by S + H Group LLC, applicant; The Mark A. Hafner Family Trust, owner (see associated case 109-81P-005).

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OR20 to OR40.

Zone Change

A request to rezone from Office/Residential (OR20) to Office/Residential (OR40) zoning for property located at 87 Shepherd Hills Drive, approximately 340 feet southeast of Gallatin Pike and within a Planned Unit Development Overlay District (2.64 acres).

Existing Zoning

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

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.

Proposed Zoning

Office/Residential (OR40) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre. *OR40 would permit a maximum of 106 residential units.*

MADISON COMMUNITY PLAN

T5 Regional Center (T5 RG) is intended to enhance and create regional centers, encouraging their redevelopment as intense mixed use areas that serve multiple communities as well as the County and the surrounding region with supporting land uses that create opportunities to live, work, and play. T5 RG areas are pedestrian friendly areas, generally located at the intersection of two arterial streets, and contain commercial, mixed use, residential, and institutional land uses.

ANALYSIS

The approximately three-acre property is located at the northeast corner of Gallatin Pike and Shepherd Hills Drive. The property is at the eastern boundary of the PUD. The existing PUD was originally approved by the Planning Commission in 1981 and permits a variety of commercial uses, including retail, office and restaurants. The property is currently used for surface parking.

The proposed OR40 zoning district is consistent with the T5 RG land use policy that applies to the property. The property is located within 300 feet of Gallatin Pike, a busy commercial corridor. Additional density is appropriate at this location as it provides more residents to support nearby commercial uses. There is also a bus stop at the corner of Gallatin Pike and Shepherd Hills Drive. Transit service is an important factor in determining appropriate locations for additional density as well as the intensity of nonresidential uses. The zoning on the adjacent property to the east is Office Limited (OL), and the policy for the property is Transition. The proposed OR40 zoning provides an appropriate transition between commercial development and commercial zoning along Gallatin Pike to the residential zoning district on the east side of the adjacent property zoned OL and within a Transition policy. Given the location, surrounding zoning, and presence of transit, staff recommends approval.

FIRE RECOMMENDATION

Approve with conditions

- Fire apparatus access roads shall be provided and maintained in accordance with the adopted fire code and standards.

- Except as approved by the fire code official; fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Fire apparatus access roads shall have a minimum unobstructed width of 20 feet. where a fire hydrant is located on a fire apparatus access road the minimum width in the vicinity of the hydrant shall be 26 feet.
- Buildings over 30 feet in height shall meet fire department aerial apparatus access requirements.
- Dead end fire apparatus access roads in excess of 150 feet shall be provided with an approved fire apparatus turnaround.
- All points of the building shall be within 500 feet of a fire hydrant when measured via approved fire apparatus access route.
- Fire department connections for standpipe/sprinkler system shall be within 100 feet of the fire hydrant via approved access route.
- Multi-family residential developments having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads. Developments of one- or two-family dwelling units where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- Buildings exceeding 30 feet in height or 62,000 square feet in area (124,000 fully sprinklered) shall be provided with two separate and approved fire apparatus access roads.
- The maximum grade for fire apparatus access roads shall not exceed 10% without approval from the fire code official.
- Gates across fire apparatus access roads shall comply with adopted code and standards.
- Approval of a preliminary or final site plan is not an approval for building construction. full and complete review of building plans is required prior to approval for construction and may require changes to the site.

TRAFFIC AND PARKING RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.32	0.8 F	45,999 SF	500	70	55

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.32	20 D	26 U	156	14	18

Maximum Uses in Proposed Zoning District: **OR40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.32	1.0 F	57,499 SF	621	81	68

Maximum Uses in Proposed Zoning District: **OR40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.32	40 D	52 U	353	26	34

Traffic changes between maximum: **OR20 and OR40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+318	+23	+29

Projected student generation existing OR20/PUD district: **0** Elementary **0** Middle **0** High
 Projected student generation proposed OR40 district: **14** Elementary **11** Middle **8** High

The proposed RM40 zoning will generate 33 more students than the existing OR20/PUD zoning district. Students would attend Gateway Elementary School, Goodlettsville Middle School, and Hunter Lane High School.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Swaggart presented the staff recommendation of approval for Items 29a and 29b, which were heard and discussed together.

Tripp Smith, 2606 Eugenia Ave, spoke in favor of the application and noted the councilmember is in support.

Chairman Adkins closed the Public Hearing.

Ms. Farr moved and Councilmember Murphy seconded the motion to approve. (9-0)

Resolution No. RS2020-104

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-042PR-001 is approved. (9-0)

29b. 109-81P-005

BL2020-254/Young

RIVERGATE SQUARE (CANCELLATION)

Council District 10 (Zach Young)

Staff Reviewer: Jason Swaggart

A request to cancel a portion of a Planned Unit Development Overlay District for property located at 87 Shepherd Hills Drive, approximately 340 feet southeast of Gallatin Pike, zoned OR20 (2.64 acres), requested by S + H Group LLC, applicant; The Mark A. Hafner Family Trust, owner (see associated case 2020Z-042PR-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

Cancel PUD.

PUD Cancellation

A request to cancel a portion of a Planned Unit Development Overlay District for property located at 87 Shepherd Hills Drive, approximately 340 feet southeast of Gallatin Pike, zoned Office/Residential (OR20) (2.64 acres).

Existing Zoning

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

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.

ANALYSIS

The approximately three-acre property is located at the northeast corner of Gallatin Pike and Shepherd Hills Drive.

The property is at the eastern boundary of the PUD. The existing PUD was originally approved by the Planning Commission in 1981 and permits a variety of commercial uses, including retail, office and restaurants. The property is currently used for surface parking.

This application is associated with zone change 2020Z-042PR-001, to rezone the property from OR20 to OR40. The proposed OR40 zoning district is consistent with the Regional Center (T5 RG) land use policy that applies to the area and staff recommends approval of the zone change. Staff also recommends approval of the PUD cancellation.

FIRE MARSHAL RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC & PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Swaggart presented the staff recommendation of approval for Items 29a and 29b, which were heard and discussed together.

Tripp Smith, 2606 Eugenia Ave, spoke in favor of the application and noted the councilmember is in support.

Chairman Adkins closed the Public Hearing.

Ms. Farr moved and Councilmember Murphy seconded the motion to approve. (9-0)

Resolution No. RS2020-105

“BE IT RESOLVED by The Metropolitan Planning Commission that 109-81P-005 is approved. (9-0)

30a. 2020CP-012-001

SOUTHEAST COMMUNITY PLAN AMENDMENT

Council District 32 (Joy Styles)

Staff Reviewer: Anita McCaig

A request to amend the Southeast Community Plan by changing from T3 Suburban Neighborhood Evolving (T3 NE) policy to District Destination Retail (D DR) policy for property located at 3141 Old Franklin Road (2.92 acres) and simplifying supplemental policies for properties located at 4001 Cane Ridge Road and a portion of properties located at 4001 Cane Ridge Parkway and a portion of properties located at 4100 William Turner Parkway and Cane Ridge Road (unnumbered), zoned AR2a and SP (287.42 acres), requested by Barge Design Solution, applicant; Century Farms LLC, IDB, and Cemetery, owners. (See associated case #2015SP-005-010).

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Southeast Community Plan to change the policy and simplify supplemental policies.

Minor Plan Amendment

A request to amend the Southeast Community Plan by changing from T3 Suburban Neighborhood Evolving policy to District Destination Retail policy for property at 3141 Old Franklin Road (2.92 acres) and simplifying supplemental policies for properties located at 4001 Cane Ridge Parkway and a portion of properties located at 4100 William Turner Parkway and Cane Ridge Road (unnumbered) (76.25 acres).

SOUTHEAST COMMUNITY PLAN

Current Policy – Note: CO policy will remain.

Existing policy is Suburban Neighborhood Evolving (T3 NE), which is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle, and vehicular connectivity, and moderate density development patterns. T3 NE policy may be applied either to undeveloped or substantially underdeveloped “greenfield” areas or to developed areas where redevelopment and infill produce a different character. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

Conservation (CO) policy recognizes the presence of environmentally sensitive features, such as floodways/floodplains and steep slopes.

Supplemental policies also apply to this area and provide detailed guidance as to the mixture of land uses, design within the development, and transitions along the edges of the development to the surrounding residential areas.

Proposed Policy

Proposed policy is District Destination Retail (D DR) for the 2.92-acre property at the southeastern edge of the site, which is intended to enhance and create Districts where large footprint, auto-centric retail and complementary uses that may draw from regional or multi-state trade areas are predominant. D DR areas have one or more large footprint retail uses that are typically surrounded by large surface parking lots. Primary supportive land uses include retail, restaurant, hotel, and entertainment. Such supportive uses may be integrated with or separate from the large footprint

establishment. The large footprint uses provide major positive economic impacts by drawing from very large trade areas. Office and high density residential are complementary supportive uses that can help provide transitions in scale and intensity to surrounding policy areas.

Supplemental policies for the development area were put in place in 2015 to assist in creating an appropriate Specific Plan (SP) with a component that functions as a walkable, mixed use center. D DR policy was a new policy category at that time, and staff worked with the applicant on design improvements to their plan. Now that the SP has been created, along with subdistricts, and has been in place for a few years, several of the supplemental policies are obsolete and should be deleted while other supplemental policies should be clarified.

BACKGROUND

The applicant requested this plan amendment in conjunction with Case #2015SP-005-010, a request to amend the Century Farms SP for properties located along the east of Cane Ridge Road, west of I-24, and north of Old Franklin Pike. The applicant has requested to add 2.92 acres, to amend signage and development standards, and revise subdistrict boundaries. As such, the applicant has requested to change the policy for the 2.92 acres (3141 Old Franklin Road) from T3 NE, which is intended to increase housing choices, to D DR to match the surrounding policy and add that property to the SP.

In 2015, the applicant worked extensively with staff and the community to amend the policy, creating a new policy category of District Destination Retail that would allow a significant large footprint building with a regional draw along with office, retail, services, and residential at a variety of scales. A development at this scale could provide unique retailers, economic benefits, and additional jobs and services. Staff also worked with the applicant to create a robust pedestrian and bicycle network in addition to improved vehicular connectivity and access. Supplemental policies were created to assist in achieving a high-quality design and appropriate transitions. Over time, there have been several amendments to the SP zoning as the owners acquire tenants and site plan details need refinements.

The 2.92-acre property located at 3141 Old Franklin Road is zoned AR2a and did contain a residential building that was recently demolished. This property is surrounded on three sides by the Century Farms development. The Century Farms owners recently acquired it and now wish to add it to the development.

The Century Farms development is bounded by I-24 to the east and by Bell Road to the north. On the west side of Cane Ridge Road are a variety of housing types from stacked flats to single family houses. Immediately south of Old Franklin Road is the approved Century South / Carroll at Cane Ridge planned unit development which allows a mix of uses. To the east across I-24, is the Crossings mixed use area and Hickory Hollow center area.

COMMUNITY PARTICIPATION

As part of the application process, the Executive Director determined the plan amendment is minor and the applicant is required to hold a community meeting. The applicant coordinated with Councilmember Styles to hold a community meeting on January 9, 2020. The meeting was at the same time and location as the Mayor's Transportation Listening Session, and approximately eight people attended the meeting. At their request, the Cane Ridge Community Club and Cane Ridge Community Trust hosted a second community meeting on February 11, 2020. Planning staff discussed the long-range planning process and the proposed amendment. Approximately 45 people attended that meeting to hear the latest news about the development from the property owners and discuss lingering questions and concerns. A summary of comments from both meetings is provided below. Attendees at both meetings expressed:

- Disappointment and confusion that the entire development site has been graded, except for one very large oak tree, including the removal of other large trees and disturbance of the stream buffer.
- Concerns about stormwater drainage, landscape buffers, and the potential of large areas of impervious surfaces.
- Desire for pedestrian facilities along Cane Ridge Road.
- Concern about the potential tall height and visibility of interstate signs.
- Enthusiasm for new quality development and what benefits it can add to the community.

The property owner stated that since 2014, he has attended 30 community meetings to discuss the project and will continue to do that and speak with anyone who has questions and concerns. The owner also said that this project will continue to evolve as tenants are acquired and that the development team anticipates more amendments to the SP. The community leaders stated that they feel that since the owners are asking for official amendments at this time, it is an opportunity to ask for modifications and additions to their development plan.

ANALYSIS OF DISTRICT DESTINATION RETAIL POLICY

The application of D DR policy is consistent with surrounding policy currently applied to properties on the north side of Old Franklin Road.

NashvilleNext's Growth & Preservation Concept Map

The Growth & Preservation Concept Map reflects Nashvillians' desires for growth and preservation in the future. The concept map designates portions of the site, along with areas on the north side of Bell Road and the east side of I-24

as “Center,” which can accommodate a large amount of growth in a mixture of uses. The remainder of the site is designated at “Transition or Infill,” supporting a variety of uses that transition in scale between residential areas and corridors and “Neighborhood,” which is generally applied to residential areas. The NashvilleNext planning process applied the concept map designations generally rather than at the parcel-specific level.

Key Finding

- Concept Map’s vision for this area makes it appropriate to add the 2.92-acre property to the D DR policy area.

Community Character Policy Application

“Center,” “Transition or Infill,” and “Neighborhood” areas are generalized on the concept map and are explained in greater detail through Community Character Policies. These policies guide zoning and development decisions. The requested D DR policy is intended to allow for large footprint, auto-centric uses, along with complementary and supportive uses. Office and high density residential are uses that can help provide transitions in scale and intensity to surrounding policy areas. The subject property is currently surrounded on three sides by D DR policy.

Key Findings

- D DR’s intent of providing a mixture of uses, including retail, office, services, and housing and its location along the I-24 corridor make it an appropriate policy for this location.
- The subject property’s location makes it appropriate to add to the larger surrounding D DR area.

Transportation and Connectivity

Access to the development will be primarily through a new interstate interchange that is currently under construction for the west side of the Hickory Hollow exit; it is expected to be completed in May 2021. The development is also building three roads through their site to connect to the existing road network. Secondary access to the development will be from Old Franklin Road (collector-avenue) to the south and Cane Ridge Road (arterial boulevard) to Bell Road (arterial-boulevard) to the northeast.

Sidewalks in the area are very limited. While this development will enhance pedestrian and bicycle activity as part of their development, there remains a need along other streets, especially Cane Ridge Road, for additional sidewalks. Bell Road is served by transit with Route 73.

Key Finding

- While the area lacks transportation options other than driving, the existing and to-be-built street network is adequate to support intensity/density envisioned by D DR for this location.

Relationship to Surrounding Policy

The amendment area is surrounded on the west side of I-24 by five policy areas:

- T4 Urban Community Center (T4 CC) to the north, which is applied to the center area and includes the Hickory Hollow/Crossings area.
- T3 Suburban Community Center (T3 CC) to the southeast, which is applied to a Planned Unit Development allowing for a mixture of uses.
- T3 Suburban Neighborhood Evolving (T3 NE) to the west and south, which is applied to the mixture of housing, ranging from stacked flats to single family, in the adjacent residential areas.
- Suburban Neighborhood Center (T3 NC) at the intersection of Old Franklin Road and Cane Ridge Road that allows for neighborhood-scale uses.
- Civic (CI) policy applied to the NES utility property.

Across I-24 are two additional policy areas:

- Suburban Mixed Use Corridor (T3 CM) to the east which allows a mixture of uses.
- District Employment Center (D EC) to the southeast which emphasizes uses that provide concentrations of jobs.

Key Findings

- The area is part of the larger center area that extends to the east side of I-24.
- There is a mixture of policy categories in this area due to its proximity to Bell Road and location along the I-24 corridor.

Proposed Supplemental Policies

Currently, there are supplemental policies that apply to four of the five Specific Plan (SP) subdistricts. These supplemental policies were generated in 2015 to assist in designing a unique SP that would combine auto-centric, large footprint retail and office buildings with smaller scale complementary uses, along with a robust pedestrian and bicycle network. Now the SP is in place and achieves the intent of many of the supplemental policies. The applicant is requesting changes to the subdistricts, and it is an opportune time to simplify the supplemental policies and only retain those that apply to transitions with surrounding residential areas. A previous SP amendment in 2016 brought a property into the overall development. Since the SP is approved for residential uses in that area, the property’s policy

remains T3 NE today and is incorporated into the supplemental policy area. With the 2020 request, the 2.92-acre property might be used for other uses than residential, thus requiring a policy change.

Originally, there were four supplemental policy areas. Staff proposes deleting two of the areas since the SP is in place and has incorporated that guidance. Staff then proposes combining the remaining two supplemental policy areas since they are repetitive and deal with transitions to the surrounding area. Small boundary adjustments have been made to better align with the SP subdistricts.

The proposed, edited supplemental policy, combining two areas, reads as follows:

SPA 12-D-DR-01 – Residential and Neighborhood Transition Subdistricts

- Provide a transition from the residential land uses on Cane Ridge Road to more intense land uses within the D DR policy area.
- Provide a mixture of housing types such as stacked flats, townhouses, and manor houses that can be designed to work with the topography.
- Building height, not to exceed five stories, along with location and topography should be considered to avoid buildings looming over other buildings at lower elevations.
- Where topography prevents providing street connectivity, pedestrian, bike, and greenway connections should still be provided. Development in this subdistrict should include future opportunities for pedestrian, bike, or greenway access to properties fronting Cane Ridge Road.
- Pedestrian, bike, greenway, and vehicular connectivity are necessities within and between subdistricts.

Key Finding

- Supplemental Policies can be simplified now that the SP has been approved since 2015 and incorporated many of the policies into their subdistricts and design.

Analysis Summary

Amending the Community Character Policy to add the 2.92-acre property to D DR is appropriate at this location. It is also suitable to simplify the existing supplemental policies. In summary, the changes in policy to the area of the request are appropriate due to the following:

- Concept Map's vision for this area and the subject property's location make it appropriate to add the 2.92-acre property to the larger D DR policy area.
- D DR's intent of providing a mixture of uses, including retail, office, services, and housing and its location along the I-24 corridor make it an appropriate policy for this location.
- While the area lacks transportation options other than driving, the existing and to-be-built street network is adequate to support intensity/density envisioned by D DR for this location.
- The area is part of the larger center area that extends to the east side of I-24.
- There is a mixture of policy categories in this area due to its proximity to Bell Road and location along the I-24 corridor.
- Supplemental Policies can be simplified now that the SP has been approved since 2015 and incorporated many of the policies into their subdistricts and design.

STAFF RECOMMENDATION

Staff recommends approval.

Ms. McCaig presented the staff recommendation of approval.

Items 30a and 30b were heard and discussed together.

Mr. Tibbs recused himself.

Kathryn Withers, 615 3rd Ave S, spoke in favor of the application.

Twana Chick spoke in opposition to the application.

John Stern, 6688 Nolensville Pk, spoke in opposition to the application due to the large scale of the development and the lack of information from the developer.

Councilmember Styles spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Farr noted that while the scale is quite significant, it is well thought out. Making this a walkable community makes sense.

Mr. Gobbell spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Councilmember Murphy moved and Ms. Farr seconded the motion to approve. (8-0-1) Mr. Tibbs recused himself.

Resolution No. RS2020-106

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020CP-012-001 is approved. (8-0-1)

30b. 2015SP-005-010

BL2020-255/Joy Styles

BEAMAN & TURNER PROPERTIES SP (AMENDMENT)

Council District 32 (Joy Styles)

Staff Reviewer: Patrick Napier

A request to amend a Specific Plan for properties located at 3141 Old Franklin Road, 4001 Cane Ridge Parkway, 4100 William Turner Parkway and Cane Ridge Road (unnumbered), located on the north side of Old Franklin Road, between Cane Ridge Road and Interstate 24, zoned AR2a and SP (332.24 acres), to amend signage and development standards, revise subdistrict boundaries, and to add 2.92 acres, requested by Barge Design Solutions, applicant; Century Farms, LLC, owner. (See associated case #2020CP-012-001).

Staff Recommendation: Approve with conditions and disapprove without all conditions if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved.

APPLICANT REQUEST

Amend standards, revise subdistrict boundaries, and add 2.92 acres.

Preliminary SP

A request to amend a Specific Plan for properties located at 3141 Old Franklin Road, 4001 Cane Ridge Parkway, 4100 William Turner Parkway and Cane Ridge Road (unnumbered), located on the north side of Old Franklin Road, between Cane Ridge Road and Interstate 24, zoned Agricultural/Residential (AR2a) and Specific Plan-Mixed Use (SP) (295.83 acres), to amend signage and development standards, revise subdistrict boundaries, and to add 2.92 acres for a total of approximately 298.75 acres.

Existing Zoning

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

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

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.

History

The Beaman & Turner Properties SP, commonly referred to as Century Farms, was approved in February 2015. The SP includes a mixture of uses in a variety of subdistricts. The subdistricts include: Residential, Retail, Neighborhood Transition, Office Concentration, and Mixed Use. Each subdistrict includes specific regulations regarding setbacks, build-to zones, height, permitted uses, parking, signage, building types, architectural standards, etc. The approved plan included a maximum of 1,300 multi-family residential dwelling units. The SP has been amended twice: once to add acreage and most recently in 2017 to amend signage standards.

PLAN DETAILS

The site is located west of Interstate 24, east of Cane Ridge Road and north of Old Franklin Road. The approved Beaman & Turner Properties SP is approximately 295.83 acres in size. The proposed properties to be added are approximately 2.92 acres in size for an overall SP of approximately 298.75 acres.

Site Plan

The amendment proposes to add 2.92 acres to the SP, and to adjust subdistrict boundaries. Changes to subdistrict boundaries are proposed based on shifting market demands and minor modifications shown on previously approved final site plans. Included in the amendment are minor changes to the bulk allowed within various subdistricts and updated signage standards for the retail subdistrict.

The current SP allows for a maximum of 1,300 residential dwelling units. No increase in residential units is proposed within this amendment. The Residential Subdistrict provides for a variety of residential housing types including stacked flats, townhouses, and other residential building types.

The residential units have been allocated to the following subdistricts:

- Residential – up to 500 units
- Neighborhood Transition – up to 600 Units
- Office Concentration – up to 300 units
- Mixed Use – up to 300 units

The subdistrict allocations provide limits within each district but not all districts can reach the maximum. At no point will the maximum number of units within the entire SP be permitted to exceed 1,300 units. With final site plan submittals, the applicant will need to balance the allocation to stay within the overall permitted unit count of 1,300.

The Retail subdistrict will be split into two separate portions within the SP, with one area located along the interstate in the northeastern portion of the site and the second portion located along the interstate south of the new parkway. Revised signage standards are proposed for the portion of the Retail subdistrict located south of the new parkway. The portion of the Retail subdistrict north of the new parkway will retain the same bulk standards approved by the current SP and will revise the parking requirement for future hotel use within the retail subdistrict. The current SP includes hotel uses within the retail subdistrict. The proposed amendment alters the parking standards for a hotel use. The Neighborhood Transition subdistrict boundary is revised as shown in the proposed subdistrict boundary map. The office concentration subdistrict will be split into two separate areas. Wider build to zones are provided for hotel uses and signage standards have been revised.

The Mixed Use subdistrict boundary has been shifted to the east. Structures will no longer be required to contain a vertical mixture of uses; however, a mixture of uses will be provided consistent with the MUI fall back zone district. The plan states 25% of the structures fronting Century Farms Parkway will contain public entrance facades and pedestrian entrance facades.

Vehicular access is to be provided from the new parkway to the site, consistent with the current SP. Parking is provided in surface lots located around the proposed buildings. Parking for hotels within all subdistricts will require 1 parking space per room; no additional employee parking will be required. Sidewalks are provided along all public streets within the SP. Internal sidewalks are provided throughout along the private drives.

Open space is provided primarily along the creek on the eastern edge of the Residential Subdistrict. A series of trails are proposed throughout the SP within the extensive open space network. Staff is recommending that a detailed landscaping plan be provided with the final site plans submitted for each site within the Neighborhood Transition Subdistrict to provide appropriate screening of the parking lot from Cane Ridge Road.

SOUTHEAST COMMUNITY PLAN

Existing Policy

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 they have already been disturbed.

D Destination Retail (D DR) is intended to enhance and create Districts where large footprint, auto-centric retail and complementary uses that may draw from regional or multi-state trade areas are predominant. D DR areas have one or more large footprint retail uses that are typically surrounded by large surface parking lots. Primary supportive land uses include retail, restaurant, hotel, and entertainment. Such supportive uses may be integrated or separate from the large footprint establishment. The large footprint uses provide major positive economic impacts by drawing from very large trade areas that often extend into other states and draw customers who may stay in the Nashville area for extended periods of time. Office and high density residential are complementary supportive uses that can help to provide transitions in scale and intensity to surrounding Community Character Policy areas.

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.

Proposed Policy

The proposed SP amendment is a proposal to add approximately 2.92 acres of land to the SP. This property is currently within an area of T3 NE policy. The associated community plan amendment case, 2020CP-012-001, proposes to change the land use policy applicable to this 2.92 acres of land from T3 NE to District Destination Retail, to match the remainder of the SP. Note that the Conservation policy is intended to remain.

ANALYSIS

The area to be added to the SP is proposed to be added to the Office concentration Subdistrict. The proposed policy for the addition is District Destination Retail which is consistent with the policy for the existing Century Farms SP. No increase in entitlements regarding height, dwelling units, or floor area is proposed within this amendment. The amendments serve to shift the location of existing development entitlements internally to the site. Residential and Neighborhood Transition subdistricts located on the perimeter of the development to provide transitions to the surrounding area remain.

The proposed amendment maintains the pedestrian facilities proposed with the current SP to increase walkability and connectivity within the larger neighborhood. Additionally, sensitive environmental features continue to be preserved and utilized to enhance the proposed development. A range of housing choices is being provided within the development. As the proposed changes to the SP consist primarily of changes to the internal layout and do not increase entitlements, staff finds that the amended SP remains consistent with the District Destination Retail policy and therefore, staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes.

WATER SERVICES RECOMMENDATION

Approve with conditions

- As construction plans have been approved, and match the latest SP plan revision, MWS recommends approval.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- All previously approved conditions apply.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- A focused TIS may be required at development of added parcels.
- Adequate sight distance shall be provided at access drive.
 - Additional ROW and roadway improvements along Cane Ridge Rd. frontage may be required.
- Adequate access to the SP internal road network may be required prior to development.

The proposed SP amendments do not increase the existing entitlements. No traffic table was prepared as the development is not expected to generate additional traffic from the previously approved SP.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated plan amendment is approved as the proposal is consistent with the District Destination Retail policy. If the associated plan amendment is not approved, staff recommends disapproval.

CONDITIONS

1. Permitted land uses shall be as follows:

- Residential Subdistrict limited to up to 500 multi-family residential units.
- Retail subdistrict limited to uses allowed in SCR, excluding Alternative Financial Services.
- Neighborhood Transition Subdistrict limited to up to 600 multi-family residential units and all other uses allowed in MUL, excluding Alternative Financial Services.
- Office Concentration Subdistrict limited to up to 300 multi-family residential units and all other uses allowed in MUI, excluding Alternative Financial Services.

- Mixed Use Subdistrict limited to up to 300 multi-family residential units and all other uses allowed in MUI, excluding Alternative Financial Services.
 - A maximum of 1,300 multi-family residential units are permitted within the entire SP.
2. All Public Facades shall also be Pedestrian Entrance Facades.
 3. With submittal of final site plan for any residential units fronting Cane Ridge Road, a detailed landscaping plan providing an appropriate buffer between Cane Ridge Road and any parking located in front of structures shall be provided.
 4. Requirements specified in BL2017-851 not specifically being amended with this ordinance shall remain in effect.
 5. All final site plans shall be reviewed by Metro agencies and approved by the Planning Commission or Department in accordance with Section 17.40.170 of the Zoning Code. All roadway plans shall be consistent with the Complete Streets Executive Order and should incorporate NACTO guidelines where possible.
 6. Add the following note to the plan/plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
 7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for the Residential Subdistrict, SCR district for the Retail Subdistrict, MUL district for the Neighborhood Transition Subdistrict, MUI district for the Office Concentration Subdistrict and Mixed Use Subdistrict, as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
 8. 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.
 9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
 10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Napier presented the staff recommendation of approval with conditions and disapproval without all conditions if the associated amendment is approved and disapproval if the associated plan amendment is not approved.

Items 30a and 30b were heard and discussed together.

Mr. Tibbs recused himself.

Kathryn Withers, 615 3rd Ave S, spoke in favor of the application.

Twana Chick spoke in opposition to the application.

John Stern, 6688 Nolensville Pk, spoke in opposition to the application due to the large scale of the development and the lack of information from the developer.

Councilmember Styles spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Farr noted that while the scale is quite significant, it is well thought out. Making this a walkable community makes sense.

Mr. Gobbell spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Councilmember Murphy moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved. (8-0-1) Mr. Tibbs recused himself.

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-005-010 is approved with conditions and disapproved without all conditions. (8-0-1)

31. 2020S-064-001

3901 - 3905 IVY DRIVE

Council District 07 (Emily Benedict)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 30 lots for properties located at 3901 and 3905 Ivy Drive and Ivy Drive (unnumbered), approximately 175 feet west of Moss Rose Drive, zoned RS10 (9.05 acres), requested by Dale and Associates, applicant; Marcia Malone and Charles T. Wehbly and Sally J. Living Trust, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 30 cluster lots.

Concept Plan

A request for concept plan approval to create 30 lots for properties located at 3901 and 3905 Ivy Drive and Ivy Drive (unnumbered), approximately 175 feet west of Moss Rose Drive, zoned Single-Family Residential (RS10) (9.05 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 33 lots.*

Community Character Manual Policy

The site is within the Urban Neighborhood Maintenance (T4 NM) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For T4 NM, the conventional regulations found in Chapter 3 are utilized.

PLAN DETAILS

The approximately 9 acre site is located south of the bend in Ivy Drive in East Nashville. The site currently contains 2 single-family houses. The plan proposes 30 single-family residential cluster lots total with 2 lots fronting onto Ivy Drive and the remaining 28 lots fronting onto two proposed streets. The lots are proposed to be a minimum of 5,000 square feet with the two lots that front onto Ivy Drive being approximately half-acre lots. Due to the topography of the site, there are several critical lots proposed and these lots would be subject to the Hillside Development standards within the Metro Zoning Code. A stream bisects the property and separates the two larger lots on Ivy Drive from the clustered lots to the west. The plan also proposes the required open space and stormwater management facilities to be centrally located near the stream and outside the required stream buffers. The applicant is providing a 20 foot landscape buffer on the western and southern property boundary to buffer the development from the adjacent existing lots.

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 residential zoning districts. To promote creative designs, cluster lots are allowed to contain less than area than what is required by the base zoning district. The minimum lot area within a cluster subdivision can be reduced down two smaller base zone districts. The proposed concept plan provides the required open space and is proposing to preserve the natural features of the site.

This concept plan includes 30 cluster lots under the RS5 zoning, two reductions from the underlying RS10 zoning. In cluster lot subdivisions, a minimum of 15% of the development must be set aside as open space. This development includes 1.85 acres of common open space which is 20% of the site gross acreage.

Section 3-5.2 of the Subdivision Regulations establishes criteria for reviewing infill subdivisions and for determining their compatibility in Neighborhood Maintenance policies. Infill lots that front onto an existing street are required to meet dimensional standards determined by the surrounding lots on the existing street. An analysis of the surrounding lots yields the following standards that the proposed infill lots onto the existing Ivy Drive must meet:

Minimum lot area: 22,892 square feet
Minimum lot frontage: 76 feet

This subdivision proposes two lots that are subject to these standards and both lots provide sufficient area and frontage as required by the Subdivision Regulations. The remainder of the lots front onto a newly proposed street and are not subject to these compatibility standards.

The plan meets the requirements of the Subdivision Regulations and Zoning Code for a cluster lot subdivision.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited buildings details provided. subject to further review and approval.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. All Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid prior to Final Site Plan/SP approval.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. 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.

Mr. Elliott presented the staff recommendation of approval with conditions.

Doug Sloan, 6354 Torrington Rd, spoke in favor of the application.

Kathryn Hill, 3605 Brush Hill Rd, spoke in opposition to the application as it is too dense for this area.

Andrew Weingartner, 2408 Andrew Pl, spoke in opposition to the application as it will destroy priceless green space and will drastically increase traffic.

Greg (last name unclear), 1410 Hemlock Ave, spoke in opposition to the application because it doesn't fit the character of the neighborhood.

James Haggarty, 1702 Riverwood Dr, spoke in opposition to the application because it doesn't fit the character of the neighborhood.

Jeffrey (last name unclear), 4111 Moss Rose Dr, spoke in opposition to the application.

Joel Janson, 2712 Shadow Ln, spoke in opposition to the application due to increased traffic.

Kaitlin Doyle spoke in opposition to the application.

Laura Yankee, 3931 Ivy Dr, spoke in opposition to the application due to increased traffic, stormwater, and safety concerns.

Lou Vargo, 516 Riverwood Cir, spoke in opposition to the application.

Robbie Hunsinger, 4021 Ivy Dr, spoke in opposition to the application.

Robert Goodwin, Riverwood Dr, spoke in opposition to the application due to increased traffic and incompatibility with the area.

Sylvia Giannitrapani, 3920 Ivy Dr, spoke in opposition to the application.

Tim Kearnus, 2205 Demarrius Dr, spoke in opposition to the application.

Wayne Harper spoke in opposition to the application due to flooding concerns.

William Chiss, 3815 Moss Rose Dr, spoke in opposition to the application due to stormwater concerns and incompatibility with the area.

Donna Center, 4112 Brush Hill Rd, spoke in opposition to the application.

Matthew Burgess, 2906 Shadow Ln, spoke in opposition to the application.

Robert (last name unclear), Riverwood Dr, spoke in opposition to the application.

Russell Chess, 3800 Moss Rose Dr, spoke in opposition to the application; the application did not reach out to the neighbors as stated.

Maggie (last name unclear), 2403 Claypool St, spoke in opposition to the application due to traffic and stormwater concerns.

Jennifer Trimble, 2411 Milton Dr, spoke in opposition to the application.

Rachel Goodwin, 1913 Riverwood Dr, spoke in opposition to the application.

Matthew Bond, Golf St, spoke in opposition to the application.

Betsy Ragland, 3817 Moss Rose Dr, spoke in opposition to the application.

Nathan Walt, 2310 Milton Dr, spoke in opposition to the application.

Jim Gregory, 1000 Glenview Dr, spoke in opposition to the application and expressed concerns with tree canopy preservation.

Brian Owings, Ivy Dr, spoke in opposition to the application.

David Swartz, 2315 Marius Dr, spoke in opposition to the application.

John Yankee, Ivy Dr, spoke in opposition to the application.

Jackie Rogers, 3815 Moss Rose Dr, spoke in opposition to the application.

Councilmember Benedict spoke in opposition as it is far too dense for this area.

Chairman Adkins closed the Public Hearing.

Ms. Farr asked if the commission could consider a plan that didn't include critical lots.

Mr. Tibbs stated that he would prefer less density, but it does meet all subdivision regulations.

Dr. Sims expressed concerns with lack of community involvement. Further clarity is needed on open space and preserving the environment.

Mr. Gobbell stated that while sympathetic with the neighbors, this does meet all subdivision regulations.

Councilmember Murphy expressed concerns with increased flooding, environmental damage, and lack of community notification due to the tornado and COVID-19. This is not harmonious with the surrounding area.

Ms. Moore spoke in agreement with Councilmember Murphy and Dr. Sims.

Ms. Johnson spoke in opposition as she is not sure how this development will promote health and welfare.

Mr. Haynes expressed concerns about critical lots and asked if applicant could submit a new concept plan that removes all lots from areas of greater than 20% slope and to provide additional grading study information.

Ms. Farr moved and Mr. Haynes seconded the motion to defer to the May 14, 2020 Planning Commission meeting and ask the developer to submit a plan that removes all lots from areas of greater than 20% slope and to provide additional grading study information. (9-0)

Resolution No. RS2020-108

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-064-001 is deferred to the May 14, 2020 Planning Commission meeting and the developer should submit a plan that removes all lots from areas of greater than 20% slope and provides additional grading study information. (9-0)

32. 123-83P-002

CANYON RIDGE PHASE THREE PERIODIC REVIEW

Council District 28 (Tanaka Vercher)

Staff Reviewer: Jason Swaggart

A request for a periodic review for a portion of the Canyon Ridge Phase Three, Planned Unit Development for property located at Edge O Lake Drive (unnumbered), at the northwest corner of Edge O Lake Drive and Pebble Creek Drive, zoned R10 (22.02 acres), requested by Councilmember Tanaka Vercher, applicant; Starwood Properties Five, LLC; owner.

Staff Recommendation: Find PUD Active.

APPLICANT REQUEST

Periodic review of a portion of a Planned Unit Development.

Periodic PUD Review

A request for a periodic review for a portion of the Canyon Ridge Phase Three, Planned Unit Development for property located at Edge O Lake Drive (unnumbered), at the northwest corner of Edge O Lake Drive and Pebble Creek Drive, zoned One and Two-Family Residential (R10), (22.02 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *Use and density are controlled by the PUD overlay, which currently permits a maximum of 162 multi-family units in phase three.*

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

PUD DETAILS

The Canyon Ridge PUD was originally approved in 1983, for 78 single-family lots and 514 multifamily units. The plan was later amended by Council in 1986, to permit a maximum of 1,200 multi-family units. The 1986, amendment included 392 multi-family units on the subject phase. Since 1986 the layout has been revised several times and the last revision for the subject phase was approved for 162 multi-family residential units. An application to revise the PUD and for final site plan approval for the subject section of the PUD was submitted on February 12, 2020, for 124 residential units. Final site plan submittal requires full construction drawings. This periodic review was requested after the revision and final site plan application was submitted.

PERIODIC PUD REVIEW

Section 17.40.120 H of the Metro Zoning Ordinance authorizes the Planning Commission, a councilmember or the property owner of the area to be reviewed to request the Metropolitan Planning Commission to review any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is “inactive,” and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is “inactive” by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

Timeline for Planning Commission Action

The Zoning Code requires that, within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. A request for the periodic review for the subject portion of the PUD was received on February 13, 2020, from Councilmember Tanaka Vercher. The 90-day period extends to May 13, 2020. If the Planning Commission does not make a determination within 90 days from the initiation of a review, it is considered to be a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.

Classification of the PUD (Active or Inactive)

Under 17.40.120 H., the Commission is first required to determine whether the portion of the Canyon Ridge PUD requested for periodic review is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

- i. *Six or more years have elapsed since the latter of*
 - (1) *The effective date of the initial enacting ordinance of the PUD,*
 - (2) *The effective date of any ordinance approving an amendment to the PUD,*
 - (3) *The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
 - (4) *The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section.*

The initial enacting ordinance for the PUD became effective in 1983. Council approved an amendment to the PUD in 1986. No other amendments have been approved by Council.

- ii. *Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction.*

The representative of the owner has indicated that the existing sewer line bisecting the subject site serves the adjacent single-family neighborhood and was designed to serve the subject site. Water and sewer lines were constructed along Edge O Lake Drive in order to accommodate the subject site as well as other undeveloped portions of the PUD.

- iii. *Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.*

The representative of the owner has indicated that a portion of Edge O Lake Drive and Pebble Creek Drive were constructed to accommodate the subject site as well as other undeveloped portions of the PUD. This includes the dedication of ROW.

Section 17.40.120 H.3.a. states that the Commission “*may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.*”

The representative of the owner has provided further information to show that this portion of the PUD should be considered active due to the “aggregate of actions” taken by the owner to develop the property.

At the end of 2019, the owner authorized Wamble & Associates to perform up-to-date boundary and topo surveys for the subject phase as well as other phases.. On January 22, 2020, the property was sold, and the new ownership group began preparing engineering/construction plans. Updated water and sewer availability letters were issued in September of 2019 and 30% of the capacity for water and sewer were paid. Permits for water and sewer are under active review (T2020006756 & T2020006759). The application for final site plan review was submitted prior to the request for this periodic review, and the applicant is actively working to address all agency review comments.

Planning Commission Recommendation to Metro Council

If the Planning Commission determines the PUD to be active, then no further action is required. If the Commission determines the PUD to be inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the *“existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”*

Second, the Commission is to recommend the legislation, and include, as required:

(a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.

(b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.

(c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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

Consistent with Policy?

Yes. T3 NM policy supports various types of residential development, including single-family, two-family and multifamily. The Council approved master plan for the overall PUD includes a variety of single-family lots and multifamily units. The density for the subject phase is similar to surrounding density, including adjacent single-family development. Amongst other things, a variety of housing types allows for different price points and the ability for people to age in place. The site includes CO policy which recognizes some steep slopes as well as stream buffers. The layout of the Council approved master plan clusters the development footprint into a smaller area limiting disturbance on the site and is consistent with the CO policy. It is also important to note that the final site plan that was submitted for review maintains the general layout of the Council adopted plan, and it is also consistent with the T3NM and CO policies.

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the PUD to be active. While physical construction of the multifamily units has not begun, major infrastructure has been completed in order to serve the subject site. This includes, but is not limited to, the dedication of ROW, construction of portions of Edge O Lake Drive and Pebble Creek Drive, and the construction of water and sewer lines. The developer is also actively making progress to begin construction. A final site plan was submitted prior to this review request, and the applicant is currently addressing departmental comments. Water and sewer permits have been applied for, and capacity fees have been paid for water and sewer. If the Commission determines that the subject portion of the PUD is inactive, then staff recommends that the Commission recommend that Council maintain the PUD and base zoning district as it is consistent with the T3 NM land use policy at this location.

Mr. Swaggart presented the staff recommendation of finding the PUD Active.

Chairman Adkins closed the Public Hearing.

Mr. Haynes moved and Councilmember Murphy seconded the motion to find the PUD Active. (9-0)

Resolution No. RS2020-109

33a. 2019CP-013-002

ANTIOCH - PRIEST LAKE COMMUNITY PLAN AMENDMENT

Council District 33 (Antoinette Lee)

Staff Reviewer: Gene Burse

A request to amend the Antioch/Priest Lake Community Plan by changing the policy from T3 Suburban Community Center Policy to District Industrial Policy, for a portion of property located at 3839 Murfreesboro Pike, approximately 590 feet north of Old Hickory Boulevard, zoned SP and within the Murfreesboro Pike Urban Design Overlay District (52.6 acres), requested by Kimley-Horn, applicant; PBR&T Partnership, owner. See associated zone change case 2008SP-002-004.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Antioch/Priest Lake Community Plan to change the policy.

Minor Plan Amendment

A request to amend the Antioch/Priest Lake Community Plan by changing the policy from T3 Suburban Community Center (T3 CC) policy to District Industrial (D IN) policy, for a portion of property located at 3839 Murfreesboro Pike, approximately 590 feet north of Old Hickory Boulevard, zoned Specific Plan (SP) and within the Murfreesboro Pike Urban Design Overlay District (52.6 acres).

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Current Policy

Suburban Community Center (T3 CC) policy is intended to enhance and create suburban community centers that serve communities generally within a 10 to 20-minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 CC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

Conservation (CO) policy recognizes the presence of environmentally sensitive features, such as floodways/floodplains and steep slopes. CO policy remains in place and is not proposed to change. In this instance it applies to streams running along the southern edge of the site and in the northwestern corner and a small area of steep slopes.

Proposed Policy (Note: Conservation policy is to remain)

District Industrial (D IN) policy is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers, and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN area are also found.

BACKGROUND

The applicant requested this plan amendment in conjunction with Case #2008SP-002-004, a request to amend a Specific Plan for property located at 3839 Murfreesboro Pike to permit a mixed-use development. Existing Suburban Community Center (T3 CC) policy applied to this property does not support all uses proposed in the SP amendment. Due to the conflict between the applicant's zoning request and existing policy, the applicant has proposed a policy change to District Industrial (D IN) policy for a portion of the site, which allows for industrial land uses. A portion of the site, along Murfreesboro Pike, is proposed to remain in T3 CC policy.

The proposed plan amendment area (site) consists of vacant commercial land that is part of the former Starwood Amphitheater site, a large outdoor music venue. This site is located along Hobson Pike near the Murfreesboro Pike/Hobson Pike intersection in the Antioch community. The immediate surrounding area has a suburban pattern of development with many vacant parcels adjacent to the site. Multi-family residential, single-family residential, commercial, and industrial uses are located along Hobson Pike near the site. Along Murfreesboro Pike, the surrounding area includes single-family residential and commercial development.

As part of the application process, the Executive Director determined the plan amendment is minor but required a community meeting. Since the request is at the edge of the policy area, Planning staff limited the study area boundary to a portion of the parcel listed in the plan amendment.

COMMUNITY PARTICIPATION

On March 5, 2020, staff hosted a community meeting at the Smith Springs Community Center, located at 2801 Smith Springs Road, to discuss the applicant's request. Approximately 26 people attended, along with the applicant, staff, and the district Councilmember. Attendees consisted of property owners and concerned citizens. Staff spoke and answered questions regarding the plan amendment process, while the applicant discussed their reasons for the request in detail. Overall, reaction to the plan amendment request was generally positive, but there were some concerns.

Those in support cited how the proposed policy change may encourage additional services such as restaurants to be developed near the site and the opportunity for additional jobs to come to the area. The primary concern involves the potential for industrial uses that would generate a lot of heavy truck traffic along Hobson Pike, a street that already carries considerable truck traffic to and from the area. The Old Hickory Commons and the Preserve at Old Hickory residential developments are located across Hobson Pike to the west. These residential developments have two outlet streets, Preserve Boulevard and Saddle Creek Way, that intersect with Hobson Pike. These two roads provide the only means of access to these two residential developments. There is concern that the proposed District Industrial (D IN) policy would increase the frequency of heavy trucks along Hobson Pike and make access to the residential areas more challenging.

Key themes expressed to staff include the following:

- Additional heavy truck traffic on Hobson Pike;
- Industrial uses that may pose as a nuisance to adjacent residential development along Hobson Pike;
- Potential to attract additional services to the area such as restaurants; and
- Potential to attract jobs to the area.

ANALYSIS OF DISTRICT INDUSTRIAL POLICY

The proposed amendment area is a suitable location for D IN policy for the following reasons:

NashvilleNext's Growth & Preservation Concept Map

The Growth & Preservation Concept Map reflects Nashvillians' desires for growth and preservation in the future. The concept map designates the site as "Neighborhood." A "Neighborhood" consists of primarily residential areas that offer a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers. Surrounding properties are designated as "Special Uses" which envisions industrial and institutional development. Hobson Pike to the west is classified as a suburban five-lane scenic arterial-boulevard and Murfreesboro Pike is classified as a suburban five-lane arterial-boulevard. This site can serve as a transitional area between parcels designated as "Special Uses" adjacent to the site to the south and the mix of uses along Murfreesboro Pike to the north.

Key Finding

- The site can serve as a transitional area between parcels designated "Special Uses" south of the site and the mix of uses along Murfreesboro Pike, a suburban five-lane arterial-boulevard, making application of District Industrial policy appropriate.

Community Character Policy Application

"Neighborhood" areas are generalized on the concept map and are explained in greater detail through Community Character Policies. These policies guide zoning and development decisions.

Community Plans provide history and context for Nashville's 14 Community Planning areas, along with community-specific issues, strategies, and sketches of how different places in the community could change over time. The Antioch/Priest Lake Community Plan uses Community Character Policies that are tailored to the suburban character of neighborhoods throughout the planning area. The Community Plan emphasizes enhancing centers and corridors to provide more services and options and strategically locating additional housing options, such as on a prominent corridor to support businesses and transit. In the community, there are centers and corridors that are underutilized and need enhancement. The transition between these higher-intensity areas and the surrounding neighborhoods is anticipated to be addressed through well-designed land use transitions sensitive to adjacent residential areas.

The requested District Industrial (D IN) policy is intended to create districts that are dominated by one or more activities that are industrial in character. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers, and mixed business parks containing compatible industrial and non-industrial uses. D IN areas typically have a highly connected internal street network adequate for the movement of freight traffic, which is also connected to external interstate systems and arterial-boulevards. In general, permanent residential activities are not found in D IN areas. An exception may be the edge of a D IN area along the interface with an area containing or planned to contain residential activities. Such exceptions are considered case-by-case, with careful attention to design in creating a complementary transition to residential areas. The interface of large D IN areas is also designed to complement surrounding neighborhoods, centers, and corridors.

The site is located at the north edge of a large area of D IN policy. This site was part of the larger D IN policy but changed from D IN policy to Suburban Community Center (T3 CC) policy over time. Converting this site back to D IN policy would allow for the consistent application of policy in the immediate area, leading to compatible development consistent with the existing pattern of development in this area.

Applying D IN policy with its focus on creating a district dominated primarily by industrial uses is appropriate in this location and works as a transitional area between existing industrial and commercial uses along Hobson Pike to the south and Murfreesboro Pike to the north. This will provide an adequate transitional area for potential industrial development by coupling this site with smaller properties that already have D IN policy. This provides the opportunity for a larger area of industrial policy to be developed simultaneously.

Key Findings

- D IN's intent of creating a district dominated primarily by industrial uses is appropriate in this location and works as a transitional area between existing industrial and commercial uses along Hobson Pike to the southwest and Murfreesboro Pike to the north.
- Converting this site back to D IN policy allows for the consistent application of policy in the immediate area leading to compatible development consistent with the existing pattern of development in this area.

Transportation and Connectivity

The site is located near the Murfreesboro Pike/Hobson Pike intersection. Hobson Pike is classified as a five-lane scenic arterial-boulevard and Murfreesboro Pike is classified as a five-lane arterial-boulevard by the Major and Collector Street Plan. Each designation requires as part of redevelopment new pedestrian infrastructure in the form of sidewalks and bike lanes that will enhance connectivity in the area. WeGo provides bus service along Murfreesboro Pike with nearby access to one inbound and outbound bus stop located at the Murfreesboro Pike/Hobson Pike intersection. Improvements at a nearby interstate interchange make this site attractive for industrial uses. Redevelopment will provide additional site access using multiple travel modes.

Key Findings

- Adequate infrastructure consisting of transportation options, connectivity, and access is in place to support the request.
- There is potential for additional access in multiple travel modes if the area is redeveloped.

Relationship to Surrounding Policy

The site's relationship to surrounding policy is as follows:

- T3 CC policy is applied to the site and to the other three corners of the Murfreesboro Pike/Hobson Pike intersection.
- D IN policy is applied to properties south of the site.
- Suburban Mixed Use Corridor (T3 CM) policy is applied to properties to the east along Murfreesboro Pike.
- Suburban Neighborhood Maintenance (T3 NM) policy is applied to the residential area along Hobson Pike to the west.

A large area of D IN policy is located south of the applicant's site and along the east side of Hobson Pike. This area is located away from the moderately intense policies of Civic (CI) and T3 CM policies along Murfreesboro Pike. The proposed policy is located across the street from T3 NM policy along Hobson Pike. However, Hobson Pike's designation as a scenic arterial-boulevard requires a substantial landscape buffer along site frontage which will lessen the impact of industrial uses at the site on adjacent residential uses in the T3 NM area.

Key Finding

- The impact of D IN policy on nearby residential areas will be mitigated due to the requirement of a substantial landscape buffer along site frontage on Hobson Pike.

Analysis Summary

Amending the Community Character Policy from T3 CC to D IN is appropriate at this location because of the opportunities described above and due to the following:

- The site can serve as a transitional area between parcels designated "Special Uses" south of the site and the mix of uses along Murfreesboro Pike, a suburban five-lane arterial-boulevard, making application of D IN policy appropriate.
- Community feedback includes concern about increasing heavy truck traffic along Hobson Pike that would be generated from potential industrial land uses in this location. Positive feedback includes the potential to attract jobs and a variety of services such as restaurants.
- The negative impact of D IN policy will be mitigated due to the requirement of a substantial landscape buffer along site frontage on Hobson Pike.
- Converting this site back to D IN policy allows for the consistent application of policy in the immediate area leading to compatible development consistent with the existing pattern of development in this area.

- Adequate infrastructure consisting of transportation options, connectivity, and access is in place to support the request.
- There is potential for additional access in multiple travel modes if the area is redeveloped.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Burse presented the staff recommendation of approval.

Items 33a and 33b were heard and discussed together.

Josh Rowland, 214 Oceanside Dr, spoke in favor of the application.

Councilmember Lee spoke in favor of the application.

Marcus Coleman spoke in favor of the application.

David Chilton spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Farr moved and Ms. Johnson seconded the motion to approve. (9-0)

Resolution No. RS2020-110

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019CP-013-002 is approved. (9-0)

33b. 2008SP-002-004

STARWOOD TOWN CENTER (AMENDMENT)

Council District 33 (Antoinette Lee)

Staff Reviewer: Logan Elliott

A request to amend a Specific Plan for property located at 3839 Murfreesboro Pike, approximately 530 feet north of Old Hickory Boulevard, zoned SP and within the Murfreesboro Pike Urban Design Overlay District (65.1 acres), to permit a mixed use development, requested by Kimley-Horn, applicant; PBR&T Partnership, owner. See associated Community Plan Amendment case 2019CP-013-002.

Staff Recommendation: Approve with conditions and disapprove without all conditions if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved.

APPLICANT REQUEST

Amend a Preliminary SP to permit a mixed use development.

Specific Plan

A request to amend a Specific Plan for property located at 3839 Murfreesboro Pike, approximately 530 feet north of Old Hickory Boulevard, zoned Specific Plan – Mixed Use (SP-MU) and within the Murfreesboro Pike Urban Design Overlay District (65.1 acres), to permit a mixed use development.

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.

Murfreesboro Pike Urban Design Overlay (UDO) is intended to foster suburban development that is pedestrian friendly while still accommodating for the market needs of suburban development. This UDO focuses on broad design standards while emphasizing best practices for quality suburban design.

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.

History

This property received approval from the Planning Commission at the February 22, 2018 meeting for an amendment to a Specific Plan zoning district to permit a mixed-use development that included 200 single-family units, 350 multi-family units, and 421,500 square feet of non-

residential uses. The site plan included public streets, a common green space, and design standards for the various land uses.

ANTIOCH - PRIEST LAKE COMMUNITY PLAN

Existing Policy

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. 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.

Proposed Policy (Note: Conservation policy is to remain)

D Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

SITE CONTEXT AND PLAN DETAILS

The site is approximately 65 acres and is located at the southeast corner of the intersection of Murfreesboro Road and Hobson Pike. The site is currently vacant and was previously the site of the Starwood Amphitheater. The site is surrounded by a mixture of residential, institutional, industrial, commercial, and vacant land uses.

The site is within the Suburban Community Center land use policy. The other parcels near the intersection of Hobson Pike and Murfreesboro Road are also within the Suburban Community Center policy. The property to the east of this site that fronts on Murfreesboro Road is within the Suburban Mixed Use Corridor Policy. The properties that abut the southern boundary of the site are within the District Industrial Policy. To the west of Hobson Pike is a Suburban Neighborhood Maintenance policy area.

Hobson Pike is designated a Scenic Arterial Boulevard and Murfreesboro Road is an Arterial Boulevard in the Major and Collector Street Plan.

Site Plan

The plan proposes three distinct zones with specific standards for each. Zones 1 and 2 are site plan based and zone 3 is primarily a regulatory plan. The applicant has provided architectural standards that apply to all three zones. The applicant has provided cross-sections for Hobson Pike, Murfreesboro Pike, and the private internal road that are all consistent with the Major and Collector Street Plan and local street standards.

Zone 1 is primarily a residential zone with live/work and small scale retail being permitted as accessory uses to a residential unit. A mixture of single family and attached townhome units are provided at density not to exceed 15 units per acre or 120 total multi-family units. This zone is accessed via Murfreesboro pike. The plan proposes a vehicle and pedestrian connection to Zone 2 and strictly a pedestrian connection to Zone 3. Also, Zone 1 provides for interconnectivity opportunities to the property immediately adjacent to the west of the site at the intersection of Hobson Pike and Murfreesboro Road. This zone also partially provides for a common green space to be shared with Zone 2.

Zone 2 is a mixed use district with commercial uses on the first floor of buildings and residential or commercial uses permitted above the first floor. The zone draws access from Murfreesboro Road and provides for pedestrian and vehicles interconnectivity to Zone 1 and strictly a pedestrian connection to Zone 3. Zone 2 also partially provides for a common green space to be shared with Zone 1.

Zone 3 is primarily a regulatory plan that proposes a private loop road and private internal driveway and alleyway connections with industrial and office land uses. The applicant has provided bulk standards and façade standards for the zone. Also, the applicant is proposing tree planting zones with Zone 3 that can be utilized as Zone 3 develops to plant required Tree Density Units offsite to a particular development but within the overall SP.

ANALYSIS

Planning finds the proposed amendment to the Specific Plan to be consistent with the land use policy that is proposed for this site. The site plan proposed for Zones 1 and 2 is consistent with the intent of the Suburban Community Center policy to enhance and create suburban community centers that serve communities within a 10 to 20 minute drive. Zone 3 proposes regulatory standards that are consistent with the proposed District Industrial land use policy. The proposed site plan provides a transition from the intense District Industrial Policy to the Suburban Community Center policy. The interconnectivity being provided between Zones 1 and 2 is consistent with the land use policy and the Murfreesboro Road UDO. The plan also provides for potential future interconnectivity to the adjacent parcel both to the west and to the east along Murfreesboro Road. The access to Zone 3 is purposely limited to Hobson Pike due to the industrial land uses permitted in this zone.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes.

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.(per Availability Study #T2019079353)

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. Approval of amendment SP uses. Additional road comments will follow upon final SP site plan submittal.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

Revised preliminary specific plan document resubmitted on March 30, 2020 indicates that phase 1 with access off Hobson Pk via drive #1 and Drive #2 will include a mix of office and industrial use and specific land use determined at final SP. TIS site plan also shows a mix of industrial land use and office use for phase 1. However, TIS was prepared assuming only 850,000 sf of warehousing would be constructed in phase 1. A revised TIS with accurate trip generation for proposed land use for both phases is required prior to final sp plan approval. A signal warrant analysis may be required at full project development of phase 1. At a minimum, the following roadway improvements will be required to be constructed by developer.

In accordance with TIS findings, recommended roadway improvements, developer shall construct the following road improvements per development phase.

Phase 1: Warehousing – 850,000 s.f. Developer shall construct at a minimum the following road improvement and identify road improvements on final sp plan. Any road widening for Hobson Pk shall be coordinated with Hobson pk road construction plans for the Hobson Pk Flats project opposite phase 1 of Starwood project.

General

- For each site driveway, provide adequate intersection sight distance in accordance with the criteria provided in A Policy on Geometric Design of Highways and Streets.
- For roads and intersections where improvements will be implemented, install signs and pavement markings in accordance with the standards provided in the Manual on Uniform Traffic Control Devices (MUTCD). Pedestrian / Bicycle
- Construct a 12-foot wide multi-use path along the south/east side of Hobson Pike, along the site frontage, for consistency with the Metro Nashville Major & Collector Street Plan.

Hobson Pike at Driveway 1 on Hobson PK

- Install a northbound right-turn lane along Hobson Pike with 200 feet of storage.
- Install a southbound left-turn lane along Hobson Pike with 200 feet of storage.
- Construct Driveway 1 with three (3) lanes for vehicular movement: one (1) lane for vehicle ingress and two (2) lanes for vehicle egress, one (1) left-turn lane and one (1) right-turn lane.
- Appropriate storage for exiting lanes shall be identified and constructed.
- A 3 lane x -section for private drive may be appropriate for adequate truck travel flow and turning movements into future office and industrial development to ensure that entering traffic does not queue into Hobson Pk.travel lanes. Developer shall determine if private drive warrants a 3 lane cross section prior to final sp approval.

- Provide STOP control along the westbound approach of Driveway 1.
- Construct Driveway 1 to provide adequate intersection sight distance, using combination vehicle (i.e. heavy truck) as the design vehicle. If necessary, this may require removing vegetation that currently obstructs visibility, and/or moving the location of Driveway 1 along Hobson Pike.

Hobson Pike at Driveway 2 on Hobson Pk

- Install a northbound right-turn lane along Hobson Pike with 200 feet of storage.
- Install a southbound left-turn lane along Hobson Pike with 200 feet of storage.
- Construct Driveway 2 with three (3) lanes for vehicular movement: one (1) lane for vehicle ingress and two (2) lanes for vehicle egress, one (1) left-turn lane and one (1) right-turn lane.
- Appropriate storage for exiting lanes shall be identified and constructed.
- Provide STOP control along the westbound approach of Driveway 2.
- Construct Driveway 2 to provide adequate intersection sight distance, using combination vehicle (i.e. heavy truck) as the design vehicle. If necessary, this may require removing vegetation that currently obstructs visibility, and/or moving the location of Driveway 2 along Hobson Pike. ROW Dedication Developer shall dedicate ROW along Hobson Pk frontage per the MSCP at a minimum and any necessary ROW to construct required roadway improvements. Construction of a continuous 4 lane x-section by developer may be required along Hobson Pk frontage to minimize overlapping turn lane transition with proposed Hobson Pk Flats project roadway improvements.
- Prior to final sp plan approval, additional traffic analysis is required to determine appropriate storage length for RTL and LTL on proposed private driveways on Hobson Pk. Prior to final sp plan approval, internal driveways with appropriate x section design shall be identified to access warehouse or office facilities.

Prior to phase 1 final site plan approval, the following off site roadway improvements shall be constructed by developer, TDOT or Metro Nashville. Developer shall contribute a cost share amount to be determined if roadway improvements are constructed by TDOT or Metro.

- Significant intersection improvements to Murfreesboro Pike (SR-1 / US-41 / US-70S) and Hobson Pike (SR-171) should be considered in a greater regional context, not the responsibility of one (1) development. Murfreesboro Pike at Hobson Pike
- Construct a 2nd eastbound through lane along Hobson Pike with 500 feet of storage at the intersection.
- Construct a 2nd westbound through lane along Hobson Pike with 500 feet of storage at the intersection.
- These improvements would require significant widening of Hobson Pike and are anticipated to require right-of-way acquisition, utility relocation, and rock blasting. The proposed development does not include any property immediately adjacent to this intersection.
- Construction of a new traffic signal to address the intersection roadway widening will also be required.

Phase 2: with access off Murfreesboro Pk

- Multifamily Housing (Mid-Rise) – 80 d.u.
- General Office Building – 50,000 s.f.
- Shopping Center – 100,000 s.f.

Phase 2 : mixed use traffic conditions Developer shall construct Phase 1 roadway improvements (summarized below) if not already constructed in order to access loading zones for phase 2 development.

Hobson Pike at Driveway 1

- Install a northbound right-turn lane along Hobson Pike with 200 feet of storage.
- Install a southbound left-turn lane along Hobson Pike with 200 feet of storage.
- Construct Driveway 1 with three (3) lanes for vehicular movement: one (1) lane for vehicle ingress and two (2) lanes for vehicle egress, one (1) left-turn lane and one (1) right-turn lane.
- Provide STOP control along the westbound approach of Driveway 1.

Hobson Pike at Driveway 2

- Install a northbound right-turn lane along Hobson Pike with 200 feet of storage.
- Install a southbound left-turn lane along Hobson Pike with 200 feet of storage.
- Construct Driveway 2 with three (3) lanes for vehicular movement: one (1) lane for vehicle ingress and two (2) lanes for vehicle egress, one (1) left-turn lane and one (1) right-turn lane.
- Provide STOP control along the westbound approach of Driveway 2.

Developer of Phase 2 shall construct the following roadway improvements at a minimum:

General

- For site access driveway, provide adequate intersection sight distance in accordance with the criteria provided in A Policy on Geometric Design of Highways and Streets.
- For roads and intersections where improvements will be implemented, install signs and pavement markings in accordance with the standards provided in the Manual on Uniform Traffic Control Devices (MUTCD).

- Driveway 3 and Driveway 4 on Murfreesboro Pk shall be consolidated and located an appropriate distance from school driveway and signalized intersection at Murfreesboro Pk and Old Hickory Blvd to ensure appropriate traffic operations.
- Additional traffic analysis will be required to determine appropriate drive location.
- Access from phase 2 development.to Old Hickory Blvd may be required if adjacent property can be accessed. Pedestrian / Bicycle
- Construct an 8-foot wide sidewalk along the south/west side of Murfreesboro Pike, along the site frontage, for consistency with the Metro Nashville Major & Collector Street Plan.
- Restripe the 3rd southbound travel lane that is present near the intersection of Murfreesboro Pike at Old Hickory Boulevard, and provide a continuous bicycle lane to complete the 'gap' in the existing bicycle lane in the southbound travel direction. A Multi use path along Murfreesboro Pk frontage may be preferred. Murfreesboro pk Access driveway
- Only one full access driveway will be approved on Murfreesboro Pk for phase 2 development. Adequate sight distance and LTL and RTL with appropriate storage shall be constructed.
- If a secondary emergency access on Murfreesboro Pk is required by fire it shall be constructed without a driveway ramp and gated.
- A signal warrant analysis for driveway will be required and traffic signal shall be installed by developer of phase 2 mixed use development if warranted.
- Additional traffic analysis will be required to determine the appropriate storage for exiting travel lanes on access drive for mixed use development.
- Developer shall dedicate ROW along Murfreesboro Pk property frontage as necessary to construct recommended roadway improvements.

Prior to phase 2 final site plan approval, the following off site roadway improvements shall be constructed by developer, TDOT or metro Nashville. Developer shall contribute a cost share amount to be determined if roadway improvements are constructed by TDOT or Metro.

- Significant intersection improvements to Murfreesboro Pike (SR-1 / US-41 / US-70S) and Hobson Pike (SR-171) should be considered in a greater regional context, not the responsibility of one (1) development. Murfreesboro Pike at Hobson Pike
- Construct a 2nd eastbound left-turn lane along Hobson Pike with 300 feet of storage.
- This improvement would require significant widening of Hobson Pike and is anticipated to require right-of-way acquisition, utility relocation, and rock blasting. The proposed development does not include any property immediately adjacent to this intersection.

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)	-	-	550 U	4118	241	270

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	-	-	421,500 SF	26753	1341	2884

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)	8	15 D	120 U	867	57	70

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)	8	1.0	348,480 SF	22119	1109	2384

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)	49	0.8 F	1,707,552 SF	16640	1632	1687
-----------------	----	-------	--------------	-------	------	------

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
-	-	-	-	+8755	+1216	+987

METRO SCHOOL BOARD REPORT

Projected student generation existing SP-MU district: 76 Elementary 64 Middle 54 High

Projected student generation proposed SP-MU district: 23 Elementary 24 Middle 22 High

The proposed SP zoning is expected to generate 125 fewer students than the existing SP-MU zoning. Students would attend Cane Ridge Elementary School, Antioch Middle School and Cane Ridge High School.

STAFF RECOMMENDATION

Approve with conditions and disapprove without all conditions if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved.

Conditions

1. Permitted uses for Zone 1 shall be limited to 120 residential units. Permitted uses for Zone 2 shall be limited to all uses permitted by MUL-A. Permitted uses for Zone 3 shall be limited to all uses permitted by IWD. Short term rental properties-owner occupied and short term rental properties – not-owner occupied shall be prohibited in all zones.
2. 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.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, Zones 1 and 2 shall be subject to the standards, regulations and requirements of the MUL-A zoning district and Zone 3 shall be subject to the standards, regulations and requirements of the IWD zoning district, as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. 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.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. 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. Comply with all conditions and requirements of Stormwater, Water Services, and Public Works.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Elliott presented the staff recommendation of approval with conditions and disapproval without all conditions if the associated plan amendment is approved and disapproval if the associated plan amendment is not approved.

Items 33a and 33b were heard and discussed together.

Josh Rowland, 214 Oceanside Dr, spoke in favor of the application.

Councilmember Lee spoke in favor of the application.

Marcus Coleman spoke in favor of the application.

David Chilton spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Farr moved and Mr. Tibbs seconded the motion to approve with conditions and disapprove without all conditions if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved. (9-0)

Resolution No. RS2020-111

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-002-004 is approved with conditions and disapproved without all conditions. (9-0)

Conditions

1. Permitted uses for Zone 1 shall be limited to 120 residential units. Permitted uses for Zone 2 shall be limited to all uses permitted by MUL-A. Permitted uses for Zone 3 shall be limited to all uses permitted by IWD. Short term rental properties-owner occupied and short term rental properties – not-owner occupied shall be prohibited in all zones.
2. 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.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, Zones 1 and 2 shall be subject to the standards, regulations and requirements of the MUL-A zoning district and Zone 3 shall be subject to the standards, regulations and requirements of the IWD zoning district, as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. 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.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. 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. Comply with all conditions and requirements of Stormwater, Water Services, and Public Works.
8. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

H: OTHER BUSINESS

34. Historic Zoning Commission Report
35. Board of Parks and Recreation Report
36. Executive Committee Report
37. Accept the Director's Report

Resolution No. RS2020-112

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report is **approved. (9-0)**

38. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

May 14, 2020

MPC Meeting

Location to be determined

May 28, 2020

MPC Meeting

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

June 11, 2020

MPC Meeting

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

June 25, 2020

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 11:10 p.m.