



METROPOLITAN PLANNING COMMISSION

MINUTES

May 28, 2020

Meeting to be held via Teleconference

Metro Nashville Network will broadcast the May 28th 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:

Jeff Haynes
Lillian Blackshear
Brian Tibbs
Ron Gobbell
Daveisha Moore
Dr. Pearl Sims
Mina Johnson
Councilmember Kathleen Murphy

Staff Present:

Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Special Projects Manager
Kelly Adams, Admin Services Officer IV
Lisa Milligan, Planning Manager II
Shawn Shepard, Planning Manager I
Greg Claxton, Planning Manager I
Abbie Rickoff, Planner II
Quan Poole, Legal

Commissioners Absent:

Greg Adkins
Jessica Farr

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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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 May 28, 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, May 26. 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 May 28, 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 4:01 p.m.

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

Councilmember Murphy moved and Mr. Gobbell 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)

C: ADOPTION OF AGENDA

Ms. Johnson moved and Mr. Tibbs seconded the motion to adopt the amended agenda to include Election of Officers under Other Business. (8-0)

D: APPROVAL OF MAY 14, 2020 MINUTES

Councilmember Murphy moved and Dr. Sims seconded the motion to approve the May 14, 2020 minutes. (8-0)

E: RECOGNITION OF COUNCILMEMBERS

Councilmember Gamble spoke in favor of Item 19.

Councilmember Hancock spoke in favor of deferring Items 11 and 26.

Councilmember Hagar spoke if favor of deferring Item 10 and in support of Item 23.

Councilmember Syracuse spoke in favor of Items 18 and 30.

F: ITEMS FOR DEFERRAL / WITHDRAWAL

1. **2015SP-062-002**
BRENTWOOD SKYLINE (AMENDMENT)
2. **2019SP-009-001**
CHARLOTTE PIKE SP
3. **2020SP-012-001**
SOLIS L & L MARKETPLACE
4. **2020SP-015-001**
HAMILTON SP
5. **2020SP-023-001**
7335 OLD CHARLOTTE PIKE
6. **2020SP-024-001**
HAMILTON AND HAGAN SP
7. **2018S-209-001**
W.E. SCOTT SUBDIVISION, RESUB PHASE 2
8. **2019S-086-001**
RESUBDIVISION OF LOT 3 AND 4 ON THE PLAT SHOWING THE DIVISION OF THE JOHN B. COWDEN
PROPERTY
9. **2019S-160-001**
1242 PROPERTY SOLUTIONS, LLC PROPERTY
10. **2020S-041-001**
TULIP GROVE SUBDIVISION
11. **2020S-054-001**
408 FARRIS - FOUR LOT
12. **2020S-066-001**
DARROW DOWNS SUBDIVISION
13. **2020Z-007PR-001**
- 14a. **2020Z-008PR-001**
- 14b. **61-77P-004**
GIFFORD COMMERCIAL PUD (CANCELLATION)
- 15a. **2020Z-009PR-001**

- 15b. **88P-029-001**
JOELTON COMMERCIAL PUD (CANCELLATION)
- 16. **2020Z-028PR-001**
- 17. **2020Z-071PR-001**
- 26. **308-84P-001**
ROBIN HOOD CONDOMINIUMS PHASE 2 (CANCELLATION)
- 29a. **2020SP-019-001**
CROSSINGS MIXED USE DEVELOPMENT
- 29b. **84-87P-007**
THE CROSSINGS PUD (CANCELLATION)
- 30. **2001UD-002-011**
1601 BROADWAY
- 31. **2019HP-001-001**
MARATHON VILLAGE
Councilmember Murphy moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

Ms. Blackshear recused herself from Item 30.

Mr. Tibbs recused himself from Item 30.

Mr. Haynes recused himself from Item 30.

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

G: CONSENT AGENDA ITEMS

- 18. **2020Z-008TX-001**
- 19. **2005P-023-008**
BELLE ARBOR (REVISION AND FINAL)
- 20. **2020NL-002-001**
3060 LEBANON PIKE
- 21. **2020Z-061PR-001**
- 22. **2020Z-062PR-001**
- 23. **2020Z-067PR-001**
- 24. **2020Z-068PR-001**
- 25. **2020Z-070PR-001**
- 33. **Approve Ron Lustig as Downtown Code Design Review Committee Representative for Mayor John Cooper.**

37. Accept the Director's Report

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

H: ITEMS TO BE CONSIDERED

1. 2015SP-062-002

BRENTWOOD SKYLINE (AMENDMENT)

Council District 04 (Robert Swope)

Staff Reviewer: Amelia Lewis

A request to amend the Brentwood Skyline Specific Plan for property located at Stone Brook Drive (unnumbered), approximately 170 feet south of Fox Ridge Drive, (6.56 acres), to permit an additional 55 multi-family residential units for a total of 195 multi-family residential units, requested by Lukens Engineering Consultants, applicant; Mt View, LLC, owner.

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

The Metropolitan Planning Commission deferred 2015SP-062-002 to the June 11, 2020, Planning Commission meeting. (8-0)

2. 2019SP-009-001

CHARLOTTE PIKE SP

Council District 22 (Gloria Hausser)

Staff Reviewer: Patrick Napier

A request to rezone from R15 and R40 to SP-R zoning for properties located at 7456 and 7460 Charlotte Pike, at the northwest corner of Charlotte Pike and Sawyer Brown Road (6.87 acres), to permit 40 multi-family residential units, requested by Dewey Engineering, applicant; Lynette M. Lavers, Margaret L. Heer, and Bertha E. Heer, owners.

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

The Metropolitan Planning Commission deferred 2019SP-009-001 to the June 11, 2020, Planning Commission meeting. (8-0)

3. 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 June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-012-001 to the June 11, 2020, Planning Commission meeting. (8-0)

4. 2020SP-015-001

HAMILTON SP

Council District 29 (Delishia Porterfield)
Staff Reviewer: Abbie Rickoff

A request to rezone from IWD and R20 to SP zoning for properties located at 2793 Couchville Pike, 2871 Ned Shelton Road, and Ned Shelton Road (unnumbered), at the southwestern corner of Ned Shelton Road and Bell Road (72.99 acres), to permit all uses of IWD zoning, requested by StateStreet Group LLC, applicant; The Quarter Jackson, LLC, Buford Jones, Janice Culbertson, James Jones, and Duke-Weeks Realty L.P., owners.

Staff Recommendation: Defer to the June 25, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-015-001 to the June 25, 2020, Planning Commission meeting. (8-0)

5. 2020SP-023-001

7335 OLD CHARLOTTE PIKE

Council District 22 (Gloria Hausser)
Staff Reviewer: Joren Dunnavant

A request to rezone from R15 to SP zoning for property located at 7335 Old Charlotte Pike, approximately 800 feet east of Old Hickory Boulevard (2.21 acres), to permit 28 multi-family residential units, requested by Dale and Associates, applicant; Phillip Denning and Deborah Denning, owners.

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

The Metropolitan Planning Commission deferred 2020SP-023-001 to the June 11, 2020, Planning Commission meeting. (8-0)

6. 2020SP-024-001

HAMILTON AND HAGAN SP

Council District 17 (Colby Sledge)
Staff Reviewer: Patrick Napier

A request to rezone from IR, OR20, and IWD to SP zoning for properties located at 622, 624, 626, 632, and 634 Moore Avenue, Moore Avenue (unnumbered), and 625 Hamilton Avenue, at the southeast corner of Hagan Street and Hamilton Avenue (2.46 acres), to permit a mixed use development, requested by Civil Site Design Solutions, applicant; Hamilton and Moore L.P., owner.

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

The Metropolitan Planning Commission deferred 2020SP-024-001 to the June 11, 2020, Planning Commission meeting. (8-0)

7. 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 June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2018S-209-001 to the June 11, 2020, Planning Commission meeting. (8-0)

8. 2019S-086-001

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

Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Joren Dunnavant

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 June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-086-001 to the June 11, 2020, Planning Commission meeting. (8-0)

9. 2019S-160-001

1242 PROPERTY SOLUTIONS, LLC PROPERTY

Council District 26 (Courtney Johnston)
Staff Reviewer: Amelia Lewis

A request for final plat approval to create eight lots on property located at Eisenhower Drive (unnumbered), approximately 85 feet east of Towry Drive, zoned R6 (1.24 acres), requested by Clint Elliott Surveying, applicant; 1242 Property Solutions, LLC, owner.

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

The Metropolitan Planning Commission deferred 2019S-160-001 to the June 11, 2020, Planning Commission meeting. (8-0)

10. 2020S-041-001

TULIP GROVE SUBDIVISION

Council District 11 (Larry Hagar)
Staff Reviewer: Amelia Lewis

A request for concept plan approval to create 23 single family lots and seven two-family lots for a total of 30 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 Contruction, owner.

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

The Metropolitan Planning Commission deferred 2020S-041-001 to the June 11, 2020, Planning Commission meeting. (8-0)

11. 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 June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020S-054-001 to the June 11, 2020, Planning Commission meeting. (8-0)

12. 2020S-066-001

DARROW DOWNS SUBDIVISION

Council District 16 (Ginny Welsch)

Staff Reviewer: Joren Dunnavant

A request for final plat approval to create four lots on property located at 170 Antioch Pike, at the northeast corner of Southlake Drive and Antioch Pike, zoned RS7.5 (0.91 acres), requested by Sanders Surveying, applicant; Raymond Company LLC, owner.

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

The Metropolitan Planning Commission deferred 2020S-066-001 to the June 11, 2020, Planning Commission meeting. (8-0)

13. 2020Z-007PR-001

BL2020-127/Jonathan Hall

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request to rezone from SP and R40 to MUN-A zoning for properties located at 6404 Eatons Creek Road, 3580, 3612, 3616 and 3622 Old Clarksville Pike, Eatons Creek Road (unnumbered), and Old Clarksville Pike (unnumbered), approximately 215 feet west of Joelton Community Center Road (53.22 acres), requested by Metro Councilmember Jonathan Hall, applicant; various owners.

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

The Metropolitan Planning Commission deferred 2020Z-007PR-001 to the June 11, 2020, Planning Commission meeting. (8-0)

14a. 2020Z-008PR-001

BL2020-139/Jonathan Hall

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request to rezone from CS and RM20 to MUN-A zoning for properties located at 201, 204, 205, 210, 220, 221, 225, and 231 Gifford Place, at the southeast corner of Interstate 24 and Whites Creek Pike and within a Planned Unit Development Overlay District (22.12 acres), requested by Metro Councilmember Jonathan Hall, applicant; The Gifford Partnership, owner (see associated case #61-77P-004).

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

The Metropolitan Planning Commission deferred 2020Z-008PR-001 to the June 11, 2020, Planning Commission meeting. (8-0)

14b. 61-77P-004

GIFFORD COMMERCIAL PUD (CANCELLATION)

BL2020-140/Jonathan Hall

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request to cancel a Planned Unit Development Overlay District for properties located at 201, 204, 205, 210, 220, 221, 225, and 231 Gifford Place, at the southeast corner of Interstate 24 and Whites Creek Pike, zoned CS and RM20 (22.12 acres), requested by Metro Councilmember Jonathan Hall, applicant; The Gifford Partnership, owner (see associated case #2020Z-008PR-001).

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

The Metropolitan Planning Commission deferred 61-77P-004 to the June 11, 2020, Planning Commission meeting. (8-0)

15a. 2020Z-009PR-001

BL2020-132/Jonathan Hall
Council District 01 (Jonathan Hall)
Staff Reviewer: Jason Swaggart

A request to rezone from SCC to MUN-A zoning for a portion of property located at 3565 Old Clarksville Pike, approximately 580 feet east of Eatons Creek Road and within a Commercial Planned Unit Development Overlay District (25.95 acres), requested by Metro Councilmember Jonathan Hall, applicant; Joe Smith, owner (see associated case #88P-029-001).

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

The Metropolitan Planning Commission deferred 2020Z-009PR-001 to the June 11, 2020, Planning Commission meeting. (8-0)

15b. 88P-029-001

JOELTON COMMERCIAL PUD (CANCELLATION)
BL2020-133/Jonathan Hall
Council District 01 (Jonathan Hall)
Staff Reviewer: Jason Swaggart

A request to cancel a Commercial Planned Unit Development Overlay District for a portion of property located at 3565 Old Clarksville Pike, approximately 580 feet east of Eatons Creek Road, zoned SCC (25.95 acres), requested by Metro Councilmember Jonathan Hall, applicant; Joe Smith, owner (see associated case #2020Z-009PR-001).

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

The Metropolitan Planning Commission deferred 88P-029-001 to the June 11, 2020, Planning Commission meeting. (8-0)

16. 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 June 11, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-025PR-001 to the June 11, 2020, Planning Commission meeting. (8-0)

17. 2020Z-071PR-001

Council District 04 (Robert Swope)
Staff Reviewer: Logan Elliott

A request to rezone from R15 to RM6 zoning for property located at Old Hickory Boulevard (unnumbered), approximately 960 feet southwest of Woodlands Avenue (2.54 acres), requested by Dale and Associates, applicant; Zebid Tesfaye, owner.

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

The Metropolitan Planning Commission deferred 2020Z-071PR-001 to the June 11, 2020, Planning Commission meeting. (8-0)

18. 2020Z-008TX-001

BL2020-277/Jeff Syracuse
Staff Reviewer: Lisa Milligan

A request for an Ordinance amending Section 17.40.660 of the Metropolitan Code to allow nonconforming structures destroyed during the March 3, 2020 tornado to rebuild, regardless of the percentage of floor area destroyed (Proposal No. 2020Z-008TX-001).

Staff Recommendation: Approve a substitute.

APPLICANT REQUEST

Amend Section 17.40.660 of the Metropolitan Code to allow nonconforming structures destroyed during the March 3, 2020, tornado to rebuild, regardless of the percentage of floor area destroyed.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.40.660 of the Zoning Ordinance to add the following provision at the end of subsection D (new text shown in underline). Please note, staff is recommending a substitute that will alter the below language:

- D. Damage or Destruction of Nonconforming Structures. A nonconforming structure damaged by any involuntary means to less than fifty percent of its total floor area may be reconstructed. If damage exceeds fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. If requested by the property owner, the board of zoning appeals may consider percentage of reconstruction costs in lieu of percentage of floor area damaged or destroyed. The value of land shall be excluded. Notwithstanding the foregoing, any nonconforming structure damaged or destroyed by the March 3, 2020, tornado may be reconstructed in accordance with the district bulk regulations in effect at the time of original construction regardless of the percent of floor area damaged or destroyed.

ANALYSIS

On March 3, 2020, a tornado damaged a significant number of structures across Metro Nashville and Davidson County. Per the Metro Zoning Code, a nonconforming structure is a structure that was originally legally constructed but which now does not meet one or more of the standards or requirements (other than use) of the zoning district in which it is located. The Zoning Code establishes standards regulating changes that may be made to a nonconforming structure and further limits the ability to reconstruct after a disaster or other involuntary event, such as a tornado, depending on the percentage of floor area damaged. Similar to an amendment added following the 2010 flood, the proposed amendment intends to allow for reconstruction of nonconforming structures regardless of the amount of floor area damaged.

Staff recommends a substitute that would permit the reconstruction provided there is no substantial increase in the degree of nonconformity. The proposed substitute is intended to strike a balance between flexibility for property owners who suffered damage in the tornado and the goals and intent of the currently adopted bulk standard regulations.

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 practice. The Codes Department anticipates the proposed amendment to be revenue neutral.

Substitute Bill BL2020-277

An ordinance amending Section 17.40.660 of the Metropolitan Code to allow nonconforming structures destroyed during the March 3, 2020 tornado to rebuild, regardless of the percentage of floor area destroyed (Proposal No. 2020Z-008TX-001).

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

Section 1. That Section 17.40.660 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provision at the end of subsection D.:

~~“Notwithstanding the foregoing, any nonconforming structure damaged or destroyed by the March 3, 2020, tornado may be reconstructed in accordance with the district bulk regulations in effect at the time of original construction~~

regardless of the percentage of floor area damaged or destroyed.” Notwithstanding the foregoing and regardless of the percentage of floor area damaged or destroyed, any nonconforming structure damaged or destroyed by the March 3, 2020, tornado may be reconstructed so long as there is not a substantial increase in the degree of non-conformity.

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

Sponsor(s) Councilmember Jeff Syracuse

Approve a substitute. Consent Agenda. (8-0)

Resolution No. RS2020-129

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-008TX-001 is approved a substitute. (8-0)

**19. 2005P-023-008
BELLE ARBOR (REVISION AND FINAL)**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Joren Dunnavant

A request to revise a portion of a Planned Unit Development Overlay District for property located at 3549 Brick Church Pike and a portion of property located at Belle Arbor Drive (unnumbered), at the current terminus of Solomon Lane, zoned R10 (11.66 acres), to permit 26 multi-family residential units, requested by Dale and Associates, applicant; Eartherly/Ring Joint Venture, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of the Planned Unit Development and for final site plan approval to permit 26 multi-family residential units.

Revise PUD and Final Site Plan

A request to revise a portion of a Planned Unit Development Overlay District and for final site plan approval for property located at 3549 Brick Church Pike and a portion of property located at Belle Arbor Drive (unnumbered), at the current terminus of Solomon Lane, zoned One and Two-family Residential (R10) (11.66 acres), to permit 26 multi-family residential units.

Existing Zoning

One and Two-family Residential District (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 50 lots with 12 duplex lots for a total of 62 units. The PUD overlay governs the maximum number of units permitted on this property.*

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.

BACKGROUND

The PUD was originally approved in 2006 for 371 residential units. The PUD was later amended in 2011 to allow for 351 residential units and to terminate three street connections to the Willow Creek development adjacent to the south. The PUD is currently under development and includes six phases of multi-family, two-family, and single-family residential development. There have been 6 phases approved and this will be the 7th phase.

PLAN DETAILS

This proposal for a final site plan of an 11.66 acre-site at the terminus of Solomon Lane is to be developed with 26 single-family units. This is phase 7 of a larger development which is adjacent to Willow Creek Subdivision to the south and Tuckahoe Square subdivision to the north. The last amended PUD and the last approved final site plan for this phase shows 29 single-family units with Westchester Drive connecting at both the northern terminus (to Tuckahoe Square) and southern terminus (to Willow Creek) of the site. This proposal shows the southern portion of Westchester Drive terminating and not connecting into Willow Creek subdivision as proposed on the previous plans. The original approval of the PUD included connections to Willow Creek subdivision at Brookdale Drive, Brookway

Drive, and Willow Creek Drive. When amended, these connections were removed. The connection at Westchester Drive is the final opportunity to have connection to Willow Creek.

During review of this phase, staff worked with the developer to relocate the connection from Westchester to Willow Creek Drive, as an emergency access only. This provides for appropriate fire access to Willow Creek subdivision while also limiting disturbance of a stream that would have been required with the Westchester connection. The plan also includes an extension of the greenway to connect to Willow Creek along Westchester Drive. The layout of the road and lots are consistent with the last amended PUD and last approved site plan aside from the termination of the southern connection of Westchester Drive.

ANALYSIS

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

- F. Changes to a Planned Unit Development District.
1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:
 - a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;
 - c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
 - d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
 - e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
 - e.[f.] Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

This request can be considered a minor modification because there is no proposed change in land use or development type beyond that permitted by the approved Planned Unit Development Overlay district. The proposed development does not increase the total number of units for the overall plan beyond what is permitted within the approved Master Plan. Additionally, the plan includes pedestrian access to Willow Creek via the extension of a greenway within Belle Arbor Subdivision.

FIRE MARSHAL 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.
- 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 ahj 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.

STORMWATER RECOMMENDATION

Approve with conditions

- Use correct FEMA Date - 4/5/2017

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Comply with all previous traffic conditions.

WATER SERVICES RECOMMENDATION

Approve

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. Prior to plat recording of this phase, an emergency access shall be constructed at Willow Creek Drive to provide a 2nd means of access to Willow Creek Subdivision. The access shall be gated with an emergency access gate to be approved by the Fire Marshal and a pedestrian access shall be provided.
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. (8-0)

Resolution No. RS2020-130

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-023-008 is approved with conditions. (8-0)

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. Prior to plat recording of this phase, an emergency access shall be constructed at Willow Creek Drive to provide a 2nd means of access to Willow Creek Subdivision. The access shall be gated with an emergency access gate to be approved by the Fire Marshal and a pedestrian access shall be provided.
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.

20. 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Establish a Neighborhood Landmark Overlay District.

Neighborhood Landmark

A request to apply a Neighborhood Landmark Overlay District on property located at 3060 Lebanon Pike, at the southwest corner of Danyacrest Drive and Lebanon Pike, zoned Single-Family Residential (RS15) (1.34 acres) to permit an existing residence to operate as office use with the addition of four parking spaces and one sign.

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 3 units.*

PLAN DETAILS

The proposed development plan proposes to use an existing residence as a certified personal accounting office space, with the addition of four parking spaces, and one sign. The site is located along an arterial road, Lebanon Pike, at the intersection of Lebanon Pike and Danyacrest Drive, and has existing driveway access along both Lebanon Pike and Danyacrest Drive. The site is within a National Register Eligible District. The existing residence is 4,223 square feet and set back 132 feet from the front property line along Lebanon Pike, and set back 55 feet from the side property line along Danyacrest Drive. The site currently has 2 garage parking spaces and 2 additional parking spaces at the side of the property along Danyacrest Drive. The plan proposes four additional parking spaces at the side of the building and a four foot by six foot sign along Lebanon Pike. The sign will not be internally lit but will have lights at the base of the sign illuminating the text.

ANALYSIS

The neighborhood landmark district provisions are established to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character through regulation of external design, arrangement, materials, and aesthetics. The purpose of the overlay is to improve property values, provide a sense of place, and to protect the neighborhood character and context.

A neighborhood landmark is defined as a feature, which has historical, cultural, architectural, civic, neighborhood, or archaeological value.

Applications to establish a Neighborhood Landmark district follow similar procedures as a rezoning application because the creation of an overlay district is considered an amendment to the Official Zoning Map. The role of the Planning Commission for this application is to consider the criteria to establish a Neighborhood Landmark District and make a recommendation to the Metro Council.

The proposal includes a site plan addressing each of the requirements for a Neighborhood Landmark Overlay District outlined in Section 17.40.160 of the Metro Zoning Ordinance. The mass and scale of the existing structure is not changing with this application. The applicant had originally proposed the additional parking at the front of the building but has agreed to relocate the parking to the side. There is existing landscaping between the existing and proposed parking areas and Lebanon Pike as well as property to the rear. No additional landscaping is proposed. The proposed sign is to be 4 feet by 6 feet large with ground mounted lights.

Section 17.40.160.H. of the Metro Zoning Code provides findings for approval for the Planning Commission to consider in the review of a Neighborhood Landmark District. These include:

- a. The feature is a critical component of the neighborhood context and structure
- b. The retention of the feature is necessary to preserve and enhance the character of the neighborhood
- c. That adaptive reuse, as described in the development plan, will facilitate protection and preservation of the identified feature
- d. That the proposed use(s) in the development plan is compatible with and sensitive to abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

Staff finds that the proposed development plan meets all the above criteria. 3060 Lebanon Pike is a contributing property within the National Register eligible district, Millionaire Row. Millionaire Row is a development constructed between 1900-1960 that includes the north side of Lebanon Pike roughly from Danyacrest Drive to Rivercrest Pass, just south of the 1960 Stanford Country Club Estates development. It is significant as a turn-of-the-century residential development that was among the first developments in Donelson and set the course for single-family construction in this area along Lebanon Pike. The existing building is a historic building that has architectural elements and setbacks that are characteristics of the neighborhood.

The building sits on a corner lot and acts as both an anchor and a boundary between the residential neighborhood to the rear and the commercial uses across the street from Lebanon Pike. The proposed sign is low to the ground with ground mounted lighting which is appropriate for this street. The additional parking is located in a manner that does not obscure the view of the historic building. The plan proposes that the building is to remain, and the uses are limited to general office use and all uses of RS15. The existing structure is a critical component of the neighborhood context and structure. The retention of the feature is necessary to preserve the neighborhood character and the proposed

reuse of the building will facilitate its preservation. Also, the proposed plan is compatible and sensitive to surrounding properties. Staff recommends approval of the Neighborhood Landmark District and the proposed Development Plan.

METRO HISTORIC ZONING COMMISSION

Approve with conditions

- The Metro Historic Zoning Commission reviewed the proposed changes and found that they meet the Secretary of Interior Standards and recommends a final review of materials for parking and signage.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to general office and uses of RS15. Short term rental property – not owner-occupied shall be prohibited.
2. Confirmation of Historic approval of materials for parking and signage shall be provided prior to building or sign permit issuance.
3. Comply with all conditions and requirements of Metro reviewing agencies.

Approve with conditions and disapprove without all conditions. Consent Agenda. (8-0)

Resolution No. RS2020-131

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020NL-002-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to general office and uses of RS15. Short term rental property – not owner-occupied shall be prohibited.
2. Confirmation of Historic approval of materials for parking and signage shall be provided prior to building or sign permit issuance.
3. Comply with all conditions and requirements of Metro reviewing agencies.

21. 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: Approve with conditions.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 105 Eastmoreland Street, approximately 230 feet east of Dickerson Pike (0.17 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 1 unit.*

Proposed Zoning

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of one duplex lot for a total of two units, as confirmed by the Codes Department.*

EAST NASHVILLE COMMUNITY PLAN

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

Highland Heights Study Supplemental Policy

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

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

There is an unbuilt right-of-way associated with Alley #2015 to the rear of this property and other lots on the north side of Eastmoreland Street and south side of Lucile Street, between Meridian Street and Dickerson Pike. The Mobility Plan component of the Highland Heights Study, which was incorporated into the Major and Collector Street Plan (MCSP), calls for this alley right-of-way to be constructed as a public alley with any new development or redevelopment.

Dickerson South Corridor Study

This site is also within the Dickerson South Corridor Study (Study), which was adopted by the Planning Commission on June 13, 2019 and February 27, 2020, after a participatory process with extensive community input. The Study provides supplemental guidance for future development in the Dickerson Pike area by addressing land use, transportation, and community design at the neighborhood scale while also supporting high-capacity transit envisioned by NashvilleNext.

For properties within the Dickerson South Corridor Study area that are also located within the Highland Heights Study Supplemental Policy, such as this site, guidance for future development defers to the Highland Heights Study recommendations.

SITE AND CONTEXT

The 0.17-acre site is located on the north side of Eastmoreland Street, between Meridian Street and Dickerson Pike, an arterial-boulevard designated on the Major and Collector Street Plan. The property contains an existing single-family residential use. The development pattern along Eastmoreland Street is primarily single-family, with one two-family use located east of the site on property that was rezoned to R6-A in 2017. The site is located directly across the street from another R6-A-zoned property at the corner of Eastmoreland Street and Joseph Avenue, to the south. The majority of the properties on the north side of the unbuilt alley, oriented towards Lucile Street, are also zoned RS5, with the exception of a multi-family residential development located behind the subject site and a parcel to the east of the multi-family development that was recently rezoned to R6-A. Commercial uses and parking are located along Dickerson Pike, approximately 230 feet to the west.

ANALYSIS

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

The Highland Heights Study envisioned that the R5 area would accommodate additional density in concert with the installation of infrastructure, specifically at an integrated road and alley network. The Mobility Plan provides a blueprint for this road and alley network and identifies unbuilt alley #2015 as part of the future network. The existing right-of-way associated with Alley #2015 is approximately 10 feet in width, where 20 feet is required to meet the Public Works standard. The alley right-of-way does not extend all the way to Meridian Street on the east or Dickerson Pike on the west, but instead turns north and south behind the properties fronting those two corridors.

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

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

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- 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.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- TIS may be required prior to development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.17	8.712 D	1 U	10	1	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	0.17	7.26 D	2 U	19	2	2

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+9	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 zoning districts: 0 Elementary 0 Middle 0 High

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

The proposed R6-A zoning is not expected to generate any additional students beyond the existing RS5 zoning. Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School.

STAFF RECOMMENDATION

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

CONDITIONS

1. Prior to the issuance of building permits, half of the remaining right-of-way for Alley #2015 required to meet the Public Works standard shall be dedicated.

Approve with conditions. Consent Agenda. (8-0)

Resolution No. RS2020-132

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-061PR-001 is approved with conditions. (8-0)

CONDITIONS

1. Prior to the issuance of building permits, half of the remaining right-of-way for Alley #2015 required to meet the Public Works standard shall be dedicated.

22. 2020Z-062PR-001

Council District 31 (John Rutherford)

Staff Reviewer: Patrick Napier

A request to rezone from CS to MUL-A zoning for property located at 6228 Nolensville Pike, approximately 580 feet southeast of Bienville Drive and located with a Corridor Design Overlay District (6.55 acres), requested by Dale and Associates, applicant; Rebecca Bowling and Linda Shores, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CS to MUL-A.

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 6228 Nolensville Pike, approximately 580 feet southeast of Bienville Drive and located with a Corridor Design Overlay District (6.55 acres).

Existing Zoning

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

Proposed Zoning

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

Corridor Design Overlay

The corridor design overlay district provides appropriate design standards for commercial, office and mixed-use development along corridors necessary to provide incremental improvements to the aesthetics of Nashville’s commercial districts and corridors. Application of this overlay district shall be limited to areas requiring transitional standards.

SOUTHEAST COMMUNITY PLAN

T4 Urban Community Center (T4 CC) is intended to maintain, enhance and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban communities generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

ANALYSIS

The site is located 580 feet southeast of Bienville Drive and fronts Nolensville Pike. Nolensville Pike is identified as an Arterial Street in the Major and Collector Street Plan. The property contains a single-family structure. Surrounding uses include multi-family residential, retail, and institutional uses.

The site is located in an area identified by the NashvilleNext Growth and Preservation Concept Map as a Tier 2 Center. The proposed MUL-A zoning district permits residential, retail, and office uses. MUL-A zoning is consistent with the policy as the purpose is to create a mixture of uses. The policy calls for development that is urban in form.

The proposed MUL-A district includes requirements intended to create development that is urban in form. It is also important to note that the existing CS zoning district is not consistent with the policy.

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.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	6.55	0.6 F	171,190 SF	10866	545	1171

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	3.28	1.0 F	142 U	1033	67	81

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.63	1.0 F	71,002 SF	4507	226	486

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (931)	1.63	1.0 F	71,002 SF	5953	52	554

Traffic changes between maximum: CS and MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+627	-200	-50

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed MUL-A district: 16 Elementary 12 Middle 10 High

The proposed MUL-A zoning will generate 38 more students than the existing CS zoning district. Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (8-0)

Resolution No. RS2020-133

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-062PR-001 is approved. (8-0)

23. 2020Z-067PR-001

Council District 11 (Larry Hagar)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS15 to RM2 zoning for property located at 428 Old Lebanon Dirt Road, at the southeast corner of Old Lebanon Dirt Road and Dodson Chapel Road (5.83 acres), requested by Dean Design Group, applicant; James Reddick III, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS15 to RM2.

Zone Change

A request to rezone from Single-Family Residential (RS15) to Multi-Family Residential (RM2) zoning for property located at 428 Old Lebanon Dirt Road, at the southeast corner of Old Lebanon Dirt Road and Dodson Chapel Road (5.83 acres).

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 14 units. However, application of the Subdivision Regulations may result in fewer lots at this site.*

Proposed Zoning

Multi-Family Residential (RM2) is intended for single-family, duplex, and multi-family dwellings at a density of two dwelling units per acre. *RM2 would permit a maximum of 12 units.*

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 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 NC 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.

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

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

Conservation policy is located on the western portion of the site identifying floodplain, floodway, and stormwater regulation buffers associated with Stoner Creek and Dry Fork streams.

ANALYSIS

The vacant site comprises 5.83 acres and is located on the south side of Old Lebanon Dirt Road, west of the intersection of Old Lebanon Dirt Road and Andrew Jackson Parkway, and east of Old Hickory Boulevard. The site has frontage on Old Lebanon Dirt Road, Dodson Chapel Road to the west, and an existing rail line which forms the southeastern property line. Dodson Chapel Road is partially improved west of the site. Surrounding land uses east of Old Hickory Boulevard include larger vacant and single-family residential uses, with scattered commercial and multi-family residential development located south of the rail line and Old Lebanon Dirt Road. On the west side of Old Hickory Boulevard, land uses include commercial and industrial development, including a large mineral processing facility. The Dry Fork stream runs along the southwestern corner of the site.

Multi-family development at this site will enhance the area with more housing choice, consistent with the goals of the T3 NC and T3 NE policy areas, which are located towards the northeastern corner of the site near Andrew Jackson Parkway. The site is located opposite of several streets designated as arterial-boulevards by the Major and Collector Street Plan, including Andrew Jackson Parkway, Chandler Road, and Old Lebanon Dirt Road, located east of the rail line, where additional intensity would be appropriate. The site is also surrounded by existing transportation networks, including Old Hickory Boulevard and Lebanon Pike. The proposed RM2 zoning district would permit a multi-family development product, consistent with T3 NC and T3 NE policy goals, and would also create opportunities to cluster development outside of the CO policy areas. The requested RM2 district permits development at a lower level of intensity than would ordinarily be supported, which is appropriate given the CO policy areas on site.

FIRE MARSHAL RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be warranted at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	5.83	2.904 D	14 U	171	15	16

Maximum Uses in Proposed Zoning District: **RM2**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	5.83	2 D	12 U	88	6	7

Traffic changes between maximum: **RS15 and RM2**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-2 U	-83	-9	-9

METRO SCHOOL BOARD REPORT

Projected student generation existing RS15 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed RM2 district: 2 Elementary 2 Middle 2 High

The proposed RM2 zoning is expected to generate 3 additional students beyond the existing RS15 zoning. Students would attend Dodson Elementary School, Dupont Tyler Middle School, and McGavock High School.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (8-0)

Resolution No. RS2020-134

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-067PR-001 is approved. (8-0)

24. 2020Z-068PR-001

Council District 07 (Emily Benedict)

Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to R10 zoning for property located at 1318 Cardinal Avenue, approximately 75 feet northwest of Addine Street (0.23 acres), requested by Cole Newton and Kristen Newton, applicants and owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 1318 Cardinal Avenue, approximately 75 feet west of Addine Street (0.23 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 one single-family lot based on current configuration.*

Proposed 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 1 duplex lot for a total of 2 units. Final determinations regarding duplex eligibility are made by the Metro Codes Department.*

EAST NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The property is located on the south side of Cardinal Avenue, near the intersection of Cardinal Avenue and Addine Street. The property has frontage along both Cardinal Avenue and Greenland Avenue.

The surrounding land use is primarily single-family residential and some two-family residential properties. Across Greenland Avenue is Dan Mills Elementary School. There are two properties along Cardinal within the block between Addine and Kennedy reflective of this two-family residential pattern. One property has been developed with two residential units, one fronting Cardinal Avenue and one fronting Greenland Avenue. The other property was rezoned from RS10 to R10 earlier this year, with the potential to develop similarly.

The goal of the T4 NM policy area is to maintain urban neighborhoods as characterized by their moderate to high-density residential development pattern with regularly spaced buildings with shallow setbacks and minimal spacing in between. The properties along Cardinal Avenue are narrow and deep with double road frontage. The proposed duplex lot, with frontage along two streets, serves the goals of the policy to create moderate to high lot coverage with buildings that are oriented toward the street.

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 with conditions

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

Maximum Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.23	4.356 D	1 U	10	1	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (220)	0.23	4.356 D	2 U	15	1	2

*Based on two-family lots

Traffic changes between maximum: **RS10 and R10**

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

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed R10 district: 0 Elementary 0 Middle 0 High

The proposed R10 zoning is not anticipated to generate any additional students than the existing RS10 zoning district. Students would attend Dan Mills Elementary School, Litton Middle School, and Stratford High School.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (8-0)

Resolution No. RS2020-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-068PR-001 is approved. (8-0)

25. 2020Z-070PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Joren Dunnavant

A request to rezone from RS5 to R8-A zoning for property located at 2937 Torbett Street, approximately 810 feet west of 28th Avenue North (0.23 acres), requested by Alex Craw, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R8-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential - Alternative (R8-A) zoning for property located at 2937 Torbett Street, approximately 819 feet west of 28th Avenue North (0.23 acres).

Existing Zoning

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

Proposed Zoning

One and Two-Family Residential – Alternative (R8-A) 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 and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R8 would permit a maximum 1 duplex lot for a total of 2 units.*

NORTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The site is located in North Nashville, just east of Interstate 40. The site is currently vacant. The surrounding land use is single family residential. The area is developed generally as single-family residential with a mix of housing types including 2 family, multi-family, and vacant on the same block as the subject property. The site is along a street between a dead end and an arterial road to the east. The lot has an alley and is near the end of the street.

The T4 NE policy identifies several factors as consideration for rezoning including a site's location in relation to service centers and corridors, the size of the site, and infrastructure in and around the site. This site is located on a block with an arterial road at the end of the street. The site is larger than the surrounding lots and the alternative standards of the zoning district provide development standards in keeping with the existing urban neighborhood. The lot has an alley which provides additional access. Given these factors, the proposed zone change is consistent with the policy.

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.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.23	8.712 D	2 U	19	2	2

Maximum Uses in Proposed Zoning District: R8-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	0.23	5.445 D	2 U	19	2	2

*Based on two-family lots

Traffic changes between maximum: **RS5 and R8-A**

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

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed R8-A district: 0 Elementary 0 Middle 0 High

The proposed R8-A zoning is not anticipated to generate any more students than the existing RS5 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (8-0)

Resolution No. RS2020-136

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-070PR-001 is approved. (8-0)

26. 308-84P-001

ROBIN HOOD CONDOMINIUMS PHASE 2 (CANCELLATION)

Council District 09 (Tonya Hancock)

Staff Reviewer: Jason Swaggart

A request to cancel a Planned Unit Development Overlay District for properties located at Forest Park Road (unnumbered), approximately 250 feet north of Lanier Drive, zoned RM15 (4.51 acres), requested by RK Junior Contracting LLC, applicant; Garafola Properties LLC, owner.

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

The Metropolitan Planning Commission deferred 308-84P-001 to the June 11, 2020, Planning Commission meeting. (8-0)

27. 2019Z-015TX-001

BL2019-8/Mary Carolyn Roberts

Staff Reviewer: Greg Claxton

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: Approve with a substitute.

APPLICANT REQUEST

An ordinance amending Section 17.20.120 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks.

RECOMMENDATION

Approve the ordinance with a substitute.

OVERVIEW

The contribution in lieu of construction is an important tool to support the sidewalk program. At question is where those funds should be deployed: within the current Pedestrian Benefit Zones or in a more limited geography, at the Council District level (proposed).

While staff has concerns with altering the current process as proposed, we acknowledge that the boundaries of the Pedestrian Benefit Zones need to be reevaluated and that it would be unproductive to do so prior to the upcoming redistricting process. We also find that an evaluation period that includes policy and performance goals, as well as additional data would improve Metro's ability to assess the overall program. Therefore, we propose such an evaluation period and reporting requirement below. Based on past contribution levels, our expectation is that one outcome of the proposed change is that the in lieu program would be used to support much smaller projects at the District-level, rather than towards larger sidewalk programs that serve more people. (According to Public Works staff,

generally lieu fund contributions alone do not usually constitute a sufficient investment amount to complete a larger sidewalk project). In general, both small and large projects can improve pedestrian infrastructure. However, these details should be confirmed in the Report's analysis.

The in lieu program is only one piece of a much larger sidewalk program. As Metro continues to assess the role of the in lieu program in furthering the city's goals, we should also continue to advance other priorities such as reducing project costs to ensure that funds go as far as possible in creating pedestrian-friendly neighborhoods and centers.

STAFF PROPOSED SUBSTITUTE

The staff recommendation would amend the current proposal as follows (new text shown underlined; deleted text shown with ~~strike through~~):

Amend Subsection D of Section 17.20.120 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks as follows:

- D. Contribution to the sidewalk fund for the council district as an alternative to sidewalk installation.
- 1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the sidewalk fund for the council district in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government. The contribution in-lieu of construction shall be no more than ~~two~~ three percent of the total construction value of the permit.
- 2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same council district as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.
- 3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works, and written confirmation of the contribution shall be sent to the Department of Codes Administration prior to the issuance of a building permit.
- 4. Establishment of an Evaluation Period, Preparation of Report, and Sunset Clause
 - a. Metro Public Works shall evaluate a pilot program, where funds are administered at a Council District level, through the end of June 2022.
 - b. In consultation with the Planning Department, Public Works shall prepare a report for the Metro Council within 2 months of the end of the evaluation period that summarizes its findings during the Evaluation Period and includes:
 - 1. The amount and use of contribution-in-lieu funds;
 - 2. A list of projects where in-lieu funds were used by District, including the service area and anticipated number of people served; and
 - 3. Performance-based metrics, included but not limited to safety and equity metrics, and a determination as to whether and to what extent the in-lieu program contributes to those metrics by Council District allocation.
 - 4. The report shall be submitted to the Planning Department for review prior to submittal to Metro Council.
 - c. The Pilot Program shall end on September 30, 2022. At such time the contributions in lieu shall be once again made to the established Pedestrian Benefit Zones.

PROPOSED AMENDMENT TO TITLE 17

The original proposed bill as filed would amend the Zoning Code by modifying Subsection D of Section 17.20.121 pertaining to the provisions of sidewalks by changing the geography to which contributions in lieu of construction of sidewalks are made. Currently, contributions in lieu are made to Pedestrian Benefit Zones. As proposed contributions would be made to council districts and would not include an evaluation period, performance metrics, or a sunset clause.

POLICY CONTEXT

BL2019-8 would adjust contributions-in-lieu for sidewalks by changing the geographic area in which the contributions are spent from 16 Pedestrian Benefit Zones to the 35 Council Districts. Per Council Office, the current draft of the proposal inadvertently states the cap on the contribution in-lieu as 2% of that same value of the construction value of the permit. This is corrected in the substitute.

In recent years, the annual amount of G.O. bonds allocated for sidewalks has increased to \$30 million per year. Per the Council Subcommittee on Sidewalks, approximately two-thirds of G.O. bonds approved for sidewalks have been directed to building new sidewalks. The remaining one-third is used for sidewalk repair.

FY19 contributions in-lieu amounted to about \$3.6 million, or about 10% of the recent \$30 million annual sidewalk allocations in G.O. bonds. Benefit Zones ranged from contributing and expending no dollars to \$1.1 million in Zone 8. On average, contributions-in-lieu funded 36% of the total costs of the projects they supported.

Each in lieu fund contribution alone does not usually constitute a sufficient amount of money to complete a larger sidewalk project. Currently, at the end of each fiscal year, any contributions in-lieu collected within a Benefit Zone are

allocated to ongoing sidewalk projects within the same Benefit Zone. This allows the majority funding source of the sidewalk program, general obligation bonds, to be redirected to other projects, allowing them to reach further than they would otherwise be able to. *Therefore, one potential result of this pilot may be that the in lieu fund can only support much smaller projects within the Districts that generate the funds.* Whether this is indeed the outcome and whether that result is an appropriate outcome, should be assessed during the Evaluation Period.

Additionally, the Benefit Zones should also be reassessed in light of the performance objectives of the sidewalk program. The Benefit Zones may no longer align well with sidewalk requirements and where the contribution-in-lieu option is available. The guidelines used to draw their boundaries should be reassessed to see if they meet the goals of the in-lieu program. Lastly, only 12 Council Districts are wholly contained within a single Benefit Zones, causing confusion and mistrust about how in-lieu contributions are used. Concurrently with the development of the Report, the Planning Department may develop a proposal for alternative boundaries for the Benefit Zones, which would need to be updated by separate ordinance. The appropriate time to evaluate and propose new boundaries for pedestrian benefit zones is following the Council redistricting process.

Background

Currently, sidewalks are required when building permits are issued based upon the land use, location within the county, extent of improvements, and condition or design of existing sidewalks. In some cases, the sidewalk requirement may be waived and a contribution made in lieu of constructing the sidewalk. Contributions in-lieu must be used within ten years of payment to implement the strategic plan for sidewalks and bikeways (currently, the Walk N Bike Master Plan). Projects funded by contributions in-lieu must be within the same Pedestrian Benefit Zone that the contribution was collected from. Map 1 shows the 16 Benefit Zones.

Pedestrian Benefit Zones were established in an update to the Subdivision Regulations adopted in 2002. According to the regulations at that time:

Each zone represents, to the extent practicable, an area where pedestrian circulation can take place without traversing major barriers to movement such as interstate freeways and major federal highways that are, by definition, unsafe or unsuitable for pedestrian crossing.

In 2004, the option to contribute in-lieu of constructing a sidewalk and Pedestrian Benefit Zones were included in the zoning code. A major update to sidewalk requirements was adopted in 2017, expanding the requirements for new sidewalks to include many more one- and two-family permits and providing guidance aligned with NashvilleNext on when sidewalks were required and when contributions in-lieu were available as an option.

One underlying premise of the contributions in-lieu and Pedestrian Benefit Zones are that the contributions should not become a general revenue source for Metro Nashville. Section 17.20.120 requires that contributions in-lieu be spent on projects close in time (10 years), benefits (implementation of the strategic sidewalk and bikeway plan), and geography (the Pedestrian Benefit Zones).

Walkability was a core focus of NashvilleNext. Creating walkable places available to people from all backgrounds across the County undergirded the Growth & Preservation Concept Map, supported by multiple Plan Elements. Following NashvilleNext, the Walk n Bike Master Plan laid out multiple critical strategies to creating the walkable places recommended by NashvilleNext. Walk n Bike identified 1,900 miles of sidewalks needed to complete the recommended pedestrian network. Among its tools was a priority system for new sidewalk segments. This system combined multiple factors to identify high need areas. Factors included:

- Safety (locations of pedestrian crashes and fatalities)
- Equity (Communities with high levels of poverty and unemployment, an aging population, and low levels of vehicle access)
- Demand (How much walking sidewalks support, based on access to transit, major corridors, and civic institutions, and expansion of the current sidewalk network)

ANALYSIS

Metro rules require it to spend contributions in-lieu on pedestrian projects close to the source of the contributions. Further, the original rationale of the Benefit Zones was to keep contributions within areas that were not divided by features that were difficult to cross, such as rivers and freeways.

In addition to proximity and connectivity, the following are additional policy areas that may be considered for the Report.

- Safety: Reducing pedestrian crashes and fatalities, and adding sidewalks where the most people are walking or likely to walk.
- Equity: Prioritizing sidewalks for disadvantaged communities or those most reliant on sidewalks.
- Unbuilt sidewalks: Contributions in-lieu could support expanding the sidewalk network in areas where it is missing.

Proximity and Connectivity

One of the core principles of the in-lieu option is that improvements supported by the contribution should be close to the site of the contribution. Closely related to proximity, another principle of the in-lieu option is that improvements

supported by these contributions not be separated by unwalkable features, such as freeways or the Cumberland River.

The Report should assess whether investing by Council Districts supports projects that promote connectivity. Part of this assessment should review whether some freeway and river crossings are sufficiently safe and supported to be considered pedestrian accessible.

Safety

Improving the safety of Nashville's pedestrian environment is a priority of Walk n Bike. Focusing resources into high crash locations that lack infrastructure can help reduce pedestrian injuries and deaths. Preliminary review by Planning staff reflect that Council Districts differ substantially in the number of pedestrian crashes. However, it is unclear if high crash locations occur throughout all Districts. Moreover, it is unclear if the contributions in-lieu generated per District would be sufficient to improve unsafe areas in each District.

The Report should assess crash data and determine whether restricting spending contributions in-lieu only within Districts supports Metro's ability to target these funds on projects that improve pedestrian safety.

Equity

Walk n Bike uses four factors to represent Health Equity: poverty rate, unemployment rate, households without vehicles, and population over 65. These can be assessed, with a slight lag, at smaller geographics (Census Block Groups) to determine how the areas that make contributions compare to the areas that receive pedestrian improvements.

The Report should assess whether the District-based approach supports Metro's capacity to improve equitable investment within each of these categories.

However, it is important to note that the contribution in lieu of construction alone should not be solely responsible for equitable investment in pedestrian infrastructure – this should be a priority for the entire sidewalk program. Therefore, the Report should also examine Metro's overall investment in sidewalks and whether it is successfully addressing important system gaps in an equitable way.

Walk n Bike priority scores

The Walk n Bike priority score reflects a data-driven approach to combining strategic factors relating to areas that different potential sidewalk segments serve. It is intended to reflect the overall level of demand for and benefit from walking in different areas. While these scores do not reflect the difficulty or cost of constructing particular sidewalks or unusual features, Public Works generally prefers high scoring sidewalks over lowing scoring ones. Public Works should update and refine the priority measure to better reflect the overall strategic goals of Walk n Bike as well as more recent data.

The Report should assess whether spending by Council Districts supports goals for pedestrian infrastructure.

Unbuilt sidewalks

Much of the sidewalk program's spending is intended to add sidewalks where they do not now exist. Districts differ widely in their sidewalk needs, though all have substantial sidewalk gaps. Moreover, the level of need is extremely high compared to the relatively modest levels of funding amounts contributed in-lieu. Generally, Districts with the largest number of miles needed have lower scores on the Walk n Bike priority ratings, as well as fewer pedestrian crashes than Districts with fewer miles needed. This is due to the general correlation between population density, priority scores, and pedestrian crashes.

The Report should assess sidewalk needs by District, as well as whether any funds were used or could have been used to complete sidewalks.

SUMMARY

Staff recommends a two-phased approach to assessing the geography where in lieu of construction program should be deployed. First, we recommend a pilot that requires contributions in-lieu be spent within Council Districts during an Evaluation Period. In the second phase, as improvements to the sidewalk program are made, staff recommends revisiting this assessment one year after redistricting is complete. Using tracked spending on contributions in-lieu, staff will assess the effects of the change and whether they support broader city goals.

Additionally, concurrently with the submittal of the Report, the Planning Department should re-assess the boundaries of Benefit Zones to determine if they can be more closely aligned with Council Districts to minimize concerns that split Districts result in less sidewalk spending within Districts. Revised pedestrian zones would require separate Council action.

Summary recommendations

Establishment of an Evaluation Period and Pilot Program by Council District

Establish an Evaluation Period whereby Public Works shall pilot a program to distribute funds by Council District, to conclude with the end of the first Fiscal Year following redistricting in 2021.

Preparation of a Report

At the conclusion of the Evaluation Period, Public Works shall submit to the Planning Department and Metro Council a Report regarding the amount and use of contribution-in-lieu funds by Council Districts during the Evaluation Period. The Report should include a list of projects where in-lieu funds were used by District, including the service area and anticipated number of people served.

Within the Report and in consultation with the Planning Department, Public Works shall identify performance-based Countywide safety and equity metrics and determine whether and to what extent the in-lieu program contributes to those metrics by Council District allocation.

RECOMMENDATION

Approve with a substitute ordinance.

Substitute Bill BL2019-8

WHEREAS, sidewalks are critical infrastructure, providing a wider variety of safe transportation options in a rapidly growing Nashville; and

WHEREAS, the Metropolitan Council enacted amendments to Title 17, the Zoning Code, by the adoption of Ordinance No. BL2016-493 whereby the locational criteria and types of development requiring new sidewalk construction were updated and Ordinance BL2019-1659 refining these criteria; and

WHEREAS, these Ordinances allowed a contribution in lieu of constructing a sidewalk in some circumstances; and

WHEREAS, contributions in-lieu are required to be spent within 10 years of when the contribution is made, to further the strategic sidewalk and bikeway plan, and close to the sit making the contribution; and

WHEREAS, these contributions are currently required to be spent within the same pedestrian benefit zone in which the contribution is made; and

WHEREAS, it is important that Public Works evaluate the in-lieu fee program, to conclude the evaluation at the end of June 2022; and

WHEREAS, the evaluation should include the amount and use of contribution-in-lieu funds; a list of projects where in-lieu funds were used by District; including the service area and anticipated number of people served; and performance-based Countywide safety and equity metrics and determine whether and to what extent the in-lieu program contributes to those metrics by Council District allocation; and

WHEREAS, the evaluation should consider reconfigured Pedestrian Benefit Zones to improve performance outcomes; and

WHEREAS, the Planning Commission's report on this proposal includes discussion of potential metrics for this evaluation.

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

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

- D. Contribution to the sidewalk fund for the council district as an alternative to sidewalk installation.
- 1. -When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the sidewalk fund for the council district in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government. The contribution in-lieu of construction shall be no more than ~~two~~ three percent of the total construction value of the permit.
- 2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same council district as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.

3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works, and written confirmation of the contribution shall be sent to the Department of Codes Administration prior to the issuance of a building permit.
4. Establishment of an Evaluation Period, Preparation of Report, and Sunset Clause
 - a. Metro Public Works shall evaluate a pilot program, where funds are administered at a Council District level, through the end of June 2022.
 - b. In consultation with the Planning Department, Public Works shall prepare a report for the Metro Council within 2 months of the end of the evaluation period that summarizes its findings during the Evaluation Period and includes:
 1. The amount and use of contribution-in-lieu funds;
 2. A list of projects where in-lieu funds were used by District, including the service area and anticipated number of people served; and
 3. Performance-based metrics, included but not limited to safety and equity metrics, and a determination as to whether and to what extent the in-lieu program contributes to those metrics by Council District allocation.
 4. The report shall be submitted to the Planning Department for review prior to submittal to Metro Council.
- c. The Pilot Program shall end on September 30, 2022. At such time the contributions in lieu shall be once again made to the established Pedestrian Benefit Zones.

Section 2. 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.

Mr. Claxton presented the staff recommendation of approval with a substitute.

Councilmember Roberts spoke in favor of the application.

Ms. Fulton spoke in favor of the application; sidewalks are the number one priority of the neighborhood.

Robert (last name unclear), spoke in favor of the application with amendment.

Councilmember Benedict spoke in favor of the application. Sidewalks are the hottest topic in the city and they really impact Nashville's way of life.

Mr. Haynes closed the Public Hearing.

Councilmember Murphy expressed concerns with doing a lot of small projects instead of several large projects; she'd like to see the improvements done where they are needed the most. She would also like to have a baseline report to compare data before jumping into council districts. This could potentially grow disparity among the neighborhoods.

Mr. Tibbs also expressed concerns with lack of data.

Dr. Sims spoke in opposition as we don't have baseline data on the current program to see if it is working. Also, the timeline is a concern as it is not realistic. We should spend more time trying to get this right.

Ms. Moore expressed concerns with equity and spoke in agreement with Councilmember Murphy's comments. We need more information first.

Ms. Johnson requested baseline data to better decide. Not having a current matrix on where in lieu money was spent in the past makes it hard to evaluate which mechanism is the right one.

Mr. Gobbell would also like to see baseline data and suggested deferral to allow time to gather that information.

Councilmember Henderson spoke in favor of the application.

Councilmember Roberts requested a vote, not a deferral.

Mr. Tibbs moved and Ms. Johnson seconded the motion to disapprove. (8-0)

Resolution No. RS2020-137

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-015TX-001 is disapproved. (8-0)

28. 2020Z-009TX-001

BL2020-288/Angie Henderson
Staff Reviewer: Shawn Shepard

An ordinance to amend Section 17.20.120 of the Metropolitan Code related to street trees.

Staff Recommendation: Approve a substitute.

APPLICANT REQUEST

Amend Section 17.20.120 of the Metropolitan Code related to street trees.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill as introduced would amend Section 17.20.120 of the Zoning Code by adding the following language as subsection C.2.c (new text shown in underline). Please note, staff is recommending a substitute that will alter the below language:

- c. For multi-family and nonresidential development or redevelopment, street trees shall be required within the grass strip/green zone or frontage zone for any sidewalk constructed within a center designated in the general plan.
 - i. Trees shall be installed at a rate of one tree per 30' of frontage, or portion thereof.
 - ii. Street trees shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List and shall be a minimum of two-inch caliper and a minimum of six feet in overall height. Canopy trees shall be installed except where conflicts with overhead utility lines exist. In those instances, understory trees may be substituted.
 - iii. The final location and spacing of street trees and proposed planting area dimensions and standards shall be subject to review and approval by the Urban Forester and Metro Public Works.
 - iv. The owner of the property frontage along which the street trees are installed shall maintain the street trees installed per this title to the International Society of Arboriculture Standards.
 - v. Required street trees shall be depicted on a landscape plan, which shall be submitted with construction drawings for the sidewalks.
 - vi. Trees installed pursuant to this section shall be eligible for credit toward the tree density required by Chapter 17.24 of this title.

ANALYSIS

Section 17.20.120 of the Zoning Code establishes requirements for sidewalks to be constructed with certain types of development and based on certain locational criteria. Subsection 17.20.120.C establishes standards for installation of public sidewalks, including sidewalk design standards; the sidewalk dimensions and required elements shall comply with the Major and Collector Street Plan (MCSP) sections or with adopted Public Works standards for local streets. The proposal specifies that when sidewalks are triggered in association with multi-family or nonresidential development located within a center identified in NashvilleNext, the developer is required to install street trees within the required grass strip/green zone (planting strip) or frontage zone component of the overall sidewalk. This proposal does not impact properties within the Downtown Code (DTC), as the DTC includes separate standards for street trees, nor does the proposal impact one or two-family residential development or multi-family or nonresidential development located outside of NashvilleNext centers.

Over the last few years, Metro Nashville has updated and refined its development regulations pertaining to sidewalks and pedestrian infrastructure. Those standards focus on construction of sidewalks within and around NashvilleNext centers and corridors to benefit residents, visitors, neighborhoods and businesses. Metro has also updated its development regulations pertaining tree retention and replacement found in Chapter 17.24 of the Zoning Code to increase Nashville's overall tree canopy, enhance the pedestrian realm, and improve and beautify Nashville's developed areas. The most recent update to Chapter 17.24, enacted in September 2019, allowed for developers and property owners to receive tree density (TDU) credit for street trees that meet certain standards.

The proposal links together recent efforts related to sidewalks and trees with a focus on centers as identified in NashvilleNext. Centers should accommodate growth, improve public spaces, support transit, sustain economic activity, and provide walkable access to goods and services close to most parts of the county. Public and private investment should support these goals within centers. Sidewalks constructed within centers include a planting strip or frontage zone, the width of which varies based on context and MCSP requirements. Requiring the installation of street trees within the planting strip will help achieve multiple goals of NashvilleNext.

As originally filed, the proposal lays out certain minimum standards for the number and size of trees required. Staff recommends a substitute that would replace those specific minimums with a reference to a set of planting, installation and maintenance specifications for street trees, to be known as the Metro Nashville Street Tree Specifications.

Street tree installation is highly context sensitive. The appropriate number of trees for a site and the final planting locations are driven by conditions that are unique to each site including the locations of intersections and driveways, street lighting and other utilities, and street trees on adjacent sites. Likewise, the appropriate species and planting

specifications may also vary by site to account for underground utilities, width of the planting strip, orientation and aspect, and other factors. Rather than codify a single minimum standard, which may not be the best fit for any particular context, staff recommends referencing the Street Tree Specifications, which can account for the diversity of settings that exist within NashvilleNext centers and provide guidance and specifications suited to a range of site conditions.

The Metro Nashville Street Tree Specifications will provide predictability for design professionals and the public, permit consistent implementation of the Zoning Code, and better balance goals for urban design, public safety, and production of a healthy tree canopy. The Street Tree Specifications are currently being developed and refined with input from various Metro agencies including Water Services, Public Works, Urban Forestry, Planning, and Codes. These specifications and guidelines, once finalized, will be maintained by Metro Water Services, and will guide review of plans that incorporate street trees during the permit process.

As a part of the sidewalk design standards in Section 17.20.120, an applicant seeking relief from the requirements of this proposed substitute would seek relief pursuant to Subsection 17.20.120.A.3, which outlines the provisions for waiver of the requirements of the section by the Zoning Administrator, commonly referred to as a sidewalk waiver. If a sidewalk waiver is granted, that waiver could include an alternative design that reduces or eliminates the required street trees, just as sidewalk waivers sometimes reduce or eliminate the required planting strip or other elements in order to prioritize safe pedestrian movement given the site conditions. It is important to note that the tree bank, established in Section 17.40.480, is an alternative method of complying with the tree density requirements in Chapter 17.24 of the zoning code. If the Zoning Administrator determines that a fee-in-lieu of construction is appropriate for any part of the required sidewalk including required street trees, that fee-in-lieu will be assessed per the sidewalk fee-in-lieu process, not via the tree bank.

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 practice, and building permits will continue to be referred to Public Works, Urban Forestry, Metro Water Services and Stormwater as applicable for review. The Codes Department anticipates the proposed amendment to be revenue neutral.

Substitute Bill BL2020-288

An ordinance to amend Section 17.20.120 of the Metropolitan Code related to street trees (Proposal No. 2020Z-009TX-001).

WHEREAS, Nashville’s General Plan, NashvilleNext, provides guidelines by which Metropolitan Nashville grows and develops; and

WHEREAS, an important feature in this growth includes improvements of public spaces, safely walkable access to goods and service throughout the county, and other benefits to residents, neighborhoods, and businesses; and

WHEREAS, beginning July 2017, Metro expanded the strategic framework for sidewalk requirements and has over the last several years focused on improved implementation of sidewalks across Nashville and Davidson County; and

WHEREAS, Metro updated development regulations for tree retention and replacement to increase Nashville’s overall tree canopy, enhance the pedestrian realm, retain stormwater, and beautify Nashville’s developed areas; and

WHEREAS, pursuant to Section 17.20.120 of the Metropolitan Code of Laws, sidewalks are required to be constructed with certain types of development and based on certain locational criteria, including for multi-family and nonresidential development in NashvilleNext centers; and

WHEREAS, requiring street trees to be planted in the furnishing/green zone for sidewalks constructed meeting these criteria will help the Metropolitan Government meet multiple strategic goals.

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

Section 1. That Section 17.20.120 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provisions as subsection C.2.c:

- c. For multi-family and nonresidential development or redevelopment, street trees shall be required within the grass strip/green zone or frontage zone for any sidewalk constructed within a center designated in the general plan.
- i. ~~Trees shall be installed at a rate of one tree per thirty feet of frontage, or portion thereof. Trees shall be installed according to the provisions of the Metro Nashville Street Tree Specifications prepared and maintained by Metro Water Services in conjunction with Metro Public Works, Planning and Codes.~~
- ii. ~~Street trees shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List and shall be a minimum of two inch caliper and a minimum of six feet in overall height. Canopy trees shall be installed except where conflicts with overhead utility lines exist. In those instances, understory trees may be substituted. The owner of the property frontage along which the street trees are installed shall maintain the trees installed per this title according to the provisions of the Metro Nashville Street Tree Specifications.~~
- iii. ~~The final location and spacing of street trees and proposed planting area dimensions and standards shall be subject to review and approval by the Urban Forester and Metro Public Works.~~
- iv. ~~The owner of the property frontage along which the street trees are installed shall maintain the street trees installed per this title to the International Society of Arboriculture Standards.~~
- viii. Required street trees shall be depicted on a landscape plan, which shall be submitted with construction drawings for the sidewalks.
- vii. Trees installed pursuant to this section shall be eligible for credit toward the tree density required by Chapter 17.24 of this title.

Section 2. This ordinance shall take effect from and after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsors: Councilmember Angie Henderson; Councilmember Burkley Allen

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

Councilmember Henderson spoke in favor of the application.

Mr. Haynes closed the Public Hearing.

Ms. Blackshear spoke in favor of staff recommendation.

Mr. Gobbell spoke in favor of staff recommendation.

Ms. Johnson spoke in favor of staff recommendation.

Ms. Moore spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

Mr. Tibbs moved and Councilmember Murphy seconded the motion to approve with substitute. (8-0)

Resolution No. RS2020-138

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-009TX-001 is approved with a substitute (8-0)

29a. 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 (19.08 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 June 25, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-019-001 to the June 25, 2020, Planning Commission meeting. (8-0)

29b. 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 (19.08 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 June 25, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 84-87P-007 to the June 25, 2020, Planning Commission meeting. (8-0)

30. 2001UD-002-011

1601 BROADWAY

Council District 19 (Freddie O'Connell)

Staff Reviewer: Harriett Brooks

A request for a modification to the Music Row Urban Design Overlay District for properties located at 1601, 1605, and 1607 Broadway, at the southwest corner of 16th Avenue South and Broadway, zoned CF (0.77 acres), to permit a maximum building height of 316 feet, requested by Smith Gee Studio, applicant; Adams Cousins, Inc. and Harold Edward Jackson II ET AL, and Wentworth Caldwell, Jr. ET AL, owners.

Staff Recommendation: Defer to the June 25, 2020, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2001UD-002-011 to the June 25, 2020, Planning Commission meeting. (5-0-3)

31. 2019HP-001-001

MARATHON VILLAGE

BL2020-256/Freddie 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 July 23, 2020 Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019HP-001-001 to the July 23, 2020, Planning Commission meeting. (8-0)

32. 2020Z-027PR-001

Council District 21 (Brandon Taylor)
Staff Reviewer: Abbie Rickoff

A request to rezone from RS5 to R6-A zoning for property located at 720 Lena Street, approximately 80 feet south of Booker Street (0.14 acres), requested by Goodhope Development Consulting Group, Inc., applicant; Lorenzo Wright, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 720 Lena Street, approximately 80 feet south of Booker Street (0.14 acres).

Existing Zoning

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

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6 would permit a maximum of one duplex for a total of two residential units, based on the acreage only. However, the Codes Department has made a preliminary determination that this site is not duplex eligible.*

NORTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The site comprises 0.14 acres and is located on the east side of Lena Street, south of Booker Street and east of 28th Avenue North. The property contains a residential unit and is served by Alley #938 at the rear of the site. The surrounding area south of Booker Street includes mixed one and two-family residential units and vacant properties, with non-residential uses concentrated near the intersection of 28th Ave. N. and Clifton Avenue (south).

The R6-A zoning district is generally supported by the T4 NE policy in an urban neighborhood, such as this site. The area is served by a highly connected network of streets and alleys, and the site is located less than 1,000 feet from existing bus stops along 28th Avenue North. The site is also located less than 500 feet from 28th Avenue North and Clifton Avenue, identified as arterial-boulevards and collector avenues, respectively, by the Major and Collector Street

Plan. The A-district standards will require design and bulk placement standards consistent with an urban development pattern.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building details provided. Additional access or fire code issues will be addressed in the permitting phase.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.14	8.712 D	1 U	10	1	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (220)	0.14	7.26 D	2 U	15	1	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R6-A zoning district would generate no more students than what is typically generated under the existing RS5 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl Cohn High School.

STAFF RECOMMENDATION

Staff recommends approval.

Ms. Rickoff presented the staff recommendation of approval.

Ben Jordan, applicant, spoke in favor of the application.

Mr. Haynes closed the Public Hearing.

Dr. Sims inquired if any community meetings were held as she has concerns with making changes without engaging the community.

Mr. Tibbs spoke in favor of the plan as it is consistent with the policy, but would feel more comfortable if there had been community engagement.

Councilmember Murphy suggested a deferral.

Ms. Blackshear noted that some type of community meeting would be preferable.

Councilmember Murphy moved and Dr. Sims seconded the motion to defer to the June 11, 2020 Planning Commission meeting. (8-0)

Resolution No. RS2020-139

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020Z-027PR-001 is deferred to the June 11, 2020, Planning Commission meeting (8-0)

I: OTHER BUSINESS

33. Approve Ron Lustig as Downtown Code Design Review Committee Representative for Mayor John Cooper.

Resolution No. RS2020-140

"BE IT RESOLVED by The Metropolitan Planning Commission that Ron Lustig as Downtown Code Design Review Committee Representative for Mayor John Cooper is **approved. (8-0)**

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

Resolution No. RS2020-141

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report is **approved. (8-0)**

38. Legislative Update
39. Election of Officers

Ms. Blackshear moved and Dr. Sims seconded the motion to elect Greg Adkins as Chairman, Jessica Farr as Vice Chairman, Lillian Blackshear to the Executive Committee, Mina Johnson as the Historic Representative, and Jeff Haynes as the Parks Representative. (8-0)

J: MPC CALENDAR OF UPCOMING EVENTS

June 11, 2020

MPC Meeting

4 pm, via remote teleconference

June 25, 2020

MPC Meeting

4 pm, location to be determined

K: ADJOURNMENT

The meeting adjourned at 6:58 p.m.