



METROPOLITAN PLANNING COMMISSION

MINUTES

July 22, 2021
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Jessica Farr, Vice Chair
Jeff Haynes
Lillian Blackshear
Brian Tibbs
Edward Henley
Jim Lawson
Mina Johnson
Councilmember Kathleen Murphy

Staff Present:

Bob Leeman, Deputy Director
George Rooker, Assistant Director
Lisa Milligan, Planning Manager II
Joni Williams, Planning Manager I
Latisha Birkeland, Planner III
Amelia Lewis, Planner II
Logan Elliott, Planner II
Lora Fox, Legal

Commissioners Absent:

Greg Adkins
Dr. Pearl Sims

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, or emailed to the Planning Department by 3 pm on the Tuesday prior to the meeting day. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

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

Speaking to the Commission

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

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

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

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

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

Legal Notice

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



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:00 p.m.

B: ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Lawson seconded the motion to adopt the agenda. (6-0)

C: APPROVAL OF JUNE 24, 2021 MINUTES

Mr. Lawson moved and Councilmember Murphy seconded the motion to approve the June 24, 2021 minutes. (6-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Hall spoke in favor of Item 44.

Councilmember Young spoke in favor of Item 46.

Mr. Tibbs joined the meeting.

Councilmember Hagar and Councilmember Evans spoke in favor of Items 38a and 38b.

Mike Jameson spoke in opposition to Item 44 on behalf of the Mayor's Office and requested no action be taken other than adding the district councilmember as a fourth party.

Councilmember Porterfield spoke in favor of indefinite deferral of Item 7 and in opposition to Item 45.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2a, 2b, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 30, 39, 49

Mr. Haynes moved and Councilmember Murphy seconded the motion to approve the Deferred and Withdrawn items. (7-0)

F: CONSENT AGENDA ITEMS 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 51, 54

Councilmember Murphy moved and Mr. Tibbs seconded the motion to approve the Consent Agenda. (7-0)

G: ITEMS TO BE CONSIDERED

1a. 2021CP-008-001

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 21 (Brandon Taylor)

Staff Reviewer: Stephanie McCullough

A request to amend the North Nashville Community Plan by changing from District Industrial Policy to T4 Urban Mixed Use Neighborhood Policy for properties located at 623 and 701 41st Ave North and 700 42nd Ave North and 4105 Clifton Avenue and Clifton Avenue (unnumbered), approximately 500 feet west of 40th Ave N, zoned IR (6.88 acres), requested by Kimley Horn, applicant; Hoosier Capital, L.P., Michael J. & Dana M. Ragan, and Ari Holdings, LLC, owners. (see associated case #2021SP-004-001).

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021CP-008-001 to the August 26, 2021, Planning Commission meeting. (7-0)

1b. 2021SP-004-001
41ST AVENUE

Council District 21 (Brandon Taylor)
Staff Reviewer: Patrick Napier

A request to rezone from IR and OR20 to SP zoning on properties located at 704 41st Ave N, 4105 Clifton Avenue and Clifton Avenue (unnumbered) 4018 Indiana Avenue, and 4020 Indiana Avenue, approximately 475 feet west of 40th Ave N, (5.11 acres), to permit 151 multifamily residential units, requested by Kimley Horn, applicant; Hoosier Capital, L.P., owner. (see associated case #2021CP-008-001).

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-004-001 to the August 26, 2021, Planning Commission meeting. (7-0)

2a. 2007SP-037-002
BELL ROAD/BLUE HOLE ROAD SP AMENDMENT

Council District 31 (John Rutherford)
Staff Reviewer: Logan Elliott

A request to amend a Specific Plan located at Bell Road (unnumbered) and 5439 Blue Hole Road and 7000 Harris Hills Lane, at the corner of Bell Road and Harris Hills Lane (101.91 acres), zoned AR2a, R15, RS20, RS7.5, and SP, to permit a mixed-use development, requested by Lose Design, applicant; Forest View Residences, LLC and Richland South, LLC, owners. (See associated case #95P-025-007).

Staff Recommendation: Defer to the September 9, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2007SP-037-002 to the September 9, 2021, Planning Commission meeting. (7-0)

2b. 95P-025-007
MILLWOOD COMMONS PUD CANCEL

Council District 31 (John Rutherford)
Staff Reviewer: Logan Elliott

A request to cancel a portion of a Planned Unit Development Overlay District located at 5439 Blue Hole Road and Bell Road (unnumbered), approximately 560 feet north of W Oak Highland Drive (54.81 acres), zoned R15, RS20, and RS7.5, requested by Lose Design, applicant; Richland South, LLC, owner. (See associated case #2007SP-037-002).

Staff Recommendation: Defer to the September 9, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 95P-025-007 to the September 9, 2021 Planning Commission meeting. (7-0)

3. 2020Z-013TX-001
BL2020-504
OWNER OCCUPIED SHORT TERM RENTAL OVERLAY

Staff Reviewer: Shawn Shepard

A request to amend Chapters 17.36 and 17.40 of the Metropolitan Code pertaining to creating an Owner Occupied Short Term Rental Overlay district.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-013TX-001 to the August 26, 2021, Planning Commission meeting. (7-0)

4. 2021SP-020-001

BEN ALLEN RIDGE

Council District 08 (Nancy VanReece)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS10 to SP-R zoning for properties located at 301 Ben Allen Road and Ben Allen Road (unnumbered), approximately 1,400 feet west of Ellington Parkway (10.71 acres), to permit 245 multi-family residential units, requested by Alfred Benesch and Company, applicant; 301 Ben Allen LLC, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-020-001 to the August 26, 2021, Planning Commission meeting. (7-0)

5. 2021SP-023-001

NORTH EDGEHILL COMMONS

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to rezone from IWD to SP zoning for properties located at 920 and 1000 Hawkins Street, at the northeast corner of 12th Avenue South and Hawkins street (6.79 acres), to permit a mixed use development, requested by Tuck Hinton Architecture and Design, applicant; Beaman Motor Company, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-023-001 to the August 26, 2021, Planning Commission meeting. (7-0)

6. 2021SP-025-001

THE BOWEN HOUSE AT KNOLLMERE PLACE

Council District 15 (Jeff Syracuse)

Staff Reviewer: Abbie Rickoff

A request to rezone from R10 to SP-R zoning for property located at 2850 Lebanon Pike, at the northwest corner of Lebanon Pike and Stewarts Ferry Pike and located within the Downtown Donelson Urban Design Overlay District (5.32 acres), to permit 64 multi-family residential units, requested by Land Solutions Company, applicant; Arthur Bowen and David Gardner, et al, owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-025-0011 to the August 26, 2021, Planning Commission meeting. (7-0)

7. 2021SP-032-001

RESIDENCES AT LAGO BELLA

Public Hearing: Open

Council District 29 (Delishia Porterfield)

Staff Reviewer: Abbie Rickoff

A request to rezone from AR2a to SP zoning for property located at 2804 Smith Springs Road, approximately 380 feet east of Clearlake Drive West and partially located within a Commercial Planned Unit Development Overlay District (9.07 acres), to permit 74 multi-family residential units, requested by Civil Design Consultants, LLC, applicant; Eponymous LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2021SP-032-001 indefinitely. (7-0)

8. **2021SP-034-001** On Consent: No
12610 OLD HICKORY BOULEVARD Public Hearing: Open
Council District 33 (Antoinette Lee)
Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP zoning for properties located at 12610 and 12622 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 425 feet east of Hobson Pike (12.38 acres), to permit office and distributive business/wholesale uses, requested by Johnson Development Associates Inc., applicant; William Yeargin Jr., Paula Yeargin and William Spaulding, owners.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2021SP-034-001. (7-0)

9. **2021SP-043-001**
EWING DRIVE MULTI-FAMILY
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Logan Elliott

A request to rezone from R8 to SP zoning for properties located at 334 and 336 Ewing Drive, approximately 560 feet west of Richmond Hill Drive (11.81 acres), to permit 190 multi-family residential units, requested by Catalyst Design Group, applicant; LDG Development LLC, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-43-001 to the August 26, 2021, Planning Commission meeting. (7-0)

10. **2021SP-044-001**
GERMANTOWN GREEN
Council District 19 (Freddie O'Connell)
Staff Reviewer: Seth Harrison

A request to rezone from IR to SP zoning for property located at 3rd Avenue North (unnumbered), approximately 145 feet north of Van Buren Street (0.33 acres), to permit five multi-family residential units, requested by Dale and Associates, applicant; MPAG LLC, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-044-001 to the August 26, 2021, Planning Commission meeting. (7-0)

11. **2021SP-045-001**
2416 WEST END AVENUE
Council District 21 (Brandon Taylor)
Staff Reviewer: Amelia Lewis

A request to rezone from CS and MUG-A to SP zoning for properties located at 2410, 2412 and 2416 West End Avenue and 2413 Elliston Place, at the northeast corner of West End Avenue and 25th Avenue South (0.87 acres), to permit a mixed used development, requested by Ragan Smith Associates, applicant; GTOM West End LLC, J. Haskell Tidman Jr. Et Al, Eric Baurel, Matthew Eads, and Truitt Ellis, owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-045-0011 to the August 26, 2021, Planning Commission meeting. (7-0)

12. 2020S-179-001
ENTRUST HOMES ON PARAGON MILLS
Council District 26 (Courtney Johnston)
Staff Reviewer: Patrick Napier

A request for final plat approval to create eight lots on property located at 205 Paragon Mills Road, approximately 100 feet east of Towry Drive, zoned R6 (1.0 acres), requested by B A Land Professionals, applicant; Nancy Potts, Carol Potts Garcia and Sonnie Potts, owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020S-179-001 to the August 26, 2021, Planning Commission meeting. (7-0)

13. 2021S-060-001
SCRUGGS ESTATES
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at Buena Vista Pike (unnumbered), approximately 1,230 feet north of Stokers Lane, zoned R10 (5.63 acres), requested by Daniels and Associates, applicant; Vonda R. Scruggs, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-060-001 to the August 26, 2021, Planning Commission meeting. (7-0)

14. 2021S-072-001
MASSMAN HEIGHTS SUBDIVISION
Council District 13 (Russ Bradford)
Staff Reviewer: Amelia Lewis

A request for concept plan approval to create 28 lots and open space on property located at 912 Massman Drive, at the southeast corner of Massman Drive and Frontage Road, zoned RS10 (8.23 acres), requested by Dale and Associates, applicant; HM Development LLC and Karas Homes LLC, owners.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2021S-072-001 indefinitely. (7-0)

15. 2021S-079-001
THE MARSHA GAIL COWDEN COOK PROPERTY
Council District 10 (Zach Young)
Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at 261 Liberty Lane, approximately 470 feet north of Peebles Court, zoned R10 (3.0 acres), requested by Crenshaw Land Surveying, applicant; Marsha Gail Cowden Cook, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-079-001 to the August 26, 2021, Planning Commission meeting. (7-0)

- 16. 2021S-136-001**
FINAL PLAT SUBDIVISION OF THE
MICHAEL E. BARNES PROPERTY AT 424 LARKIN SPRINGS ROAD
Council District 09 (Tonya Hancock)
Staff Reviewer: Jason Swaggart

A request for final plat approval to create four lots on properties located at 424 Larkin Springs Road and Larkin Springs Road (unnumbered), approximately 380 feet north of Hospital Drive, zoned RS10 (1.98 acres), requested by Clint T. Elliott Survey, applicant; Michael E. Barnes, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-136-001 to the August 26, 2021, Planning Commission meeting. (7-0)

- 17. 2020Z-119PR-001**
BL2020-479/Freddie O'Connell
Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to rezone from MUN, MUN-A, MUL-A, MUG, OR20, CS and CF to MUN-NS, MUN-A-NS, MUL-A-NS, MUG-NS, OR20-NS, CS-NS, and CF-NS zoning for various properties located between Rosa L. Parks Boulevard and 2nd Avenue North, from Hume Street, south to Jefferson Street, and located within the Germantown Historic Preservation District Overlay and the Phillips - Jackson Street Redevelopment District Overlay (68.61 acres), requested by Councilmember Freddie O'Connell, applicant; various owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-119PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)

- 18. 2021Z-069PR-001**
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Abbie Rickoff

A request to rezone from RS7.5 to RM15 zoning for properties located at Monticello Drive (unnumbered), approximately 100 feet east of Woodridge Drive (7.93 acres), requested by Catalyst Design Group, applicant; E3 Construction BD Capital LLC, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-069PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)

- 19. 2021CP-009-002**
MID GULCH - DOWNTOWN COMMUNITY PLAN AMENDMENT
Council District 19 (Freddie O'Connell)
Staff Reviewer: Nora Yoo

A request to amend the Downtown Community Plan to create supplemental policy for the area bordered by Dr. MLK Jr. Boulevard to the north, George L Davis Boulevard to the west, the CSX rail lines to the east, and Broadway to the south, zoned DTC (45.49 acres), requested by Metro Nashville Planning Department, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Downtown Community Plan to add a supplemental policy, 09-T6-DN-MG-01, for the policy study area; update the current T6 Downtown Neighborhood (T6 DN) policy to reflect built conditions; and adopt modifications to the Major and Collector Street Plan (MCSP) for one street within the study area.

Major Plan Amendment

A request to amend the Downtown Community Plan by adding a supplemental policy, 09-T6-DN-MG-01, for various properties located between Broadway and Dr. Martin Luther King Jr. Boulevard and between George L. Davis Boulevard and the CSX railroad lines, zoned Downtown Code (DTC) (approximately 54 acres); and amending the Community Character Manual Policy from Open Space (OS) to T6 Downtown Neighborhood (T6 DN) on property located at 1101 Church Street, zoned DTC (approximately 5.33 acres); and adopting modifications to the Major and Collector Street Plan (MCSP) for segments of 11th Avenue North.

DOWNTOWN COMMUNITY PLAN

Current Policy

There are currently three different Community Character Manual policies within the Mid-Gulch study area: T6 Downtown Neighborhood (T6 DN), Open Space (OS), and Civic (CI). The Downtown Community Plan's Gulch South Supplemental Policy, 09-T6-DN-GS-01, also applies to the Mid-Gulch study area.

T6 Downtown Neighborhood (T6 DN) is intended to preserve and create diverse Downtown neighborhoods that are compatible with the general character of surrounding historic developments and the envisioned character of new Downtown development, while fostering appropriate transitions from less intense areas of Downtown neighborhoods to the more intense Downtown Core policy area. T6 DN areas contain high density residential and mixed-use development.

Open Space (OS) is intended to preserve and enhance existing open space. OS policy includes public parks and may also include private land held in conservation easements by land trusts and private groups or individuals. In the study area, OS policy currently applies to the entire parcel located at 1101 Church Street (Parcel #09305019400).

Civic (CI) is intended to preserve and enhance existing publicly owned properties that are used for civic purposes so that they can continue to serve public purposes over time, even if the specific public purposes they serve or the manner in which they serve them change. This is in recognition that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of Civic policy is to provide guidance for rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public. In the study area, CI policy currently applies to the NES properties (Parcel #09305010000, #09305010100, #09305012200, #09305012300, #09305012400).

Gulch South Neighborhood Supplemental Policy – 09-T6-DN-GS-01 is intended to accommodate a mix of uses in chiefly mid-rise buildings. There is an emphasis on residential development and on blending renovated historic buildings with new construction. Over the last decade, the Gulch has emerged as the largest mixed-use neighborhood in Downtown with residential units, retail shops, restaurants, and entertainment venues covering 60 acres.

Recommended Policy (Note: CI and Gulch South Neighborhood Supplemental policies are to remain)

Staff recommends the Downtown Community Plan be amended to add a supplemental policy, 09-T6-DN-MG-01, for the Mid-Gulch study area; and that the Community Character Manual Policy be updated for the property located at 1101 Church Street (Parcel #09305019400), to show an Open Space (OS) designation in the designed location of the public park, with the rest of the parcel having a T6 Downtown Neighborhood (T6 DN) policy designation.

Mid-Gulch Supplemental Policy – 09-T6-DN-MG-01 is intended to accommodate a mix of office, residential, and commercial uses in primarily mid-rise buildings. The supplemental policy offers guidance on the Mid-Gulch's unique attributes including how developments should interface with the Broadway and Church Street viaducts, the pedestrian-oriented 11th Avenue, the Gulch Greenway, and the interstate frontage road, George L. Davis Boulevard. The supplemental policy also further amplifies recommendations from the 11th Avenue Corridor Study, and the 2020 Metro Nashville Transportation Plan. Finally, key intersections along 11th Avenue are identified as appropriate for additional height when those developments fulfill the goals of the Mid-Gulch Supplemental Policy.

T6 Downtown Neighborhood (T6 DN) is intended to preserve and create diverse Downtown neighborhoods that are compatible with the general character of surrounding historic developments and the envisioned character of new Downtown development, while fostering appropriate transitions from less intense areas of Downtown neighborhoods to the more intense Downtown Core policy area. T6 Downtown Neighborhood areas contain high density residential and mixed-use development.

BACKGROUND

The Mid-Gulch area is facing increased development pressure within the landscape of Downtown and Midtown. This is a timely opportunity to add a supplemental policy to ensure that these forthcoming developments include appropriate public benefits, necessary infrastructure improvements for handling an increase in density, and exemplary and site-sensitive urban and architectural design elements.

The proposed supplemental policy was considered in a way that will guide new projects so that they successfully contribute to the area's transformation in a holistic way. This new policy details things like important urban design

features, mobility priorities, greenway and open space connections, and other character-defining priorities for the area.

Recent studies, such as the 11th Avenue Corridor Study (Metro Public Works, November 2019), were completed after the current Gulch South supplemental policy was adopted. This study included several recommendations that impact the proposed community plan amendment area as well as its immediate surroundings. Additionally, the 2020 Metro Nashville Transportation Plan highlights Dr. Martin Luther King Jr. Boulevard/Charlotte Avenue as an Innovation and Sustainability Corridor slated for investments and improvements. As such, the corridor can provide increased access to jobs, homes, and community amenities as this neighborhood continues to grow.

The plan amendment area is in the Gulch neighborhood of Downtown. The site is bordered by Broadway on the South, George L. Davis Boulevard on the west, Dr. Martin Luther King Jr. Boulevard on the north, and the CSX rail line on the east. With unique frontages, including interstate frontage roads, railroads, greenways, and viaducts, special considerations are often needed for properties within the area. These considerations, along with recent studies and plans, became the framework for the proposed Mid-Gulch Supplemental Policy and Major and Collector Street Plan modifications.

COMMUNITY PARTICIPATION

On Thursday, June 3, 2021, the Planning Department held a virtual community meeting to discuss the community plan amendment. Approximately 15 people attended, including Councilmember Freddie O'Connell, as well as staff from the Planning Department. Many of the attendees were members of the development community who work in the Gulch and other Downtown neighborhoods. Several property owners and their representatives were in attendance. The recording of the meeting was subsequently uploaded to Metro Planning's YouTube channel to be viewed by those who were unable to attend the live meeting.

Planning Staff spoke and answered questions regarding the community plan amendment process and topics that were to be considered during the analysis. Questions from attendees centered on entitlements and the bonus height program. Staff reiterated that the entitlements would not be changed through the community plan amendment process; however, opportunities to earn additional height may be considered.

Prior to and following the virtual community meeting, Planning Staff held approximately 16 meetings with over 30 people (property owners/developers, and other agencies) to discuss the community plan amendment.

A webpage, midgulchstudy.nashville.gov, was created for this plan amendment to post regular status updates. A draft version of the supplemental policy was posted to the website on Tuesday, June 29, 2021. Viewers could send questions and comments until Thursday, July 8, 2021, during which time Planning Staff fielded approximately 10 emails and phone calls with questions from the public.

PROPOSED COMMUNITY PLAN AMENDMENT

There are three components to this community plan amendment - the Mid-Gulch Supplemental Policy, a policy change for one property, and a series of modifications to the Major and Collector Street Plan (MCSP) requirements for streets in the area.

Analysis of the Proposed Mid-Gulch Supplemental Policy

Through Planning Staff's discussions with area stakeholders and thorough research and analysis of the conditions of the study area, a better understanding of the current and future needs of the Mid-Gulch area was achieved. The following topics impacted the themes and were woven into the proposed supplemental policy:

Broadway and Church Street Viaducts

A unique feature of the Mid-Gulch area are the Broadway and Church Street Viaducts. Both viaducts pass over 11th Avenue North, and the Church Street Viaduct passes over 12th Avenue North. Language was added to the proposed supplemental policy that describes how properties with viaduct frontage should activate these areas – through active ground floor uses, lighting and other safety measures, as well as with publicly accessible ways to traverse the upper and lower levels of the viaducts.

Interstate Frontage

Another unique feature of the study area is how properties on the western edge of the study area front the Interstate/George L. Davis Boulevard. Projects often locate back-of-house operations and exposed parking structures on these frontages. The proposed supplemental policy aims to activate these frontages through active use and pedestrian entrances, given their prominent location and visibility.

Vehicular Access Points

To foster exceptional pedestrian experiences through major corridors in the Mid-Gulch neighborhood, the proposed supplemental policy specifies ideal locations for vehicular access points into parking garages and back-of-house areas. These should only be located on major corridors when they offer internal loading and unloading and aim for alignment with other access points across the street.

Greenways and Open Space

The Gulch Greenway is an existing open space asset that is located within the Mid-Gulch study area. However, publicly accessible open spaces are generally lacking in this neighborhood. New developments on parcels that include existing or proposed greenways are strongly encouraged to incorporate them into their site designs. New developments should also aim to include publicly accessible open spaces. Due to the high priority of greenway connections and new open spaces and their positive impact to the neighborhood as a whole, an increased multiplier of bonus height can be earned when using the Open Space bonus within the Mid-Gulch area.

Existing Studies and Plans

Metro Public Works' 2019 11th Avenue Corridor Study recommended many improvements along the 11th Avenue corridor and its surroundings. The recommendations within the report, including some that are specific to the Mid-Gulch study area are not included in existing policy or other ordinances. Additionally, the 2020 Metro Nashville Transportation Plan identifies Dr. Martin Luther King Jr. Boulevard/Charlotte Avenue as an Innovation Corridor. The proposed supplemental policy reinforces that any redevelopment look to advance the goals and recommendations of these two documents in applicable locations.

Considerations for Additional Height

Due to the increasing frequency of Overall Height Modifications (OHM) requests within the Downtown Code, Planning Staff expect many of the undeveloped parcels of land to apply for an OHM. The identification of key intersections along the "main streets" within the Gulch South neighborhood (Division Street and 12th Avenue South) has facilitated successful urban density and placemaking in this prominent downtown neighborhood. The Mid-Gulch Supplemental Policy similarly identifies three intersections along 11th Avenue North, the corresponding "main street" of the Mid-Gulch neighborhood, as appropriate for additional height and density with the caveat that they are designed in accordance with the other goals of the supplemental policy. In addition to already-discussed increased open space and greenway bonus multipliers, an increased multiplier of bonus height can be earned when using the Historic Preservation bonus in the Mid-Gulch area.

Begin proposed Mid-Gulch Supplemental Policy Language

Proposed Mid-Gulch Supplemental Policy

Mid-Gulch Neighborhood — 09-T6-DN-MG-01

The Mid-Gulch neighborhood is bounded by Dr. Martin Luther King Jr. Boulevard to the north, George L. Davis Boulevard to the west, Broadway to the south, and the CSX rail lines to the east. See the accompanying map of the neighborhood on the front page of this report.

Like the rest of the Gulch neighborhood, the Mid-Gulch is intended to accommodate a mix of residential, office, and commercial uses in primarily mid-rise buildings. Three critical East/West corridors pass through the Mid-Gulch area - Broadway, Church Street and Dr. Martin Luther King Jr. Boulevard. They offer direct vehicular routes from the interstate and George L. Davis Boulevard to the Downtown Core and provide important pedestrian connections between Midtown, the Gulch, and the Downtown Core.

While the South Gulch and Capitol View have been quicker to develop than the Mid-Gulch, the latter will continue to grow and densify in the following years. The following supplemental policies guide the Mid-Gulch, and its unique characteristics, into a lively mixed-use neighborhood in Downtown Nashville.

Goals and Supplemental Policies — Mid-Gulch

- 11th Avenue serves as an uninterrupted, direct connection through the Gulch neighborhood for all modes of transportation and mobility. Within the Mid-Gulch, all efforts should be made to make 11th Avenue a pedestrian-focused "main street." Ground floor active-uses, enhanced streetscape design, access to open spaces, and iconic pedestrian entrances are strongly encouraged.
- Direct vehicular access points into parking garages or back of house areas on Broadway, Church Street, Dr. Martin Luther King Jr. Boulevard, 11th Avenue, and George L. Davis Boulevard are not ideal. Vehicular access points could be considered at these locations when alleys, internal service lanes, or minor side streets are not available and when the access points are consolidated, and provide an opportunity for vehicles to load, unload, and turn around on-site. Newly proposed vehicular access points onto private property should align with existing or currently proposed vehicular access points on properties opposite them, whenever possible.
- Proposed developments adjacent to the Broadway or Church Street viaducts should provide a publicly accessible way for pedestrians to traverse between the lower and upper street levels. Clear and concise wayfinding signage should be included.
- Proposed developments adjacent to the Broadway or Church Street viaducts should be designed with both the upper and lower levels in mind. For the Broadway and Church Street viaducts, north of 11th Avenue, active ground floor uses are encouraged. For the Church Street viaduct in between 11th Avenue North and 12th Avenue

North, the lower level design should include lighting, and take into account any other safety and maintenance considerations.

- Proposed developments adjacent to Broadway or Church Street may be considered for frontage build-to dimensions greater than the current maximum of 10' when that dimension facilitates providing a wider, pedestrian-oriented streetscape.
- Providing publicly accessible neighborhood parks in the Mid-Gulch area remains a priority. Efforts to connect open park spaces to the Gulch Greenway, by both locational and visual adjacencies, are strongly encouraged.
- Within the Mid-Gulch Supplemental Policy area, the Open Space Bonus Height Program may be adjusted so that the number of square feet of bonus height may be up to ten times that of the number of square feet in open space provided. Within the Mid-Gulch Supplemental Policy area, the number of stories to be earned using the Open Space Bonus Height Program may be unlimited.
- Proposed developments on parcels that include current or future greenway connections should work with Metro Planning and Metro Parks to integrate the greenway into the development in a cohesive manner.
- Within the Mid-Gulch Supplemental Policy area, the Open Space Bonus Height Program can be earned for any development that provides a multimodal vertical connection via a ramping system built to ADA requirements. The number of square feet of bonus height may be up to ten times that of the number of square feet of the footprint of the accessible ramp provided, as calculated in plan view. Within the Mid-Gulch Supplemental Policy area, the number of stories to be earned using the Open Space Bonus Height Program may be unlimited.
- Additionally, the Open Space Bonus Height Program can be earned for any development that provides active uses located along a greenway, so as long as they are a minimum of 20' in depth. The number of square feet of bonus height may be up to twice that of the number of square feet of active uses provided along the greenway. Within the Mid-Gulch Supplemental Policy area, the number of stories to be earned using the Open Space Bonus Height Program may be unlimited.
- Pending the redevelopment of any property adjacent to the former right-of-way area known as Hynes Street, the land use policy should be amended to T6 DN (if not already), and the Hynes Street right-of-way should be rededicated to Metro and reopened for public use. Alleys should be built in accordance with the Downtown Community Plan. Final streetscape design should be the result of collaborative efforts between property owners, the Metro Nashville Department of Transportation, Metro Planning, and Metro Parks and Greenways (for portions of Hynes Street adjacent to the Gulch Greenway).
- Property owners and Metro departments should work together to secure a historic designation for any eligible properties in the Mid-Gulch area.
- Within the Mid-Gulch Supplemental Policy area, the Historic Preservation Bonus Height Program may be adjusted so that the number of square feet of bonus height earned by preserving an eligible Mid-Gulch property may be up to ten times that of the number of square feet preserved. Non-historic buildings that contribute to the industrial character of the Mid-Gulch area may also be eligible to be preserved through the Historic Preservation Bonus Height Program at this same rate. Within the Mid-Gulch Supplemental Policy area, the number of stories to be earned using the Historic Preservation Bonus Height Program may be unlimited.
- Buildings with facades that front George L. Davis Boulevard are highly visible and act as visual gateways into Downtown. TDOT is exploring modifications to the western side of the inner loop that could lend even more prominent visibility to these facades in the future. Any new development or redevelopment, along George L. Davis Boulevard, between Broadway and Dr. Martin Luther King Jr. Boulevard, should be designed with active use pedestrian entrances at the ground level. Above ground structured parking should be screened from view or include active use liner units.
- Mid-Gulch properties should aim to implement Metro Nashville Public Works (now Nashville Department of Transportation) 11th Avenue Corridor Study (November 2019), including, but not limited to, the following recommendations:
 - Section 4.3 – Any redevelopment of the property adjacent to the intersection of 11th Avenue North and Dr. Martin Luther King Jr. Boulevard should dedicate enough space for identified intersection reconfigurations to be made.
 - Section 6.3 – New office and residential developments should work with Nashville Connector to provide their residents with ample information on safe, reliable, and efficient alternative modes of commuting, and other Transportation Demand Management (TDM) strategies.
 - Section 6.4 – A shared mobility hub should be considered for the Gulch to enhance the travel experience of individuals who choose an active form of transportation. The hub should be open to the public and located on the ground-level of a future development.

Recommendations included in the 11th Avenue Corridor Study that reference specific projects or locations within the Mid-Gulch Supplemental Policy area are supported by this supplemental policy.

- The Mid-Gulch should be considered for a Business Improvement District designation, either by creating a new one specific to this neighborhood or by extending the existing Gulch Business Improvement District or the existing Central Business District.
- The intersection of 11th Avenue North and Dr. Martin Luther King Jr. Boulevard is one where distinctive development is appropriate to mark an important entry point into several downtown neighborhoods, including The Gulch, Capitol View, and the Downtown Core. This intersection is included in the Dr. Martin Luther King Jr. Boulevard/Charlotte Avenue Innovation Corridor that was identified in the 2020 Metro Nashville Transportation Plan. Properties fronting Dr. Martin Luther King Jr. Boulevard within the Mid-Gulch area should contribute to and be supportive of the innovation corridor.
- Consideration of additional height may be given to properties at the intersections of 11th Avenue/Broadway, 11th Avenue North/Church Street, and 11th Avenue North/Dr. Martin Luther King Jr. Boulevard, if buildings are sensitively designed in accordance with the goals presented in the Mid-Gulch Supplemental Policy.

End proposed Mid-Gulch Supplemental Policy Language

Proposed Community Character Manual Policy Update

When the Community Character Manual was created, the parcel located at 1101 Church Street (Parcel #09305019400), was identified as an appropriate site for Open Space, due to the greenway that ran through it. However, the parcel was sold in 2018 and redeveloped into a 9-story mixed-use office park that is expected to be completed by the end of 2021. As part of the project, the developers agreed to rebuild the existing greenway on their site adjacent to the CSX railroad tracks. The project also includes a publicly accessible open space along 11th Avenue. Due to the unlikelihood of this property being redeveloped as a public park under private ownership, Metro Planning recommends updating the policy of this parcel to show an Open Space (OS) designation in the designed location of the public park, with the rest of the parcel having a T6 Downtown Neighborhood (T6 DN) policy designation (Figure 2).

Proposed Major and Collector Street Plan (MCSP) Modifications

As part of the Community Plan amendment, modifications to various street segments within the Mid-Gulch study area are being proposed. Modifications to the MCSP are being pursued on 11th Avenue North.

11th Avenue North plays a key role as a pedestrian prioritized street, serving as an important corridor that runs all the way through the entire length of the Gulch. 11th Avenue runs almost one mile uninterrupted by at-grade intersections with a major east/west corridor, making it ideal streetscape for pedestrians and bicyclists. Much of the length of 11th Avenue has already been built out with a 10' wide multi-use path. However, with key intersections along 11th Avenue North being identified as locations that are appropriate for additional height within the supplemental policy, minor upgrades to the MCSP are being recommended.

The MCSP modification for the segment of 11th Avenue North, between Broadway and Church Street (Figure 3), has been updated to show a 10' multi-use path (5' sidewalk and 5' bike path) on both sides of the street, and an 11' center turn lane. When the property at 1101 Church Street completes construction, this segment of 11th Avenue will be built out to this MCSP standard. For the segment of 11th Avenue North, between Church Street and Dr. Martin Luther King Jr. Boulevard (Figure 4), which is wider than the Broadway-Church segment, the street section will be updated to the following: a 10' multi-use path on the west side of the street, a 15' multi-use path (10' sidewalk and 5' bike path) on the east side of the street, and 2' planted buffers and on-street parking on both sides of the street.

Hynes Street, within the Mid-Gulch study area, is a planned street that will bisect the lots between Church Street and Dr. Martin Luther King Jr. Boulevard. It will connect George L. Davis Boulevard to 11th Avenue North, and 11th Avenue North to Dr. Martin Luther King Jr. Boulevard. As it is a planned street in the MCSP, if the properties adjacent to Hynes Street are developed, Hynes Street Right-of-Way should be rededicated to Metro and reopened for public use. Final streetscape design for Hynes Street should be the result of a collaborative effort between property owners, the Metro Nashville Department of Transportation, Metro Planning, and Metro Parks and Greenways (for portions of Hynes Street adjacent to the Gulch Greenway).

STAFF RECOMMENDATION

Staff recommends the Downtown Community Plan be amended to add a supplemental policy, 09-T6-DN-MG-01, for the Mid-Gulch study area; that the Community Character Manual Policy be updated from Open Space (OS) to T6 Downtown Neighborhood (T6 DN) on property located at 1101 Church Street (Parcel #09305019400), to reflect the site's current open space park and built conditions; and that the MCSP be amended with updated street sections for 11th Avenue North.

Approve. Consent Agenda (6-0-1)

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-009-002 is approved. (6-0-1)

20. 2021Z-007TX-001

DTC UPDATE

Staff Reviewer: Eric Hammer

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update various sections within Chapter 17.37, Downtown Code, all of which is described herein (Proposal No. 2021Z-007TX-001).

Staff Recommendation: Approve.

A request to amend Chapter 17.37 of the Zoning Code, the Nashville Downtown Code, to update review processes, update maps, revise typographic errors, and refine the urban design standards of the Downtown Code.

Existing Zoning

Downtown Code (DTC) is intended for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. The DTC district seeks the efficient use of land capitalizing on a high level of services, reduced automobile dependence with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape.

DOWNTOWN AND NORTH NASHVILLE COMMUNITY PLANS

The properties within the DTC are within Downtown Core (T6 DC), Downtown Neighborhood (T6 DN), Downtown Second and Broadway (T6 SB), Downtown Capitol (T6 CP), Urban Community Center (T4 CC), Urban Neighborhood Center (T4 NC), Urban Neighborhood Evolving (T4 NE), Urban Mixed-use Corridor (T4 CM), Civic (CI), Open Space (OS), and Conservation (CO).

ANALYSIS

The DTC was adopted in 2010 as the form-based code zoning for downtown Nashville and has been amended from time-to-time over the ensuing decade, as downtown has continued to grow and evolve as a neighborhood. The amendment also corrects discrepancies and errors in the text and graphics, updates maps, and other minor housekeeping changes. Throughout the past decade, streets and alleys have been dedicated, abandoned, and realigned and the maps included in the DTC are revised to reflect these changes.

The text amendment also removes confusing notes within subsection 17.40.340 of the Zoning Code that refer to a Board of Zoning Appeals process for requesting variances to height within DTC. The height variance process was replaced with the Overall Height Modification process in 2015 and the note no longer holds meaning. This text amendment also updates and refines various DTC design standards and review processes to encourage high quality development downtown, with care given to the public realm, including:

- Requirement of a minimum 14' ground floor height for all frontages, whereas currently storefront frontage types have a minimum ground floor height.
- Update to ground floor glazing requirements on principal frontages.
- Clarification on what constitutes an active ground floor use on primary streets and what ancillary uses do not qualify as active uses.
- Limitation on materials like EIFS, concrete blocks, and plywood as façade materials.
- Simplification of language on minimum glazing transparency.
- Limitation on the ratio of unlined structured parking to underground parking.
- Update and streamlining of review processes between the MDHA DRC and DTC DRC to establish the process
- Review of civic buildings may be conducted by minor modification, rather than major.
- Redesignation of segments of George L Davis Boulevard and 11th Avenue from Other Street and Tertiary Street to Secondary Street.
- Updates to structured parking cladding precedent images.
- Clarification on how distances from intersections are measured.
- Addressing conflicts between the DTC Land Use Chart and Title 17 Land Use Table (updated more frequently).
- Requirement to implement Priority Bikeway Network Recommendations of the WalknBike Nashville plan.

Impact of State Legislation

Planning staff is aware that state legislation (PC 332) was recently signed into law and will take effect on September 1, 2021. PC 332 affects municipal regulations on building materials and may affect the material standards that are within this text amendment. This text amendment contains many updates to the DTC, not just regulating building materials, and staff recommends approval with the knowledge that PC 332 may affect the enforceability the materials provisions. Planning and Metro Legal are coordinating to follow the process that PC 332 creates for regulating materials.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-160

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-007TX-001 is approved. (7-0)

21. 2021SP-047-001

503 WEST TRINITY

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to rezone from RM4 to SP zoning for property located at 503 W Trinity Lane, approximately 100 feet east of Old Matthews Road (4.96 acres), to permit a mixed use development, requested by Catalyst Design Group, applicant; Southern Summit LLC, owner.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from Multi-Family Residential (RM4) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 503 W Trinity Lane, approximately 100 feet east of Old Matthews Road (4.96 acres), to permit a mixed use development.

Existing Zoning

Multi-Family Residential (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of four dwelling units per acre. *RM4 would permit a maximum of 20 units.*

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The approximately five-acre site is located on the north side of West Trinity Lane. The site is vacant and is densely wooded. Records do not identify any significant constraints, such as steep hillsides, streams, or cemeteries on the site. Surrounding zoning districts include R6-A and RS7.5.

SP Plan

The plan consists of two districts. District 1 is approximately 1.26 acres and District 2 is approximately 3.7 acres.

The uses permitted in District 1 include all uses permitted by MUL-A-NS with the exception of several uses which are explicitly prohibited. Standards in District 1 are for the most part consistent with the standards for MUL-A-NS, including bulk standards, such as setbacks, floor area and height, as well as, architectural, signage and parking standards. Some of the standards follow:

- Max F.A.R.: 1 Max I.S.R.: 0.9
- Max Height in Build-to Zone: 3 stories in 45'
- Max Height: 4 stories in 60'
- Build-to Zone: 0' – 15'

District 2 is limited to Multi-family residential and other uses permitted by RM15-A-NS. Standards in District 1 are for the most part consistent with the standards for RM15-A-NS, including bulk standards, such as setbacks and height, as well as, architectural, signage and parking standards. Some of the standards follow:

- Max Density: 15 DU/AC
- Max I.S.R.: 0.7
- Max Height in Build-to Zone: 20'
- Max Height: 35'
- Build-to Zone: 0' – 15'

Access is provided from West Trinity Lane. The plan also includes an alley running from Monticello Street to the western property boundary. The plan will provide a permeant turn around at the end of Woodridge Drive which stubs to the site's northern boundary. Sidewalks along West Trinity Lane are consistent with the Major and Collector Street Plan.

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

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

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan portion of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

ANALYSIS

Staff finds that the proposed SP is consistent with the land use polices that apply to the site. The T4 CM policy applies District 1 and the T4 NE policy applies to District 2. District 1 permits a mixture of uses and includes standards that are urban in nature such as shallow setbacks, front entry to sidewalks, etc. District 2 only permits residential and includes standards that are urban in nature such as shallow setbacks, front entry to sidewalks, etc. The mobility plan in the Haynes Trinity Small Area Plan calls for a new alley. The proposed plan provides the alley consistent with the mobility plan.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Water quality and quantity measure are required (to be determined during Final SP phase).

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Regulatory SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. Submittal of an availability study is required before the Final SP can be reviewed. Once this study has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study. A minimum of 30% W&S Capacity must be paid before issuance of building permits.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Show road sections, sidewalks, ramps, curb/gutter, etc. per MPW standards and specifications.
- Provide hammerhead 'T' turn-arounds (w/ access easements) at the terminus of proposed East-West public alley and Woodbridge Dr.
- Show East-West public alley built out through unimproved ROW from Monticello St.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Depending on density of development a TIS may be required prior to Final SP. Prior to submission of the Final SP, coordinate with NDOT staff on Traffic Impact Study requirements. The recommendations of the NDOT approved TIS will be required with the Final SP.

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	4.96	4 D	20 U	107	7	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	3.70	15 D	56 U	303	19	25

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.63	1.0 F	27 U	145	9	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.31	1.0 F	13,503 SF	510	13	52

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.32	1.0 F	13,939 SF	1,564	138	136

Traffic changes between maximum: **RM4 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,415	+172	+216

METRO SCHOOL BOARD REPORT

Projected student generation existing RM4 district: 6 Elementary 3 Middle 3 High

Projected student generation proposed SP-MU district: 17 Elementary 9 Middle 8 High

The proposed SP-MU zoning district is expected to generate 22 more students than what is typically generated under the existing RM4 zoning districts. Students would attend Alex Green Elementary School, Brick Church College Prep Middle School, and Whites Creek High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to uses permitted in the MUL-A-NS and the RM15-A-NS districts with certain exceptions as indicated on the plan. Short term rental property- owner occupied and short term rental property – not owner occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district for District 1 and the RM15-A-NS for District 2 as of the date of the applicable request or application.
6. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2021-161

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-47-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to uses permitted in the MUL-A-NS and the RM15-A-NS districts with certain exceptions as indicated on the plan. Short term rental property- owner occupied and short term rental property – not owner occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district for District 1 and the RM15-A-NS for District 2 as of the date of the applicable request or application.
6. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. 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.

22. 2021S-129-001

LEGENDS DRIVE SUBDIVISION

Council District 33 (Antoinette Lee)

Staff Reviewer: Seth Harrison

A request for concept plan approval to create 43 single family cluster lots on properties located at 6235 and 6247 Mt. View Road and Mt. View Road (unnumbered), approximately 500 feet northeast of Belle Oaks Drive, zoned R10 and RS10 (12.4 acres), requested by Dale and Associates, applicant; Jwaad, Alaa K. and Meaan K. Et. Al., owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-129-001 to the August 26, 2021, Planning Commission meeting. (7-0)

**23. 94-71P-013
CARE NOW AT ONE BELLEVUE PLACE**

Council District 22 (Gloria Hausser)

Staff Reviewer: Amelia Lewis

A request to revise the preliminary plan for a portion of property located at 7604 Highway 70 South, approximately 1,060 feet south of Esterbrook Drive, zoned SCR and located within a Commercial Planned Unit Development Overlay District (0.70 acres), to permit an urgent care facility, requested by DMG LLC Nashville, applicant; Publix Tennessee LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise preliminary plan for a portion of a Planned Unit Development.

Revise Preliminary PUD Plan

A request to revise the preliminary plan for a portion of property located at 7604 Highway 70 South, approximately 1,060 feet south of Esterbrook Drive, zoned Shopping Center Regional (SCR) and located within a Commercial Planned Unit Development Overlay District (0.70 acres), to permit an urgent care facility.

Existing Zoning

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

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

REQUEST DETAILS

This is a request to revise the preliminary PUD plan for a portion of One Bellevue Place PUD which spans several parcels at the north-east intersection of Highway 70 South and Sawyer Brown Road. The original Bellevue Center PUD was approved in 1971 and was subsequently revised numerous times. In March of 2015, Metro Council approved an amendment to the PUD. The amendment proposed complete redevelopment of the mall site on approximately 87 acres within the original PUD. The 2015 amendment approved a maximum of 1,166,670 square feet of mixed use including office, retail, restaurant, grocery, bank, civic, hotel and theater, as well as a maximum of 500 multi-family residential units. Since the approval of the amendment, the Planning Commission considered and approved several revisions to the preliminary plan to adjust the site layout and have approved several final site plans. The current request is for approval of a revision to the preliminary plan for approval of a 4,800 square foot medical office.

PLAN DETAILS

The proposed revision is to permit a medical office on the existing parcel currently developed with a Publix grocery store. The proposed 4,800 square foot medical office will be located south of the existing grocery store, in an area currently developed with surface parking. The proposed structure is a single-story building with an entrance fronting Highway 70 South. A portion of the existing parking is being removed for the proposed building, the proposed plan provides 233 parking spaces, consistent with the requirements of the Metro Zoning Code. The plan does not propose any new access points. Access to the site is provided by internal drives from Sawyer Brown Road and Highway 70 South. There is an existing sidewalk along Highway 70 South which would remain with the proposal.

ANALYSIS

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
 - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The revised plan is generally consistent with the concept of the amended PUD to provide a wide range of uses. There is no change to the general classification as a Commercial PUD and proposed plan is consistent with the uses permitted by the underlying base zoning district, SCR. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Add Preliminary Note to plans: Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Stormwater approval / comments only. The final lot count and details of the plan shall be governed by the appropriate stormwater regulations at the time of final application.
- Add C/D Note to plans: (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15' CMP).)

WATER SERVICES RECOMMENDATION

N/A

- Water and sewer services to the site are provided by Harpeth Valley Utility Service District (HVUD). A letter of availability was provided for the parcel.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Private hauler required for waste/recycle disposal onsite.

TRAFFIC AND PARKING 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 Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan

Approve with conditions. Consent Agenda (7-0)

Resolution No. RS2021-162

"BE IT RESOLVED by The Metropolitan Planning Commission that 94-71P-013is approved with conditions. (7-0)

CONDITIONS

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

24. 133-76P-004

15103 OLD HICKORY BOULEVARD SURFACE PARKING

LOT (REVISION AND FINAL)

Council District 04 (Robert Swope)

Staff Reviewer: Abbie Rickoff

A request to revise the preliminary plan and for final site plan approval for a portion of a Planned Unit Development Overlay district on a portion of property located at 15103 Old Hickory Boulevard, at the southeast corner of Brentwood East Drive and Old Hickory Boulevard, zoned SCR and within a Corridor Design Overlay District (0.49 acres), to permit additional surface parking, requested by Interplan, LLC, applicant; Kinlin Development, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise preliminary plan and final site plan approval for a portion of a Planned Unit Development.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of a Planned Unit Development Overlay district on a portion of property located at 15103 Old Hickory Boulevard, at the southeast corner of Brentwood East Drive and Old Hickory Boulevard, zoned Shopping Center Regional (SCR) and within a Corridor Design Overlay District (0.49 acres).

Existing Zoning

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

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

Corridor Design Overlay (OV-CDO) 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.

REQUEST DETAILS

This is a request to revise the preliminary PUD and for final site plan approval for a portion of the Brentwood East Commercial Park PUD, located on several parcels near the southwest corner of Nolensville Pike and Old Hickory Boulevard. The PUD was approved by Metro Council in 1976 to permit various commercial, retail, and convenience uses. In 1988, the Metro Planning Commission approved with conditions a PUD revision and final site plan to permit the development of a service garage at this site (parcel 219), which has since developed on the northern portion of the parcel. The current request is for approval of a revision to the preliminary plan and for final site plan approval to permit additional surface parking.

PLAN DETAILS

The proposed revision is to permit additional surface parking at the back of the site, behind the existing auto service station. The proposed surface parking area comprises approximately 0.16 acres of the 0.49-acre parcel. This portion of the site is currently vacant except for a handful of parking spaces and a drive that provides access to the site from Brentwood East Drive, a local street that wraps the southern and western boundaries. A total of three existing access points are currently provided from Brentwood East Drive to the entire 0.49-acre parcel; one is provided in front of the service station and two are provided at the back of the site where the additional surface parking is proposed.

The southernmost access point, which is currently gravel and unpaved, will be removed with the construction of the parking area, which is proposed to include 17 spaces. Removal of the southern access will improve access management and reduce potential conflict points along Brentwood East Drive, which currently contains several points of ingress/egress in proximity to each other, including an access point on the adjacent parcel to the east, less than 100 feet away, which recently developed with a restaurant use. Landscaping is proposed around the perimeter along Brentwood East Drive, including the area where the southern access will be removed. The plan proposes a pedestrian connection to the neighboring parking lot on the adjacent parcel.

The proposed plan does not increase the square footage of the service garage or change the use of this parcel. No changes to the existing building footprint are proposed.

ANALYSIS

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;

- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The revised plan is generally consistent with the concept of the approved PUD. There is no change to the general classification as a Commercial PUD or the existing land use, which permitted by the underlying zoning district, SCR. The existing square footage of the building is not changing. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD.

FIRE DEPARTMENT 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.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.

TRAFFIC AND PARKING 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 Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.
5. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions. Consent Agenda (7-0)

Resolution No. RS2021-163

"BE IT RESOLVED by The Metropolitan Planning Commission that 133-76P-004 is approved with conditions. (7-0)

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.
5. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

25. 2021Z-049PR-001

Council District 17 (Colby Sledge)

Staff Reviewer: Logan Elliott

A request to rezone from IWD to MUN-A-NS zoning for properties located at 212 Hart Street and a portion of property located at 1264 3rd Avenue South, at the northeast corner of Hart Street and 3rd Avenue South (0.54 acres), requested by Fulmer Lucas Engineering, applicant; Woodstock Vintage Lumber Inc., owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IWD to MUN-A-NS.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use Neighborhood-Alternative-No Short Term Rentals (MUN-A-NS) zoning for properties located at 212 Hart Street and a portion of property located at 1264 3rd Avenue South, at the northeast corner of Hart Street and 3rd Avenue South (0.54 acres).

Existing Zoning

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

Mixed Use Neighborhood-Alternative-No Short Term Rentals (MUN-A-NS) 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. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district.

SOUTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

Wedgewood-Houston & Chestnut Hill Planning Study

The Wedgewood-Houston Chestnut Hill (WHCH) Planning Study was adopted on Thursday, October 24, 2019. The study includes updates to community planning, land use, and street plans in the Wedgewood-Houston and Chestnut Hill Neighborhoods.

The WHCH Planning Study is a supplement to and part of the South Nashville Community Plan of NashvilleNext. WHCH includes different Character Areas with 15 smaller subdistricts that address land use, transportation, and community design at the neighborhood scale. Each district is unique in terms of the recommended land use mix, intensity, and appropriate building types intended to guide future development of the neighborhoods.

The site is located in Character Area 4, 4th Avenue S./Nolensville Pike, which currently contains a wide variety of commercial and small-scale light industrial uses. Typical development in this Character Area is small-scale light industrial strip uses, such as auto repair, equipment rental, and building supply companies. This area should redevelop with a mixture of uses based on the subdistrict guidance. Development should be sensitive to Dudley Park and the Nashville City Cemetery which are important green spaces in this area. The subject site is within the 4c subdistrict and this includes the area around Dudley Park and currently contains a mixture of housing types, with higher density housing along the railroad. This area is intended to continue to develop with a mixture of housing types that address the park by activating the edges through building design and articulation.

ANALYSIS

The T4 MU policy intends for a mixture of land uses in an urban form and the proposed zoning district is consistent with this guidance. Additionally, the proposed zoning district is consistent with the guidance provided in the Wedgewood Houston Chestnut Hill Planning Study for rezoning in the 4C subdistrict area. The Alternative component of the requested zoning district requires a more urban style of development with the building located near the street and with the parking provided to the side or rear of the building. The scale of development permitted with the MUN-A-NS district is appropriate given the policy of the site and the surrounding land uses.

FIRE MARSHAL RECOMMENDATION**Approve with conditions**

- Limited building detail, and/or building construction information provided. Construction must meet all applicable building and fire codes. 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**Maximum Uses in Existing Zoning District: **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.54	0.8 F	18,817 SF	75	3	4

Maximum Uses in Proposed Zoning District: **MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.28	0.6 F	7 U	36	3	3

Maximum Uses in Proposed Zoning District: **MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.13	0.6 F	3,397 SF	128	3	13

Maximum Uses in Proposed Zoning District: **MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.13	0.6 F	3,397 SF	381	34	34

Traffic changes between maximum: **IWD and MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+470	+37	+46

METRO SCHOOL BOARD REPORT

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

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

The proposed MUN-A-NS zoning is anticipated to generate 1 additional students than what is typically generated under the existing IWD zoning district. Students would attend John B. Whitsitt Elementary School, Cameron College Prep Middle School, and Glenciff High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-164

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-049PR-0014 is approved. (7-0)

26. 2021Z-056PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Amelia Lewis

A request to rezone from RS5 to RM20-A zoning for property located at 123 Elmhurst Avenue, at the northwest corner of Lucile Street and Elmhurst Avenue (0.13 acres), requested by MP Home Solutions Pro, applicant; MP Home Solutions Pro LLC and Rhov Properties LLC, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to RM20-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multi-Family Residential Alternative (RM20-A) zoning for property located at 123 Elmhurst Avenue, at the northwest corner of Lucile Street and Elmhurst Avenue (0.13 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 lot and one unit based on acreage alone.*

Proposed Zoning

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

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.

Supplemental Policy

The site is located in the Dickerson South Corridor Study (DSS) and a supplemental policy on the site provides specific guidance for the site as it relates to the development of the Dickerson corridor. The DSS includes a building regulating plan as well as a mobility plan.

PLAN DETAILS

The 0.13 acre site is located at the southwest corner of the intersection of Lucile Street and Elmhurst Avenue. There is an existing single-family residence on the site. The site has frontage along both streets. The properties to the west of the site and the properties on the east side of Lucile Street are zoned RM20-A and RS5. The properties to the south are zoned RM20-A. At the northeast corner of the intersection is an approved Specific Plan (SP) to permit 221 multi-family units.

ANALYSIS

The proposed rezoning is consistent with the policy and supplemental policy on the site. The intent of the T4 NE Policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. When considering rezonings in this policy area, the policy states that the following factors should be considered: the site’s location in relation to centers, corridors and multi-modal transportation options, the site of the site, environmental conditions on and near the site, and the character of adjacent policy areas. The site is located just off the Dickerson Pike corridor, which is envisioned to develop into a multi-modal corridor with the adoption of the DSS. The site of the site is limited and provides a small increase in intensity from the existing zoning district on the site. There are no sensitive environmental features on the site. The surrounding properties are also within the T4 NE Policy, providing for consistent development goals around the site.

The proposed zoning district is consistent with the building regulating plan and the mobility plan in the DSS. The building regulating plan on this site indicates a building height of up to four stories as being appropriate. For the

proposed RM20-A zoning district, the maximum building height is 45 feet. The mobility plan in the DSS showed a proposed extension of Lucile Street to the west of the site. At the time of building permit, all right-of-way necessary will be dedicated.

FIRE MARSHALL RECOMMENDATION
Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.13	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential* (220)	0.13	20 D	3 U	22	1	3

Traffic changes between maximum: **RS5 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+7	-4	+2

METRO SCHOOL BOARD REPORT

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

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

The proposed RM20-A zoning is expected to generate one additional student than the existing RS5 zoning district. Students would attend Schwab Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools are identified as under capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-165

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-056PR-0014 is approved. (7-0)

27. 2021Z-061PR-001

Council District 19 (Freddie O'Connell)

Staff Reviewer: Amelia Lewis

A request to rezone from IWD to RM40-A-NS zoning for properties located at 1301, 1307, 1309 and 1403 Lebanon Pike and Lebanon Pike (unnumbered), approximately 1,850 feet west of Spence Lane (15.56 acres) (associated case 2021CP-011-001), requested by Kimley-Horn, applicant; SHM Holding LLC and Shmerling Michael D Partners GP, owners.

Staff Recommendation: Approve.

The Metropolitan Planning Commission deferred 2021Z-061PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)

28. 2021Z-063PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Seth Harrison

A request to rezone from RS10 and RM15-A to RM15-A-NS zoning for properties located at 509, 511, and 513 E Trinity Lane, approximately 270 feet east of Jones Avenue (0.92 acres), requested by Mewkat Properties LLC, applicant; Mewkat Properties LLC and Ting Chang, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 and RM15-A to RM15-A-NS.

Zone Change

A request to rezone from Single-Family Residential (RS10) and Multi-Family Residential Alternative (RM15-A) to Multi-Family Residential-Alternative-No Short Term Rentals (RM15-A-NS) zoning for properties located at 509, 511, and 513 E Trinity Lane, approximately 270 feet east of Jones Avenue (0.92 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 2 units based on 0.60 acres.*

Multi-Family Residential-Alternative (RM15-A) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM15-A would permit a maximum of 5 units based on 0.32 acres.*

Proposed Zoning

Multi-Family Residential-Alternative-No Short Term Rentals (RM15-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM15-A would permit a maximum of 14 units.*

EAST NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The proposed zoning change from single-family and multi-family zoning districts to a multi-family zoning district is consistent with the T4 RC policy, at this location. The adjacent parcels to the north, east, and west are currently zoned RS10 and the properties to the south are zoned RS5.

Although the surrounding area currently consists of majority single-family homes, the properties to the south are within the T4 RC policy of the Highland Heights Supplemental policy which supports zoning up to RM20.

The T4 RC policy supports higher density zoning district along collectors and arterials. The proposed RM15-A-NS zoning district will provide for additional housing in the area which is appropriate and consistent with the T4 RC policy, at this location.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Limited building detail, and/or building construction information provided. Construction must meet all applicable building and fire codes. 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.

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)	0.60	4.356 D	2 U	28	7	2

Maximum Uses in Existing Zoning District: **RM15-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.32	15 D	5 U	26	1	3

Maximum Uses in Proposed Zoning District: **RM15-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.92	15 D	14 U	75	5	7

Traffic changes between maximum: **RS10/RM15-A and RM15-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+8 U	+21	-3	+2

METRO SCHOOL BOARD REPORT

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

Projected student generation existing RM15-A district: 2 Elementary 1 Middle 1 High

Projected student generation proposed RM15-A-NS district: 4 Elementary 3 Middle 3 High

The proposed RM15-A-NS zone district is anticipated to generate an additional 6 students more than what could be generated under the existing RS10 and RM15-A zoning. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-166

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-063PR-0014 is approved. (7-0)

29. 2021Z-068PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Amelia Lewis

A request to rezone from SP to RS5 zoning for a portion of property located at 1801 Meridian Street, approximately 465 feet east of Meridian Street (0.20 acres), requested by Civil Site Design Group, applicant; PEP Meridian Park LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Zone change from SP to RS5.

Zone Change

A request to rezone from Specific Plan (SP) to Single Family Residential (RS5) zoning for a portion of property located at 1801 Meridian Street, approximately 465 feet east of Meridian Street (0.20 acres).

Existing Zoning

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

Proposed 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.

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.

Supplemental Policy

The site is located in the Highland Heights Small Area Plan. The Highland Heights Plan 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 Building Regulating Plan established subdistricts to provide specific guidance on the type of development for each subdistrict.

SITE AND CONTEXT

The 0.20 acre site is located on the north side of Edith Avenue. The site is currently with a Specific Plan (SP) district. This SP, 2017SP-066-001, was approved in 2017 and permitted 158 multi-family units in several detached buildings across the eight acre SP property. A final site plan consistent with the preliminary was approved in 2020. The portion of the SP, proposed to be rezoned to RS5, was not shown to be developed as a part of the plan and would remain as open space. The property to the north of the subject site would remain zoned SP. The properties along Edith Avenue to the east, west, and south are zoned RS5.

ANALYSIS

The site is within the Urban Neighborhood Evolving Policy (T4 NE) which is intended to create and enhance neighborhoods with greater housing choice, improved connectivity, and improved development techniques. Additional guidance is included in the Highland Heights Small Area Plan. The site is in the R4 subdistrict which envisioned a variety of unit types including lower intensity unit types such as single-family units and detached accessory dwelling units, to more intense unit types such as plex houses, and low-rise townhomes. The mobility plan in the Highland Heights Small Area Plan proposed an alley adjacent to the northern property line of the area to be rezoned.

The proposed RS5 zoning district is consistent with the goals of the T4 NE Policy and the supplemental policy on the site. The rezoning would permit an additional housing unit, consistent with the surrounding development along Edith Avenue. The development standards of the RS5 zoning district would yield a development consistent with the R4 building regulating plan in the supplemental policy. To satisfy the goals of the mobility plan, staff’s recommendation to approve with conditions would require the portion of the property rezoned to RS5 be platted as a new lot, at which time a portion of the property would be dedicated as right-of-way for a future alley.

FIRE MARSHAL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.20	-	-	-	-	-

Maximum Uses in Proposed 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)	0.20	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+15	+5	+1

METRO SCHOOL BOARD REPORT

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

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

The proposed RS5 zoning district is not expected to generate any additional students than what would be generated under the existing SP-MR zoning district. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. If the rezoning is approved, the portion of the SP rezoned to RS5 should be platted as a single lot.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-166

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-063PR-0014 is approved. (7-0)

CONDITIONS

1. If the rezoning is approved, the portion of the SP rezoned to RS5 should be platted as a single lot.

30. 2021Z-070PR-001

Council District 14 (Kevin Rhoten)

Staff Reviewer: Jason Swaggart

A request to rezone from R10 and RS10 to RM15-A-NS zoning for properties located at Hills Lane (unnumbered), at the southwest corner of Old Hickory Boulevard and Hills Lane (9.58 acres), requested by Catalyst Design Group, applicant; Irene G. Patton, Ruth E. Patton, Trilby D. Patton, and Aubrey S. Pratt Sr., owners.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-070PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)

31a. 2021Z-008TX-001

BL2021-784/Sean Parker

Staff Reviewer: Amelia Lewis

A request for an Ordinance amending Sections 17.04.060, 17.36.680, 17.36.690, and 17.20.030 of the Metropolitan Code, Zoning Regulations to amend the definition of “accessory dwelling, detached”, to expand the allowable locations of a Detached Accessory Dwelling Unit (DADU) Overlay District, and to amend parking requirements related to “accessory dwelling, detached” (Proposal No. 2021Z-008TX-001).

Staff Recommendation: Approve a substitute.

APPLICANT REQUEST

Amend Title 17 of the Metropolitan Code pertaining to DADUs.

PROPOSED AMENDMENTS TO TITLE 17

The proposal proposed to amend several sections of Title 17 relating to detached accessory dwelling units (DADU), the DADU Overlay, and parking requirements for DADUs. The proposed text amendments would modify four parts of Title 17, as identified below.

Chapter 17.04, General Provisions and Definitions, Section 17.40.060.B, the definition of “accessory dwelling, detached” (section to be removed shown in strikethrough):

17.04.060.B – “Accessory dwelling, detached”

~~“Accessory dwelling, detached,” also referred to as detached accessory dwelling, means a detached dwelling unit separate from the principal single-family structure on a lot located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure, or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.~~

Section 17.36.680, relating to the Purpose and Intent of the Detached Accessory Dwelling Unit (DADU) overlay, would be amended by adding the following language (text to be added shown in underline):

The DADU overlay district provides additional housing options in the Urban Zoning Overlay and the Highland Heights Study Area, as adopted by the Metropolitan Planning Commission on June 14, 2018.

Section 17.36.690, the DADU overlay designation, would be amended by adding the following language (text to be added shown in underline):

A DADU overlay district shall be created within the Urban Zoning Overlay or the Highland Heights Study Area, as adopted by the Metropolitan Planning Commission on June 14, 2018, according to the procedures of Chapter 17.40, Article III and depicted as a geographical area on the official zoning map.

Table 17.20.030 in Section 17.20.030 would be amended by adding the following under, “Residential Land Uses”:

Accessory Dwelling, Detached	1 space
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ANALYSIS

Bill 2021-620, approved in May 2021, amended Chapters 17.36 and 17.40 of the Metropolitan Code and created a DADU Overlay. The overlay established several criteria for application: the property shall be located in the Urban Zoning Overlay (UZO), only properties zoned RS/RS-A or properties where a DADU is legally permitted prior to the application of overlay, the application of the overlay shall consist of a minimum of 30 contiguous lots, and properties with the DADU overlay shall not share lot line with single-family residential zoned properties not within the overlay.

The proposed text amendment would have three key changes to the zoning code and the application of the DADU Overlay.

The proposed text amendment includes changes to the definition of a detached accessory dwelling unit. The proposed removal of the following language, “located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet” would alter the process of how DADUs are permitted countywide. Currently, for the establishment of a DADU, where permitted by code, the lot must within a historic overlay district, urban design overlay permitting DADUs, and have an access from an improved alley or be greater than 15,000 square feet in size. The proposed text amendment would alter how DADUs are regulated countywide and remove the access, locational standards, and lot size standards.

The second action of the proposed text amendment would create the ability for the DADU Overlay to be applied to the Highland Heights neighborhood, defined as a geographical area. The Highland Heights area is located two miles northeast of downtown Nashville, the Highland Heights study area is bounded by Dickerson Pike, Ellington Parkway, Douglas Avenue, and East Trinity Lane. The Highland Heights area is not within the bounds of the UZO so properties within the Highland Heights area are not currently eligible to be within the DADU Overlay. The Highland Heights Plan was completed after an extensive community engagement process and resulted in updates to the community character policies, the establishment of development goals for the area, as well as a building regulating plan and mobility plan.

The building regulating portion of the Highland Heights Plan identified DADUs as a building type in several of the subdistricts as created in the plan. The Mobility Plan also envisioned the completion of several alley connectors throughout the area. As identified in the definition of a DADU, staff believes that alley access is critical to the viability

of DADUs in an urban setting. The intent of the mobility plan to enhance and develop the alley network in the Highland Heights area is consistent with the intent for DADUs to be located with access to alleys.

Lastly, the proposed text amendment would create the requirement for one vehicular parking space with a DADU. Currently, there is not an additional parking requirement for DADUs. This portion of the text amendment would affect all future DADUs countywide. As the implications are larger, staff recommends this proposal be included in any future DADU specific legislation that would address DADUs at the county level.

Staff recommends a substitute to the proposed text amendment to keep the definition of “accessory dwelling, detached” as currently written in Metro Code and not include the proposed parking requirement. Allowing for application of the overlay with in Highland Heights is appropriate and consistent with the Highland Heights Plan; however, modifying the definition and requirements of DADUs that applies countywide would need to be a broader conversation.

Zoning Administrator Recommendation

This ordinance as drafted would greatly expand the number of properties in which DADUs would be permitted. The Metro Codes Department will implement this section of the Zoning Code at the time of permit review as is their current practice.

Fiscal Impact Recommendation

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed text with a substitute.

ORDINANCE NO. BL2021-784

An ordinance amending Sections 17.04.060, 17.36.680, 17.36.690, and 17.20.030 of the Metropolitan Code, Zoning Regulations to amend the definition of “accessory dwelling, detached”, to expand the allowable locations of a Detached Accessory Dwelling Unit (DADU) Overlay District, and to amend parking requirements related to “accessory dwelling, detached” (Proposal No. 2021Z-008TX-001).

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

Section 1. That Subsection 17.04.060.B of the Metropolitan Code is hereby amended the definition of “Accessory dwelling, detached” as follows:

"Accessory dwelling, detached," also referred to as detached accessory dwelling, means a detached dwelling unit separate from the principal single-family structure on a lot ~~located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet.~~ The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure, or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

Section 2. That Section 17.36.680 of the Metropolitan Code is hereby amended by adding the following language:

The DADU overlay district provides additional housing options in the Urban Zoning Overlay and the Highland Heights Study Area, as adopted by the Metropolitan Planning Commission on June 14, 2018.

Section 3. That Section 17.36.690 of the Metropolitan Code is hereby amended by adding the following language:

A DADU overlay district shall be created within the Urban Zoning Overlay or the Highland Heights Study Area, as adopted by the Metropolitan Planning Commission on June 14, 2018, according to the procedures of Chapter 17.40, Article III and depicted as a geographical area on the official zoning map.

Section 4. That Table 17.20.030 in Section 17.20.030 of the Metropolitan Code is hereby amended by adding the following under “Residential Land Uses”:

Accessory Dwelling, Detached	1 space
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Section 5. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

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

Items 31a and 31b were heard and discussed together.

Councilmember Parker spoke in favor of staff recommendation.

Joan Brooks McMurray, 1324 N 6th St, spoke in opposition to the application.

Alicia White, 1304 N 5th, spoke in opposition to the application due to safety concerns.

Sam McCullough, 1112 N 6th St, spoke in opposition to the application due to safety concerns.

Ronald (last name unclear) spoke in opposition to the application and requested to be exempt from the overlay.

Peggy Ferguson, 1320 Rosen Ave, spoke in opposition to the application.

Steve Fuller, 1306 N 6th, spoke in opposition to the application due to safety concerns.

Samuel Sims, Jr., 1330 Rosedale Ave, spoke in opposition to the application.

Doris Fuller, 1306 N 6th St, spoke in opposition to the application.

Ms. Farr closed the Public Hearing.

Councilmember Murphy expressed very serious concerns regarding the text amendment – concerned that we are not getting the input that we need. Item 31b seems to be forced gentrification and less diversity. If this legislation is passed, neighbors will continue to get harassed from some developers.

Ms. Johnson noted that many neighbors have a lot of concerns about the DADU overlay and asked for clarification on how the overlay applies to properties less than 15,000 square feet. Ms. Johnson spoke in opposition to both 31a and 31b; approving these would be premature.

Mr. Tibbs spoke in opposition to both 31a and 31b.

Mr. Lawson spoke in opposition to both 31a and 31b.

Mr. Henley thanked the neighbors for coming out and spoke in opposition to 31a and 31b.

Mr. Haynes moved and Ms. Johnson seconded the motion to disapprove. (7-0)

Resolution No. RS2021-167

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-008TX-001 is disapproved. (7-0)

31b. 2021Z-065PR-001

BL2021-791/Sean Parker

Council District 05 (Sean Parker)

Staff Reviewer: Amelia Lewis

A request to apply a Detached Accessory Dwelling Unit (DADU) Overlay District to various properties located south of East Trinity Lane, north of Douglas Ave, east of Dickerson Pike, and west of Ellington Pkwy, zoned RS5, R6, R6-A, RM15-A, and OR20 (311.11 acres), requested by Metro Councilmember Sean Parker, applicant; various owners.

Staff Recommendation: Approve a substitute if Case No. 2021Z-008TX-001 is approved. Disapprove if 2021Z-008TX-001 is not approved..

APPLICANT REQUEST

Zone change to apply Detached Accessory Dwelling Unit (DADU) Overlay.

Zone Change

A request to apply a Detached Accessory Dwelling Unit (DADU) Overlay District to various properties located south of East Trinity Lane, north of Douglas Ave, east of Dickerson Pike, and west of Ellington Pkwy, zoned Single-Family (RS5), One and Two-Family Residential (R6), One and Two-Family Residential - Alternative (R6-A), Multi-Family Residential – Alternative (RM15-A), Office/Residential (OR20), Mixed-Use Neighborhood - Alternative (MUN-A), and Commercial Services (CS) (311.11 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.

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

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. *The alternative standards include additional standards for access, garages, and other design standards.*

Multi-Family Residential - Alternative (RM15-A) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

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

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

Proposed Overlay

Detached Accessory Dwelling Unit (DADU) Overlay District permits a detached, self-sufficient dwelling unit accessory to a principal structure. The overlay permits DADUs subject to existing standards for detached accessory dwelling units in Section 17.16.030.G of the Zoning Code, which includes requirements for, but not limited to, ownership, lot area, setbacks, bulk and massing, design, and access.

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.

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.

T4 Urban Neighborhood Center (T4 NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

Supplemental Policy

The site is located in the Highland Heights Small Area Plan. The Highland Heights Plan 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 Building Regulating Plan established subdistricts to provide specific guidance on the type of development for each subdistrict.

SITE AND CONTEXT

The Highland Heights area is located two miles northeast of downtown Nashville, the Highland Heights study area is bounded by Dickerson Pike, Ellington Parkway, Douglas Avenue, and East Trinity Lane. The current proposed text amendment, 2021Z-008TX-001/BL2021-791, would make properties within the Highland Heights area eligible for the application of this overlay as the area is not within the bounds of the UZO so properties within the Highland Heights

area are not currently eligible to be within the DADU Overlay. The properties included in the proposed overlay are comprised of a variety zoning districts including RS5, R6, R6-A, RM15-A, OR20, MUN-A, and CS.

ANALYSIS

The proposed text amendment referenced above, would permit the application of the DADU Overlay to be applied in the Highland Heights Area. The proposed text amendment as supported by Planning Staff would not modify the current standards of the DADU overlay.

The DADU Overlay, as established by BL2021-620, outlined the following standards for the application of the DADU Overlay:

1. Application of a DADU overlay.
 1. A DADU overlay shall be applied to properties zoned RS/RS-A or properties where a DADU is a legally permitted use prior to the establishment of the overlay.
 2. A DADU overlay shall consist of a minimum of 30 contiguous lots. For the purposes of this overlay, lots on opposing block faces and opposite sides of alleys shall be considered contiguous.
 3. Properties within a DADU overlay shall not share lot lines with single-family residential zoned properties that are not in the overlay district.
2. Planning Commission Recommendation. The planning commission shall review a proposed DADU overlay district application for conformance with the General Plan. The planning commission shall act to recommend approval or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.
3. Council Consideration. The metropolitan council shall consider an ordinance establishing a DADU overlay district according to the procedures of Article III of this chapter (Amendments). All property owners within and proximate to a proposed DADU overlay district shall be notified according to the procedures of Article XV of this chapter.
4. Final Site Plan Approval. For property located within a DADU overlay district, a final site plan application shall be submitted for review and approval by the Zoning Administrator in a manner consistent with the procedures of Section 17.40.170A. The applicant is required to submit all necessary information to the Zoning Administrator and to certify the accuracy of the submitted information.
5. Changes to a DADU Overlay District Boundary. A proposed change in the geographic boundary of a DADU overlay district on the official zoning map shall be considered by the council according to the procedures of Article III of this chapter (Amendments).

Staff recommends a substitute to remove seven parcels that are not eligible for the overlay as they are zoned CS and MUN-A. The DADU legislation can only be applied to properties zoned RS/RS-A or properties where a DADU is a legally permitted use prior to the establishment of the overlay. DADU is not a legally permitted use in the CS and MUN-A zoning districts. With the removal of the CS and MUN-A properties, the contiguity of adjacent RS5 parcels is affected. To be in compliance with the overlay, staff recommends the three RS5 parcels be removed as well. The proposed application of the overlay for these properties is consistent with the intent of the T4 – Urban policies to provide additional housing opportunities while maintaining and enhancing the urban development pattern. The proposed application is also consistent with the goals of the Highland Heights Plan, as well as the building regulating plan included in the Highland Heights Supplemental Policies. The building regulating plan identifies appropriate building types for subdistricts as established in the Highland Heights Plan. Detached Accessory Dwelling Unit (DADU) is a building type permitted in the R1, R2, R3, R4, and R5 subdistricts. Any proposed DADU in would be required to meet the requirements of Section 17.16.030.G of the zoning code.

STAFF RECOMMENDATION

Staff recommends approval with a substitute if 2021Z-008TX-001 is approved, and disapproval if 2021Z-008TX-001 is not approved.

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

Items 31a and 31b were heard and discussed together.

Councilmember Parker spoke in favor of staff recommendation.

Joan Brooks McMurray, 1324 N 6th St, spoke in opposition to the application.

Alicia White, 1304 N 5th, spoke in opposition to the application due to safety concerns.

Sam McCullough, 1112 N 6th St, spoke in opposition to the application due to safety concerns.

Ronald (last name unclear) spoke in opposition to the application and requested to be exempt from the overlay.

Peggy Ferguson, 1320 Rosen Ave, spoke in opposition to the application.

Steve Fuller, 1306 N 6th, spoke in opposition to the application due to safety concerns.

Samuel Sims, Jr., 1330 Rosedale Ave, spoke in opposition to the application.

Doris Fuller, 1306 N 6th St, spoke in opposition to the application.

Ms. Farr closed the Public Hearing.

Councilmember Murphy expressed very serious concerns regarding the text amendment – concerned that we are not getting the input that we need. Item 31b seems to be forced gentrification and less diversity. If this legislation is passed, neighbors will continue to get harassed from some developers.

Ms. Johnson noted that many neighbors have a lot of concerns about the DADU overlay and asked for clarification on how the overlay applies to properties less than 15,000 square feet. Ms. Johnson spoke in opposition to both 31a and 31b; approving these would be premature.

Mr. Tibbs spoke in opposition to both 31a and 31b.

Mr. Lawson spoke in opposition to both 31a and 31b.

Mr. Henley thanked the neighbors for coming out and spoke in opposition to 31a and 31b.

Mr. Haynes moved and Ms. Johnson seconded the motion to disapprove. (7-0)

Resolution No. RS2021-168

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-065PR-001 is disapproved. (7-0)

32. 2021Z-009TX-001

BL2021-796/Kathleen Murphy
Staff Reviewer: Shawn Shepard

A request for an ordinance amending Sections 17.12.020 and 17.40.340 of the Metropolitan Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020D (Proposal No. 2021Z-009TX-001).

Staff Recommendation: Approve with an amendment.

APPLICANT REQUEST

Amend the Zoning Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020.D.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.12.020 of the Zoning Code to make housekeeping amendments and corrections pertaining to Table 17.12.020.D, which establishes the bulk standards for the Multi-family, Mixed Use and Nonresidential Alternative Zoning districts. Specifically, the proposed amendments would correct a typographical error in the maximum permitted in the RM9-A/RM9-A-NS and the RM15-A/RM15-A-NS districts. The amendments would also adjust the maximum height in the build-to zone for the RM9-A/RM9-A-NS and RM15-A/RM15-A-NS districts from 20 feet to 30 feet. And, the bill includes an amendment to Note 3, to clarify the alley access requirements for development in these Alternative districts. Finally, the proposed bill would amend Section 17.40.340, which establishes the limits of jurisdiction for the Board of Zoning Appeals (BZA) when granting variances, to correct omissions from the lists of tables for which minimum lot area, density, and floor area ratio may not be varied.

ANALYSIS

The Alternative (-A) zoning districts were originally established in 2011 in order to create walkable neighborhoods and foster use of alternative modes of transportation, consistent with goals of the general plan, through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan. These districts have been amended from time to time since 2011 to add alternative versions of the commercial districts, correct typographical errors, clarify standards, and to ensure consistency with other broader amendments to the code.

The current proposal includes a number of housekeeping amendments which are necessary to ensure consistent implementation of the alternative districts, and also to address a technical error in permitted height that became apparent after use of the standards over time.

Density

First, the proposed bill addresses a typographical error in Table 17.12.020.D. Currently, the maximum density permitted in the RM9-A/RM9-A-NS district is listed as 15 units per acre and the maximum density permitted in the RM15-A/RM15-A-NS district is listed as 9 units per acre. The maximum density should be consistent with the name of the district (e.g. 9 units per acre in RM9) the maximum density for these two districts were inadvertently swapped in the table. The amendment proposes to correct this error.

Height

Secondly, the proposal includes an amendment to the maximum height in the build-to zone for the RM9-A/RM9-A-NS and RM15-A/RM15-A-NS districts. Currently, both of these districts permit a maximum height in the build-to zone of 20 feet. A 15-foot setback is then required before reaching a maximum overall height of 35 feet. Given building code requirements and common residential ceiling heights, it is challenging to design any two-story building within a maximum of 20 feet. A setback after the first floor is atypical in residential floorplates, particularly in a townhome or rowhouse product, and the 15-foot setback doesn't accommodate a pitched roof.

The combination of the limited 20-foot height and the setback requirement is driving a handful of odd design outcomes depending on the site and proposed residential type. In some instances, these standards preclude a two-story unit within the build-to. Where a two-story unit is achievable the result is typically a flat-roof style, and these standards are driving a particular design outcome of a 1-2 story unit in the build-to, with a rooftop deck or balcony to accommodate the required setback and then a taller second or third story behind.

In addition to odd design outcomes, staff has noted that the combination of these height standards may actually be limiting the utility of the RM9-A and RM15-A districts to serve their purpose as transitions between more intense multifamily, mixed use and nonresidential areas and less intense one and two-family zoning. Faced with height limitations that are significantly less than the one and two-family zoning districts these districts are intended to transition to, owners and developers are instead seeking higher density zonings or proposing regulatory specific plans solely for the purpose of modifying the height or setback requirements.

While the maximum height within RM9-A and RM15-A was intentionally lower than that of other districts to enable them to serve as transitions, a maximum height in the build-to that effectively precludes two-story structures was a technical error that became apparent after utilizing the standards over time. The proposal is to increase the maximum height in the build-to from 20 feet to 30 feet, while keeping the setback and overall height limitations the same. This adjustment will enable two-story buildings within the build-to and the possibility of more traditional, pitched-roof architectural styles, without increasing the overall height or allowances of the districts.

Access

Table 17.12.020.D, Note 3.h includes the standards for access and driveways for the multifamily, mixed use and nonresidential districts within the Urban Zoning Overlay (UZO). The note addresses circumstances where there is an unimproved alley adjacent to the site (the alley must be improved and utilized for access) and circumstances where no alley exists (a driveway opening of up to 26 feet wide is permitted), but this note inadvertently fails to address circumstances where an improved alley is already present. The Zoning Administrator has interpreted that where an improved alley exists, it shall be utilized as the primary vehicular access, but clarification in the code will ensure consistency of implementation.

Limits of Jurisdiction for Variances

Section 17.40.340 establishes the limits of jurisdiction for the BZA when granting variances. This section currently prohibits the granting of variances to floor area and density by referencing the bulk standards tables in Section 17.12.020. As the code has been amended over time, omissions occurred such that this section no longer references the full complement of bulk standards tables. This amendment proposes to update this section to reference the prohibition on variances to minimum lot area, density or floor area across all bulk standards tables, Tables 17.12.020 A-D.

Following preparation and filing of this legislation, staff identified one additional existing housekeeping error in this section of the code. The code currently references Section 17.16.030.E (adaptive residential use) as one of the sections that may not be varied. The standards for adaptive residential use are located in Section 17.16.030.F. Staff recommends approval of this legislation with a minor amendment to correct this error in the section reference.

ZONING ADMINISTRATOR RECOMMENDATION

The Zoning Administrator is supportive of this text amendment as proposed.

FISCAL IMPACT RECOMMENDATION

The Metro Codes Department will implement this section of the Zoning Code at the time of permit review as is their current practice. The Codes Department anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval with an amendment.

BILL NO. BL2021-796

An ordinance amending Sections 17.12.020 and 17.40.340 of the Metropolitan Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020D (Proposal No. 2021Z-009TX-001).

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

Section 1. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Density of 15 for the RM9-A and RM9-A-NS zoning districts and replacing it with a Max. Density of 9.

Section 2. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Density of 9 for the RM15-A and RM15-A-NS zoning districts and replacing it with a Max. Density of 15.

Section 3. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Height in Build-to Zone of 20 feet for the RM9-A and RM9-A-NS zoning districts and replacing it with 30 feet.

Section 4. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Height in Build-to Zone of 20 feet for the RM15-A and RM15-A-NS zoning districts and replacing it with 30 feet.

Section 5. That Table 17.12.020D, Note 3.h of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting Note 3.h in its entirety and replacing it with the following:

h. In the UZO:

- i. Where an improved alley exists, primary vehicular access shall be taken from the alley.
- ii. Any unimproved alley abutting the property that would provide direct access to an improved alley or street shall be constructed as the primary vehicular access.
- iii. A parcel that is sixty feet wide or greater shall have the front facade of the building extend across at least sixty percent of the parcel's frontage.
- iv. A parcel less than sixty feet wide shall have the building's front facade extend across the full width of the parcel in mixed-use, office and commercial districts.
- v. If an improved alley is not present or required, an opening of up to twenty-six feet wide shall be permitted, regardless of the requirements of subsections iii and iv above.
- vi. Parking shall be permitted only at the sides and rears of buildings.

Section 6. That Section 17.40.340 is hereby amended by deleting subsection 17.40.340.A in its entirety and replacing it with the following:

A. The board shall not grant variances to the following sections:

Sections

Section 17.08.030 (land uses)
Tables 17.12.020 A-D (minimum lot area)
Tables 17.12.020 A-D (density)
Tables 17.12.020 A-D (floor area ratio [FAR])
Section 17.12.080 (lot averaging)
Section 17.12.090 (cluster lot option)
Section 17.16.030.E (adaptive residential use)
Section 17.16.070.U (Operating a not owner-occupied short term rental property without a permit)
Section 17.16.250.E (Operating an owner-occupied short term rental property without a permit)

Section 17.36.070.C (PUD minimum lot size)
Section 17.37 (Downtown Code (DTC))¹

Note 1: Within the DTC district, however, variances may be granted for building height at the street and overall building height, with a recommendation from the planning commission.
Section 7. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Kathleen Murphy

Approve with amendment. Consent Agenda (7-0)

Resolution No. RS2021-169

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-009TX-001 is approve with amendment.
(7-0)

33. 2021Z-010TX-001

BL2021/798/Dave Rosenberg
Staff Reviewer: Dustin Shane

A request for an ordinance to amend Section 17.16.250 of the Metropolitan Code, Zoning Regulations, to limit animal services as activities permitted as home occupations (Proposal No. 2021Z-010TX-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code to remove “care of or services for animals” from the definition of “personal care services” as defined for home occupations and add “animal grooming activities” to the list of prohibited home occupations.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend the Zoning Code to remove “care of or services for animals” from the definition of “personal care services” as defined for home occupations and also add “animal grooming activities” to the list of prohibited home occupations. The proposed text amendment would modify Section 17.16.250.D.5.b.iii which defines “personal care services” in the context of home occupations and Section 17.16.250.D.5.c which lists uses that are not permitted as home occupations.

These proposed changes are shown below with text to be added shown in underline.

Section 1. That Section 17.16.250.D.5.b.iii of the Metropolitan Code of Laws is hereby amended by deleting the subsection and replacing it with the following:

iii. Personal care services, defined for the purposes of this section as spa services and beauty and barber care. Personal care services do not extend to the care of or services for animals;

Section 2. That Section 17.16.250.D.5.c of the Metropolitan Code of Laws is hereby amended by adding the following subsection:

iv. Animal grooming activities.

BACKGROUND

The Metro Zoning Code classifies “personal care services” as a home occupation that is allowed customer visits (subject to the restrictions of Section 17.16.250.D.3) and which is defined as “spa services and beauty and barber care” in the context of home occupations. Only three activities are expressly prohibited as home occupations by the zoning code: manufacture or repair of automobiles and other transportation equipment; repair of equipment that takes place outdoors; and the outdoor storage of construction, scrap, or salvage materials.

The Home Occupation provisions of Section 17.16.250.D were modified in 2020 under BL2019-48 to lessen hardships on home-based businesses by loosening restrictions on customer visits and allowed uses, among other things. Under the currently adopted standards, “personal care services” has been construed to include care of or services for animals. Personal care services allows customer visits subject to the restrictions of Section 17.16.250.D.3.

ANALYSIS

The proposed amendments would exclude care of or services for animals from personal care services as defined for home occupations and further prohibit animal care/service (“grooming”) as a home occupation altogether.

Home occupations are classified by the zoning code as accessory uses to residences, which means that they are “incidental and subordinate to the principle use.” Home occupations are also prohibited from producing, among other things, “noise ... particulate matter, odorous matter ... waste runoff, or other objectionable effects outside the dwelling unit or garage” (Section 17.16.250.D.4.c). Animal care/service is a broad category of activities, many of which could plausibly produce the undesirable effects listed above. Additionally, while home occupations providing services (such as grooming) to humans can be discreet and clearly ancillary to the primary residential use, the transportation of animals (of all sizes) into and out of a residence throughout the day has the potential to blur the lines between principle and accessory use and create the appearance of a primarily commercial use within a residential area.

Grooming and care of animals is provided for in the zoning ordinance under the “animal boarding facility” use. This use is permitted by right in all areas zoned Downtown Code (DTC) and is permitted with conditions in the IWD and IR zone districts. The conditions imposed in those districts include specific setback, waste collection, and space requirements to allow the proper and humane care of animals. Though in certain cases, animal grooming could be provided in a residential home with few impacts to the surrounding properties, the strict conditions imposed on animal boarding facilities within other zones suggests that noxious effects to surrounding properties are always a possibility with such uses. The concerns about these effects are less pertinent in Downtown, where the intense and unconventional mix of uses (with all their attendant effects) is to be expected.

NashvilleNext identifies the importance of land use and how it is central to shaping quality of life in Nashville and creating the future that Nashvillians want. Land use tools such as community plans and zoning are increasingly used to protect, enhance, or reflect the character of established places, especially residential neighborhoods. Where NashvilleNext indicates that some areas will develop with a mix of uses, and these areas can provide easily accessible services to nearby residents, some land uses are more suitable to areas with an already intense mix of uses or industrial areas in which conditions can be used to address any externalities. The proposed text amendment would rectify a previous oversight in allowing animal care/service within residential areas as a home occupation use. In doing so it would further the general plan’s goals of channeling more intense development and uses toward centers and corridors and away from neighborhoods targeted for maintenance of their existing form and uses.

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 permit review as is their current practice. The Codes Department anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval of the proposed changes to Title 17.

ORDINANCE NO. BL2021-798

An ordinance to amend Section 17.16.250 of the Metropolitan Code, Zoning Regulations, to limit animal services as activities permitted as home occupations (Proposal No.2021Z-010TX-001).

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

Section 1. That Section 17.16.250.D.5.b.iii of the Metropolitan Code of Laws is hereby amended by deleting the subsection and replacing it with the following:

iii. Personal care services, defined for the purposes of this section as spa services and beauty and barber care. Personal care services do not extend to the care of or services for animals;

Section 2. That Section 17.16.250.D.5.c of the Metropolitan Code of Laws is hereby amended by adding the following subsection:

iv. Animal grooming activities.

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

Approve. Consent Agenda (7-0)

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-010TX-001 is approve. (7-0)

**34. 2006SP-081-008
DAVENPORT DOWNS AMENDMENT**

BL2021-809/Antionette Lee
Council District 33 (Antoinette Lee)
Staff Reviewer: Seth Harrison

A request to amend the Davenport Downs Specific Plan District for various properties located north of Maxwell Road, approximately 460 feet east of Flagstone Drive, (52.94 acres), to delete a condition in the SP pertaining to the construction of turn lanes at the intersection of Maxwell Road and LaVergne/Couchville Pike, and to accept a financial contribution in lieu of construction from the developer of the Davenport Downs SP, requested by Councilmember Antoinette Lee, applicant; various property owners.

Staff Recommendation: Approve with conditions and disapprove with all conditions.

APPLICANT REQUEST

Amend SP to accept payment in lieu of a turn lane.

SP Amendment

A request to amend the Davenport Downs Specific Plan District for various properties located north of Maxwell Road, approximately 460 feet east of Flagstone Drive, (52.94 acres), to delete a condition in the SP pertaining to the construction of turn lanes at the intersection of Maxwell Road and LaVergne/Couchville Pike, and to accept a financial contribution in lieu of construction from the developer of the Davenport Downs SP.

Existing Zoning

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

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses. There are no proposed changes to the use within the current SP, the only change is the elimination of a required right turn lane with payment in lieu of.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

ANALYSIS

The original Davenport Downs SP was approved by Metro Council March 21, 2007 with BL2006-1303, consisting of 318 single-family homes, attached and detached. The SP was amended April 4, 2012 with BL2011-73 and BL2011-74 to increase the size of the SP and reduce the density to 207 single-family homes.

BL2006-1303 conditioned that prior to the platting of the 150th lot, left turn lanes shall be constructed on Maxwell Road for eastbound and westbound traffic at LaVergne Couchville Pike. Since the creation of this SP, Metro Public Works has installed a four-way stop sign at Maxwell Road and LaVergne Couchville Pike and has determined turn lanes are no longer warranted at this intersection. This SP has been brought to Metro Planning Commission at the

request of the Council Member for this district to allow payment-in-lieu of construction of the turn lanes, in the amount of \$172,000. Metro Public Works (now Nashville Department of Transportation) and Metro Legal have reviewed the proposal and concur. There are no other changes to the plan itself.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be as per BL2011-73 and BL2011-74.
2. All conditions of BL2006-1303, BL2011-73, and BL2011-74 except for the condition related to installation of turn lanes remain in effect.

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

Resolution No. RS2021-171

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-081-008 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be as per BL2011-73 and BL2011-74.
2. All conditions of BL2006-1303, BL2011-73, and BL2011-74 except for the condition related to installation of turn lanes remain in effect.

35. 2005UD-009-012

HILLSBORO VILLAGE AMENDMENT

BL2021-828/Colby Sledge and Tom Cash
Council District 17 (Colby Sledge); 18 (Tom Cash)
Staff Reviewer: Eric Hammer

A request for an ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending the Hillsboro Village Urban Design Overlay District for various properties located on 19th Avenue South, 20th Avenue South, 21st Avenue South, Acklen Avenue, Belcourt Avenue, Blakemore Avenue, Fairfax Avenue, Magnolia Boulevard and Wedgewood Avenue (26.91 acres), to clarify where ground-level parking shall be lined with office or commercial uses on select street frontages for all subdistricts, all of which is described herein (Proposal No. 2005UD-009-012).

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Hillsboro Village Urban Design Overlay (UDO) to clarify when a ground floor office or commercial liner is required.

EXISTING ZONING

The properties within the Hillsboro Village UDO are within various mixed-use and office base zoning districts, including: Mixed Use Neighborhood (MUN), Mixed Use Limited (MUL), Mixed Use Intensive (MUI), and Office/Residential (OR20).

EXISTING ZONING OVERLAY

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping, and parking standards of the Zoning Code. Application of this special overlay district shall be limited to areas requiring specialized design standards either to maintain and reinforce an established form or character of development or to achieve a specific design objective for new development.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

The properties in the Hillsboro Village UDO are within T4 Urban Mixed Use Neighborhood (T4 MU), Civic (C), and District Major Institutional (D MI) land use policies.

REQUEST DETAILS

The Hillsboro Village UDO was enacted by O99-1612 in 1999 to institute design standards that would preserve the unique identity of the Hillsboro Village area and ensure the compatibility of new buildings. Major streets, including 21st Avenue South, Belcourt Avenue, and Acklen Avenue are generally lined with low-scale commercial or office uses.

To preserve this development pattern, the UDO has a design standard that requires parking decks on the ground floor of new buildings to provide a commercial or office liner for a minimum of 75% of lineal frontage on these streets to a depth of 20 feet. However, the standard in the UDO is under the header “street level leasable floor space in parking structures”. Contrary to the intent of that standard, “parking structure” has been more narrowly defined within Title 17 of the Metro Code as such:

"Parking structure" means a parking facility consisting of two or more stories which requires ramp access. This does not include a single-story garage, carport or other covered parking area that is otherwise a surface parking lot. A parking structure may be part of a mixed-use building or be a stand-alone building.

Due to this definition, a proposed building with a ground floor that is wholly parking is not subject to a standard that specifies that it applies to “parking structures” in spite of the intent to foster an engaging pedestrian experience, as outlined in the UDO. This request proposes adjusting the language in keeping with the intent to line ground floors with active uses (subtractions struck through, additions underlined):

d) STREET LEVEL LEASABLE FLOOR SPACE IN ~~PARKING~~-STRUCTURES: Parking ~~decks~~ within structures located at street level shall have no less than seventy-five percent (75%) of the lineal street frontage devoted to office or non-parking commercial uses at a minimum depth of twenty (20) feet along the following streets:

- 21st Avenue S. in Sub-Districts 1A, 1B (north of Acklen Ave. in MUL district only), 1C and 1D;
- Belcourt Avenue in Sub-Districts 1A, 3A, and 3B;
- Acklen Avenue in Sub-District 1B (north side only in MUL district); and
- 20th Avenue S. in Sub-District 3A.

PROCESS AND ENGAGEMENT

This UDO has a Design Review Committee (DRC) that reviews new projects within the boundaries of the overlay as well as any requested modifications of the design standards. The DRC offers nonbinding design recommendations for by-right projects and makes a recommendation to the Planning Commission when a modification requires the Commission’s approval. The content of this amendment was shared with the DRC, which did not take exception to the adjustment.

PROPOSED UDO TEXT AMENDMENT

ORDINANCE BL2021-828

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending the Hillsboro Village Urban Design Overlay District for various properties located on 19th Avenue South, 20th Avenue South, 21st Avenue South, Acklen Avenue, Belcourt Avenue, Blakemore Avenue, Fairfax Avenue, Magnolia Boulevard and Wedgewood Avenue (26.91 acres), to clarify where ground-level parking shall be lined with office or commercial uses on select street frontages for all subdistricts, all of which is described herein (Proposal No. 2005UD-009-012).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By amending the Hillsboro Village Urban Design Overlay District on various properties located on 19th Avenue South, 20th Avenue South, 21st Avenue South, Acklen Avenue, Belcourt Avenue, Blakemore Avenue, Fairfax Avenue, Magnolia Boulevard and Wedgewood Avenue (26.91 acres) to clarify the General Provisions Subsection, being on various Property Parcel Nos. as designated on various Maps of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk’s Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be various maps of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that a corrected copy of the amended UDO plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the preliminary UDO plan incorporating the conditions of approval

therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary UDO plan shall be presented to the Metro Council as an amendment to this UDO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

ANALYSIS

The proposed text amendment clarifies the intent of the UDO to have ground floor parking lined with commercial and office uses from major streets within the standards of the UDO. Over time, Title 17 has defined additional terms, including “parking structure” and this clarification within the UDO document will allow the standards of the overlay to meet the original intent.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-172

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-009-012 is approved. (7-0)

36. 177-74P-006

CENTURY CITY

BL2021-819/Jeff Syracuse
Council District 15 (Jeff Syracuse)
Staff Reviewer: Dustin Shane

A request to cancel a portion of a Planned Unit Development Overlay District for properties located at 646, 700, 704, 706, 708 and 712 Ermac Drive, zoned ORI (5.59 acres), requested by Civil Site Design Group, applicant; Michael Shawn Guilbualt, executor.

Staff Recommendation: Approve.

APPLICANT REQUEST

Cancel a portion of an existing PUD.

PUD Cancellation

A request to cancel a portion of a Commercial Planned Unit Development Overlay District (PUD) for properties located at 646, 700, 704, 706, 708, and 712 Ermac Drive, approximately 620 feet north of Marriott Drive (5.59 acres).

Existing Zoning

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

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

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

area. Secondary and supportive uses such as convenience retail, restaurants, and services for the employees and medium- to high-density residential are also present.

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.

PUD HISTORY

The PUD, which covers a broader area, was amended in 1999 to permit the development of two five-story 157,000-square foot office buildings at the approximate locations of the subject properties. The PUD has been revised numerous times throughout the years.

ANALYSIS

The originally approved PUD in this vicinity was intended for high-intensity office uses. It envisioned consolidating the single-family home parcels into larger tracts for office development and the eventual closing of the southern half of Ermac Drive. The PUD only partially materialized, and for Ermac Drive only along its eastern edge (with the exception of the corner of Elm Hill Pike and Ermac Drive to the north). The current D EC policy for the properties encourages campus-like office developments in line with what was planned for with Century City. Cancelling this portion of the PUD, however, would allow for more flexibility in design with regard to access and require a more sensitive development approach within the CO policy areas covering the steep slopes along the backs of the parcels, which as currently zoned are entitled for more extensive disturbance. For these reasons, staff supports cancelling the PUD for the subject properties.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-173

“BE IT RESOLVED by The Metropolitan Planning Commission that 177-74P-006 is approved. (7-0)

**37. 2021NL-002-001
2400 10TH AVENUE SOUTH**

Council District 17 (Colby Sledge)
Staff Reviewer: Seth Harrison

A request to apply a Neighborhood Landmark Overlay District to property located at 2400 10th Avenue South, at the southeast corner of Caruthers Avenue and 10th Avenue South, zoned R8 and located within the Waverly Belmont Neighborhood Conservation District (1.1 acres), to permit community education and daycare and office, requested by Centric Architecture, applicant; Greater Christ Temple Church Inc., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Neighborhood Landmark Overlay District (NLOD) to allow the uses of preschool/daycare, education, and office within an existing historic church.

Neighborhood Landmark Development Plan

A request to establish a Neighborhood Landmark Overlay District (NLOD) located at 2400 10th Avenue South, at the corner of 10th Avenue and Caruthers Avenue, zoned One and Two-Family Residential (R8) and located within the Waverly Belmont Historic Neighborhood Conservation Overlay (1.10 acres), to permit the uses of preschool/daycare, education, and office.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. R8 would permit a maximum of 5 lots with 2 duplex lots for a total of 7 units.

Proposed Overlay

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

GREEN HILLS-MIDTOWN COMMUNITY PLAN

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

PLAN DETAILS

The proposed development plan (2021NL-002-001) proposes a preschool/daycare and kindergarten in an existing 31,266 square foot structure located at 2400 10th Avenue South. The existing structure has previously been used as a church and is currently vacant. The extent of the external changes proposed are the creation of a fenced in play area, new sign, and bioretention pond. No physical changes are proposed to the building or parking lot.

ANALYSIS

The intent of this Neighborhood Landmark Overlay District is to utilize an existing historic structure and provide an adaptive reuse. This reuse could provide a benefit to the surrounding neighborhood offering a use compatible with an established neighborhood. The T4 NM policy would support this as well, since the character of the neighborhood would stay the same replacing a religious institution with an education one and reusing the existing building with no architectural changes.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final construction plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.

TRAFFIC AND PARKING RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Significant redevelopment is a possibility for this project, which will require a grading permit.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary NL only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (See Capacity Permit #'s T2021030833 and T2021030831).

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Permitted uses are limited as indicated on the plan.
2. Any modifications to the site will be required to comply with Metro Agency requirements.

Approve with conditions. Consent Agenda (7-0)

Resolution No. RS2021-174

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021NL-002-001 is approved with conditions. (7-0)

CONDITIONS

1. Permitted uses are limited as indicated on the plan.
2. Any modifications to the site will be required to comply with Metro Agency requirements.

38a. 2021COD-002-001

BL2021-822/Larry Hagar and Erin Evans
Council District 11 (Larry Hagar); 12 (Erin Evans)
Staff Reviewer: Abbie Rickoff

A request to apply a Contextual Overlay District for various properties located north of Highland View Drive, from Juneau Drive to Baton Rouge Drive, northward to Trenton Drive and eastward to Concord Drive, zoned R10 (133.28 acres), requested by Councilmember Larry Hagar and Councilmember Erin Evans, applicants; various owners (see associated case 2021Z-066PR-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) for various properties located north of Highland View Drive, from Juneau Drive to Baton Rouge Drive, northward to Trenton Drive and eastward to Concord Drive, zoned One and Two-Family Residential (R10) (133.28 acres).

Existing Zoning

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

Proposed Zoning Overlay

Contextual Overlay District (COD) provides appropriate design standards in a residential area. It can maintain and protect neighborhood form or character. A Contextual Overlay must apply throughout the residential portion of a complete block face and cannot be applied in an adopted historic overlay district.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

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.

CO policy at this site recognizes pockets of potentially steep slopes and streams at the southern and eastern boundaries.

CONTEXTUAL OVERLAY STANDARDS

Application of the COD would not change the existing entitlements afforded under the base zoning.

The standards of the contextual overlay district are listed below. These standards are established in the zoning code and cannot be modified. The design standards are necessary to maintain and reinforce established form or character of residential development in an area.

Setback

- Minimum required setback shall be average of the setback of the 2 developed lots abutting each side of the lot
- Example – abutting lots have setbacks of 50 feet, 55 feet, 40 feet, and 42 feet; average 47 feet, required minimum

Height

- Maximum height, including foundation, shall not be greater than 35 feet or 125% of the structures on the two lots abutting each side, whichever is less
- If 125% of the average is less than 27 feet, a maximum height of 1.5 stories in 27 feet is allowed
- Example – average is 24 feet; max allowed height is 30 feet

Coverage

- Maximum coverage shall be 150% of the average of the coverage of the two abutting lots on each side
- Does not include detached garages or accessory buildings
- Example – average coverage of abutting lots is 2,100 square feet; max coverage of 3,150 allowed

Access, Garages, Parking

- If there is an alley, access shall be from the alley
- On corner lots, access shall be within 30 feet of rear property line
- Driveways are limited to 1 per public street frontage
- Parking, driveways, and all other impervious surfaces in the required setback shall not exceed 12 feet in width
- The front of any detached garage shall be located behind the rear of the primary structure
- The garage door of any attached garage shall face the side or rear property line.

ANALYSIS

The area included in the Overlay includes properties located south of Lebanon Pike, on either side of Andrew Jackson Parkway, extending south to Highland View Drive. The properties are included in the Tulip Grove Subdivision and have developed primarily with single-story, split level, and two-story residences. There is a predominant development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary.

The proposed Overlay is located within a T3 Suburban Neighborhood Maintenance policy area, which is intended to maintain the general character of developed, suburban residential neighborhoods. Application of the Overlay would help to preserve the existing character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T3 NM policy. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-175

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021COD-002-001 is approved.. (7-0)

38b. 2021Z-066PR-001

BL2021-821/Larry Hagar and Erin Evans
Council District 11 (Larry Hagar); 12 (Erin Evans)
Staff Reviewer: Abbie Rickoff

A request to rezone from R10 to RS10 zoning for various properties located north of Highland View Drive, from Juneau Drive to Baton Rouge Drive, northward to Trenton Drive and eastward to Concord Drive (120.84 acres), requested by Councilmember Larry Hagar and Councilmember Erin Evans, applicants; various owners (see associated case 2021COD-002-001).

Staff Recommendation: Disapprove as submitted. Approve with substitute ordinance.

APPLICANT REQUEST

Zone change from R10 to RS10.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Single-Family Residential (RS10) zoning for various properties located north of Highland View Drive, from Juneau Drive to Baton Rouge Drive, northward to Trenton Drive and eastward to Concord Drive (120.84 acres).

Existing Zoning

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

Proposed 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.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings

are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

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.

CO policy at this site recognizes pockets of potentially steep slopes and streams at the southern and eastern boundaries.

SITE AND CONTEXT

The rezone boundary area includes approximately 120.84 acres located south of Lebanon Pike, on either side of Andrew Jackson Parkway. The properties are part of the Tulip Grove Subdivision, which extends to the south and east of the boundary area. The northern boundary includes properties fronting the south side of Trenton Drive, which is the dividing line between the lower intensity residential uses within the boundary area and the non-residential and multi-family uses located across the street, spanning the north side of Trenton Drive. The western boundary abuts The Hermitage museum and grounds. The southern and eastern boundaries are adjacent to other phases of Tulip Grove.

ANALYSIS

The proposed RS10 zoning district would limit development in the area to be rezoned to only single-family uses. The area currently contains primarily single-family uses with two-family units scattered throughout the neighborhood, primarily east of Andrew Jackson Parkway and clustered near the northeastern boundary. The existing two-family units make up approximately 9 percent of the area. These parcels are interspersed throughout the rezone area but were excluded from the rezone application, where the existing R10 zoning designation is proposed to be retained.

NashvilleNext calls for the integration of more diverse housing types into neighborhoods to allow for aging in place, to address the overall affordability of housing, and to respond to demographic changes that are driving changes in housing preferences. The existing duplexes in the area promote a diversity of housing options and retaining the R10 zoning on those parcels allows the two-family units to continue, providing housing variety in the neighborhood. Given the relatively low presence of two-family uses in the area (approximately 9 percent), staff recommends approval of a substitute ordinance to remove parcels from the zone change area, which would increase opportunities for housing diversity in the future.

Staff recommends removing larger lots on corners that could likely accommodate the construction of a duplex or two-family unit without disrupting the surrounding development pattern or disturbing areas of sensitive environmental features, including potentially steep slopes or streams. Staff also recommends removing a handful of corner lots that are located on the south side of Trenton Drive, located directly opposite of existing multi-family and non-residential uses on the north side of Trenton Drive, where the development of a two-family unit could serve as a transition between the more intense uses to the north and the lower intensity residential areas interior to the neighborhood, to the south. The substitute also removes one existing two-family parcel (APN #07504013400) that was excluded from the initial application but inadvertently included with BL2021-821.

The T3 NM policy recognizes that some change will occur over time, but any change should not disrupt the overall established development pattern. Staff's recommendation is intended to provide a balance between maintaining the existing residential character and the General Plan goals for housing diversity, consistent with the land use policy.

Substitute Ordinance Bill No. 2021-821

Staff recommends disapproval as submitted and approval with a substitute to remove the following parcels from the downzoning.

STAFF RECOMMENDATION

Staff recommends disapproval as submitted and approval of the substitute ordinance.

Disapprove as submitted. Approve with substitute ordinance. Consent Agenda (7-0)

Resolution No. RS2021-176

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-066PR-001 is disapproved as submitted Approved with substitute ordinance (7-0)

39. 2021Z-064PR-001

BL2021-827/Gloria Hausser and Dave Rosenberg
Council District 22 (Gloria Hausser); 35 (Dave Rosenberg)
Staff Reviewer: Logan Elliott

A request to rezone from SP to RS80 zoning for properties located at 8733 and 8811 Newsom Station Road, approximately 1700 feet northwest of Coley Davis Road, zoned SP (131.06 acres), requested by Councilmember Dave Rosenberg, applicant; Old Mill Partnership, owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-064PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)

40. 2021Z-067PR-001

BL2021-818/Jeff Syracuse
Council District 15 (Jeff Syracuse)
Staff Reviewer: Dustin Shane

A request to rezone from R8 to ORI zoning for properties located at 610, 628, 634, and 640 Ermac Drive, approximately 330 feet south of Sims Branch Way (3.62 acres), requested by Civil Site Design Group, applicant; David B. Tompkins Sr. Trust, F.H. Tompkins III, Edward H. Bayers Jr., Lynn C. Bayers and Michael Shawn, owners; and Michael Shawn Guilbault, executor.

Staff Recommendation: Approve.

APPLICANT REQUEST
Zone change from R8 to ORI.

Zone Change

A request to rezone from One and Two-Family Residential (R8) zoning to Office/Residential Intensive (ORI) zoning for property located at 610, 628A, 634, and 640 Ermac Drive, approximately 470 feet south of Elm Hill Pike (3.62 acres).

Existing Zoning

One and Two Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 19 units. Application of the Subdivision Regulations may result in fewer units.*

Proposed Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

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

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

ANALYSIS

The application includes four parcels ranging in size from 0.68 to 1.1 acres and totaling 3.62 acres located along the western side of Ermac Drive, with 610 Ermac Drive (the northernmost parcel) being approximately 470 feet south of Elm Hill Pike and 640 Ermac Drive (the southernmost parcel) being approximately 1,450 feet north of Marriott Drive. Parcels 016 and 020 are vacant while parcels 021 and 022 contain single-family homes. Ermac Drive (a local street) and the single-family homes along it sit at the top of a ridge that arcs from Elm Hill Pike to Marriott Drive. The parcels are heavily wooded and drain to an unnamed stream skirting their western edges at the bottom of the hillside.

Properties along the western side of this portion of Ermac Drive are all single-family residential, while those on the eastern side are a mix of single-family residential and high-intensity office. This incongruity is due to the fact that the surrounding area was originally included in a Planned Unit Development called Century City, which envisioned a suburban office park that required consolidating the single-family home parcels into larger tracts for office development and the eventual closing of the southern half of Ermac Drive. This PUD only partially materialized, and for Ermac Drive only along its eastern edge (with the exception of the corner of Elm Hill Pike and Ermac Drive to the north). The subject parcels were never included in the PUD and retained their R8 zoning while most of the adjacent parcels were rezoned to ORI.

The application proposes to rezone the four parcels from R8 to ORI. The site is within the D Employment Center (D EC) and Conservation (CO) policy areas. D EC policy is intended to create concentrations of campus-like office settings. The CCM lists the ORI district as an appropriate zoning under D EC policy. The rezoning request is further supported by the fact of the surrounding office-oriented PUD and the intense office uses located directly across Ermac Drive in close proximity to and dominating the existing single-family uses. The partially built-out Century City PUD has left Ermac Drive as a street in transition, and the approved D EC policy for the area suggests that the intended goal for the area is to carry this vision forward.

The parcels themselves, however, are encumbered by areas of CO policy recognizing steep slopes. Nevertheless, the proposed rezoning from R8 to ORI is more consistent with the intent of the D EC Policy. The D EC Policy guidance includes the consideration of a site's location in relation to environmentally sensitive features. Staff supports the rezoning despite the concerns that exist with preserving the steep slopes on the parcels governed by CO policy. Future development of the rezoned parcels will need to carefully consider environmental factors and may be severely limited.

FIRE RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. 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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential* (210)	3.62	5.445 D	24 U	280	21	26

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	1.81	3.0 F	237 U	1,290	80	102

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.81	3.0 F	236,531 SF	2,436	248	257

Traffic changes between maximum: **R8 and ORI**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3,446	+307	+338

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted by the ORI zoning district, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. School students generated by future development would attend McGavock Elementary School, Two Rivers Middle School, and McGavock Comp High School. All three

schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (7-0)

Resolution No. RS2021-177

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-067PR-001 is approved. (7-0)

41. 2021SP-039-001

1300 HERMAN STREET

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP zoning for properties located at 1212, 1300, 1302, 1304 Herman Street and Herman Street (unnumbered), and a portion of 907 12th Avenue North, at the northwest corner of Herman Street and 12th Avenue North (1.79 acres), to permit up to 250 multi-family residential units, requested by Smith Gee Studio, applicant; Nashville Tent & Awning Co., owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Preliminary SP to permit up to 250 residential units.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan-Residential (SP-R) zoning for properties located at 1212, 1300, 1302, 1304 Herman Street and Herman Street (unnumbered), and a portion of 907 12th Avenue North, at the northwest corner of Herman Street and 12th Avenue North (1.79 acres), to permit up to 250 multi-family residential units.

Existing Zoning

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

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The site is located on the north side of Herman Street between 12th Avenue North and 14th Avenue North. Interstate I-40 is nearby to the east. The surrounding zoning districts include RM20 to the north, east, and west and IR and MUL-A to the south. A surface parking lot is located on the site as well as a telecommunications tower.

Site Plan

The SP permits up to 250 multi-family residential units. It expressly prohibits not owner occupied short term rentals and staff is recommending owner occupied be prohibited. The SP includes a site plan as well as, but not limited to, bulk standards, architectural standards as well as parking and landscape standards. The plan calls for an 8-foot wide sidewalk and 4-foot wide planting strip along Herman Street and a 5-foot wide sidewalk and 4-foot wide planting strip along 12th Avenue North. The plan requires that the developer work with WeGo and if it is determined that a bus stop or shelter is needed. The bus stop and/or shelter will be provided and shown on the final site plan. The following are some of the more notable SP requirements:

- Max number of residential units: 250
- Max height: 5 stories in 75 feet
- Build to Zone: 0 feet to 15 feet

The architectural standards pertain to orientation, entryways, glazing, materials, and screening of parking.

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

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows high density residential consistent with the T4 NE land use policy at this location. The SP includes design standards that are intended to provide for development that is urban in nature consistent with the T4 NE land use policy. Design standards include, but are not limited to, providing sidewalks, limiting vehicular access, and activating streets with pedestrian entryways. The SP limits blank facades and provides standards for screening parking decks that are visible from a public street. All the aforementioned standards and other standard in the SP provide limits that will ensure that any future development meets the intent of the T4 NE land use policy. Additionally, the existing zoning of the site is inconsistent with the policy and this proposal moves it into compliance.

There is another project proposed across the street from this site, case number 2021SP-040-001. While the two projects are independent, they are complementary.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2021026210 & T2021026208).

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- On final, callout road sections, ramps, sidewalks, curb/gutter, etc. per MPW standards and details.
- Show ADA ramps at corners of public streets.
- Show truck loading/unloading exhibit for clarity.
- Prior to final, coordinate w/ MPW traffic and roads on offsite improvements.
- Comply w/ MPW traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Herman Street cross-section shall comply with the MCSP which should consist of 55' of ROW to include 8' sidewalks, 4' planting strips, on-street parking on the north side of Herman Street, and shared bike lanes on Herman Street. This shall be implemented between 14th Avenue and 12th Avenue. Minor modifications may be permitted along parcels not under ownership.
- Curb extensions shall be installed on the north side of Herman Street periodically between 16th Avenue and 12th Avenue as well as on the west and east quadrants of the intersection at 14th Avenue.
- A bus bulb shall be installed on the northwest quadrant of Herman Street and 12th Avenue per WeGo standards.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.79	0.6 F	46,783 SF	119	8	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	1.79	-	207 U	1,126	70	89

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,007	+62	+81

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 23 Elementary 18 Middle 15 High

The proposed SP-R zoning district is expected to generate 56 additional students than what is typically generated under the existing IR zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
2. Update the use permitted use note as follows: Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
3. Update the Maximum building height note as follows: Max. Building Height: 7 stories within 85 feet. No stepback required.
4. Update the Commercial uses notes as follows: Ground floor only. 1,300 minimum; 10,000 square foot maximum.
5. In addition to vinyl siding and untreated wood, EIFS shall not be permitted.
6. Vehicular access or curb cuts shall not be permitted along Herman Street.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
11. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The

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

Approve with conditions and disapprove without all conditions. Consent Agenda (6-1)

Resolution No. RS2021-178

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-039-0011 is approved with conditions and disapproved without all conditions. (6-1)

CONDITIONS

1. Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
2. Update the use permitted use note as follows: Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
3. Update the Maximum building height note as follows: Max. Building Height: 7 stories within 85 feet. No stepback required.
4. Update the Commercial uses notes as follows: Ground floor only. 1,300 minimum; 10,000 square foot maximum.
5. In addition to vinyl siding and untreated wood, EIFS shall not be permitted.
6. Vehicular access or curb cuts shall not be permitted along Herman Street.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
11. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

42. 2021SP-040-001

1301 HERMAN STREET

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP zoning for property located at 1301 Herman Street, at the southwest corner of Herman Street and 12th Avenue North (2.11 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Nashville Tent & Awning Co., owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions. (7-0)

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 1301 Herman Street, at the southwest corner of Herman Street and 12th Avenue North (2.11 acres), to permit a mixed use development with a maximum of 445 multi-family residential units.

Existing Zoning

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

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The site is located on the south side of Herman Street between 12th Avenue North and 14th Avenue North. A spur railroad line runs along the rear property line (north). Interstate I-40 is nearby to the east. A large building taking up most of the property is located on the site. The surrounding zoning districts include MUL-A and DTC to the south, north, east and west and IR and RM20 to the north.

Site Plan

The SP permits a mixed use development. It permits all uses that are permitted by the MUL- A zoning district with the exception that it expressly prohibits not owner occupied short term rentals and staff is recommending that owner-occupied be prohibited. The plan limits residential units to a maximum of 445 multi-family units. The SP includes a site plan as well as, but not limited to, bulk standards, architectural standards as well as parking and landscape standards. The plan calls for an 8-foot wide sidewalk and 4-foot wide planting strip along Herman Street and a 5-foot wide sidewalk and 4-foot wide planting strip along 12th Avenue North and 14th Avenue North. The plan requires that the developer work with WeGo and if it is determined that a bus stop or shelter is needed. The bus stop and/or shelter will be provided and shown on the final site plan. Following are some of the more notable SP requirements:

- Uses: nonresidential uses – max 10,000 sq. ft; multi-family – max 445
- Max height: 7 stories in 85 feet
- Build to Zone: 0 feet to 15 feet

The architectural standards pertain to orientation, entryways, glazing, materials, and screening of parking.

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

ANALYSIS

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows high density residential and a mixture of nonresidential uses consistent with the T4 MU land use policy. The SP includes design standards that are intended to provide for development that is urban in nature consistent with the T4 MU land use policy. Design standards include, but are not limited to providing sidewalks, limiting vehicular access, and activating streets with pedestrian entryways and commercial uses. The SP limits blank facades and provides standards for screening parking decks that are visible from a public street. All of the aforementioned standards and other standard in the SP provide limits that will ensure that any future development meet the intent of the T4 MU land use policy.

There is another project proposed across the street from this site, case number 2021SP-040-001. While the two projects are independent, the two are complementary.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2021026210 & T2021026208).

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- On final, callout road sections, ramps, sidewalks, curb/gutter, etc. per MPW standards and details.
- Show ADA ramps at corners of public streets.
- Show truck loading/unloading exhibit for clarity.
- Prior to final, coordinate w/ MPW traffic and roads on offsite improvements.
- Prior to final, coordinate w/ railroad on spur (or easement) abandonment.
- Comply w/ MPW traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Herman Street cross-section shall comply with the MCSP which should consist of 55' of ROW to include 8' sidewalks, 4' planting strips, on-street parking on the north side of Herman Street, and shared bike lanes on Herman Street. This shall be implemented between 14th Avenue and 12th Avenue. Minor modifications may be permitted along parcels not under ownership.
- Curb extensions shall be installed on the north side of Herman Street periodically between 16th Avenue and 12th Avenue as well as on the west and east quadrants of the intersection at 14th Avenue.
- A bus bulb shall be installed on the northwest quadrant of Herman Street and 12th Avenue per WeGo standards.
- A WeGo bus stop shall be installed on the southwest quadrant of Herman Street and 12th Avenue per WeGo standards.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.11	0.6 F	55,147 SF	133	9	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	2.11	-	445 U	2,424	147	185

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.11	-	5,000 SF	189	5	19

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	2.11	-	5,000 SF	561	49	49

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3,041	+192	+242

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 23 Elementary 18 Middle 15 High

The proposed SP-R zoning district is expected to generate 56 additional students than what is typically generated under the existing IR zoning district. Students would attend Park Avenue Elementary School, McKissack Middle

School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
2. Update the use permitted use note as follows: Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
3. Update the Maximum building height note as follows: Max. Building Height: 7 stories within 85 feet. No setback required.
4. Update the Commercial uses notes as follows: Ground floor only. 1,300 minimum; 10,000 square foot maximum.
5. In addition to vinyl siding and untreated wood, EIFS shall not be permitted.
6. Vehicular access or curb cuts shall not be permitted along Herman Street.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
11. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2021-179

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-040-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
2. Update the use permitted use note as follows: Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
3. Update the Maximum building height note as follows: Max. Building Height: 7 stories within 85 feet. No setback required.
4. Update the Commercial uses notes as follows: Ground floor only. 1,300 minimum; 10,000 square foot maximum.
5. In addition to vinyl siding and untreated wood, EIFS shall not be permitted.
6. Vehicular access or curb cuts shall not be permitted along Herman Street.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.

10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
11. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

43. 2021Z-050PR-001

Council District 12 (Erin Evans)
 Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to RS20 zoning for property located at 3216 Earhart Road, at the eastern terminus of Buntingway Drive (2.93 acres), requested by Civil Site Design Group, applicant; Gareth Cornelius and Patricia Cornelius, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to RS20.

Zone Change

A request to rezone from Agricultural and Residential (AR2a) to Single Family Residential (RS20) zoning for property located at 3216 Earhart Road, at the eastern terminus of Buntingway Drive (2.93 acres).

Existing Zoning

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

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

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

ANALYSIS

The approximately three acre property proposed to be rezoned to RS20 is located at 3216 Earhart Road. It is on the west side of Earhart Road and is just north of the intersection of Earhart Road, John Hagar Road and New John Hagar Road. There is a single-family home and accessory building on the property. The property is relatively flat and contains open lawn and some wooded areas. The adjacent properties to the north and south are both zoned AR2a and each have a single-family home. The zoning on the opposite side of Earhart Road is RS15 and the properties directly across the street consist of single-family homes. The abutting lots to the north and south and directly across the street exceed the minimum lot area for the AR2a and RS15 zoning districts. The properties to the west are in the established Bridgewater subdivision. The zoning for the subdivision is R15 with a Planned Unit Development Overlay (PUD). The properties in the subdivision are clustered and therefore are smaller than the minimum 15,000 square feet required under the R15 zoning district. The properties directly behind the subject property and within the Bridgewater subdivision average approximately 10,000 square feet. Buntingway Drive dead ends at the western property line of the subject property and is intended to continue to Earhart Road if/when the subject property is subdivided.

Staff finds the proposed RS20 zoning district consistent with the T3 NE land use policy. The T3 NE land use policy is placed in areas where changes in the existing development pattern are expected. The proposed RS20 zoning district would allow for smaller lots and a slight increase in density along Earhart Road than what is permitted by the existing AR2a zoning district. Given the size of the lots west of the site and the RS15 zoning district on the opposite side of Earhart Road, the proposed RS20 zoning district is more than appropriate under the T3 NE land use policy. It is important to note that any future subdivision of the subject property would be required to accommodate the planned extension of Buntingway Drive to Earhart Road. Due to the alignment, it is likely that a road could not be constructed, and a portion of the right-of-way would need to be dedicated. The remaining ROW would be acquired with any future subdivision of the abutting property to the north.

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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	2.93	0.5 D	2 U	28	7	2

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RS20**

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)	2.93	2.178 D	6 U	78	9	7

Traffic changes between maximum: **AR2a and RS20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4 U	+50	+2	+5

METRO SCHOOL BOARD REPORT

The proposed RS20 zoning district is not expected to generate any additional student than what would be generated by the existing AR2a zoning district. Students would attend Ruby Major Elementary, Donelson Middle School and McGavock High School. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval as the request is consistent with the T3 NE policy at this location.

Ms. Milligan presented the staff recommendation of approval.

Gareth Cornelius, property owner, spoke in favor of the application.

Councilmember Evans spoke in favor of the application.

Kate Bruner, 1640 Robindale Dr, spoke in opposition to the application due to concerns with access to that property.

Ginger Ledlow, 1700 Robindale Ct, spoke in opposition to the application due to stub street concerns and construction vehicles.

Ms. Farr closed the Public Hearing.

Mr. Haynes spoke in favor of the application; the stub street was built to provide for future connections.

Mr. Henley spoke in favor of the application and noted there are things that can be done to make both parties happy.

Mr. Lawson spoke in favor of the application.

Ms. Johnson suggested continuing conversations between the community and the councilmember and spoke in favor of the application.

Councilmember Murphy spoke in favor of the application.

Mr. Tibbs moved and Mr. Haynes seconded the motion to approve. (7-0)

Ms. Blackshear joined the meeting.

Resolution No. RS2021-180

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-050PR-001 is approved. (7-0)

44. 2021Z-005TX-001

BL2021-722/Jonathan Hall

Staff Reviewer: Amelia Lewis

A request for an ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow only district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide a monthly property inventory report to the Metropolitan Council (Proposal No. 2021Z-005TX-001).

Staff Recommendation: Disapprove the proposed text amendment as submitted; if the Metro Council amends the request to include Councilmembers in the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment.

APPLICANT REQUEST

Amend Titles 2 and 17 of the Metropolitan Code pertaining to rezoning of and inventory of Metro owned property.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend Chapter 17.40, Administration and Procedures, Section 17.40.060 to remove Section B (section to be removed shown in strikethrough) and replacing with a new Section B (shown below in underline):

17.40.060 – Applications

- A. An application to amend the official zoning map to apply a planned unit development or urban design overlay district shall be filed with the metropolitan planning commission. All other applications to amend the official zoning map or these zoning regulations shall be filed either with the planning commission or the metropolitan clerk. An application may be initiated by the property owner, the metropolitan planning commission, or a member of the metropolitan council. All applications to amend the official zoning map filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office. No application initiated by a property owner or an agent of the property owner to amend the official zoning map or to apply a planned unit development, a neighborhood design overlay, or an urban design overlay to the property shall be accepted by the metropolitan planning commission or the metropolitan clerk if the metropolitan government has a valid lien on the property and/or if the property owner is delinquent in the payment of property taxes.
- ~~B. An application to amend the official zoning map of property owned by the metropolitan government may be initiated only by the mayor, the head of the department or agency to which the property is assigned, or by the director of public property administration.~~
- B. An application to amend the official zoning map of property owned by the metropolitan government may be initiated only by the district member(s) of the metropolitan council representing the council district(s) where the property is located.

PROPOSED AMENDMENTS TO TITLE 2

Although the legislation includes changes to Title 2 – Administration, this report will only address changes to Title 17 – Zoning.

UPDATE

This item was heard at the June 10, 2021, Planning Commission meeting and deferred. The discussion focused on the history of the proposed text amendment in 2017, the possibility of amending the text to include councilmembers,

and if the Commissioners voted to disapprove the changes to Title 17 what would be the impact to the proposed changes to Title 2 included in the bill.

In January 2017, former Councilmember DeCosta Hastings introduced the proposed text amendment to add councilmembers to the list of parties who can initiate a rezoning of Metro owned property. The Planning Commission heard the item on January 26, 2017, and made no recommendation per staff's recommendation in the staff report. The item was on the consent agenda, therefore there was no discussion from the Planning Commission. A public hearing was held at Council on February 7, 2017, and deferred to March 2017. At the February hearing, no discussion on the item was held. In March the item was deferred to April 2017, at which time Councilmember Hastings deferred the request indefinitely, with no comments as to why.

The Metro Council could amend the bill to include Metro Councilmembers in the current list of those that can initiate a rezoning of Metro owned property. Consistent with the recommendation in 2017, staff would recommend that the Planning Commission provide no recommendation if amended. The request to add councilmembers and retain all existing parties, as opposed to removing the existing parties and making the district councilmember the sole party able to request zone changes of metro owned property is a significantly different request. If the request is amended to only add councilmembers, it should be a decision of Metro Councilmembers.

After further discussions with Metro Legal following the June 10, 2021, Planning Commission hearing, it was determined that if the Planning Commission recommended disapproval of the proposed changes to Title 17, it would be considered as a disapproval for the bill, which includes proposed changes to Title 2.

ANALYSIS

Section 17.40.060.B. of the Zoning Code permits the mayor, the head of the department or agency to which the property is assigned, or the director of public property administration, have the authority to apply for rezoning any property owned by the metropolitan government. The proposed amendment would remove the mayor, the head of the department or agency to which the property is assigned, or the director of public property administration, as individuals who can apply for rezoning of metropolitan government property, and replace with the councilmember of the district where the property is located.

As the proposed legislation would impact the Mayor's Office and Department of Finance, Planning Staff reached out to these agencies to understand how the current legislation operates and potential impacts from the proposed amendment. The following statement was provided to Planning Staff for inclusion in this report:

"The Mayor's Office and Department of Finance respectfully submit their opposition to the amendment proposed under BL2021-722. Property owned by the metropolitan government is, in effect, owned by all citizens of Davidson County. The authority to initiate applications for such properties, therefore, should remain vested within Metro officials answerable to constituencies countywide. This Code provision is entering its third decade of enforcement with no previous effort to remove the authority -- nor any discernible objections -- until the current legislation. (Ordinance no. BL2017-559, which would merely have added Council members to those with application authority, was deferred indefinitely by the Council sponsor and ultimately withdrawn.) District Council members maintain significant discretion over any rezoning application at the legislative phase. Individual applications are mandatorily referred to the full Council; and Council rules of procedure afford clear safeguards preserving District Council members' ultimate authority."

The typical process as outlined to Planning, is that prior to an application being filed for the rezoning of property owned by the metropolitan government, the initiator will contact the councilmember representing the property and ask if they will sponsor the application through the rezoning process. The rezoning process includes a recommendation from the Planning Commission to Metro Council and three hearings at Metro Council, prior to being signed into effect by the Mayor. As a sponsor of the request, the councilmember has the opportunity to represent the request for their district, work with the applicant of the rezoning, and ultimately retain the authority of the councilmember to enact through the council process.

The mayor, the head of the department or agency of the property is assigned, or the director of public property administration, are all responsible for advocating for Metro in various capacities. The removal of these individuals and departments from the current list of individuals who are able to initiate rezonings as representatives for property owned by the Metropolitan Government would significantly impact the ability of these individuals to advocate for Metro. As the rules and regulations for the role of councilmembers role in rezonings or the role of councilmembers sponsoring legislation, including the ability to withdraw legislation at council, is not being modified, and the proposed text amendment would impact individuals directly responsible for advocating for Metro owned property, the proposed text amendment is not supported by Planning.

Zoning Administrator Recommendation

No exception taken to this bill.

Fiscal Impact Recommendation

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

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed text amendment as submitted; if the Metro Council amends the bill to add Councilmembers to the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment.

ORDINANCE NO. BL2021-722

An ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow only district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide a monthly property inventory report to the Metropolitan Council (Proposal No. 2021Z-005TX-001).

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

Section 1. That Section 17.40.060 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting subsection B. in its entirety and substituting in lieu thereof the following:

B. An application to amend the official zoning map of property owned by the metropolitan government may be initiated only by the district member(s) of the metropolitan council representing the council district(s) where the property is located.

Section 2. That Section 2.24.190 of the Metropolitan Code is hereby amended by designating the existing provisions as subsection A. and by adding the following new subsection B.:

B. The director of public property administration shall provide each district councilmember with an annual inventory of real property owned by the metropolitan government located within their district.

Section 3. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Lewis presented the staff recommendation of disapproval of the proposed text amendment as submitted; if the Metro Council amends the request to include councilmembers in the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment.

Ms. Farr closed the Public Hearing.

Councilmember Murphy spoke in favor of staff recommendation. Everyone on the original list will still be included, this will only add the councilmember.

Ms. Johnson moved and Councilmember Murphy seconded the motion to disapprove the proposed text amendment as submitted; if the Metro Council amends the request to include Councilmembers in the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment. (8-0)

Resolution No. RS2021-181

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-005TX-001 is disapprove the proposed text amendment as submitted; if the Metro Council amends the request to include Councilmembers in the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment. (8-0)

45. 2021SP-027-001

2377 COUCHVILLE PIKE

Council District 29 (Delishia Porterfield)
Staff Reviewer: Amelia Lewis

A request to rezone from R20 to SP-IND zoning for property located at 2377 Couchville Pike, approximately 1,485 feet east of Pulley Road street, (34.77 acres), to permit industrial uses, requested by Energy Land and Infrastructure, applicant; Tommy C. Estes, owner.

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

APPLICANT REQUEST

Preliminary SP to permit industrial uses.

Zone Change

A request to rezone from One and Two-Family Residential (R20) to Specific Plan – Industrial (SP-IND) zoning for property located at 2377 Couchville Pike, approximately 1,485 feet east of Pulley Road (34.77 acres), to permit industrial uses.

Existing Zoning

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 75 lots with 18 duplex lots for a total of 93 units based on acreage alone. Any subdivision would be required to comply with Metro Subdivision Regulations. Duplex eligibility would be determined by Metro Codes Department.*

Proposed Zoning

Specific Plan – Industrial (SP-IND) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes industrial uses.*

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

D Impact (D I) is intended to enhance and create areas that are dominated by one or more activities with the potential to have a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Examples of DI areas include hazardous industrial operations, mineral extraction and processing, airports and other major transportation terminals, correctional facilities, major utility installations, and landfills.

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.

SITE CONTEXT AND PLAN DETAILS

The 34.77 acre site is located on the south side of Couchville Pike, east of the intersection of Couchville Pike and Pulley Road.

The area is generally a mix of agricultural, residential, and industrially zoned properties. The properties to the north are primarily zoned Industrial Warehousing/Distribution (IWD) and One and Two-Family Residential (R15). The properties to the east, south, and west are zoned Agricultural/Residential (AR2a), R20, IWD, and Industrial-Restrictive (IR). The land use map of the surrounding properties shows a mix of uses including industrial, low density residential, institutional, and vacant or farmland.

The proposed SP is regulatory. The application was originally filed as a straight rezoning to IWD. A rezoning to IWD on this site would permit over one million square feet of building area given the large area of the site and permitted FAR. It would also have permitted a variety of uses. Through conversations with staff, the council member, and the community, a regulatory SP to limit the maximum allowable square footage and limit uses was proposed. The standards include a maximum of 500,000 square feet of building area on the site. The permitted uses in the SP include all uses of IWD with the exception of the prohibited land uses as identified on the development standards. The proposed SP includes a standard that the Final SP shall be submitted with the building permit review. At this time, demonstration with all standards of the SP including FAR and use, as well as compliance with all Metro regulations include zoning code and approval by other departments will be required.

ANALYSIS

The intent of the District Impact policy is to create and enhance areas that are dominated by one or more activities that have, or can have, a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. The proposed rezoning from R20 to a regulatory industrial based SP is more consistent with the intent of the policy. A proposed residential use, as permitted by the existing zoning on the site, would not be appropriate given the policy of the site and the policy on the surrounding properties. The proposed SP permits a range of industrial uses which are the types of uses anticipated by the policy. The environmental features on the site are identified by the CO Policy on the site. There is an existing stream along the northern half of the site and several areas with slopes exceeding 15 percent. The permitted square footage on the site proposed within the SP limits the amount of buildable area, which is appropriate given the environmental features on the site.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Final Site Plans and Building Permits must comply with all Stormwater regulations set at the time of final submittal.

WATER SERVICES RECOMMENDATION

Approve with conditions

- 2377 Couchville Pike (12100013300) Approved as a regulatory SP only. Public water and/or sanitary sewer construction plans and/or Private Site Utility Plans must be submitted and approved prior to Final Site Plan Approval, and/or Building Permits and Service Connections. The approved construction plans must match any Final Site Plan/SP plans. A Capacity Study must take place and the required capacity reserved by confirmation of capacity fee payment prior to Building Permits or Service Connections. There is currently no sanitary sewer adjacent to this site and it is served by a 3-inch water main without public fire hydrants. There is an existing 10-inch water main and public fire hydrant approximately 1000 feet East of this Parcel (133).

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Comply with the MPW Traffic Engineer conditions of approval.
- Coordinate with Metro Codes Dept on compliance with the Metro Code provision of sidewalks.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study was conducted to assume a maximum development of 500,000 square feet of warehouse. A westbound left-turn lane at the proposed access is required unless an access study is conducted prior to Final SP approval.
- Development may be required to widen a portion of Couchville Pike to accommodate increased truck traffic. Specifics shall be finalized prior to Final SP approval.

Maximum Uses in Existing Zoning District: **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	34.77	5.445 D	64 U	690	51	67

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	34.77	-	500,000 SF	836	86	88

Traffic changes between maximum: **R20 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+146	+35	+21

METRO SCHOOL BOARD REPORT

As the proposed SP would not permit residential uses, it is not expected to generate any additional students.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 500,000 square feet of the uses permitted within the SP.
2. The Final SP submittal may be waived with the building permit application.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan and/or building permits shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Tom White, 500 11th Ave N, spoke in favor of the application as it is consistent with the area and consistent with policy.

John Gordon, applicant civil engineer, spoke in favor of the application.

Councilmember Porterfield spoke in opposition to the application on behalf of her constituents as she hasn't heard any support for this but has heard quite a bit of concerns from the neighbors. This needs to slow down a little until we have an updated plan.

Ms. Farr closed the Public Hearing.

Ms. Blackshear spoke in favor of staff recommendation.

Mr. Tibbs noted that this does seem to be consistent with policy in the area and spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation; if the commission doesn't approve this, it's basically taking away the rights of the property owner.

Ms. Johnson noted that looking at the larger area for this SP makes sense and spoke in favor of the staff recommendation.

Mr. Lawson spoke in favor of staff recommendation.

Mr. Henley spoke in favor of staff recommendation.

Mr. Haynes moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions. (8-0)

Resolution No. RS2021-182

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-027-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to 500,000 square feet of the uses permitted within the SP.
2. The Final SP submittal may be waived with the building permit application.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan and/or building permits shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

46. 2021SP-054-001 (formerly 2021Z-054PR-001)

LIBERTY HILL SP

BL2021-751/Zach Young
Council District 10 (Zach Young)
Staff Reviewer: Logan Elliott

A request to rezone from RS10 and R10 to SP zoning for properties located at Peeples Court (unnumbered) and Liberty Lane (unnumbered), at the southern terminus of Heathcote Court (55.28 acres), to permit all uses of the RM4 zoning district, requested by Dale and Associates, applicant; Betty Hooper, Austin Writesman, and Jack Nixon, owners.

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

APPLICANT REQUEST

Zone change from RS10 and R10 to SP.

Zone Change

A request to rezone from Single-Family Residential (RS10) and One and Two-Family Residential (R10) to Specific Plan (SP) zoning for properties located at Peeples Court (unnumbered) and Liberty Lane (unnumbered), at the southern terminus of Heathcote Court (55.28 acres), to permit all uses of the RM4 zoning district.

Existing Zoning

Single Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings. Approximately 19.39 acres of this site is zoned RS10. *RS10 would permit a maximum of 84 units.*

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. Approximately 35.89 acres of this site is zoned R10. *R10 would permit a maximum of 156 lots with 39 duplex lots for a total of 195 units.*

Proposed Zoning

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

MADISON COMMUNITY PLAN

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

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

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

The Conservation policy here recognizes very limited areas with significant slope and very limited area with floodway/floodplain buffers.

SITE LOCATION

The application includes 4 parcels and comprises approximately 55.28 acres near the north-eastern boundary of Davidson County and adjacent to the satellite city of Goodlettsville. The site has frontage onto Liberty Lane and Peeples Court, both local streets. Liberty Lane connects to Gallatin Pike about half of a mile to the south bypassing under Vietnam Veterans Boulevard and an associated off-ramp. The site is vacant and undeveloped other than the overhead electric lines and associated transmissions towers that run east-west on the southern portion of the site near Peeples Court. Mansker Creek runs across the very northern portion of the site and resultingly there are floodplain and floodway on this portion of the site. Otherwise, the site is generally flat with very limited instances of steep slope areas. The surrounding area includes single-family residential uses and vacant properties. The Windsor Green Subdivision in Goodlettsville abuts the site to the north. South of Vietnam Veterans Boulevard and on Gallatin Pike is a more intense commercial district.

REGULATORY STANDARDS

The application includes a regulatory document that provides standards that are to be reviewed for compliance with the final site plan application. The regulatory standards include all uses permitted by the RM4 zoning district and the bulk standards are also consistent with the RM4 zoning district. A standard is included that requires a minimum of 15% open space. The standards also require the primary access to the site to be from an improved People's Court and allows for Secondary Access to be from Liberty Lane. Additionally, a survey will be conducted to identify and preserve historic and environmental features. The surveys findings will be provided with the final site plan application and the findings will be reviewed and preservation will be coordinated with Metro Historic staff members. Also, a standard is included that requires existing trees within 20' of the perimeter of the property to be preserved and with the existing trees within 40' of the Windsor Green Subdivision property line to be preserved if townhomes or other attached units are placed along the perimeter of Windsor Green. Finally, the regulatory document requires a Traffic Study to be completed and provided with the final site plan application.

ANALYSIS

The T3 NE policy is intended to create and enhance suburban neighborhoods and the requested zoning district would allow for a development pattern with a scale and form consistent with this policy guidance. The requested SP zoning permits a similar number of units as what the existing zoning could likely realize. The site's ability to create a public street network in this area is limited by the existing adjacent subdivision, the proximity of Vietnam Veteran Boulevard to the south, and the Mansker Creek to the north and east. These conditions support a zoning district that will develop with private streets/drives. Metro Public Works (MPW) has analyzed Liberty Lane and Peeples Court and has determined that this street has the capacity to accommodate the potential number of units that could be realized on this site under the requested zoning district. Additionally, MPW is conditioning a Traffic Impact Study (TIS) to be completed and submitted with building permit submittal to analyze the surrounding public street infrastructure and identify necessary improvements to mitigate traffic impacts from this development. The Fire Marshall has also reviewed the proposed request and is recommending approval of the request subject to the final development plans complying with all applicable fire codes.

At the June 10, 2021, Planning Commission meeting, a motion was made to defer this item to:

- explore a Regulatory SP
- research the status of People’s Court
- clarify the fire code requirements
- research the historic resources on the properties
- analyze the future development potential of area
- to allow for additional community outreach

The applicant has conducted additional community outreach and has proposed a regulatory SP document. Staff finds that the conditions of this site make a Regulatory SP appropriate and staff supports the proposed regulatory standards. Staff has confirmed with MPW that People’s Court is right-of-way that is not built to Metro Standards. The physical obstruction of the right-of-way was done by MPW to address illegal dumping that had been occurring. The obstruction would be removed/relocated further down People’s Court if the right-of-way was improved for this development. Staff has also confirmed with the Fire Marshal the Fire Code requirements and a maximum of 199 units would be permitted if sprinklers are provided in multi-family structures.

Staff has also coordinated with Metro Historic Staff to confirm that this site is not believed to have been the location of the Mansker Station. The site wall that exists along the perimeter of the property, near the Windsor Green Subdivision, is the only known potential historic resource on the property. A survey will be completed to identify all historic and environmental resources on the property and the findings will be provided with the final site plan application for review. Finally, staff finds that requiring the primary access to the site from People’s court will require the extension of the existing improved right-of-way and this infrastructure is an important piece in setting up a public street network for the remainder of the property in this area.

FIRE RECOMMENDATION

Approve with conditions

- Limited building detail, and/or building construction information provided. Construction must meet all applicable building and fire codes. 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 TIS is required prior to Final SP approval. Off-site mitigation may be required.
- Liberty Lane shall be widened to a minimum of 21’ from northern limit of project frontage of Gallatin Pike. Curb and gutter or shoulders may be required after coordination with NDOT. Roadway plans shall be included with Final SP submittal.

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)	19.39	4.356 D	84 U	886	64	86

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential*(210)	35.89	4.356 D	195 U	1,922	143	193

*Based on two-family lots

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

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)	55.28	4 D	221 U	1,618	101	119

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-58 U	-1,190	-106	-160

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10/R10 district: 17 Elementary 14 Middle 14 High

Projected student generation proposed SP district: 25 Elementary 17 Middle 15 High

The proposed SP zoning is expected to generate 12 additional students than the existing RS10 and R10 zoning. Students would attend Goodlettsville Elementary School, Goodlettsville Middle School, and Hunters Lane High School. Goodlettsville Middle School is identified as being overcapacity and Goodlettsville Elementary and Hunters Lane High School are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses permitted by the RM4 zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Ms. Blackshear stepped out of the room.

Mr. Elliott presented the staff recommendation of approval with conditions and disapproval without all conditions.

Roy Dale, 518 Heather Place, spoke in favor of staff recommendation.

Luke Maddox, 236 Liberty Lane, requested several amendment changes.

Denise Martin, 108 Cambridge Ct, spoke in opposition to the application.

Teresa Parsley, 111 Cambridge Ct, spoke in opposition to the application due to storm water concerns.

David Teal, 107 Digby Ct, spoke in opposition to the application.

Sandra Kent, 125 Cambridge Ct, spoke in opposition to the application.

Claire Wainwright, 236 Liberty Lane, spoke in opposition to the application due to some ambiguous language that needs to be clarified.

Ms. Farr closed the Public Hearing.

Mr. Tibbs encouraged continued conversations between the community and the councilmember and spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Ms. Johnson expressed appreciation for the continued conversations and that this is headed in the right direction, but feels this SP still has room for further improvement.

Mr. Haynes also encouraged continued conversations and spoke in favor of staff recommendation.

Mr. Henley spoke in favor of staff recommendation.

Mr. Lawson spoke in favor of staff recommendation.

Mr. Lawson moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions including the following additional conditions Liberty Lane shall be widened to a minimum of 21' from northern limit of project frontage to Gallatin Pike. Curb and gutter or shoulders may be required after coordination with NDOT. Roadway plans shall be included with Final SP submittal. (6-1) Ms. Johnson voted against.

Resolution No. RS2021-183

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-054-001 is approve with conditions and disapprove without all conditions including the following additional conditions Liberty Lane shall be widened to a minimum of 21' from northern limit of project frontage to Gallatin Pike. Curb and gutter or shoulders may be required after coordination with NDOT. Roadway plans shall be included with Final SP submittal. (6-1)

CONDITIONS

1. Permitted uses shall be limited to all uses permitted by the RM4 zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

47. 2021S-044-001 TEMPLE HEIGHTS

Council District 22 (Gloria Hausser)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create seven single-family lots on property located at Old Charlotte Pike (unnumbered), approximately 800 feet west of Sawyer Brown Road, zoned R15 (4.0 acres), requested by Doyle Elkins, applicant; Vidya Bethi, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Concept plan approval to create 7 lots.

Concept Plan

A request for concept plan approval to create seven single-family lots on property located at Old Charlotte Pike (unnumbered), approximately 800 feet west of Sawyer Brown Road, zoned One and Two-Family Residential (R15) (4.0 acres).

SITE DATA AND CONTEXT

Location: The site is located at the south side of Old Charlotte Pike, west of the intersection of Old Charlotte Pike and River Road Pike.

Street Type: The site has frontage onto Old Charlotte Pike and Old Charlotte Pike is classified as a Collector Avenue in the Major and Collector Street Plan. The plan proposes a single local street that terminates in a cul-de-sac.

Approximate Acreage: The proposed area for subdivision is 4 acres or 174,121 square feet.

Parcel/Site History: This site is comprised of one parcel and the parcel has existed since at least 1976. The site is currently vacant.

Zoning History: The site has been zoned R15 since at least 1974 (O73-650).

Existing land use and configuration: The one parcel site is currently vacant with no access currently being provided from Old Charlotte Pike.

Surrounding land use and zoning:

North: One and Two-Family Residential (R40), One and Two-Family Residential (R80)

South: One and Two-Family Residential (R15)

East: One and Two-Family Residential (R15)

West: One and Two-Family Residential (R80)

Zoning: One and Two-Family Residential (R15)

Min. lot size: 15,000 square feet

Max. height: 3 stories

Min. street setback for properties on Alaya Court: 30'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 10'

Maximum Building Coverage: 0.35

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

Number of lots: 6 single-family lots and one duplex lot for a total of 7 lots.

Lot sizes: All lots are approximately 0.34 acres (15,000 square feet) with lot 7 being approximately 1 acre.

Access: The lots have frontage onto proposed street Alaya Court and the site draws access from Old Charlotte Pike.

Open space: Open space is not required as a part of this subdivision.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

Volume III of NashvilleNext, the General Plan for Nashville and Davidson County, contains the Community Character Manual (CCM) which establishes land use policies for all properties across the county. The land use policies established in CCM are based on a planning tool called the Transect, which describes a range of development patterns from most to least developed.

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within a T3 Suburban Neighborhood Evolving (T3 NE) policy. For sites within the T3 Suburban transect land use policies including T3 NE, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. Staff finds that all general requirements are met.

3-2 Monument Requirements

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed.

3-3 Suitability of the Land

The subject property contains areas of significant slopes and as a result 6 of the 7 proposed lots are designated as Critical Lots and will be subject to the Hillside Development Standards of the Zoning Code. The applicant has provided a preliminary grading study and description of measures to be taken and the proposed subdivision is using adequate methods to solve the problems created by unsuitable land conditions.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the R15 zoning. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R15 zoning at the time of building permit.

3-5 Infill Subdivisions

In order to ensure compatibility with the General Plan, the Commission has adopted specific regulations applicable to infill subdivisions, defined as residential lots resulting from a proposed subdivision within the R, R-A, RS, and RS-A zoning districts on an existing street. The proposed subdivision is not within an area that has been previously subdivided or predominantly developed; therefore, it is not classified as an infill subdivision.

3-6 Blocks

The application proposes to create an approximately 600' long public street along the eastern property boundary that terminates with a cul-de-sac. Section 3-6.2 limits block lengths in residential areas to no more than 1,200 feet and no less than 200 feet, or four lot widths, whichever is greater. The proposed street creates the opportunity for future right-of-way connections and complies with the block length section of the Subdivision Regulations.

3-9 Requirements for Streets

The application proposes a single dead-end street that is approximately 600' in length. Section 3-9 of the Subdivision Regulations limits dead-end streets to 750' so the proposed street complies with this standard. Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

3-10 Requirements for Dedication, Reservations, or Improvements

The application proposes a local street with 50 feet of right-of-way and proposes to dedicate the necessary right-of-way for Old Charlotte Pike to make the planned improvements per the Major and Collector Street Plan.

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after approval of a final site plan by all reviewing agencies. Required public infrastructure must be inspected and accepted for dedication prior to recording of a final plan, or the applicant may choose to post a bond securing the required public improvements.

3-12 Street Name, Regulatory and Warning Signs for Public Streets

Public Works reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

3-13 Street Names, Regulatory and Warning Signs for Private Streets

Not applicable to this case. The proposal does not include private streets.

3-14 Drainage and Storm Sewers

Drainage and storm sewer requirements are reviewed by Metro Stormwater. Metro Stormwater has reviewed the proposed plat and found it to comply with all applicable standards of this section. Stormwater recommends approval.

3-15 Public Water Facilities

Public Water is provided to this site by Harpeth Valley Utilities District (HVUD). HVUD has reviewed this plan and has recommended approval with conditions. These conditions are listed in the recommendations from all agencies section below.

3-16 Sewerage Facilities

Public sewer is available to this site from Harpeth Valley Utilities District (HVUD). HVUD has reviewed the plan and found it to be in compliance with all requirements of this section subject to conditions. Those conditions are listed in the recommendations from all agencies section below.

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed and the concept plan states this will be done with this development.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations for a major subdivision and the standards of the Metro Zoning Code. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Add note: Final construction plans and road grades shall comply with the design regulations established by the Department of Public Works. Slopes along roadways shall not exceed 3:1.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Adequate intersection sight distance per AASHTO is required at the new access point. Provide filed run sight distance data with final plans.

WATER SERVICES RECOMMENDATION

N/A

- Harpeth Valley Water and Sewer Utility District.

HARPETH VALLEY UTILITY DISTRICT

Approve with conditions

- See Availability of Water and Wastewater Service letter dated March 16, 2021, from Jay Tant, Assistant General Manager, Harpeth Valley Utilities District.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. With the construction of the proposed public street, evergreens shall be provided at the Old Charlotte entry of property to buffer the development.
4. The maximum building height for these proposed lots is 2 stories.
5. Pervious driveways shall be provided in front of houses to decrease storm water run-off.
6. The proposed sidewalk on the eastern side of the proposed public street shall be excluded and in lieu a continuous row of evergreen trees from Lot 1 to Lot 5 shall be planted in this location to form a landscape buffer. Should the adjacent property redevelop, this landscape buffer may partially or entirely be removed to accommodate right-of-way improvements.
7. A 6' fence shall be constructed adjacent to the horse grazing areas of property 7447 Old Charlotte pike and a note shall be included on the necessary lots with the final plat application.
8. No duplex lots are proposed or permitted with this application. The duplex lot note on lot 3 is being removed with this condition.

RECOMMENDED ACTION

Motion to approve with conditions proposed subdivision Case No. 2021S-044-001.

Ms. Blackshear stepped back in the room.

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

Paul Lepovitz spoke in favor of the application.

Name unclear, 403 Greenwood Ave, spoke in favor of the application.

Rachel Davis, 7447 Old Charlotte Pk, spoke in opposition to the application due to lack of transparency and storm water concerns.

Rebecca Lowe, 5466 Hickory Trail Drive, spoke in opposition to the application.

Melissa Scarboro, 7474 Old Charlotte Pike, spoke in opposition to the application.

Christina Wright, 3041 Morgan Rd, spoke in opposition to the application due to concerns with storm water.

Matthew Davis, 7447 Old Charlotte Pike, spoke in opposition to the application.

Jason Holleman, 4210 Park Ave, spoke in opposition to the application.

Edward Nelson, 7560 Old Charlotte Pk, spoke in opposition to the application.

Carson Smart, 7469 Old Charlotte Pk, spoke in opposition to the application.

Tracey Thurman, 7515 Old Charlotte Pk, spoke in opposition to the application.

Michelle, 6916 Gower Road, spoke in opposition to the application.

James Byrd, 542 Hickory Trail Dr, spoke in opposition to the application.

Lynda Brassell, 550 Hickory Trail Dr, spoke in opposition to the application.

Jim Brassell, 550 Hickory Trail Dr, spoke in opposition to the application.

Joshua Chapman spoke in opposition to the application.

Ms. Farr closed the Public Hearing.

Ms. Johnson expressed public safety concerns, traffic concerns as is it a very narrow road with no shoulder, water runoff concerns, and concerns with adding seven lots.

Councilmember Murphy explained this is a very dense area and has always been rural. Traffic and water runoff are areas of concern, but public safety access is the major concern for this area.

Ms. Blackshear stated that the subdivision regulations must be respected regardless of the result.

Mr. Henley spoke in favor of staff recommendations as it seems to meet all subdivision regulations.

Mr. Haynes spoke in opposition to the application and expressed concerns with public safety; even with the improvements made to rectify the blind curve, there is no shoulder on the road.

Councilmember Murphy moved and Mr. Haynes seconded the motion to disapprove based on not meeting Section: 3-9 and 3-10 of the Subdivision Regulations related to health and safety. (5-3) Ms. Blackshear, Mr. Henley and Mr. Lawson voted against.

Mr. Tibbs left the meeting.

Resolution No. RS2021-184

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-044-001 is disapprove based on not meeting Section: 3-9 and 3-10 of the Subdivision Regulations related to health and safety. (5-3)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

3. With the construction of the proposed public street, evergreens shall be provided at the Old Charlotte entry of property to buffer the development.
4. The maximum building height for these proposed lots is 2 stories.
5. Pervious driveways shall be provided in front of houses to decrease storm water run-off.
6. The proposed sidewalk on the eastern side of the proposed public street shall be excluded and in lieu a continuous row of evergreen trees from Lot 1 to Lot 5 shall be planted in this location to form a landscape buffer. Should the adjacent property redevelop, this landscape buffer may partially or entirely be removed to accommodate right-of-way improvements.
7. A 6' fence shall be constructed adjacent to the horse grazing areas of property 7447 Old Charlotte pike and a note shall be included on the necessary lots with the final plat application.
8. No duplex lots are proposed or permitted with this application. The duplex lot note on lot 3 is being removed with this condition.

**48. 2021S-069-001
HEARTLAND NORTH**

Council District 03 (Jennifer Gamble)
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 114 single family lots and 28 two family lots for a total of 170 residential dwelling units, on property located at Brick Church Lane (unnumbered), approximately 2,500 feet east of Knight Drive, zoned One and Two-Family Residential (R10) (65.37 acres), requested by Civil Site Clarksville, applicant; Parkwood Estates, owner.

Staff Recommendation: Approve with conditions.

Jim Murphy requested a two-meeting deferral of this item.

Mr. Lawson moved and Mr. Haynes seconded the motion to defer to the September 9, 2021 Planning Commission meeting. (6-0-1)

Resolution No. RS2021-185

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-069-001 is deferred to the September 9, 2021 Planning Commission meeting. (6-0-1)

**49. 2004P-013-009
MILL CREEK TOWNE CENTRE PHASE 2**

Council District 31 (John Rutherford)
Staff Reviewer: Abbie Rickoff

A request to amend a Planned Unit Development Overlay District for a portion of property located at Nolensville Pike (unnumbered), approximately 630 feet southeast of Concord Hills Drive, zoned SCC and within a Corridor Design Overlay District (3.15 acres), to remove right-of-way reservation, requested by WNRI Holdings LLC, applicant; Mill Creek Towne Centre PH II Properties Association Inc., owner.

Staff Recommendation: Defer to the August 26, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2004P-013-009 to the August 26, 2021, Planning Commission meeting. (7-0)

50. 2021Z-044PR-001

Council District 28 (Tanaka Vercher)
Staff Reviewer: Logan Elliott

A request to rezone from R10 to OL zoning for property located at Murfreesboro Pike (unnumbered), approximately 560 feet southeast of Town Park Drive and located within the Murfreesboro Pike at UNA Antioch Urban Design Overlay District (1.73 acres), requested by Kimley-Horn, applicant; Barbara Eatherly, owner.

Staff Recommendation: Approve.

**APPLICANT REQUEST
Zone change from R10 to OL.**

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Office Limited (OL) zoning for property located at Murfreesboro Pike (unnumbered), approximately 560 feet southeast of Town Park Drive and located within the Murfreesboro Pike at UNA Antioch Urban Design Overlay District (UDO) (1.73 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 7 lots with 1 duplex lot for a total of 8 units.*

Murfreesboro Pike at Una Antioch Urban Design Overlay (UDO)

The intent of the UDO is to improve urban design by addressing issues related to development such as buildings and lots, parks and open space, vehicular circulation, bicycle and pedestrian circulation, signage, transit, access, parking, landscaping and buffering. The purpose of the Murfreesboro Pike UDO at Una Antioch is to provide a framework for a consistent development pattern and an harmonious streetscape along Murfreesboro Pike that includes high quality and pedestrian friendly design elements. This UDO focuses on broad design standards while emphasizing best practices for quality suburban design.

Proposed Zoning

Office Limited (OL) is intended for moderate intensity office uses.

ANTIOCH - PRIEST LAKE COMMUNITY PLAN

D Office Concentration (D OC) is intended to maintain, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities.

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. The Conservation policy here recognizes limited area of steep slopes.

ANALYSIS

The approximately 1.73 acre site is located on the south side of Murfreesboro Pike, near the intersection of Murfreesboro Pike and Old Murfreesboro Pike. Murfreesboro Pike is classified as an Arterial Boulevard in the Major and Collector Street Plan. The subject site is vacant and is surrounded by single-family residential, commercial, and other vacant land uses.

The proposed zoning district is consistent with the intent of District Office Concentration policy to create and enhance a district where office use is predominant. The intensity of development allowed in the Office Limited zoning district is consistent with the intent of the policy and is appropriate with the surrounding land uses. The zoning code will require landscape buffers adjacent to the existing single-family lots that abut the site. The Conservation policy recognizes a small area with significant slope and the site has sufficient area outside of the sloped areas for development. Future development of the site will be held to the standards and requirements of the Murfreesboro Pike at Una Antioch UDO. Staff finds the proposed zoning district to be consistent with the land use policies applied to the site.

The district councilmember has requested to convert this application to a Regulatory SP that would restrict the zoning of this property to match the plans that were presented to the community. The timing of this request did not accommodate this conversion to be worked out in advance of the 7/22 MPC meeting. Staff has confirmed with the applicant that they are willing to work with staff and the CM to draft a substitute bill at the Council level to convert this rezoning application to a regulatory SP zoning district that limited the zoning to the plans that were presented to the community. The plans are generally consistent with the OL zoning district.

FIRE 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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	1.73	4.356 D	8 U			

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.73	0.75 F	56,519 SF			

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

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

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 2 Elementary 1 Middle 2 High

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

The proposed OL zoning is anticipated to generate five fewer students than the existing R10 zoning district. Students would attend Una Elementary School, Margaret Allen Middle School, and Antioch High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Elliott presented the staff recommendation of approval.

Phillip Neal, 915 Timberside Dr, spoke in favor of the application.

Robert Bryson, 310Ladybird Drive, spoke in opposition to the application and requested more information.

Ms. Farr closed the Public Hearing.

Mr. Haynes asked if notices were sent to the neighbors.

Mr. Logan explained that notices were sent but a community meeting was not required.

Mr. Haynes suggested deferral to allow time for another community meeting.

Ms. Johnson spoke in favor of a deferral.

Councilmember Murphy spoke favor of a deferral to allow for another community meeting.

Ms. Blackshear spoke in favor of a deferral to allow for another community meeting.

Ms. Blackshear moved and Mr. Haynes seconded the motion to defer to the August 26, 2021 Planning Commission meeting. (7-0)

Resolution No. RS2021-186

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-044PR-001 is deferred to the September 9, 2021 Planning Commission meeting. (7-0)

H: OTHER BUSINESS

51. New employee contract for Peter Matt Schenk & Samuel Snider

Resolution No. RS2021-187

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Contract for Matt Schenk & Samuel Snider is **approved**. (7-0)

52. Historic Zoning Commission Report
53. Board of Parks and Recreation Report
54. Executive Committee Report
55. Accept the Director's Report

Resolution No. RS2021-188

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved**. (7-0)

56. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

August 26, 2021

MPC Meeting

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

September 09, 2021

MPC Meeting

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

September 23, 2021

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 8:45 p.m.