



# METROPOLITAN PLANNING COMMISSION

## REVISED DRAFT AGENDA

**August 26, 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

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

**Commissioners Present:**

Lillian Blackshear  
Brian Tibbs  
Ed Henley  
Jim Lawson  
Mina Johnson  
Councilmember Kathleen Murphy

**Commissioners Absent:**

Greg Adkins  
Jessica Farr  
Jeff Haynes  
Dr. Pearl Sims

**Staff Present:**

Bob Leeman, Deputy Director  
George Rooker, Assistant Director  
Lisa Milligan, Planning Manager II  
Shawn Shepard, Planning Manager I  
Logan Elliott, Planner II  
Abbie Rickoff, Planner II  
Amelia Lewis, Planner II  
Dustin Shane, Planner II

**Lucy Alden Kempf**

Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
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## Notice to Public

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### Please remember to turn off your cell phones.

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

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

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

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

### Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, or emailed to the Planning Department by 3 pm on the Tuesday prior to the meeting. 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  
E-mail: [planning.commissioners@nashville.gov](mailto:planning.commissioners@nashville.gov)

### Speaking to the Commission

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

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

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

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

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

### Legal Notice

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



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# MEETING AGENDA

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## A: CALL TO ORDER

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

## B: ADOPTION OF AGENDA

Mr. Tibbs moved and Mr. Henley seconded the motion to adopt the agenda. (6-0)

## C: APPROVAL OF JULY 22, 2021 MINUTES

Mr. Lawson moved and Ms. Johnson seconded the motion to approve the July 22, 2021 minutes. (6-0)

## D: RECOGNITION OF COUNCILMEMBERS

Councilmember Gamble spoke in favor of Item 50 as well as Item 20 on behalf of Councilmember Toombs.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 7, 8, 9, 10a, 10b, 12, 13, 16, 17a, 17b, 28, 35, 40, 41, 52, 55, 56

Mr. Lawson moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (6-0)

Ms. Blackshear recused herself from Item 41.

## F: CONSENT AGENDA ITEMS 57, 61

Mr. Lawson moved and Mr. Tibbs seconded the motion to approve the Consent Agenda. (6-0)

Ms. Blackshear recused herself from Items 21 and 32.

Ms. Johnson moved and Mr. Lawson seconded the motion to add Item 48 back to the Consent Agenda. (6-0)

Tentative Consent Item: Items noted below as On Consent: Tentative will be read aloud at the beginning of the meeting by a member of the Planning Staff to determine if there is opposition present. If there is opposition present, the items will be heard by the Planning Commission in the order in which they are listed on the agenda. If no opposition is present, the item will be placed on the consent agenda.

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

## G: ITEMS TO BE CONSIDERED

### 1. 2009SP-017-003

**3607 HYDES FERRY ROAD**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Seth Harrison

A request for to amend a Specific Plan on various properties located at the southwest corner of Hydes Ferry Road and E Stewarts Lane, zoned SP (5.43 acres), to permit three additional multi-family residential units for a total of 24 multi-family residential units, remove clubhouse, shift access, and reduce landscaping, requested by Dale and Associates, applicant; O.I.C. Hydes Ferry Venture LLC, owner.

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

**The Metropolitan Planning Commission deferred 2021SP-017-003 to the September 9, 2021, Planning Commission meeting. (6-0)**

**2. 2020Z-013TX-001**

BL2020-504/Freddie O'Connell  
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 September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2020Z-013TX-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**3. 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 September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2020Z-119PR-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**4. 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 September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021S-060-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**5. 2021S-135-001  
HAYWOOD LANE CLUSTER LOT SUBDIVISION**

Council District 30 (Sandra Sepulveda)  
Staff Reviewer: Logan Elliott

A request for concept plan approval to create 28 cluster lots on property located at 356 Haywood Lane, approximately 106 feet west of Hollis Hill Drive, zoned RS10 (7.6 acres), requested by Benesch, applicant; Advent Capital Partners LLC, owner.

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

**The Metropolitan Planning Commission deferred 2021S-135-001 to the September 9, 2021, Planning Commission meeting. (6-0)**

- 6. 2021S-161-001**  
**RESUBDIVISION OF TRACT 1 PLAN OF BRENTWOOD HALL SECTION 5**  
Council District 26 (Courtney Johnston)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at 407 Landon Drive, at the southern corner of Landon Drive and Manley Drive, zoned RS20 (2.67 acres), requested by Southern Precision, applicant; Michael Cunningham, owner.

**Staff Recommendation: Defer to the September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021S-161-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

- 7. 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 68 multi-family residential units, requested by Land Solutions Company, applicant; Bowen House Ventures LLC, owner.

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

**The Metropolitan Planning Commission deferred 2021SP-025-001 to the September 9, 2021, Planning Commission meeting. (6-0)**

- 8. 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 (see associated case 2021CP-008-003).

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred indefinitely 2021SP-044-001. (6-0)**

- 9. 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 September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-070PR-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**10a. 2021HL-003-001**

Council District 08 (Nancy VanReece)  
Staff Reviewer: Seth Harrison

A request to apply a Historic Landmark Overlay District to property located at 435 Old Hickory Boulevard, at the southeast corner of Donna Drive and Old Hickory Boulevard, zoned RS20 (1.44 acres), requested by Councilmember Nancy VanReece, applicant; Brandon Thornberry, owner (see associated case 2021NL-003-001).

**Staff Recommendation: Defer to the September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021HL-003-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**10b. 2021NL-003-001**

Council District 08 (Nancy VanReece)  
Staff Reviewer: Seth Harrison

A request to apply a Neighborhood Landmark Overlay District to property located at 435 Old Hickory Boulevard, at the southeast corner of Donna Drive and Old Hickory Boulevard, zoned RS20 (1.44 acres), to permit small event and short-term rentals, requested by Councilmember Nancy VanReece, applicant; Brandon Thornberry, owner (see associated case 2021HL-003-001).

**Staff Recommendation: Defer to the September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021NL-003-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**11a. 2021CP-008-001**

**NORTH NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 21 (Brandon Taylor)  
Staff Reviewer: Anna Grider

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: Approve T4 Urban Mixed Use Neighborhood policy along with a Supplemental Policy.**

**APPLICANT REQUEST**

**Amend the North Nashville Community Plan.**

Major Plan Amendment

A request to amend the North Nashville Community Plan by changing from District Industrial (D IN) Policy to T4 Urban Mixed Use Neighborhood (T4 MU) Policy for properties located at 623 and 701 41st Ave. N., 4105 Clifton Avenue, Clifton Avenue (unnumbered), and 700 42nd Avenue N., approximately 500 feet west of 40th Ave. N., zoned Industrial Restrictive (IR) (6.47 acres).

**NORTH NASHVILLE COMMUNITY PLAN**

**Current Policy**

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

Conservation Policy (CO) is intended to preserve environmentally sensitive land features through protection and remediation. This policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The

guidance for preserving or enhancing these features varies with what Transect they are in and whether they have already been disturbed. In this instance, sensitive features are very small steep slope areas.

**Requested Policy (Note: CO policy will remain.)**

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.

**Recommended Policy**

Staff recommends that T4 Urban Mixed Use Neighborhood (T4 MU) policy be applied along with a Supplemental Policy.

SPA 08-T4-MU-04 – Tomorrow’s Hope

The Supplemental Policy is additional guidance for street connectivity that builds on the policy guidance for T4 MU. Supplemental policy details are provided in the Analysis section.

**BACKGROUND**

The community plan amendment was requested in conjunction with zone change application 2021SP-004-001, a request to change the zoning from Industrial Restrictive (IR) and Office Residential (OR20) to Specific Plan (SP) zoning to permit 112 multifamily uses. There are seven properties in the study area; four of those properties in the northern portion of the study area are part of the requested rezoning. As part of the application process, the Executive Director determined the plan amendment is major with a required community meeting.

The site is in North Nashville in the Tomorrow’s Hope neighborhood, west of Preston Taylor homes and east of the Nations. The proposed plan amendment area consists of vacant land and an auto body shop on the north side of Indiana Avenue. On the south side of Indiana Avenue, uses include manufacturing, a small warehouse, and vacant land. To the north of the study area is a NES substation and residential uses; to the east is a mixed use area comprised of mainly residential and institutional uses. To the south is an industrial property and then the interstate, and to the west is a lumber yard, a NES property, and the railroad.

The applicant has applied for SP zoning to permit multifamily residential uses. Residential uses are not supported by the existing District Industrial (D IN) policy. As a result, the applicant has proposed an extension of the adjacent T4 Urban Mixed Use Neighborhood (T4 MU) policy. During the application process, Planning Staff applied a wider study area boundary to include properties on the south side of Indiana Avenue in anticipation of future shifts away from industrial uses in this area. Through the community input process, staff reduced the boundary of the policy change to only those properties within the Specific Plan rezoning request at this time. In addition, based on community feedback, staff recommends approval for T4 Urban Mixed Use Neighborhood (T4 MU) policy along with a Supplemental Policy. The community input is explained in greater detail in the Community Participation section of this report.

**COMMUNITY PARTICIPATION**

On February 25, 2021, a Planning-led virtual community meeting was held to discuss the applicant’s plan amendment and zoning requests. Notices were mailed to 325 property owners in a 1,300 foot buffer of the plan amendment area. Meeting information was also available on Planning’s webpage. Approximately 25 people attended, including the applicant and development team, the district Councilmember, and staff from the Planning Department. The meeting was available via WebEx and streamed live on Metro Nashville Network’s Facebook page. The recording was subsequently uploaded to Metro Planning’s YouTube channel to be viewed by those who were unable to attend the live meeting. To date the recording has received 49 unique views.

Planning staff spoke and answered questions regarding the plan amendment request. The applicant presented plans and renderings for the rezoning. Following these presentations, questions from attendees were taken. Additional questions centered on the following themes:

- Types of uses and building appearances and materials
- Number of dwelling units
- Traffic impacts and access
- Potential infrastructure improvements to public streets

Having heard the range of community concerns and questions, the applicant decided to defer the applications to allow for further community conversations. The applicant team worked with Councilmember Taylor to hold a second community meeting on August 2, 2021. This meeting was held both in person at the West Police Precinct at 5500 Charlotte Pike and live-streamed via zoom. Approximately 20 community members attended in total. The applicant presented updated plans and renderings for the rezoning. Planning staff answered questions regarding the plan amendment process and proposed land use policy change.

The updated plans showed a reduction in density, improvements to connectivity, and additional open space. Overall, the revisions were received positively by meeting attendees. The focus of questions from the community centered around traffic, street connections, and the pressure of other new developments in the area. Given these concerns

around connectivity and development pressure, staff reduced the boundary of this policy change to encompass only those properties within the current Specific Plan rezoning request. Additionally, staff is proposing a Supplemental Policy primarily focused on street connectivity. Staff anticipates future policy changes in this area to T4 MU and recommends extending the Supplemental Policy when this occurs.

### **ANALYSIS OF T4 URBAN MIXED USE NEIGHBORHOOD POLICY**

The proposed amendment area is a suitable location for T4 MU policy for the following reasons:

#### ***NashvilleNext's* Growth & Preservation Concept Map**

The Growth & Preservation Concept Map reflects Nashvillians' desires for growth and preservation in the future. The concept map designates the plan amendment area as within a "Special Use Area" immediately surrounded by "Neighborhood" and "Transition and Infill" areas. The Special Use Area recognizes the existing industrial and utility uses. The Neighborhood area recognizes the established neighborhood and mixed use areas, while the Transition and Infill areas surround nearby centers, including Midtown and Jefferson Street, and are appropriate for additional density.

The *NashvilleNext* planning process applied the concept map designations generally rather than at the parcel-specific level. To the east, the surrounding area is a mix of uses, mainly residential and institutional. For years, the community has expressed a desire for the industrial area to transition to a mixed use area more compatible with the surrounding neighborhood.

The neighborhoods around the plan amendment request are compact and walkable with a generally gridded street pattern, short blocks, and a range of housing types from single-family to apartments. This diversity of housing types, typical of many North Nashville neighborhoods, provides housing to people at many different phases of life and at a variety of price points. Providing additional housing in strategic locations, such as the housing proposed at this site, is a key element supported by *NashvilleNext*.

#### Key Findings

- The plan amendment area, identified on the Growth & Preservation Concept Map as adjacent to Neighborhood and Transition and Infill areas, is appropriate for T4 MU policy because of its location and proximity to Centers.
- The current IR zoning and industrial use are no longer compatible with the surrounding residential and mixed use character that has developed in this area.
- Providing additional housing at strategic locations is a key element of *NashvilleNext*.

#### **Community Character Policy Application**

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

Community Plans provide history and context for Nashville's 14 Community Planning areas, along with community-specific issues, strategies, and sketches of how different places in the community could change over time. The North Nashville Community Plan uses Community Character Policies that are tailored to the urban character of neighborhoods throughout its geographic area. The area is primarily urban residential in character with walkable neighborhoods that offer a variety of housing choices, commercial corridors, and some small neighborhood centers.

The Community Character Manual and the North Nashville Community Plan provide more refined guidance on the design of neighborhood areas in the T4 Urban Transect. The North Nashville Community Plan recommends strategic locations for additional residential density — generally in existing commercial centers or corridors to support businesses and eventual transit. Additional housing density and infill provides a diversity of housing choice and meets several goals providing housing for all stages of life, that is attainable for varying incomes, and that keeps the North Nashville community competitive in the region in the face of changing demographics and market preferences.

The T4 Urban Transect category fits between the T3 Suburban and T5 Center Transect areas. Historic, inner-ring neighborhoods as well as new neighborhoods intended to be developed in a more intense urban fashion are part of the T4 Urban Transect. Complete urban communities feature an integrated mixture of housing within walking distance of commercial and neighborhood-scaled open space. They feature highly connected street systems with sidewalks, bikeways, and facilities for mass transit providing many transportation options. In T4 Urban Transect areas, the balance tips toward the built environment, with buildings framing the street.

The requested T4 MU policy encourages a greater mix of higher-density residential and mixed use development along and near corridors. T4 MU policy is intended to enhance and create high-intensity urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. The intent of T4 MU policy to encourage the provision of additional homes, new businesses, and employment opportunities to support residents, businesses, and transit is appropriate for this area.



The North Nashville community's desire to maintain and enhance its urban residential neighborhoods is shown by the placement of Neighborhood Maintenance policy (T4 NM), such as to the north with a large portion of the Tomorrow's Hope neighborhood. To maintain long-term sustainability of the community and to provide housing for residents at every point in their lives, an appropriate mixture of housing types must still be provided. Appropriate locations for additional residential development are indicated by applying Mixed Use Neighborhood, Corridor, and Center policies.

#### Key Finding

- T4 MU's intent to encourage the provision of additional homes, new businesses, and employment opportunities to support residents, businesses, and transit is appropriate for this area.

#### **Transportation and Connectivity**

The study area is located on the western edge of the North Nashville community plan area and adjacent to the West Nashville community plan area, separated by a rail line. To the south is the I-40 corridor. In most instances, urban mixed use neighborhood areas have convenient access to major transportation and transit networks (existing and planned). The unique industrial uses, location adjacent to the rail line, and large size of the properties have created some connectivity challenges.

Currently, the study area is accessed by local streets. To the east, both 40<sup>th</sup> Avenue N. and Clifton Avenue are classified as collector-arterials. 41<sup>st</sup> Avenue has a small break in the study area and does not connect all the way to Clifton. The applicant is proposing to connect 41<sup>st</sup> Avenue as part of their development. Like in most areas that were bisected by the interstate system, street connectivity across the interstate is limited. 40<sup>th</sup> Avenue, to the east, connects under the interstate to Charlotte Pike. To the west, 46<sup>th</sup> Avenue connects to Charlotte Pike.

Indiana Avenue has a sharp turn as it curves along the eastern edge of the study area to connect with 42<sup>nd</sup> Avenue. 42<sup>nd</sup> Avenue runs south to connect to Delaware Avenue but does not run north through the study area.

WeGo provides bus service along 40<sup>th</sup> Avenue N. and Clifton Avenue with bus stops at the intersection to the east of the plan amendment area.

For this area to intensify into a mixture of uses and additional residential, connecting area streets is vital. As such, along with the policy change, planners recommend adding a supplemental policy that addresses enhancing mobility and connectivity.

#### **Recommended Supplemental Policy**

Exact wording for the Supplemental Policy area is as follows:

##### SPA 08-T4-MU-04 – Tomorrow's Hope

North Nashville's T4 Urban Mixed Use Neighborhood (T4 MU) Supplemental Policy Area (SPA) 08-T4-MU-04 applies to properties bounded by Indiana Avenue to the south, the potential future extension of 42<sup>nd</sup> Avenue N. to the west, 41<sup>st</sup> Avenue N. to the east, and Clifton Avenue to the north. The site today contains industrial uses, several warehouse structures, and lumber storage. In this SPA (shown in Figure 1), the following policies apply. Where the SPA is silent, the guidance of the T4 MU policy applies.

Within this SPA, development appropriate within T4 MU policy may be allowed subject to improvements to access and connections to and through the policy area for all modes of transportation. The overall intent of the supplemental policy is to provide additional connections from north to south and east to west through the policy area, in an area that is underserved with connections and circulation options. This will also provide opportunities for connections beyond the supplemental policy boundary as other properties in the larger neighborhood redevelop. In the future, should the T4 MU policy be expanded in this location, it is appropriate to extend this Supplemental Policy to address connectivity with future development.

##### *Design Principle – Connectivity*

Due to the accessibility constraints of this area and the potential impacts of additional traffic through the neighborhood, special attention should be paid to connectivity and enhancements to accessibility. This may include:

- Extension of new street connections to create a system of streets with multiple routes and connections that reknit the network to create a strong and cohesive block structure and provide multiple direct, local street connections to and between local destinations.
- New access points to and through the policy area from each street on which proposed developments have frontage.
- Sidewalks which meet the local street standard along all street frontages.
- Sidewalk connections from any internal sidewalk network to sidewalks along each street frontage.

##### Zoning

Rezoning requests within this SPA should utilize the Specific Plan (SP) zoning district to ensure that connectivity objectives are met.

*End of supplemental policy text.*

Key Findings

- Improving the transportation infrastructure and connectivity surrounding this location through the guidance of a supplemental policy assist in making it an accessible, multimodal site and suitable for T4 MU policy.
- 41<sup>st</sup> Avenue will be connected as part of this development.
- New sidewalks, which will encourage additional pedestrian activity, will be constructed as part of new developments.

**Relationship to Surrounding Policies**

The site’s relationship to surrounding policies is as follows:

- D IN policy is applied to the study area and the adjacent western properties.
- T4 MU policy is applied to the property directly to the east.
- Civic (CI) policy is applied to the NES substation to the north and a small property also owned by NES to the west.
- Urban Neighborhood Maintenance (T4 NM) policy is applied to the majority of the Tomorrow’s Hope neighborhood to the north.
- Conservation (CO) policy recognizes the presence of steep slopes in the surrounding area.

T4 MU policy is applied to the adjacent area to the east. Extension of T4 MU policy to the site allows the opportunity for additional services and residential options for the neighborhood that can develop in a compatible manner consistent with mixed use development.

Key Finding

- T4 MU policy would allow the opportunity for compatible development, additional housing options, and services to occur as an extension of existing T4 MU policy to the east.

**Analysis Summary**

Amending the Community Character Policy from D IN to T4 MU is appropriate at this location. In summary, the change in policy for the study area is appropriate due to the following:

- The plan amendment area, identified on the Growth & Preservation Concept Map as adjacent to Neighborhood and Infill areas, is appropriate for T4 MU policy because of its location and proximity to Centers.
- T4 MU’s intent to encourage the provision of additional homes, new businesses, and employment opportunities to support residents, businesses, and transit is appropriate for this area.
- The current IR zoning and industrial use are no longer compatible with the surrounding residential and mixed use character that has developed in this area.
- Providing additional housing at strategic locations is a key element of *NashvilleNext*.
- Improving the transportation infrastructure and connectivity surrounding this location through the guidance of a supplemental policy assist in making it an accessible multimodal site and suitable for T4 MU policy.
- 41<sup>st</sup> Avenue will be connected as part of this development.
- New sidewalks, which will encourage additional pedestrian activity, will be constructed as part of new developments.
- T4 MU policy allows the opportunity for compatible development, additional housing options, and services to occur as an extension of existing T4 MU policy to the east.

**STAFF RECOMMENDATION**

Staff recommends approval of T4 Urban Mixed Use policy along with a Supplemental Policy.

**Approve. Consent Agenda (6-0)**

**Resolution No. RS2021-189**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-008-002 is approved. (6-0)

**11b. 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: Approve with conditions and disapprove without all conditions subject to the approval of the associated plan amendment. If the associated plan amendment is not approved, staff recommends disapproval.**

## **APPLICANT REQUEST**

**Rezone from IR and OR20 to SP-R to permit 112 multi-family residential units.**

### Preliminary SP

A request to rezone from Industrial Restrictive (IR) and Office/Residential (OR20) to Specific Plan – Residential (SP-R) 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 112 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.

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. OR20 would permit a maximum of 9 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. This Specific Plan includes residential uses.

## **NORTH NASHVILLE COMMUNITY PLAN**

### **Existing Policy**

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

compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

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. In this instance the conservation policy indicates the presence of steep slopes which are the result of the construction of a portion of 42<sup>nd</sup> Avenue.

### **Proposed Policy (Note: the conservation policy is proposed to remain)**

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.

A Supplemental Policy related to connectivity is also proposed.

## **PLAN DETAILS**

The site is 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, and contains 5.11 acres. The site contains industrial uses and several warehouse structures. The surrounding parcels contain various industrial, religious, and multi-family uses. All surrounding streets, 41<sup>st</sup> Avenue North, 42 Avenue North, and Indiana Avenue, are classified as local streets. Both, 41<sup>st</sup> Avenue North and 42 Avenue North are oriented north/south. Indiana Avenue is oriented in an east/west direction.

### Site Plan

The plan proposed a multi-family residential development, including a maximum of 112 multi-family residential units. The plan consists 2 unit types. The first type, is a stacked townhome structure which contains 2 units and the second, contains a single unit townhome. All units are contained within 11 separate structures in the site. The

majority of the structures are oriented to public streets. The plan limits height for all structures to four stories in 43' feet, 6 inches. Parking is provided in the form of driveway and garage spaces, as well as tuck under parking for the single unit townhome structures.

The plan calls for three points of access, one from each street on which the site has frontage. Sidewalks which meet the local street standard are provided along all street frontages. Sidewalk connections will be provided from the internal sidewalk network to the sidewalks proposed along each street frontage. A sidewalk, which meets the local street standard, will be constructed off site along southern frontage of parcel 09112020200 to complete the sidewalk network. This portion of sidewalk will provide a continuous pedestrian connection to the existing sidewalks along 40<sup>th</sup> Avenue North. MTA service is provided with along 40<sup>th</sup> Avenue North, multiple stops are located within a quarter mile of the proposed site. The plan provides architectural standards pertaining to, but not limited to, glazing, materials, and articulation.

**ANALYSIS**

The plan is inconsistent with the existing policy. The plan is consistent with the proposed T4-MU policy. The T4-MU policy is intended to enhance urban neighborhoods by providing a greater mix of higher density and mixed-use development. While the policy allows for a mixture of uses, it is envisioned to lean towards higher intensity residential uses with commercial uses punctuating prominent locations within the policy area, such as the intersections of major streets. The plan calls for a multi-family development which will provide additional density and housing options as well as improvements to pedestrian connectivity along Indiana Avenue. The form and location of the structure and sidewalks shown fronting each street will enhance the pedestrian realm and achieve the primary goals of the T4-MU policy. Planning is recommending conditions which enchain the urban nature of the plan. These conditions will require units to be shifted to address the public realm in a more vengeful way by changing the orientation of several structures.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- Residential Multi-family 4 story units. (IBC code not IRC) Master permit and additional reviews are required prior to construction.

**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. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT 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. At final;
- A public access easement will be required for turning around on private drive at West terminus of Clifton Ave. Call out on site plan.
- There are to be no vertical obstructions(utility poles) in new public sidewalks and ramps. Call out for relocation if necessary.
- Call out ADA compliant ramps at the corners of Indiana and 41st; Clifton and 41st.
- A private hauler will be required for site waste/recycle(dumpster) disposal.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Development to install sidewalk on Indiana Avenue to 40th Avenue.
- At the intersection of 41st Avenue at Indiana Avenue, stop control shall be placed on Indiana Avenue and 41st Avenue shall be free-flow.
- At the intersection of 41st Avenue at Clifton Avenue, stop control shall be placed on 41st Avenue and Clifton Avenue shall be free-flow.

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)	5.11	0.8 F	178,073 SF	289	37	27

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)	5.11	-	112 U	689	58	57

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+400	+21	+30

**METRO SCHOOL BOARD REPORT**

Projected student generation existing IWD district: 0 Elementary 0 Middle 0 High  
 Projected student generation existing SP-R district: 9 Elementary 7 Middle 5 High

The proposed SP-R zoning is expected to generate 21 more students than the existing IWD zoning district. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn 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 subject to the approval of the community plan amendment. If the community plan amendment is not approved, staff recommends disapproval.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 112 multi-family residential units. Short term rental property, owner occupied short term rental property, not-owner occupied shall be prohibited.
2. With the final site plan, reorient units which front onto the side of adjacent units.
3. The stacked units which are oriented perpendicular to 41st avenue should be reoriented to front onto 41st avenue.
4. With the final site plan, reorient the stacked units in the south western portion of the site to front Indiana Avenue.
5. Comply with all conditions and recommendations of Metro agencies.
6. A sidewalk which meets the local street standard, a 4' wide grass strip and 5' wide sidewalk, shall be constructed along the southern frontage of parcel 09112020200.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. 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.
10. 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.

**Approve with conditions and disapprove without all conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-190**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-004-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 112 multi-family residential units. Short term rental property, owner occupied short term rental property, not-owner occupied shall be prohibited.
2. With the final site plan, reorient units which front onto the side of adjacent units.
3. The stacked units which are oriented perpendicular to 41st avenue should be reoriented to front onto 41st avenue.
4. With the final site plan, reorient the stacked units in the south western portion of the site to front Indiana Avenue.
5. Comply with all conditions and recommendations of Metro agencies.
6. A sidewalk which meets the local street standard, a 4' wide grass strip and 5' wide sidewalk, shall be constructed along the southern frontage of parcel 09112020200.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. 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.
10. 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.

**12. 2021Z-003TX-001**

Substitute BL2021-621/Kathleen Murphy & Burkley Allen  
 Staff Reviewer: Dustin Shane

A request for an amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission.

**Staff Recommendation: Defer to the October 14, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-003TX-001 to the October 14, 2021, Planning Commission meeting. (6-0)**

**13. 2021Z-006TX-001**

BL2021-726/Steve Glover  
 Staff Reviewer: Amelia Lewis

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, pertaining to LED message boards and digital display signs. (Proposal No.2021Z-006TX-001).

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2021Z-006TX-001 indefinitely. (6-0)**

**14. 2021Z-014TX-001**

Staff Reviewer: Jared Islas

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, to update the Gulch South Subdistrict Standards of Section II within Chapter 17.37, Downtown Code, all of which is described herein (Proposal No. 2021Z-014TX-001).

**Staff Recommendation: Approve.**

**TEXT AMENDMENT**

**A request to amend Title 17 to update the Gulch South Subdistrict Standards within 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.

## EXISTING POLICIES

The properties within the Gulch South Subdistrict of the DTC are almost entirely made up of Downtown Neighborhood (T6 DN) policy. There are a few areas that have Civic (CI), Open Space (OS) policy designations.

The properties within the Gulch South Subdistrict of the DTC are also located within two supplemental policy areas – the Gulch South Supplemental Policy area (09-T6-DN-GS-01), and the Mid-Gulch Supplemental Policy area (09-T6-DN-MG-01). The Mid-Gulch Supplemental Policy area is located entirely within the Gulch South Supplemental Policy Area (Figure 1 on previous page).

## PROPOSED TEXT AMENDMENT

The proposed text amendment aims to codify planning principles that are in the Mid-Gulch Supplemental Policy, that was approved as part of Case #2021CP-009-002 by the Metro Planning Commission at the July 22, 2021 meeting.

The Mid-Gulch Supplemental Policy identifies three intersections along 11th Avenue North (Broadway, Church Street, and Dr. Martin Luther King Jr. Boulevard) as appropriate for additional height and density with the caveat that development proposals are designed in accordance with the other goals of the supplemental policy. The principle of additional height at key intersections is currently allowed by the Downtown Code in other parts of the Gulch South Subdistrict. The proposed text amendment codifies this principle by increasing the height maximum for areas located within 150' of these intersections, to 20 stories.

The Mid-Gulch Supplemental Policy also recognizes the need for public open space, greenway connections, and historic preservation within the Mid-Gulch study area. The proposed text amendment increases the Bonus Height Program (BHP) multiplier available to developments that utilize the Publicly-Accessible Open Space bonus, and the Historic Building Preservation bonus. Developments that provide these public benefits in the Mid-Gulch area, as described within the BHP section of the DTC, may earn unlimited bonus height. However, the Bonus Height Maximums within the Gulch South subdistrict remain unchanged.

## STAFF RECOMMENDATION

Staff recommends approval.

**Approve. Consent Agenda (6-0)**

### Resolution No. RS2021-191

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-014TX-001 is approved. (6-0)

15. **2015SP-068-004**  
**BRINKLEY PROPERTY (Amendment)**  
Council District 31 (John Rutherford)  
Staff Reviewer: Logan Elliott

A request to amend the Brinkley Property SP for property located at 9287 Barco Drive, at the southwest corner of Lacebark Drive and Barco Drive (0.16 acres), to convert an open space lot to a single family residential lot for a total of 104 single family residential lots, requested by Green Trails LLC, applicant and owner.

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

## APPLICANT REQUEST

**Amend Preliminary SP to permit one additional single-family unit for a total of 104 units.**

### Amend SP

A request to amend the Brinkley Property Specific Plan for property located at 9287 Barco Drive, at the southwest corner of Lacebark Drive and Barco Drive, zoned Specific Plan (SP) (0.16 acres), to convert an open space lot to a single family residential lot for a total of 104 single family residential lots.

### **Existing Zoning**

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

### **Proposed Zoning**

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.

**SOUTHEAST 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.

**Existing SP**

The approved plan calls for 103 single-family lots on approximately 56.84 acres and this plan is nearly built out. Lots range from 16,699 square feet to a minimum lot size of 5,000 square feet. All lots gain access from new streets. The plan limits height for all units to two stories.

**SITE CONTEXT AND PLAN DETAILS**

The approximately 56 acre site abuts Indian Creek Estates to the north, Concord Place to the west, and the Hill Property SP to the south. The amendment only affects 0.16 acres of the site. No other changes are proposed. The approved preliminary SP plan is nearly built out with 103 single-family units, open space areas, several new local streets, and a new collector street as planned for in the Major and Collector Street Plan. The property has contiguous wooded areas, several blue line streams, and a pond. The property also contains some steep slopes in excess of 25 percent.

The proposed amendment would permit one additional single-family lot for a total of 104 units. The proposed lot was approved as an open space parcel at the south-west corner of the intersection of Lacebark Drive and Barco Road. In total, the Brinkley Property SP would have approximately 30.54 acres of open space, about 54% of the site, with the conversion of the site to a building lot.

**ANALYSIS**

The proposed SP amendment is consistent with the intent of the T3 NE policy to enhance and create suburban neighborhoods with moderate density patterns and moderate to high levels of street connectivity. The one additional lot is consistent with the development pattern of the remainder of the SP and with the surrounding developments. The application proposes the same architectural and other design requirements for this lot that are applied to the remainder of the SP. Additionally, the site has significant open space areas with over half of the site remaining as open space.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**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.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approved as a Preliminary SP Amendment only.

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Ignore**

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
Single-Family Residential (210)	56.84	-	103 U	1,068	77	105



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
Single-Family Residential (210)	56.84	-	104 U	1,078	79	105

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+10	+2	-

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP district: **10 Elementary 6 Middle 6 High**

Projected student generation proposed SP district: **11 Elementary 6 Middle 6 High**

The proposed SP-R zoning district is anticipated to generate one additional student than what would be generated under the existing SP-R zoning. Students would attend Harpeth Valley Elementary, Bellevue Middle School, and Hillwood 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 disapprove without all conditions.

**CONDITIONS**

1. Permitted uses for this site shall be limited to a maximum of 1 single-family residential unit for a total of 104 single-family units within the entirety of this SP.
2. The conditions of BL2017-848 apply unless specifically modified through this application
3. Corner lots on local streets shall not take vehicular access from the street which the home primarily fronts, but shall be from the side of house unless site conditions make side access impractical. If planning staff finds that side access is not practical, then vehicular access may be permitted from street which the home fronts.
4. Any garage facing a primary street frontage shall be recessed at least five feet from the front façade.
5. Brick, stone, cement board, cultured stone and/or wood shall be used on 100% of the front and side façade of the buildings, excluding non-structural, architectural features such as dormers, porches, gables, etc.
6. Street trees are required. The location shall be determined with the final site plan.
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. 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.
9. Comply with all conditions and requirements of Metro reviewing agencies.
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 RS5 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.

**Approve with conditions and disapprove without all conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-192**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-068-004 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses for this site shall be limited to a maximum of 1 single-family residential unit for a total of 104 single-family units within the entirety of this SP.
2. The conditions of BL2017-848 apply unless specifically modified through this application

3. Corner lots on local streets shall not take vehicular access from the street which the home primarily fronts, but shall be from the side of house unless site conditions make side access impractical. If planning staff finds that side access is not practical, then vehicular access may be permitted from street which the home fronts.
4. Any garage facing a primary street frontage shall be recessed at least five feet from the front façade.
5. Brick, stone, cement board, cultured stone and/or wood shall be used on 100% of the front and side façade of the buildings, excluding non-structural, architectural features such as dormers, porches, gables, etc.
6. Street trees are required. The location shall be determined with the final site plan.
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. 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.
9. Comply with all conditions and requirements of Metro reviewing agencies.
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 RS5 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.

**16. 2021SP-006-001**

**6103 MT VIEW ROAD**

Council District 33 (Antoinette Lee)

Staff Reviewer: Patrick Napier

A request to rezone from R8 and AR2a to SP zoning for property located at 6103 Mt. View Road, at the northeast corner of Mt. View Road and Hamilton Church Road (22.18 acres), to permit 46 single family lots and 68 multi-family units, requested by CSDG, applicant; Therese McClurg and Philip Burgess, owner.

**Staff Recommendation: Defer to the October 14, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-006-001 to the October 14, 2021, Planning Commission meeting. (6-0)**

**17a. 2021SP-009-001**

**CRESCENT LIONS HEAD**

Council District 24 (Kathleen Murphy)

Staff Reviewer: Logan Elliott

A request to rezone from SCC to SP zoning for a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place and located within a Commercial Planned Unit Development Overlay District (3.50 acres), to permit a mixed use development, requested by Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner (see associated case 78-74P-003).

**Staff Recommendation: Defer to the September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-009-001 to the September 23, 2021, Planning Commission meeting. (6-0)**

**17b. 78-74P-003**  
**LIONS HEAD VILLAGE (AMEND)**  
Council District 24 (Kathleen Murphy)  
Staff Reviewer: Logan Elliott

A request to amend a portion of a Commercial Planned Unit Development Overlay District on a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place, zoned SCC (3.50 acres), to add multi-family residential as an approved use, requested by Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner (see associated case 2021SP-009-001).

**Staff Recommendation: Defer to the September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 78-74P-003 to the September 23, 2021, Planning Commission meeting. (6-0)**

**18. 2021SP-020-001**  
**BEN ALLEN RIDGE**  
BL2021-810  
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: Approve with conditions and disapprove without all conditions.**

**APPLICANT REQUEST**

**Preliminary SP to permit 245 multi-family residential units.**

Preliminary SP

A request to rezone from Single-Family Residential (RS10) to Specific Plan-Residential (SP-R) zoning for properties located at 301 Ben Allen Road and Ben Allen Road (unnumbered), approximately 1,400 feet west of Ellington Parkway, to permit 245 multi-family residential units (10.71 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 39 units, based on the acreage only. Application of the Subdivision Regulations may result in fewer units at this site.*

**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 10.71-acre site includes two parcels located on the north side of Ben Allen Road, west of Ellington Parkway. One of the parcels includes a single-family residential use and the other parcel is vacant. The site includes heavy vegetation around the periphery and is bisected in two areas by streams and associated buffers. The site slopes down from Ben Allen Road to the rear of the site, where the stream areas are present. The Broadmoor and Ben Allen SP, an adjacent SP located to the east, includes several properties spanning Ben Allen Road and Broadmoor Drive and is approved for multi-family residential uses, non-residential uses, and a greenway system with primary and secondary trails.

Site Plan

The site plan proposes 245 multi-family residential units, housed in seven total structures. Two buildings have frontage along Ben Allen Road and the remaining buildings are located to the rear, situated along private driveways and surface parking areas, with access to the proposed greenway trails that are interspersed throughout the site. The proposed trail network extends from Ben Allen Road to the north, connecting to the future trail system located at the Broadmoor and Ben Allen SP site. The trail also extends to the western property line for future connectivity to the west. Vehicular access is provided from two points on Ben Allen Road. The southernmost access point is an emergency access drive only.

Pedestrian connectivity interior to the site includes a combination of sidewalks and the greenway trails, which wrap the buildings near the pedestrian entries. The interior sidewalks will connect to Ben Allen Road, which will include a 5 foot sidewalk and 4 foot planting strip along the project frontage, per the local street standard. Open space is interspersed throughout the site, including around the perimeter, and in areas surrounding the trail network and stream buffers. Smaller amenity spaces are also proposed.

The buildings are proposed with maximum heights of 3 to 4 stories. Two of the buildings are proposed as 3 stories and the remaining buildings are proposed as 3/4 splits, with the 4<sup>th</sup> level located on the back side of the buildings to work with the topographical change. The maximum overall height measured to the top of the roof ridge is proposed to be 68 feet on the low side of the split-level building. The maximum height measured to the eave is proposed to be 48 feet for the 4-story façade, and 36 feet for the 3-story façade. Site sections with architectural massing and proposed maximum heights have been incorporated into the preliminary SP. Architectural standards, including materials and glazing, are included in the plan.

### **EAST NASHVILLE COMMUNITY PLAN**

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 streams and associated buffers, and potential steep slopes at the front of the site.

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

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

Special Policy (05-T3-NE-01) is intended to encourage active transportation in an area that is underserved with connections and circulation options, such as trails, bike paths, and sidewalks. Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around.

### **ANALYSIS**

The SP is consistent with the CO, T3 NE, and T3 NC policies and the Trail Oriented Development special policy, which is intended to provide active transportation through a continuous trail system that connects neighboring properties to a community-wide trail network. The SP includes two proposed trail connections near the northern property line that will tie into the future trail system at the Broadmoor and Ben Allen SP site, one connection to Ben Allen Road, and one connection to the western boundary for future connectivity to the west. The design of the SP serves to integrate residential development into an underdeveloped area, consistent with the T3 NE policy, and the plan provides an alternative mode of transportation through utilization of trails. The CO policy on site is largely due to existing streams and associated buffers that run north-south through the site. Metro Stormwater has reviewed the proposed plans and has recommended approval with conditions.

### **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**

- Preliminary approved with conditions (subject to SWMC approval at Final Site Plan phase - Preliminary SWMC was conditionally approved).

**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. Capacity must be paid before issuance of building permits.

**NASHVILLE DOT 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. Per AASHTO, Required SSD, ISD = 200', 335'; It appears from exhibit on access that the dr leg(58') does not meet minimum SSD. 1. Prior to final, explain exhibit values w/ MPW. For the main access, submit a profile view showing existing/proposed grades as it relates to required SSD,ISD values.
- On final, show internal 'Emergency only' access signage to discourage vehicles from exiting through emergency drive.
- (cont.) Note in plans: Private hauler will be required for waste/recycle disposal.
- Comply w/ traffic MPW comments.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Restripe the southbound approach of Hart Lane at Ben Allen Road to include one right-turn lane and one left-turn lane with 100' of storage.
- Proposed parking count is based on peer studies for affordable housing. Parking is required per Code if development does not operate under the affordable housing requirements.

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)	10.71	4.356	46 U	509	38	49

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)	10.71	-	245 U	1812	112	132

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+199 U	+1303	+74	+83

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS10 district: 4 Elementary 4 Middle 5 High**

**Projected student generation proposed SP-R district: 39 Elementary 24 Middle 25 High**

The proposed SP zoning is expected to generate 75 more students than the existing RS10 zoning district. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood 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 with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 245 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not-owner occupied shall be prohibited.
2. The entire trail shall be located within a dedicated public access easement.
3. The primary trail shall be constructed prior to approval of Use and Occupancy permits.

4. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plans shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
5. At final SP, the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
6. Final architectural elevations shall include pitched roofs for all residential buildings. The maximum height measured to the eave is 4 stories in 48 feet. The maximum overall height measured to the roof ridge is 4 stories in 68 feet.
7. Elevations for all building types consistent with the Preliminary SP, including bulk, height, and all architectural standards outlined on the Preliminary SP shall be provided with submittal of the final SP for review and approval by staff. Individual buildings shall be designed in a manner to work with existing topography and minimize grading.
8. On the corrected copy, update this standard to reflect the Trail Oriented Development Special Policy: Care should be taken to reduce the disturbance or removal of recommended mature canopy trees on the Urban Forestry Recommended and Prohibited Tree and Shrub List that are 12 inches or greater in diameter. Development within this supplemental policy area will voluntarily exceed the Metro Zoning Code 17.24.100 tree density requirements by at least 20 percent.
9. All private drives, access, and open spaces shall include public access easements, which shall be included on the final site plan. Prior to final site plan approval, provide easement documentation.
10. Comply with all conditions and requirements of Metro reviewing agencies.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
14. 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.
15. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowners' Association.
16. 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.
17. 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 of any building permits.

**Approve with conditions and disapprove without all conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-193**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-020-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 245 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not-owner occupied shall be prohibited.
2. The entire trail shall be located within a dedicated public access easement.
3. The primary trail shall be constructed prior to approval of Use and Occupancy permits.
4. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plans shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
5. At final SP, the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
6. Final architectural elevations shall include pitched roofs for all residential buildings. The maximum height measured to the eave is 4 stories in 48 feet. The maximum overall height measured to the roof ridge is 4 stories in 68 feet.
7. Elevations for all building types consistent with the Preliminary SP, including bulk, height, and all architectural standards outlined on the Preliminary SP shall be provided with submittal of the final SP for review and approval by staff. Individual buildings shall be designed in a manner to work with existing topography and minimize grading.
8. On the corrected copy, update this standard to reflect the Trail Oriented Development Special Policy: Care should be taken to reduce the disturbance or removal of recommended mature canopy trees on the Urban

- Forestry Recommended and Prohibited Tree and Shrub List that are 12 inches or greater in diameter. Development within this supplemental policy area will voluntarily exceed the Metro Zoning Code 17.24.100 tree density requirements by at least 20 percent.
9. All private drives, access, and open spaces shall include public access easements, which shall be included on the final site plan. Prior to final site plan approval, provide easement documentation.
  10. Comply with all conditions and requirements of Metro reviewing agencies.
  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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
  13. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
  14. 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.
  15. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowners' Association.
  16. 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.
  17. 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 of any building permits.

## 19. 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: Disapprove unless heights of Buildings D, E, and portions of C, are limited to 5 stories.**

#### APPLICANT REQUEST

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

#### Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Specific Plan-Mixed Use (SP-MU) 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.

#### **Existing Zoning**

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

#### **SITE CONTEXT AND PLAN DETAILS**

The approximately seven-acre site is located at the northeast corner of 12<sup>th</sup> Avenue South and Hawkins Street. Interstate 40 runs along the northern site boundary. The site is relatively flat and is developed. The site is occupied by Beaman Body Shop, which includes a large building and surface parking lots. Surrounding zoning districts include DTC, IWD, SP, MUL and RM20.

#### SP Plan

The plan includes various mixed-use buildings. All uses of MUG-A are permitted with the exception of the following: alternative financial services, auto repair, auto sales, gas station and short-term rental property – not owner occupied. The plan calls for a maximum of 550 multi-family dwelling units, a maximum of 200 hotel rooms, and a maximum of 400,000 sq. ft. of nonresidential.

The minimum floor area for commercial such as retail is 18,000 sq. ft. The plan includes five buildings. Building A is eight stories (107') and is located along 12<sup>th</sup> Avenue South at the corner of 12<sup>th</sup> and Hawkins. Building B is located behind Building A and is adjacent to the interstate. Building B is eight stories (107'). Building C is located along Hawkins Street and is eight stories (107'). Building D is located along Hawkins Street and is six stories (81'). Building E is located at the corner of 12<sup>th</sup> Avenue South and Hawkins Street and is six stories (81').

The plan includes standards pertaining, but not limited, to building frontage, build-to along public streets, ground floor access, glazing, and screening for parking structures visible from a public street. The plan also includes various illustrative images further demonstrating these requirements and providing a visual representation of the project.

Vehicular access points are shown at three locations on Hawkins Street. One drive lines up with Southside Avenue. Internal drives are private and include parallel parking and perpendicular parking along the drives. Parallel on-street parking is also shown along Hawkins Street. Underground structured parking will provide a majority of the required parking. Vehicular and bicycle parking will conform with Metro Zoning Code requirements and a multiuse path is shown along the interstate and runs from the eastern property line to 12<sup>th</sup> Avenue South. Additionally, the internal private streets include wide sidewalks and pedestrian amenities.

#### **GREENHILLS – MIDTOWN 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**

While staff is recommending disapproval of the current plan, as described below, it is important to note that there are components of this plan that do meet the T4 MU land use policy at this location. The provision of a mix of neighborhood uses, potential additional housing, and open spaces support the current policy and are essential components of our neighborhoods. This Plan currently includes a maximum of 550 multifamily units and does not allow STRs. Staff recommends that the Commission consider a *minimum* number of residential units, in the event that the Commission recommends the Plan move forward with conditions. The Plan also includes a 0.8 acre small urban park and a greenway that has been situated to activate uses. These open spaces align with proposed plans for new bicycle and pedestrian connections currently planned for 12<sup>th</sup> Avenue.

Anecdotally, many neighbors also expressed a strong desire for neighborhood services, such as a grocery store. Staff would like to clarify that, while the proposed zoning *does* permit a grocery store as a potential use, if approved, this rezoning will not automatically guarantee a grocery store on site. (Such a specific use would be negotiated between the land owner and potential tenants in the event this zoning is approved). The current zoning does support retail, but the size is limited and therefore opportunities for a typical grocery store are limited under the current zoning. The proposed rezoning is more permissive for such uses, and therefore, is more likely to create an opportunity to support this community goal. Staff recommends that the Commission entertain a discussion on this point.

However, even with the benefits of the proposed plan, staff finds that the proposed heights and resulting density are not consistent with the T4 MU land use policy. The T4 MU land use policy indicates that heights are generally 3 to 5 stories, but that additional height may be considered in certain circumstances based on location and site characteristics. Overall project design is also taken into account when considering additional height.

In this instance, given the location along 12<sup>th</sup> Avenue, which is a mixed-use arterial and along the interstate, additional height may be considered under the policy on portions of the site. However, staff finds that the proposed height generally exceeds that which is supported by the policy, particularly for the proposed southern buildings, given the context around this site to the south.

In the analysis, staff considered development in South Gulch and the surrounding zoning and development pattern. This property is uniquely situated across the interstate from the South Gulch where buildings of 20 stories and above may be permitted. The interstate acts as a dividing point between downtown and the lower intensity residential neighborhoods to the south. The zoning one block south of the site is one and two family residential (R6) and the overall development pattern includes two- and three-story homes. The zoning pattern along 12<sup>th</sup> Avenue South, south of the interstate is a mixture of zoning districts including R6, RM20 and RM20-A, CS, MUL-A and SP. Development includes a mixture of single-story commercial buildings, two and three-story condos and one-story



homes. The SP on the opposite side of 12<sup>th</sup> Avenue South permits a mixture of commercial and residential and has a maximum height of five stories.

Given the existing development pattern, heights of existing development, and zoning of the properties on the south side of the interstate, staff finds that the proposed heights are too tall for Buildings D, and E, and the southern portions of C, which are critical transitions between South Gulch and the development pattern south of the project site. Staff recommends these be limited to 5 stories, where 6 and 8 are currently proposed.

Under the policy, Buildings A and Building B, and the rear portions of C, may be considered for greater heights, given the adjacency to the interstate and the topography that slopes down. Increased heights at these locations should only be considered where detailed elevations and plans are provided.

#### Neighborhood Plan

Additional planning for Edgehill is currently in the Department's work program, and is included in the budget. Such a Plan could potentially result in updated policies, guidance for Metro assets, urban design standards, mobility recommendations, or other capital projects. The scope of work has not been finalized.

With the adoption of NashvilleNext in 2015, most of the existing Detailed Neighborhood Design Plans (DNDP) and Supplemental Policy Areas (SPAs) that existed across Metro Nashville, including the Edgehill DNDP prepared in 2005, were not incorporated into the readopted Community Plans. The Community Character Manual policy guidance was more detailed and comprehensive than past general policy documents and DNDPs were often influential in the creating of CCM. However, the Department now finds that the more detailed guidance generally provided by the DNDPs can be useful, particularly in addressing lot and block patterns, historic resources, mobility networks, and the like. Given Edgehill's unique history and significance, more detailed planning work to serve as a basis for future decisions is appropriate. It is important to note that the staff used the 2005 DNDP to supplement its guidance to the applicant on this case, particularly in the street pattern.

#### **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. (Per Capacity Study Permit # T2021013792).

#### **NASHVILLE DOT RECOMMENDATION**

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

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. Note: A private hauler will be required for waste/recycle site disposal.

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

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

- Development will construct a traffic signal at the intersection of 12th Avenue at Hawkins Street. Additional analysis will be required prior to the Final SP approval to determine laneage and phasing.
- Development will conduct additional analysis prior to the Final SP approval to determine specific traffic signal modifications to the intersection of 12th Avenue at South Street. Improvements will include communication with the intersection of 12th Avenue at Hawkins Street, bicycle signals and detection, timing, and may include laneage and phasing modifications.
- If not previously constructed, development will install a traffic signal at the intersection of 8th Avenue at South Street.
- Development will work with NDOT to install curb extensions and other pedestrian improvements on Hawkins Street from 12th Avenue to South Street and on Southside Avenue from South Street to Hawkins Street.
- Developer will improve the bike lanes on South Street from 8th Avenue to Music Square East, which may include wider bike lanes, larger buffers with or without vertical delineation, and will include bicycle signal phasing and detection at the intersection of Music Square East at South Street.

- A TDM plan is required prior to Final SP approval.

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)	6.79	0.8 F	236,617 SF	419	40	45

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)	-	-	550 U	3,268	199	247

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
Office (710)	-	-	160,000 SF	1,674	177	177

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
Hotel (310)	-	-	200 Rooms	1,831	95	124

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)	-	-	35,000 SF	1,321	33	133

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+7,675	+464	+636

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed SP-MU district: 31 Elementary 21 Middle 21 High

The proposed SP-MU zoning district is expected to generate 73 additional students than what is typically generated under the existing IR zoning district. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. Waverly-Belmont Elementary and Hillsboro High School are identified as having additional capacity. J.T. Moore Middle School is identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends disapproval, unless heights of Buildings D and E, and portions of C, are limited to five stories.

Ms. Milligan presented the staff recommendation of disapproval unless heights of Buildings D, E, and portions of C are limited to five stories.

Chris Yuko, Marquette Companies, spoke in favor of the application.

Curtis Lesh, Tuck-Hinton, spoke in favor of the application.

Brenda Morrow spoke in favor of the application.

Cheryl Simmons, 12<sup>th</sup> Ave S, spoke in favor of the application.

Michael Schneider, 938 Southside Pl, spoke in favor of the application.

Rob Ridgeway, 15<sup>th</sup> & South, spoke in favor of the application.

Michael Dunn, 1412 Lilliat, spoke in favor of the application.

Elizabeth Moss, 131 Brighton Close, spoke in favor of the application.

Kimberly Cables, Edgehill Ave, spoke in favor of the application.

David Smith spoke in favor of the application.

Delisa Garrier, 332 Lilliat Ave, spoke in favor of the application.

Tyson Heller, 1425 14<sup>th</sup> Ave S, spoke in favor of the application.

Kirby Miller, 4712 Indian Summer, spoke in favor of the application.

Taryn Johnson, 45 Vantage Way, spoke in favor of the application.

Jason (last name unclear), 1606 7<sup>th</sup> Ave N, spoke in favor of the application.

Christian Dickson, Tenley Ave, spoke in favor of the application.

Walter Searcy, 1029 Villa Pl, spoke in favor of the application.

Barbara Eckerd, 915 Southside Pl, spoke in opposition to the application.

Mr. Eckerd, 915 Southside Pl, spoke in opposition to the application.

Donna Thresher, 948 9<sup>th</sup> Ave S, spoke in opposition to the application.

Diane Talgen, 1004 B Southside Ave, spoke in opposition to the application.

Bill Talgen, 1004 B Southside Ave, spoke in opposition to the application.

Allison Platz, 6829 Sunnywood Dr, spoke in opposition to the application.

Ryan Snell, 909 Archer St, spoke in opposition to the application.

Avy Long, 905 Villa Pl, spoke in opposition to the application.

Alice Rolli, 1400 Villa Pl, spoke in opposition to the application.

Name unclear, 948 9<sup>th</sup> Ave S, spoke in opposition to the application.

**Councilmember Murphy closed the Public Hearing.**

Mr. Lawson stated that this seems to be a good plan and sees no reason not to approve it.

Mr. Henley pointed out that vehicular access from 12<sup>th</sup> is a concern, as well as sharing the traffic study, but the efforts are exemplary.

Mr. Tibbs asked for clarification on the allowed uses as he wants to make sure that the developers aren't allowed to deviate from some of the promises made, such as the grocery store.

Ms. Blackshear noted that staff recommendation was based on a different plan, not on the revised plan recently submitted, particularly related to the height, and suggested deferral to allow time for staff to review the revised plan.

Ms. Johnson said this plan has great potential but would like to defer so the development team can continue to work with the community and councilmember and reopen the public hearing.

**Ms. Johnson moved and Ms. Blackshear seconded the motion to defer to the September 23, 2021 Planning Commission meeting and reopen the public hearing. (6-0)**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-023-001 is deferred to the September 23, 2021 Planning Commission meeting and reopen the public hearing. (6-0)

**20. 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 180 multi-family residential units, requested by Catalyst Design Group, applicant; LDG Development LLC, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit 180 multi-family units.**

Zone Change

A request to rezone from One and Two-family residential (R8) to Specific Plan (SP) zoning for properties located at 334 and 336 Ewing Drive, approximately 560 feet west of Richmond Hill Drive (11.81 acres), to permit 180 multi-family residential units.

**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 64 lots with 16 duplex lots for a total of 80 units.*

**Proposed 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.

**PARKWOOD - UNION HILL 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.

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. Much of the areas identified by CO policy on this site have been previously disturbed.

**SITE CONTEXT AND PLAN DETAILS**

The approximately 11.81 acre site is located south of Ewing Drive and encompasses the majority of the hill that sits north of and adjacent to the interchange of I-24 and I-65. The site consist of 4 parcels and is currently developed with three single-family structures. The site has frontage onto Ewing Drive, classified as a Collector Avenue in the Major and Collector Street Plan. The surrounding area on Ewing Drive is developed with single-family residences. To the west is a commercial use that sits on approximately 14.37 acres. To the east is a local street, Richmond Hill Drive, and this street is developed with single-family residences. To the south is the interchange of I-24 and I-65. The site has areas with significant slopes as defined in the Zoning Code, although much of the sloped areas have been previously disturbed.

The proposed SP would permit 170 apartment units and 10 townhouse units for a maximum of 180 multi-family units. The site plan draws access from Ewing Drive with a proposed public street that extends to a cul-de-sac. This public

cul-de-sac provides a stub to the commercial use to the west for an opportunity to create future connectivity and provides access to the subject development on the south side of the cul-de-sac. A clubhouse amenity feature is proposed to front Ewing Drive with surface parking to the rear of the clubhouse. Interior to the site is a mixture of townhomes and multi-family stacked flat type buildings with surface parking. Several amenity features are shown throughout the interior of the site. The maximum building height is proposed to be consistent with the existing zoning district's requirement of 3 stories in 45 feet. The plans propose to improve Ewing Drive as identified in the Major and Collector Street Plan. Additionally, the applicant is proposing to provide a cross-walk across Ewing Drive and to improve one of the existing WeGo bus stops on Ewing Drive at the request of WeGo.

**ANALYSIS**

The proposed SP is consistent with the intent of the T3 NE policy to enhance and create suburban neighborhoods with moderate density patterns and moderate to high levels of street connectivity. The proposed plan provides an opportunity for future connectivity to the T3 CC policy area to the west. The proposed townhomes would serve as a transition in building form from the existing single-family units on Richmond Hill to the more intense stacked-flat type buildings that are proposed interior to this subject site. The site plan generally avoids the areas of previously undisturbed steep slopes and provides the required buffers around the perimeter of the site.

Staff finds the proposed SP to be consistent with the Suburban Neighborhood Evolving policy and the Conservation policy and recommends approval with conditions and disapproval without all conditions.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

**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. T2021036129 & T2021036131).

**NASHVILLE DOT 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, Note: A private hauler will be required for waste/recycle site disposal.
- Call out cul-de-sac as a ST-331 (no island).
- Call out internal stop control at intersection.
- Provide ADA ramps at the corners of new public road. The roadway construction drawings shall comply with the Subdivision Street Design Standards. Review this standard to ensure the plans comply. Comply w/ NDOT traffic comments.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Construct sidewalk on the south side of Ewing Drive to Richmond Hill Drive.
- Install pedestrian signal infrastructure across Ewing Drive at Richmond Hill Drive.
- Coordinate with WeGo to install a bus stop on both sides of Ewing Drive near Richmond Hill Drive.

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)	11.81	5.445 D	80 U	847	61	82

\*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 (221)	11.81	-	180 U	979	61	78

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+100 U	+131	-	-4

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing R8 districts: 9 Elementary 8 Middle 10 High**

**Projected student generation proposed SP district: 29 Elementary 18 Middle 18 High**

The proposed SP zone district is anticipated to generate 38 additional students than what could be generated under the existing R8 zoning. Students would attend Chadwell Elementary, 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 approve with conditions and disapprove without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 180 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
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.

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

Andrew Wolthers, Catalyst Design Group, spoke in favor of the application.

Josh Hasting, LDG Development, spoke in favor of the application.

Claudia Wright, 532 Mill Station Dr, spoke in opposition to the application due to safety concerns.

**Councilmember Murphy closed the Public Hearing.**

Mr. Henley spoke in favor of the application.

Ms. Johnson stated that regarding policy, she cannot find a reason to disapprove.

Ms. Blackshear agreed with Ms. Johnson that from a policy perspective, it makes sense; there is more work that the developer can do in the future.

Mr. Lawson spoke in favor of staff recommendation.

**Mr. Lawson moved and Mr. Tibbs seconded the motion to approve with conditions and disapprove without all conditions. (6-0)**

**Resolution No. RS2021-195**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-043-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 180 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
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.

**21. 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: 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 Commercial Service (CS) and Mixed-Use General - Alternative (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.

**Existing Zoning**

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

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

**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.

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

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

### Supplemental Policy

This site is located within the Midtown Community Character Plan (CCP). This CCP provides planning guidance at a more detailed level than a community plan. The CCP addresses land use, transportation and community character at the neighborhood level. The site is within the 10-MT-T5-MU-01 Supplemental Policy Area.

## **SITE CONTEXT AND PLAN DETAILS**

The 0.87 acre site is located on the eastern side of the intersection of 25<sup>th</sup> Avenue North, Elliston Place, and West End Avenue. The site has frontage along all streets. The site has been developed with commercial uses.

The properties to the north of the site are zoned MUG-A. These properties have primarily been established with retail uses. The properties to the west, across from 25<sup>th</sup> Avenue North, is Centennial Park. The property immediately to the east is a Specific Plan (SP) which permitted an eight-story hotel development. To the south of the site, along the south side of West End Avenue, properties are zoned MUG and MUG-A and has been developed with structures and uses associated with Vanderbilt University.

### Site Plan

The proposed SP includes a maximum of 375 residential units and a maximum of 55,000 square feet of non-residential uses in one structure. The non-residential uses would be limited to all uses of the MUG-A zoning district. The proposed height of the structure is 27 stories above grade and 380 feet in height. There are 4.5 stories of parking below grade.

There are two proposed vehicular entrances, one on Elliston Place and one on West End Avenue, both located toward the eastern property line and rear of the building. Along West End Avenue is a proposed four foot wide frontage zone, 10 foot wide sidewalk, and a series of tree wells in a four foot wide planting zone. The proposed sidewalk widens to 14 feet at the intersection of 25<sup>th</sup> Avenue North and West End Avenue. Along Elliston Place is a proposed five foot wide bike lane, one foot wide bike buffer, a series of tree wells, a 10 foot wide sidewalk, and a four foot wide frontage zone. This is consistent with the Major and Collector Street Plan (MCSP) requirements along both frontages.

## **ANALYSIS**

The T5 MU Policy provides general guidance for the intent of the policy to maintain, enhance, or create high intensity urban mixed-use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed-use pattern. The supplemental policy on the site provides specific guidance based on the character area.

The supplemental policy, 10-MT-T5-MU-01 is identified as Neighborhood Area 1 in the Midtown Plan. The supplemental policy provides guidance on land uses, building form, connectivity, and parking. For properties facing Centennial Park, special attention should be placed to the building orientation and placement as it relates to the park with the intent of enhancing the urban design surrounding the park to contribute to its significance as a civic feature. Buildings in this area may rise to 20 stories and above. Additionally, where properties face Centennial Park, sidewalks should be especially wide and pedestrian crossings should be enhanced to maximize the access for park visitors. Given the prominent location and ample street frontage, parking structures facing the park should be located behind liner buildings to accommodate active uses on the ground floor.

The proposed development provides high intensity development along corridors and at a prominent intersection. The proposed design of the building addresses the surrounding contexts of the street frontages and provides an enhanced pedestrian place across from Centennial Park. The proposed plan shows an enhanced plaza at the intersection, immediately adjacent to the intersection across from Centennial Park. Along West End Avenue and Elliston Place, the building is brought up to the property line with a pedestrian frontage zone and enhanced sidewalks to improve pedestrian access. The proposed building is primarily shown as glass window wall with some masonry features. The building façade along Elliston Avenue features a columnar design, stepping down in height from the rear property line towards Centennial Park. The building height along West End Avenue steps up in height from the rear property line, with building height increasing towards Centennial Park. Both frontages feature prominent pedestrian entrances. The width of the building increases gradually towards the rear of the property, creating a tall, narrow tower from the intersection, facing Centennial Park. All parking is located below ground, in accordance with the guidance in the supplemental policy.



**METRO HISTORIC STAFF RECOMMENDATION**  
**No exception taken**

**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**

**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.

**NASHVILLE DOT RECOMMENDATION**  
**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- Note: Re-configuring of the West End/25th Ave intersection may cause existing traffic control infrastructure to be relocated out of the new pedestrian travel way.
- Additional items at Final SP may be considered pending the submittal of the additional traffic analysis with the Final SP.

**TRAFFIC AND PARKING RECOMMENDATION**  
**Approve with conditions**

- Prior to Final SP approval, development will conduct a road diet study on 25th Avenue / Elliston Place / Church Street from West End Avenue George L Davis Boulevard. The analysis will include all signalized intersections and any other key intersection.
- A robust TDM plan is required with Final SP approval.
- Continue to work with NDOT on the geometric design of West End Avenue at 25th Avenue prior to Final SP approval.
- Applicant has committed to investing \$1,000,000 into offsite mobility improvements. Prior to Final SP approval, applicant will work with NDOT to engage stakeholders, such as the council person, Parks Department, the Centennial Park Conservancy, and Vanderbilt University, to generate a prioritized list of offsite mobility improvements. Offsite improvements will be permitted with or prior to the building permit approval.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.49	0.6 F	12,807 SF	483	12	48

Maximum Uses in Existing Zoning District: MUG-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)	0.19	3.0 F	25 U	135	9	12

Maximum Uses in Existing Zoning District: MUG-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.09	3.0 F	11,761 SF	444	11	45

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.10	3.0 F	13,068 SF	1,466	129	128

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)	0.19	-	375 U	2,042	126	157

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)	0.09	-	35,000 SF	1,321	33	133

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)	0.10	-	35,000 SF	3,926	348	269

Traffic changes between maximum: **CS/MUG-A and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+5,156	+346	+325

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CS/MUG-A districts: 1 Elementary 1 Middle 1 High

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

The proposed SP-MR zoning district would generate eight more students than what could be generated under the existing CS and MUG-A zoning districts. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro 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 375 multi-family residential units and 70,000 square feet of non-residential uses permitted by the MUG-A zoning district. Short term rental property owner and not owner occupied are permitted uses.
2. Elevations submitted with the Final SP shall be consistent with the elevations submitted with the preliminary SP.
3. With the submittal of the final site plan, illustrate how the building facades along West End Avenue and Elliston Place provide prominent and ample pedestrian entrances.
4. At the time of Final SP, coordination with Planning and NDOT to provide a bike lane consistent with the MCSP shall be required.
5. All public roadways shall meet local standards or Major and Collector Street Plan standards depending on classification.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.

8. 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 MUG-A zoning district as of the date of the applicable request or application.
9. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. 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 (5-0-1)**

**Resolution No. RS2021-196**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-045-001 is approved with conditions and disapproved without all conditions. (5-0-1)

**CONDITIONS**

1. Permitted uses shall be limited 375 multi-family residential units and 70,000 square feet of non-residential uses permitted by the MUG-A zoning district. Short term rental property owner and not owner occupied are permitted uses.
2. Elevations submitted with the Final SP shall be consistent with the elevations submitted with the preliminary SP.
3. With the submittal of the final site plan, illustrate how the building facades along West End Avenue and Elliston Place provide prominent and ample pedestrian entrances.
4. At the time of Final SP, coordination with Planning and NDOT to provide a bike lane consistent with the MCSP shall be required.
5. All public roadways shall meet local standards or Major and Collector Street Plan standards depending on classification.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
8. 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 MUG-A zoning district as of the date of the applicable request or application.
9. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. 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. 2021SP-048-001  
3754 CENTRAL PIKE SP**

Council District 14 (Kevin Rhoten)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP zoning for property located at 3754 Central Pike, approximately 370 feet south of Dodson Chapel Lane (5.24 acres), to permit a mixed use development, requested by Councilmember Kevin Rhoten, applicant; Gary Leeper and Van Leeper, owners.

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

**APPLICANT REQUEST**

**Preliminary SP to permit mixed use.**

### Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 3754 Central Pike, approximately 370 feet south of Dodson Chapel Lane (5.24 acres), to permit a mixed use development.

### **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 22 residential 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 property is located on the west side of Central Pike across the street from the Hermitage Community Center. The property is classified as single family and there is a home on the property. Surrounding zoning districts include MUL abutting the eastern property line, MUL-A-NS abutting the northern property line and RS10 abutting the west and southern property lines. Surrounding uses include single family, multifamily and warehouse.

This property was originally proposed for MUL-A-NS (2021Z-041PR-001). At the request of the area councilmember, the request was deferred indefinitely by the Planning Commission at the May 27, 2021, Planning Commission meeting. The applicant amended the request to SP at the request of the councilmember.

### SP Plan

This is a regulatory SP. All of the standards are consistent with MUL-A-NS. There are two exceptions: the SP requires a minimum 2,000 square feet of nonresidential and it prohibits Alternative Financial Services. The SP limits the maximum number of units to 157. The SP includes two zones. Zone one is the area where the minimum 2,000 square feet on nonresidential is required.

### **DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN**

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.

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

### **ANALYSIS**

The proposed SP is consistent with the T3 NC policy that applies to the site. The T3 NC policy permits a mixture of residential and nonresidential uses which are permitted by the proposed SP. The SP standards permit shallower setbacks along Central Pike as well as limits parking along Central Pike. This is intended to provide a streetscape that is more pedestrian friendly including sidewalks and fewer curb cuts consistent with the design goals of the policy. The proposed SP is also consistent with recent zone changes along Central Pike and allows for the continuation of development consistent with the policy. The conservation policy applies to a small pocket of steep slopes. Any development in this area will be reviewed under the hill side development standards of the Metro Zoning Code.

### **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 Preliminary/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.

**NASHVILLE DOT RECOMMENDATION**

**Approved with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- TIS will be required prior to Final SP approval. Off-site improvements may be required.
- Proposed access onto Central Pike shall be restricted to the fourth leg (eastbound) of the intersection of Central Pike at James Kay Lane.
- Central Pike shall be widened to a three-lane cross-section from Waterford Hill Drive to James Kay Lane.
- Sidewalks shall be extended on east side of Central Pike to Lakeside Place.
- Sidewalks shall be extended on south side of James Kay Lane approximately 65' from Central Pike to existing sidewalk.

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)	5.24	4.356 D	22 U	259	21	24

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)	2.62	1.0 F	157 U	821	55	67

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 (814)	1.31	1.0 F	57,063 SF	9705	487	1046

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 (931)	1.31	1.0 F	57,063 SF	4785	42	446

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+8,917	+639	+822

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 district: 2 Elementary 1 Middle 1 High

Projected student generation existing SP district: 13 Elementary 10 Middle 8 High

The proposed SP zoning will generate 27 additional students than what is typically generated under the existing RS10 zoning district. Students would attend Tulip Grove Elementary School, Dupont Tyler Middle School and

McGavock 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 a maximum of 157 multi-family residential and all uses permitted by MUL-A-NS. Alternative financial services, short term rental properties, owner occupied and short term rental properties, 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 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 all conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-196**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-048-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 157 multi-family residential and all uses permitted by MUL-A-NS. Alternative financial services, short term rental properties, owner occupied and short term rental properties, 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 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.

**23. 2021SP-049-001**  
**2100 BUCHANAN**

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

A request to rezone from CS and RS5 to SP zoning for properties located at 2100, 2105 and 2107 Buchanan Street, on either side of Buchanan Street and approximately 85 feet west of Clarksville Pike (1.12 acres), to permit a mixed use development, requested by Centric Architecture, applicant; Bonadies Urban Development and W&R Investments, owners.

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

**APPLICANT REQUEST**

**Preliminary SP to permit mixed use.**

Zone Change

A request to rezone from Commercial Services (CS) and Single-Family Residential (RS5) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 2100, 2105 and 2107 Buchanan Street, on either side of Buchanan Street and approximately 85 feet west of Clarksville Pike (1.12 acres), to permit a mixed-use development.

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum of 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS10 would permit a maximum of three residential units.*

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

**Proposed Zoning**

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

**SITE CONTEXT AND PLAN DETAILS**

The site consists of three properties. The largest property is approximately 0.72 acres and is located on the north side of Buchanan Street. It is zoned CS. The site is developed and contains a vacant commercial/light industrial building. The other two properties are located on the south side of Buchanan Street and are approximately 0.4 acres combined. One of the properties has an existing single family home and the other is vacant. The intent of this SP is to permit the reuse and expansion of the existing building located on the north side of Buchanan Street. The two properties on the south side of Buchanan Street are intended to provide parking.

SP Plan

The plan includes a concept for the primary use on the north side of Buchanan Street and concept for the parking area on the south side of Buchanan Street. The SP includes the following standards:

Maximum FAR: 1.5  
Maximum ISR: 0.9  
Maximum Height: 45'

The plan requires at least 20% glazing on the side of any building fronting Buchanan Street. It also prohibits EIFS, vinyl siding and untreated wood.

All parking is to be located off site from the primary use. The site that is to be utilized for parking is limited to only surface parking. The overall parking requirement is per the Metro Zoning Code for uses in the UZO. This includes offsite parking requirements. The parking area is accessed from one driveway off of Buchanan Street and from the rear alley. A four-foot-tall masonry wall with landscaping between the wall and back of sidewalk is shown along Buchanan Street. A four-foot-wide planting strip and eight-foot-wide sidewalk is shown along Buchanan Street in front of the parking lot. A four-foot-wide planting strip and eight-foot-wide sidewalk is shown along Buchanan Street in front of the primary use with the exception that the sidewalk is reduced to five feet in width in front of the east side of the existing building. A crosswalk across Buchanan Street is included on the plan.

**NORTH NASHVILLE COMMUNITY PLAN**

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

**ANALYSIS**

As proposed the SP is consistent with the T4 CM land use policy that applies to the site. The policy permits a variety of residential, nonresidential and a mixture of residential and nonresidential. The proposed SP does not permit residential, but it does permit a mixture of nonresidential uses consistent with the T4 CM land use policy. The plan allows for the existing building to be repurposed and includes standards that achieve an urban design consistent with the land use policy. The Major and Collector Street Plan classifies Buchanan Street as a mixed-use collector (T4 M CA2). The SP calls for sidewalks consistent with the MCSP with the exception of a short section in front of the eastern most portion of the existing building. Due to the location of the building a wider sidewalk is not possible without removing that portion of the building where the sidewalk would run.

**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 Preliminary/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. A minimum of 30% W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2021044573 & T2021044572).

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions. Prior to final, there may be additional traffic analysis and/or requirements necessary. Coordinate w/ NDOT traffic engineer.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions. Prior to final, there may be additional traffic analysis and/or requirements necessary. Coordinate w/ NDOT traffic engineer.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.72	0.6 F	18,818 SF	710	18	71

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)	0.40	8.712 D	3 U	41	7	3

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)	0.28	1.5 F	18,295 SF	691	18	69



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)	0.28	1.5 F	18,295 SF	2,052	182	179

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,992	+175	+174

**METRO SCHOOL BOARD REPORT**

Residential is not proposed and the SP will not generate any additional students.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses include cultural center, business school, community education, personal instruction, financial institution, general office, medical office, medical appliance sales, ATM, grocery store, mobile vendor, nano brewery, personal care services, restaurant full service, restaurant take out, artisan manufacturing and commercial amusement, indoor. Alternative financial services, Multi-family residential, Owner occupied short term rental properties, and not-owner occupied short term rental properties shall be prohibited.
2. All sidewalks must provide a minimum 5' clear pathway.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
6. 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.
7. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate 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 (6-0)**

**Resolution No. RS2021-197**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-049-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses include cultural center, business school, community education, personal instruction, financial institution, general office, medical office, medical appliance sales, ATM, grocery store, mobile vendor, nano brewery, personal care services, restaurant full service, restaurant take out, artisan manufacturing and commercial amusement, indoor. Alternative financial services, Multi-family residential, Owner occupied short term rental properties, and not-owner occupied short term rental properties shall be prohibited.
2. All sidewalks must provide a minimum 5' clear pathway.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.

6. 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.
7. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**24. 2021SP-051-001  
839 W TRINITY LANE TOWNHOMES**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Dustin Shane

A request to rezone from RS7.5 to SP zoning for properties located at 839 W Trinity Lane and W Trinity Lane (unnumbered), approximately 320 feet north of W Trinity Lane (9.5 acres); to permit 81 multi-family residential units, requested by Catalyst Design Group, applicant; Bobbie Chatman and Jerry Chatman, owners.

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

**APPLICANT REQUEST**

**Rezone from RS7.5 to Specific Plan to permit a multi-family residential development.**

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan–Mixed Residential (SP-MR) zoning for properties located at 839 West Trinity Lane and West Trinity Lane (unnumbered), approximately 320 feet north of West Trinity Lane (8.76 acres), to permit 81 multi-family residential units.

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500-square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 50 units based on acreage alone; application of the subdivision regulations may result in fewer lots.*

**Proposed 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.

**BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

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.

**PLAN DETAILS**

The 8.76-acre site is located approximately 340 feet off the north side of West Trinity Lane midway between the intersections with Free Silver Road and Roy Street. The site is moderately wooded and contains the remnants of a gravel drive that provides it access to West Trinity lane through the intervening property. CO policy encumbers a creek bank in the extreme northwestern corner of Parcel 095 and a small area of 20-25% slope shared between Parcels 095 and 096. A 100-foot-wide TVA easement traverses the bulk of Parcel 095 and the northwestern corner of Parcel 098. A natural gas easement overlaps with this and extends approximately 15 feet farther south across the same area.

The parcels abut two approved multi-family residential SPs. To the east is West Trinity SP, a 312-unit Multi-Family Residential development, which plats a collector road stubbing out to the eastern boundary of Parcel 098 to the west. To the south is West Trinity Lane SP, a 375-unit Multi-Family Residential development, which plats a collector road stubbing out to the southern boundary of Parcel 096 to the north and one stubbing out to the western boundary of Parcel 089 to the east. These two future connections ensure continued access for this property to West Trinity Lane and the collector system being built parallel to it.

The plan calls for connecting the future collector road system (which features on-street parallel parking) to three stub-outs to the east, west, and south from the approved adjacent SP developments. It is a condition of approval that road construction plans for these rights-of-way within the neighboring SPs be approved before final approval can be given to the 839 West Trinity Lane SP. This feature fulfills a crucial component of the Haynes Trinity Small Area Plan and the Major and Collector Street Plan, which envision a connected urban street network north and south of West Trinity Lane. The collector road segments cross the southern third of Parcel 098 going east-west and the western edge of Parcels 095 and 096 going north-south. After a 90-degree turn, a stub-out for the continuance of the north-south road is proposed along the western edges of Parcels 095 and 096. This prevents the proposed road from traversing the TVA easement but still allows for further access points with future projects.

Units are accessed mainly by private roads that feature on-street parallel parking and 90-degree parking in one instance and one private alley. Units front onto either public streets or open space, with two "commons" spaces proposed around which most units are clustered. Sidewalks connect each unit to open space and to the public sidewalk network along the proposed local streets. Stormwater management features are located within the commons areas and within interstitial open spaces. Ultimate heights will be restricted to 35 feet. Maximum unit square footage is restricted to 2,400 square feet (not including garage area). A total of 203 parking spaces (on-street, garage, and surface) are provided per Code. Street trees and extensive landscaping are programmed throughout the site. Importantly, buffers are planned for the northeastern boundary of Parcel 098—this will reduce the impact of the rears of townhomes being located higher than and facing what has been designed to be a second front of the multi-family building on the SP to the east. Buffering is also proposed along the western edge of Parcel 095 per Code requirements.

#### **ANALYSIS**

The plan is consistent with the proposed T4 RC and CO policies. The T4 RC policy is intended to maintain, enhance, and create urban residential corridors that feature a connected street network that accommodates private vehicles, pedestrians, and transit. The plan calls for a mixed residential development that would provide additional density and housing options as well as improved pedestrian, bicycle, and vehicular connections to surrounding planned developments and to West Trinity Lane. The development fulfills the policy intent of creating highly connected residential communities with minimal spacing between buildings and firm block edges that frame public spaces. The plan enhances the pedestrian realm by relying on on-street parking and garages to house vehicles, clearing frontage zones and yards of surface parking.

CO policy is intended to preserve environmentally sensitive land features through protection and remediation. The small area of CO policy applies to the area of steep slope on the property in excess of 20%. The plan in large part preserves this area within open space and outside of building envelopes. A small area of steep slope along the southern edge of Parcel 095 will be graded, but the overall disturbance will be minimal.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

##### **Approve**

#### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Preliminary SP only. Public 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.

#### **NASHVILLE DOT RECOMMENDATION**

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

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

- Prior to final approval on case 2021SP-051-001, road construction plans for the South parcel, under case: 2018sp-084-001, will need to be approved.
- On the final, call out 'no parking' signage along the North side of E-W collector.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- See Nashville DOT recommendation.

Maximum Uses in Existing Zoning District: **RS7.5**

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)	9.50	5.808 D	55 U	600	44	57

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)	9.50	-	81 U	440	28	36

Traffic changes between maximum: **RS7.5 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+16 U	-160	-16	-21

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS7.5 district: 5 Elementary 5 Middle 4 High

Projected student generation proposed SP-MR district: 14 Elementary 7 Middle 5 High

The proposed SP-MR zoning is expected to generate 12 more students than the existing RS7.5 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek 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 with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 81 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved ordinance.
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.

**Approve with conditions and disapprove without all conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-198**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-051-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 81 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved ordinance.
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.

**25. 2021SP-052-001  
THE COTTAGES AT CITY HEIGHTS**

Council District 21 (Brandon Taylor)  
Staff Reviewer: Seth Harrison

A request to rezone from RS5 to SP zoning for properties located at 724, 726, 728 and 730 27th Avenue North, at the southeast corner of Booker Street and 27th Avenue North (0.83 acres), to permit 16 multi-family residential units, requested by Catalyst Design Group, applicant; E 3 Construction Services LLC, owner.

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

The applicant requested a two-meeting deferral.

**Ms. Blackshear moved and Mr. Lawson seconded the motion to defer to the September 23, 2021 Planning Commission meeting. (6-0)**

**Resolution No. RS2021-199**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-052-001 is deferred to the September 23, 2021 Planning Commission meeting. (6-0)

**26. 2021SP-053-001 (formerly 2021Z-055PR-001)  
0 DICKERSON PIKE REGULATORY SP**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Amelia Lewis

A request to rezone from RS7.5 and MUG-A to SP zoning for property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.22 acres), to permit a mixed-use development, requested by Catalyst Design Group, applicant; Rudra Investments 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 Single-Family Residential (RS7.5) and Mixed-Use General – Alternative (MUG-A) to Specific Plan – Mixed Use (SP-MU) zoning for property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.22 acres), to permit a mixed-use development.

### **Existing Zoning**

Residential Single-Family (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 40 lots and 40 units, based solely on a minimum lot size of 7,500 square feet as required by the zoning. This calculation does not account for infrastructure, road layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations.*

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

### **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.

### **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 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

The site is within the Dickerson North Small Area Plan and specifically within the Pages Branch supplemental policy. Supplementary policy areas are intended to provide additional guidance beyond the CCM policies, often identifying a smaller area and providing guidance based on context and specific goals for this area. Additional information on the supplemental policy is included in the analysis below.

### **SITE CONTEXT AND PLAN DETAILS**

The 7.22 acre site is located on the west side of Dickerson Pike, north of Lemuel Road. The parcel is flag shaped with the connecting portion having a small amount of frontage to Dickerson Pike. The connecting portion of the site, approximately 0.22 acres, is zoned Mixed Use General – Alternative (MUG-A) and the remaining portion of the site is zoned Single-Family Residential (RS7.5).

The properties to the north are zoned MUG-A along the corridor and RS7.5 west of the corridor. The properties on the east side of Dickerson Pike are primarily zoned MUG-A and Single Family Residential (RS10). The properties to the south are zoned MUG-A and Office Limited (OL). The surrounding land uses include single-family residential, non-residential, and several vacant properties.

A similar case to rezone a portion of the site from RS7.5 to RM40-A-NS was filed earlier this year under case number 2021Z-055PR-001. At the June 24, 2021, Planning Commission meeting Planning staff published a recommendation of disapproval based on the inability for a straight rezone to provide the roadway network as called for in the Major and Collector Street Plan (MCSP). Prior to the hearing, the applicant deferred the case to revise their application to a Specific Plan (SP) request, the request as presented in this report.

### Site Plan

The proposed SP is regulatory with a public road connection provided. The proposed site plan associated with the request shows the two districts as described below and includes a proposed public road through the site.

The seven acres of the site currently zoned RS7.5 is identified as District 1 in the SP document. This portion of the site is limited to 225 multi-family dwelling units and permit all uses allowed within RM40-A-NS, with the exception of some prohibited uses such as: STRPs (owner occupied and not owner-occupied), fraternity/sorority house, monastery/convent, orphanage, dormitory, hospice and cemetery. The height of structures in District 1 is limited to four stories in 60 feet. Additional standards such as orientation to public streets, material standards, minimum glazing amounts, and entrance requirements are included in the District 1 regulations.

The portion of the site currently zoned MUG-A is defined as District 2 in the SP document. District 2 would permit all uses of the MUG-A zoning district. The following uses are prohibited in the district: STRPs (owner occupied and not owner-occupied), fraternity/sorority house, monastery/convent, orphanage, dormitory, hospice and cemetery. A condition of this report is that all bulk standards for District 2 shall be compliant with the current MUG-A standards. A required B landscape buffer is located along the northern property line to buffer the proposed higher intensity residential uses adjacent to lower intensity single-family uses.

**ANALYSIS**

There are several adopted policies and associated plans to guide the proposed rezoning and development on the site, including the T4 NE policy, Dickerson North Corridor Study (DNS), and the Pages Branch supplemental policy.

During community engagement for the DNS, improvements to the area's transportation network were of primary importance. New street connections, predominantly to the west of Dickerson Pike, were adopted through an update to the Major and Collector Street Plan (MCSP) and targeted in support of Mixed Use and Neighborhood Evolving land use policies. This included the extension of Alhambra Circle to improve access to properties which do not have adequate multimodal connectivity and to reduce the amount of local traffic utilizing the Pike. Similar to the grid layout established in the Dickerson South Study, and other mixed use corridors throughout Nashville, this street connection was identified to be aligned with the Pike to avoid a staggered intersections which experience longer traffic delays and more conflict points between vehicular traffic. Additional street connectivity, such as the extension of Alhambra Circle in partnership with new development, is critical to support local planning goals of ensuring access and mobility for properties and future businesses/neighbors on and off Dickerson Pike.

The proposed SP includes a plan and regulatory guidance that would provide the public road network as adopted in the Dickerson North Corridor Study (DNS) and identified as the extension of Alhambra Circle above. The proposed standards for development are consistent with the land use policies on the site. Where the policy on the site is T4 NE, the SP proposes multi-family uses consistent with the intent of the policy to create and enhance urban residential neighborhoods that provide more housing choices and improved pedestrian, bicycle, and vehicular connectivity. The portion of the site along the corridor is within the T4 CM Policy, and would be regulated by MUG-A standards as identified in the plan. This zoning district is consistent with the intent of the policy to provide for a range of uses along the corridor. The DNS Plan had supported more intense land use policies with the enhancement of public infrastructure and connectivity. The proposed SP provides a new public road which helps to support the increased intensity as called for within the policies on the site.

**FIRE MARSHAL RECOMMENDATION**  
**Approve**

**STORMWATER RECOMMENDATION**  
**Approve**

**WATER SERVICES RECOMMENDATION**  
**Approve with conditions**

- Approved as a Regulatory/Preliminary SP only. Public 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 updated 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.

**NASHVILLE DOT RECOMMENDATION**  
**Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**  
**Approve with conditions**

- The Final SP application shall include full roadway designs showing a proposed roadway providing access through the SP site and connecting to Dickerson Pike. The proposed roadway shall align with Alhambra Circle as identified in the adopted Dickerson North Study.

Maximum Uses in Existing Zoning District: **RS7.5**

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)	7.00	5.808 D	40 U	448	33	43

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)	7.00	-	225 U	1,225	76	97

Traffic changes between maximum: **RS7.5 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+185 U	+777	+43	+54

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS7.5 district: 4 Elementary 4 Middle 4 High**

**Projected student generation proposed SP-MU district: 71 Elementary 45 Middle 43 High**

The proposed SP-R zoning district is expected to generate 147 additional students than what is typically generated under the existing RS7.5 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 and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 225 multi-family residential units in District 1 as shown on the plan and uses of MUG-A permitted in District 2. In both districts the following uses are prohibited: Owner occupied short term rentals, not-owner occupied short term rentals, monastery or convent, orphanage, dormitory, fraternity or sorority house, hospice, and cemetery.
2. With the submittal of the Final SP Plan, the proposed public road identified in the preliminary SP shall be shown to Metro Standards providing a connection from Dickerson Pike to the SP site. The road location shall be approved by all Metro reviewing agencies.
3. With the Final SP submittal, building elevations consistent with the character imagery provided in the preliminary SP plan shall be provided.
4. A type B landscape buffer shall be provided on the northern portion of the site adjacent to RS7.5 zoned properties.
5. A revised preliminary SP showing all bulk regulations in district 2 be consistent with MUG-A standards shall be required prior to the approval of the Final SP.
6. Comply with all conditions and requirements of Metro reviewing agencies.
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. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A-NS zoning district in District 1 and MUG-A zoning district in District 2 as of the date of the applicable request or application.
10. 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.
11. 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 (6-0)**

**Resolution No. RS2021-200**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-053-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to 225 multi-family residential units in District 1 as shown on the plan and uses of MUG-A permitted in District 2. In both districts the following uses are prohibited: Owner occupied short term rentals, not-owner occupied short term rentals, monastery or convent, orphanage, dormitory, fraternity or sorority house, hospice, and cemetery.
2. With the submittal of the Final SP Plan, the proposed public road identified in the preliminary SP shall be shown to Metro Standards providing a connection from Dickerson Pike to the SP site. The road location shall be approved by all Metro reviewing agencies.
3. With the Final SP submittal, building elevations consistent with the character imagery provided in the preliminary SP plan shall be provided.
4. A type B landscape buffer shall be provided on the northern portion of the site adjacent to RS7.5 zoned properties.
5. A revised preliminary SP showing all bulk regulations in district 2 be consistent with MUG-A standards shall be required prior to the approval of the Final SP.
6. Comply with all conditions and requirements of Metro reviewing agencies.
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. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A-NS zoning district in District 1 and MUG-A zoning district in District 2 as of the date of the applicable request or application.
10. 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.
11. 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.

**27. 2021SP-065-001 (formerly 2021Z-044PR-001)**

**HUDSON SP**

Council District 28 (Tanaka Vercher)

Staff Reviewer: Logan Elliott

A request to rezone from R10 to SP 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).

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

**APPLICANT REQUEST**

**Preliminary SP to permit Automobile Parking.**

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Specific Plan (SP) 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**

Specific Plan-Commercial (SP-C) 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 commercial 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.

### **HISTORY**

At the July 22, 2021, MPC meeting, the Planning Commission heard a rezoning request for this property that proposed the Office Limited (OL) district. The Planning Commission deferred the request to the August 26, 2021, meeting to allow for additional outreach with the surrounding community. Since this meeting the applicant has indicated that they have worked to address the questions and concerns raised by the surrounding community. The applicant has also worked with the district councilmember to draft a regulatory SP for the project and has converted the OL rezoning request to a SP rezoning request.

### **REGULATORY SP DOCUMENT**

This regulatory SP proposes to limit uses to Automobile Parking and provides for consolidated access from Town Park Drive and through the adjacent property to the north. On site, a type C landscape buffer is proposed along all property boundaries that abut residential uses, the parking areas are proposed to be enclosed by fencing, and to the extent possible, the vegetation along Murfreesboro Pike is proposed to remain. Otherwise, the SP relies on Office Limited (OL) for any standard not specifically provided in the regulatory SP.

### **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 Specific Plan would permit the use of the property as automobile parking. The intent of the D OC policy to create and enhance a district where office use is predominant, and the area may be supplemented with complementary uses. The proposed automobile parking use would complement a nearby commercial use as the proposed property would serve as a vehicle storage area. The regulatory document proposes to access the site through the adjacent parcel to the west and north of the subject site and is consistent with the intent of the D OC policy to have a coordinated vehicle access and circulation plan. 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 unless otherwise modified in the regulatory SP document. Staff finds the proposed zoning district to be consistent with the land use policies applied to the site.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Reviewed updated plan 8/17/21. Vehicle parking only.

### **STORMWATER RECOMMENDATION**

**Approve with conditions**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- 2021SP-065-001  
Approved as a Preliminary SP only.

**NASHVILLE DOT 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 w/ NDOT traffic comments. Additional road comments forthcoming.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Vehicular access shall be limited to a single ingress/egress through Map 135-01, Parcel 053-00 to Town Park Drive.
- TIS may be required prior to Final SP or building permit approval. Offsite improvements may be required.

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	102	11	9

\*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)	1.73	0.90 F	75,358 SF	165	13	14

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+63	+2	+5

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R10 district: 2 Elementary 1 Middle 2 High

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

The proposed SP 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 with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to Automobile Parking.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.

6. 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 OL zoning district as of the date of the applicable request or application.
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.

**Approve with conditions and disapprove without all conditions including the following conditions: a 30 foot buffer shall be provided along all residential property lines and a solid wooden privacy fence shall be installed on the property boundary adjacent to 310 Ladybird Drive. Consent Agenda (6-0)**

**Resolution No. RS2021-200**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-053-001 is approved with conditions and disapproved without all conditions including the following conditions a 30 foot buffer shall be provided along all residential property lines and a solid wooden privacy fence shall be installed on the property boundary adjacent to 310 Ladybird Drive. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to Automobile Parking.
2. 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.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. 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.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. 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 OL zoning district as of the date of the applicable request or application.
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.

**28. 2004P-013-009  
MILL CREEK TOWNE CENTRE PHASE 2**

Council District 31 (John Rutherford)  
Staff Reviewer: Abbie Rickoff

A request to amend a PUD 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 Indefinitely.**

**The Metropolitan Planning Commission deferred indefinitely 2004P-013-009. (6-0)**

**29. 2021COD-001-001**

BL2021-855

Council District 07 (Emily Benedict)

Staff Reviewer: Dustin Shane

A request to apply a Contextual Overlay District to various properties located along a portion of Preston Drive, Sheridan Road, and Harwood Drive, approximately 200 feet south of Porter Drive, zoned R10 (24.17 acres), requested by Councilmember Emily Benedict, applicant; various owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Establish a Contextual Overlay District.**

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) to various properties located along a portion of Preston Drive, Sheridan Road, and Harwood Drive, approximately 200 feet south of Porter Drive, zoned R10 (24.17 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.

**EAST NASHVILLE 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 a pocket of potentially steep slopes at the southern extremity of Harwood Drive and a stream traversing lots on the western side of Harwood Drive south of Sheridan Drive.

**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 along portions of Preston Drive, Sheridan Road, and Harwood Drive. The properties are included in various phases of the Porter Heights Subdivision (platted from 1948 to 1958) and have developed primarily with single-story Ranch- and Minimal Traditional-style residences. There is a predominant development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary, with a few recent exceptions.

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.

Mr. Shane presented the staff recommendation of approval.

Councilmember Benedict spoke in favor of the application.

Laura Valentine, 1418 Harwood, spoke in favor of the application.

Jane Matzinger, 1503 Harwood Dr, spoke in favor of the application.

Bob Allen, 1428 Harwood Dr, spoke in favor of the application.

Casey Dorf, 1503 Harwood Dr, spoke in favor of the application.

Laura Robinson, 1401 Harwood Dr, spoke in favor of the application.

Emily Ritter, 1528 Harwood Dr, spoke in favor of the application.

Derrick Ritter, 1528 Harwood Dr, spoke in favor of the application.

Chris Templeton, 337 McKennell Dr, spoke in opposition to the application.

Hugh Mitchell, 1400 McKennell Dr, spoke in opposition to the application.

Name not given, 1319 Harwood Dr, spoke in opposition to the application.

Councilmember Benedict clarified that she would remove the properties south of McKennell at council.

**Councilmember Murphy closed the Public Hearing**

Mr. Tibbs spoke in favor of the application.

Ms. Blackshear spoke in favor of the application.

Ms. Johnson spoke in favor of the application with the removal of properties south of McKennell.

Mr. Henley spoke in favor of the application.

**Mr. Lawson moved and Ms. Blackshear seconded the motion to approve with removal of the properties south of McKennell. (6-0)**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021COD-001-001 is approved with removal of the properties south of McKennell. (6-0)

**30. 2021COD-003-001**

BL2021-856

Council District 06 (Brett Withers)

Staff Reviewer: Abbie Rickoff

A request to apply a Contextual Overlay District to various properties located approximately 150 feet south of Eastland Avenue and 150 feet north of Fortland Drive, along Brittany Court, Brittany Drive and Barclay Drive, zoned R10 (30.48 acres), requested by Councilmember Brett Withers, applicant; various owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Establish a Contextual Overlay District.**

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) to various properties located approximately 150 feet south of Eastland Avenue and 150 feet north of Fortland Drive, along Brittany Court, Brittany Drive and Barclay Drive, zoned One and Two-Family Residential (R10) (30.48 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.

**EAST NASHVILLE 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 potential streams and stream buffers, pockets of potentially steep slopes, and problem soils.

**CONTEXTUAL OVERLAY STANDARDS**

Application of the COD would not change the existing entitlements afforded under the base R10 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 north of Fortland Drive and south of Eastland Avenue, on either side of Brittany Drive. The properties are included in the Fortland Park and Eastland Acres subdivisions and have developed primarily with primarily with single-story, split level, and two-story residences. The Overlay boundary includes some recently developed two-family uses. Aside from these properties, there is a predominant development pattern with consistent bulk and massing present throughout the proposed Overlay boundary. Properties located immediately south and west of the proposed boundary area are within an existing Contextual Overlay District, adopted by Metro Council in 2016.

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.

Ms. Rickoff presented the staff recommendation of approval.

Councilmember Withers spoke in favor of the application.

Laura Wallace, 2659 Barclay Dr, spoke in favor of the application.

Jim Elliott, 2619 Barclay Dr, spoke in opposition to the application.

**Councilmember Murphy closed the Public Hearing.**

Ms. Blackshear spoke in favor of the application.

Ms. Johnson spoke in favor of the application.

Mr. Henley spoke in favor of the application.

Mr. Lawson spoke in favor of the application.

**Mr. Tibbs moved and Mr. Lawson seconded the motion to approve. (6-0)**

**Resolution No. RS2021-202**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021COD-003-001 is approved. (6-0)



**31. 2018Z-068PR-002**  
 Council District 21 (Brandon Taylor)  
 Staff Reviewer: Logan Elliott

A request to rezone from RS5 to R6-A zoning for property located at 706 26th Avenue North, approximately 160 feet north of Clifton Avenue (0.22 acres), requested by Metro Councilmember Brandon Taylor, applicant; Joseph Bowman and Jere Pewitt, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 706 26th Avenue North, approximately 160 feet north of Clifton Avenue (0.22 acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of 1 duplex lot for a total of 2 units.*

**NORTH NASHVILLE COMMUNITY PLAN**

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

**SITE**

The approximately 0.22 acre site is located on the east side of 26<sup>th</sup> Avenue North, just north of Clifton Avenue. The site is well served by an alley network with an alley abutting the southern and eastern property boundary. The properties immediately to the south of the subject property front onto Clifton Avenue, a Collector Avenue, and are within the Urban Mixed-Use Corridor policy. Directly across 26<sup>th</sup> Avenue is RM20-A zoning that has developed with townhouses.

**HISTORY**

At the April 11, 2019, Planning Commission meeting, Planning staff recommended approval of the RM15-A zoning district for this subject property and the case was approved on the consent agenda. The rezoning legislation did not proceed at the Council level.

**ANALYSIS**

The proposed zoning district would permit a form and intensity of development that is consistent with the guidance provided in the policy. The proposed zoning district is on the lower end of intensity for the zoning districts identified as potentially appropriate in the T4 NE policy. Additionally, the alternative component of the zoning district would require an urban form and would require access to be taken from the alley network. Staff finds the proposed zoning district consistent with the policy guidance for this area and appropriate for this location.

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)	0.22	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.22	7.26 D	2 U	28	7	2

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+13	+2	+1

**METRO SCHOOL BOARD REPORT**

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

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

The proposed R6-A zoning is expected to generate no additional students than the existing RS5 zoning. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn 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.

**Approve. Consent Agenda (6-0)**

**Resolution No. RS2021-203**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-068PR-002 is approved. (6-0)

**32. 2021Z-058PR-001**

Council District 21 (Brandon Taylor)

Staff Reviewer: Logan Elliott

A request to rezone from CF to MUI-A zoning for properties located at 1904, 1906, 1908, 1910, 1912, 1912B and 1916 Hayes Street, approximately 100 feet west of 19th Avenue North (1.04 acres), requested by Civil Site Design Group, applicant; Joan Simmons, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CF to MUI-A.**

Zone Change

A request to rezone from Core Frame (CF) to Mixed Use Intensive-Alternative (MUI-A) zoning for properties located at 1904, 1906, 1908, 1910, 1912, 1912B and 1916 Hayes Street, approximately 100 feet west of 19th Avenue North (1.04 acres).

**Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

**Proposed Zoning**

Mixed Use Intensive-Alternative (MUI-A) is intended for a high 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.

**GREEN HILLS - MIDTOWN COMMUNITY PLAN**

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

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

**MIDTOWN COMMUNITY CHARACTER PLAN**

The Midtown Community Character Plan (CCP) is part of the Green Hills-Midtown Community Plan: 2005 Update, which was adopted by the Metro Planning Commission on July 28, 2005 and has subsequently been amended. This CCP provides planning guidance at a more detailed level than a community plan. The CCP addresses land use, transportation, and community character at the neighborhood level. The subject properties are within the T5-MU-02 subdistrict. This subdistrict intends for mixed-use development with building heights up to 20 stories. The subdistrict wraps a significant portion of Centennial Park and focus on architectural treatment when lining Centennial Park. Otherwise, the subdistrict identifies areas where vehicular and pedestrian improvements may be necessary when considering certain building heights. The subject site is not within these areas and does not line Centennial park.

**SITE**

The approximately 1.04 acre site is located on the north side of Hayes Street between 19<sup>th</sup> and 20<sup>th</sup> Avenue. Hayes Street is classified as a tertiary street in the Midtown Plan and there is an alley located to the rear of the site. The property is currently developed with single-story buildings that are currently used as office space. The properties on the south side of Hayes Street are within the most permissive subdistrict of the Midtown Plan, T5-MU-01.

**ANALYSIS**

The proposed zoning district would permit a form and intensity of development that is consistent with the guidance provided in the Midtown Plan for the T5-MU-02, Mixed Use Neighborhood Area 2, subdistrict. The proposed zoning district permits a mixture of land uses and the alternative component of the zoning district requires a more urban form. Staff finds the proposed zoning district consistent with the Midtown Plan and appropriate for this location.

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

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)	1.04	5.0 F	227 U	1,235	77	97

Maximum Uses in Proposed Zoning District: **MUI-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)	0.52	5.0 F	113 U	614	39	49

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.26	5.0 F	56,628 SF	2,138	53	216

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.26	5.0 F	56,628 SF	6,353	563	553

Traffic changes between maximum: **CF and MUI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+7870	+578	+721

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing CF district: 0 Elementary 0 Middle 0 High**

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

The proposed MUI-A zoning is expected to generate 3 additional students than the existing CF zoning. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro 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.

**Approve. Consent Agenda (5-0-1)**

**Resolution No. RS2021-204**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-058PR-001 is approved. (5-0-1)

**33. 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.**

**APPLICANT REQUEST**

**Zone change from IWD to RM40-A-NS.**

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Multi-Family Residential – Alternative – No Short Term Rentals (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).

**Existing Zoning**

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

**Proposed Zoning**

RM40-Alternative – No Short Term Rentals (RM40-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM40-A-NS would permit a maximum of 622 units based on acreage alone.*

**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. *Case number 2021CP-011-001 was approved by the Planning Commission at the June 24, 2021 meeting.*

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 15.56 acre site is located on the south side of Lebanon Pike, west of the intersection of Lebanon Pike and Spence Lane. The properties to the east are zoned Multi-Family Residential (RM20) and to the west the properties are zoned IWD and Office/Residential (OR20). The property to the south is zoned Agricultural/Residential (AR2a) and has been developed with the Cavalry Cemetery. These properties have been developed with multi-family uses,

storage/warehousing, and uses associated with Cavalry Cemetery. The properties on the north side of Lebanon Pike are zoned Industrial Restrictive (IR) and Industrial General (IG) and have been developed with industrial and commercial uses.

The proposed rezoning has an associated plan amendment case, 2021CP-011-001, which was approved at the June 24, 2021, Planning Commission meeting. This associated case changed the policy from D IN District Industrial Policy (D IN) to T4 Urban Mixed-Use Neighborhood Policy (T4 MU). The T4 MU Policy is intended to maintain, enhance, and create urban, mixed use neighborhoods with a diverse mix of moderate- to high density residential, commercial, office, and light industrial land uses. The T4 MU Policy states that a site's location in relation to centers and corridors will be weighed when considering which zoning districts would be appropriate in a given situation. The size of the site, environmental conditions on and near the site, and the character of adjacent Transect and policy areas should be considered.

The proposed rezoning to RM40-A-NS is consistent with the T4 MU Policy. The site is located along a corridor, the site has over 15 acres with ample street frontage, and is located between T4 MU policy areas to the east and west. The proposed rezoning would permit a high intensity residential development along the corridor and near an intersection identified as a tiered center in Nashville Next. The CO Policy on the south side of the site is a result of the presence of steep slopes and a natural stream. Future development should be located away from these portions of the site to reduce environmental impact and maintain the existing natural buffer between development along the corridor and the cemetery to the south.

**FIRE 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)	15.56	0.8 F	542,234 SF	902	92	103

Maximum Uses in Proposed Zoning District: **RM40-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)	15.56	40 D	622 U	3,388	205	256

Traffic changes between maximum: **IWD and RM40-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,486	+113	+153

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed RM40-A-NS district: 60 Elementary 42 Middle 29 High

The proposed RM40-A-NS zoning is expected to generate 131 additional students than the existing IWD zoning. Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock 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.

**Approve. Consent Agenda (6-0)**

**Resolution No. RS2021-205**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-061PR-001 is approved. (6-0)

**34. 2021Z-062PR-001**

BL2021-860

Council District 30 (Sandra Sepulveda)

Staff Reviewer: Abbie Rickoff

A request to rezone from CS to MUL-A zoning for various properties located along Largo Drive, Wallace Road, and Linbar Drive, at the southeast corner of Linbar Drive and Harding Place (15.78 acres), requested by Councilmember Sandra Sepúlveda, applicant; various owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Limited-Alternative (MUL-A) zoning for various properties located along Largo Drive, Wallace Road, and Linbar Drive, at the southeast corner of Linbar Drive and Harding Place (15.78 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTHEAST COMMUNITY PLAN**

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced 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. Conservation policy at this site recognizes a potential small stream and associated buffer on the east side of Wallace Road.

**ANALYSIS**

The rezone boundary area includes approximately 15.78 acres located on the south side of Harding Place, on either side of Wallace Road. The eastern boundary wraps the I-24 on ramp and the western boundary wraps the east side of Linbar Drive. The area is primarily developed with commercial uses, with scattered office and medical uses present along Largo Drive. A large parcel located at the intersection of Travellers Inn Drive and Largo Drive is vacant. Surrounding land uses include multi-family development located to the west, industrial uses to the southeast, and lower intensity residential uses on the north side of Harding Place.

The parcels included in the rezone boundary area are located in the T3 CC policy, which prioritizes mixed use development in areas that can support additional intensity, such as arterial boulevards, where it would be appropriate for non-residential uses to serve the surrounding suburban area. The site is bounded by Harding Place, an arterial-boulevard, to the north; Linbar Drive, a collector-avenue, to the west; and I-24 to the east. The area is also served by existing transit service with multiple MTA stops in proximity to the site.

The proposed MUL-A district supports uses that are consistent with the goals of the policy to create vibrant mixed use areas with a pedestrian-friendly form. Uses permitted by MUL-A zoning include residential and mixed-use development, which will help to support existing and future transit services, and the Alternative district standards will provide building placement and design standards intended to enhance the pedestrian realm. The site has developed in a suburban manner, but there may be opportunities for future development that could bring the site closer to

meeting the goals of the T3 CC policy through the proposed rezone, as the existing CS zoning district is not supported by the policy.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	15.78	0.6 F	412,426 SF	15,569	387	1,571

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	7.89	1.0 F	344 U	2,518	154	178

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	3.95	1.0 F	172,062 SF	6,495	161	656

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	3.94	1.0 F	171,626 SF	19,253	1,706	1,677

Traffic changes between maximum: CS and MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+12,697	+1,634	+940

**METRO SCHOOL BOARD REPORT**

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Haywood Elementary School, McMurray Middle School, and Overton High School.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. Consent Agenda (6-0)**

**Resolution No. RS2021-206**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-062PR-001 is approved. (6-0)

**35. 2021Z-064PR-001**

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 September 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-064PR-004 to the September 23, 2021, Planning Commission meeting. (6-0)**

### 36. 2021Z-069PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS7.5 to RM9-NS 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: Approve.**

#### APPLICANT REQUEST

**Zone change from RS7.5 to RM9-NS.**

##### Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Multi-Family Residential – No STRP (RM9-NS) zoning for properties located at Monticello Drive (unnumbered), approximately 100 feet east of Woodridge Drive (7.93 acres).

##### **Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 39 units.*

##### **Proposed Zoning**

Multi-Family Residential – No STRP (RM9-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district. *RM9-NS would permit a maximum of 71 units.*

#### **BORDEAUX-WHITES CREEK-HAYNES TRINITY 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.

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.

##### Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area 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.

#### **SITE AND CONTEXT**

The 7.93-acre site includes two parcels and is located on the east side of Monticello Drive, east of the intersection of Old Matthews Road and Trinity Hills Parkway. The site is vacant, contains heavy vegetation, and is bisected by a stream and stream buffer, running from the southeast corner to the northwest, beyond the northern boundary. A small triangular parcel is located near the southwest corner between the site and Monticello Drive. TVA lines clip the southeastern corner along the site's frontage.

Monticello Drive, Trinity Hills Parkway, and Old Matthews Road are collector-avenues identified by the Major and Collector Street Plan (MCSP). Surrounding properties located along Monticello Drive are primarily zoned for single-family uses. The site is adjacent to RM9-zoned properties to the west and north that are located within a PUD overlay, which permits single-family lots and multi-family units. The portion of the PUD adjacent to this site is currently undeveloped. Monticello Drive intersects with W. Trinity Lane, an arterial-boulevard located approximately 0.25 miles to the southeast, where properties are zoned for and have developed with higher intensity non-residential land uses.



The northeastern corner of the site backs up to industrial-zoned properties which front onto Brick Church Pike, an arterial-boulevard located to the east.

**ANALYSIS**

The site is located on the western edge of a T4 NE policy area, surrounded by properties located in various transects and land use policies. The western boundary is adjacent to RM9-zoned properties within a PUD, located in the T3 NM, Suburban Neighborhood Maintenance, policy area, which continues to the west, and the T3 NE policy area, which continues to the north. Properties located on the opposite side of Monticello Drive are located in the T4 NM, Urban Neighborhood Maintenance policy area, transitioning to the T4 CC, Urban Community Center policy area, which supports higher intensity mixed use development, located to the south at the intersection of Monticello Drive and W. Trinity Lane. The CO, Conservation, policy is present throughout the surrounding area, including at this site where a stream runs through the center, bifurcating the parcels, and at the northeastern corner, identifying potential steep slopes.

The site is uniquely situated in an area that includes a mixture of previously developed single-family uses and vacant properties along Monticello Drive, where there may be an opportunity for higher intensity residential infill development, such as multi-family, at certain locations. The site is adjacent to RM9-zoned properties located within a PUD which permits multi-family uses. The site is also significantly larger than the other T4 NE parcels located along Monticello Drive, where a multi-family product may be appropriate, given the size of the site and proximity to the higher intensity policy areas present along W. Trinity Lane and Brick Church Pike.

The proposed RM9-NS zoning would permit multi-family development that is in keeping with the adjacent RM9-zoned properties to the west, providing an appropriate transition from the surrounding higher intensity policy areas to the single-family residential properties located to the immediate east and on the opposite site of Monticello Drive. Staff finds the RM9-NS district to be consistent with the T4 NE policy goals at this location.

**FIRE MARSHAL RECOMMENDATION**  
**Approve**

Maximum Uses in Existing Zoning District: **RS7.5**

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)	7.93	5.808 D	39 U	437	32	41

Maximum Uses in Proposed Zoning District: **RM9-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)	7.93	9 D	71 U	385	24	31

Traffic changes between maximum: **RS7.5 and RM9-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+25 U	-52	-8	-10

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS7.5 district: 6 Elementary 4 Middle 5 High**

**Projected student generation proposed RM9-NS district: 22 Elementary 11 Middle 10 High**

The proposed RM9-NS zoning district is expected to generate 28 additional students than what is typically generated under the existing RS7.5 zoning district. Students would attend Alex Green 1 Elementary School, Brick Church College Prep Middle School, and Whites Creek 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 (6-0)**

**Resolution No. RS2021-207**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-069PR-001 is approved. (6-0)

**37. 2021Z-073PR-001**

Council District 08 (Nancy VanReece)  
Staff Reviewer: Amelia Lewis

A request to rezone from OG to MUG and MUG-A zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres), requested by Councilmember Nancy VanReece, applicant; Due West Towers LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from OG to MUG and MUG-A**

Zone Change

A request to rezone from Office General (OG) to Mixed-Use General (MUG) and Mixed-Use General – Alternative (MUG-A) zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres).

**Existing Zoning**

Office General (OG) is intended for moderately high intensity office uses.

**Proposed Zoning**

Mixed Use General (MUG) is intended for a moderately high intensity mixture of residential, retail, and office uses.

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

**MADISON 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 16.50 acre site is located at the northwest corner of the intersection of W Due West Avenue and S. Graycroft Avenue. The site has been developed with an existing structure that was once Memorial Hospital. Recently the structure has been used for several different commercial tenants. A majority of the site has been developed with surface parking. The properties to the east across S. Graycroft Avenue are zoned Single-Family Residential (RS20) and have been developed with single-family homes. The properties to the south, on the south side of W Due West Avenue are zoned MUG-A, Office/Residential (OR20), and Office Neighborhood (ON). Other non-residential zoning districts are in place to the south of the site along S. Graycroft Avenue.

The site would be split zoned between MUG and MUG-A. The portion of the area to be rezoned that is immediately adjacent to the public streets would be within the MUG-A zoning district and the internal portions of the site to be rezoned would be zoned MUG. The proposed zoning districts are consistent with the District Employment Center (D-EC) Policy. D-EC Policy areas can be characterized with having mixture of office and commercial uses to provide centers of employment. While the primary function of D-EC policy areas are places to establish intense economic activity, there are often additional complementary uses. These complementary uses are encouraged as secondary and supportive to the function of the D-EC policy as an economic activity center. Complementary uses include daily

convenience retail, restaurants, and services for the employees, and can also include medium to high-density residential. Additional factors for consideration in a rezoning of a site in the D-EC area can include the location of the site, the location in relation to environmentally sensitive features, centers, corridors, and neighborhoods. The site is located at the intersection of two arterial boulevards as classified by the Major and Collector Street Plan (MCSP), near other similar zoning districts, and minimal slopes. The presence of a small area of slopes on the site are indicated by the Conservation Policy on the site.

**FIRE MARSHAL RECOMMENDATION**  
**Approve**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	16.50	1.5 F	1,078,110 SF	10,652	1,040	1,089

Maximum Uses in Proposed Zoning District: **MUG-A, MUG**

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)	8.25	3.0 F	1,078 U	5,873	351	434

Maximum Uses in Proposed Zoning District: **MUG-A, MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	4.13	3.0 F	539,708 SF	20,374	508	2,056

Uses in Proposed Zoning District: **MUG-A, MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	4.12	3.0 F	538,402 SF	60,398	5,351	5,260

Traffic changes between maximum: OG, MUG, and MUG-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+75,993	+5,170	+6,661

**METRO SCHOOL BOARD REPORT**

The mix of uses could vary and assumption of impact at this point is premature. Students would attend Stratton Elementary School, Madison Middle School, and Hunters Lane 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.

Ms. Blackshear recused herself from this item.

Mr. Henley recused himself from this item.

Ms. Lewis presented the staff recommendation of approval.

Councilmember VanReece spoke in favor of the application.

Justin Lowe, Centric Architecture, spoke in favor of the application.

Phil Ryan, 2521 Fairfax Ave, spoke in favor of the application.

Joshua Hasting, 3414 Shelby Bottoms Bend, spoke in favor of the application.

Ann Richardson, Port Dr, spoke in opposition to the application.

Deborah Dorsey, 737 Due West, spoke in opposition to the application.

Michael Adams, 401 Port Dr, spoke in opposition to the application.

Terry Smith, 737 Due West Ave, spoke in opposition to the application due to increased traffic concerns.

Tony Richardson, Port Dr, spoke in opposition to the application due to lack of information.

Councilmember Van Reece requested a one meeting deferral to have another community meeting.

**Councilmember Murphy closed the Public Hearing.**

Mr. Lawson spoke in favor of a two-meeting deferral.

**Mr. Lawson moved and Mr. Tibbs seconded the motion to defer to the September 23, 2021 Planning Commission meeting with the public hearing to remain open. (4-0-2) Ms. Blackshear and Mr. Henley recused themselves.**

**Resolution No. RS2021-208**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-073PR-001 is deferred to the September 23, 2021 Planning Commission meeting with the public hearing to remain open. (4-2)

**38. 2021Z-076PR-001**

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to rezone from CS to MUL-A zoning for property located at 626 40th Ave N, at the southeast corner of Clifton Avenue and 40th Ave N (0.18 acres), requested by Emerald Investments, LLC, applicant; Bharat Gandhi, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Commercial Service (CS) zoning to Mixed Use Limited–Alternative (MUL–A) zoning for property located at 626 40<sup>th</sup> Avenue North, at the southeast corner of Clifton Avenue and 40<sup>th</sup> Avenue North (0.18 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**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**

The application consists of one parcel (Map 091-12, Parcel 252) totaling 0.18 acres in size located at the southeastern corner of the intersection of 40<sup>th</sup> Avenue North and Clifton Avenue. The property contains a beer and cigarette market and appurtenant gravel parking lot. Surrounding uses include single-family residential and institutional uses, several multi-family buildings, and parcels which have been zoned for future commercial development. MUL zoning exists diagonal to the subject property at the northwestern corner of 40<sup>th</sup> Avenue North and Clifton Avenue.

The application proposes to rezone the property from CS to MUL-A. The property is within the T4 Urban Mixed-Use Neighborhood (T4 MU) policy area. T4 MU policy is intended to 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. The CCM lists MUL-A as an appropriate zoning under T4 MU policy. One of the stated goals of the policy is to create high-density, highly connected mixed-use developments. MUL-A would support this intent to a greater degree than conventional CS zoning. The rezoning request is further supported by the fact that this corner has long been a center for social interaction and commerce for the surrounding neighborhood. Allowing a more intense mix of uses at this location could enhance the communal function of this neighborhood anchor and also give residents more options for meeting daily needs. For these reasons, staff recommends approval of the rezoning.

**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: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.18	0.6 F	4,704 SF	178	5	18

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.09	1.0 F	4 U	20	1	2

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.05	1.0 F	2,178 SF	82	2	8

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.04	1.0 F	1,742 SF	195	18	17

Traffic changes between maximum: CS and MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+119	+16	+9

## METRO SCHOOL BOARD REPORT

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

Given the mix of uses permitted by the MUL–A 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 Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn 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 (6-0)

#### Resolution No. RS2021-209

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-076PR-001 is approved. (6-0)

### 39. 2021Z-078PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS15 to RM6-NS zoning for property located at Ashland City Highway (unnumbered), approximately 200 feet east of Abernathy Road (1.07 acres), requested by XE Development Company, LLC, applicant; RJX Partners, LLC, owner.

**Staff Recommendation: Approve.**

#### APPLICANT REQUEST

**Zone change from RS15 to RM6-NS.**

#### Zone Change

A request to rezone from Single-Family Residential (RS15) to Multi-Family Residential- No STRP (RM6-NS) zoning for property located at Ashland City Highway (unnumbered), approximately 200 feet east of Abernathy Road (1.07 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

Multi-Family Residential-No STRP (RM6-NS) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district. *RM6-NS would permit a maximum of 6 units.*

#### **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.

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 AND CONTEXT**

The 1.07-acre site is located at the northeast corner of Ashland City Highway and Hydes Ferry Road. The site is vacant and includes a partially paved drive with overhead lines that run parallel with the western boundary, leading to an NES power facility located behind the site. A potential stream and associated buffers are present along the north side of Ashland City Highway, spanning the frontage of this site and other surrounding properties. The surrounding area includes primarily single-family and vacant properties, with scattered institutional and two-family uses.

**ANALYSIS**

The site has frontage on Ashland City Highway, an arterial-boulevard designated by the Major and Collector Street Plan (MCSP) in the Suburban Neighborhood Evolving (T3 NE) policy, which is intended to provide a diversity of housing types appropriate for suburban settings. With the exception of the NES facility behind the site that is located in CI, Civic policy, the site is located within a larger area of T3 NE policy, as opposed to on the edge of a less intense policy area where transitions would be appropriate. The requested rezone to RM6-NS represents a slight increase in development intensity that would be appropriate along an arterial street, in an area with a higher concentration of vacant land uses. Staff finds the RM6-NS zoning district to be appropriate with the T3 NE policy at this location.

**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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.07	2.904 D	3 U	41	7	3

Maximum Uses in Existing Zoning District: **RM6-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)	1.07	6 D	6 U	31	3	3

Traffic changes between maximum: **RS15 and RM6-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3	-10	-4	-

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS15 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed RM6-NS district: 1 Elementary 1 Middle 0 High

The proposed RM6-NS zoning district is expected to generate 2 additional students than what is typically generated under the existing RS15 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek 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 (6-0)**

**Resolution No. RS2021-210**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-078PR-001 is approved. (6-0)

**40. 2021Z-079PR-001**

Council District 01 (Jonathan Hall)  
Staff Reviewer: Logan Elliott

A request to rezone from AR2a and SP to RM4 zoning for properties located at 4539 and 4608 Cato Road and Cato Road (unnumbered), and Ashland City Highway (unnumbered), approximately 1,000 feet west of Amy Lynn Drive (290.14 acres), requested by Dale & Associates, applicant; James R. Overby, owner.

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

**The Metropolitan Planning Commission deferred 2021Z-079PR-001 to the September 9, 2021, Planning Commission meeting. (6-0)**

**41. 2021DTC-008-001**

**2ND AND PEABODY**

Council District 19 (Freddie O'Connell)  
Staff Reviewer: Nora Yoo

A request for an overall height modification on properties located at 203 Peabody Street, 507, 509, 511, 515, 517, 518, 519 and 521 2nd Avenue South, at the northwest corner of Lea Avenue and 2nd Avenue South, zoned DTC and located within the Rutledge Hill Redevelopment District (2.12 acres), to permit a 36-story residential building, 32-story residential building, and a 18-story hotel building, requested by The Congress Group, Gresham Smith, and Cube 3, LLC, applicants; 2nd Avenue Properties and Corner Partnership, LLC, owners.

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

**The Metropolitan Planning Commission deferred 2021DTC-008-001 to the September 9, 2021, Planning Commission meeting. (5-0-1)**

**42. 2021DTC-016-001**

**CIRCLE SOUTH RESIDENTIAL**

Council District 19 (Freddie O'Connell)  
Staff Reviewer: Eric Hammer

A request for an overall height modification on property located at 522 8th Avenue South, at the northeast corner of Drexel Street and 8th Avenue South, zoned DTC (0.41 acres), to add an additional eight floors for a total of 19 floors, requested by Hawkins Partners Inc., applicant; Circle South Residential (TN) LLC, owner.

**Staff Recommendation: Approve with conditions or defer without all conditions.**

**APPLICANT REQUEST**

**Modification of overall height standards of the DTC, Lafayette Subdistrict, to allow nineteen stories of building height where eight is permitted by right.**

DTC Overall Height Modification

A request for a modification of overall building height on property located at 514 and 522 8<sup>th</sup> Avenue South and 701 Drexel Street, within the Lafayette Subdistrict of the Downtown Code (DTC).

**Existing Zoning**

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

**PROJECT OVERVIEW**

The Circle South Residential project proposes a 19-story residential building consisting of 261 units, ground-level retail space, as well as underground and lined parking for a total of 336 parking spaces. This project is south of the approved 30-story office tower that is part of the overall Circle South development site.

**PLAN DETAILS**

Circle South Residential is located northeast of the intersection of 8<sup>th</sup> Avenue South (primary street) and Drexel Street (tertiary street). Primary vehicular access is taken from Alley 86 and Alley 139. Alley 139 has been proposed as being a two-way enhanced alley with sidewalks by both this project and the Circle South office project. Pedestrian access to the lobby and ground floor retail is primarily from 8<sup>th</sup> Avenue frontage. Drexel Street frontage, as a tertiary street,



includes bicycle storage and repair as well as a dog run. Service and loading will occur from the alleys. One alley is proposed to be closed, as it is redundant with a full dedication of Alley 86.

The project proposes to improve neighborhood-level mobility by realigning Drexel Street (as shown in Figure 9) with Cannery Row through the corner of the Circle South property in addition to dedicating right-of-way to meet the Major and Collector Street Plan and improve alley function. The centerlines of Drexel Street and Cannery Row are currently misaligned by approximately 80 feet.

### **OVERALL HEIGHT MODIFICATION PROCESS**

The process for an Overall Height Modification is outlined in the DTC as follows:

1. The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program.
2. The applicant shall hold a community meeting providing notices to all property owners within 300 feet.
3. The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties.

### **OVERALL HEIGHT MODIFICATION ANALYSIS**

#### Bonus Height Program

In the Lafayette Subdistrict an additional three stories may be earned, up to a maximum of eleven stories, through use of the Bonus Height Program. A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The project proposes use of Pervious Surfaces, Upper-Level Garage Liners, and Underground Parking to fully utilize all appropriate bonuses.

#### Community Meeting

The applicant held a community meeting on Wednesday, July 21, 2021 at 6:00 PM at 424 Church St., Suite 2100 and sent notices to all property owners within 300 feet of the site. Planning staff attended to observe the community meeting, but no members of the public came to the meeting. Several support letters have been received by staff both before and after the community meeting.

#### Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on August 5, 2021 and voted (with none opposed) to conceptually approve the project and approve modifications to the required 15-foot step-back. The committee also voted (with none opposed) to recommend approval to modify the overall height to 19 stories.

#### Exceptional Design

The project significantly improves the relationship of this site to surrounding properties by re-aligning Drexel Street to enhance connectivity. As the SoBro and Lafayette subdistricts continue to redevelop, connectivity improvements, and strong streetscapes are critical to ensure that Downtown continues to develop an interconnected multi-modal transportation network. The project also proposes to bury overhead utility lines on both Drexel and 8<sup>th</sup> Avenue to create a stronger streetscape that properly addresses 8<sup>th</sup> Avenue South as a significant connection through Downtown.

The project has placed all parking underground to the extent practicable, as a large sewer line runs approximately 50 feet below the surface of the earth, with the remaining parking fully lined with a residential liner on both Drexel Street and 8<sup>th</sup> Avenue South. The project has fully clad all façades with durable materials that present high-quality façades to the pedestrian realm.

### **STAFF RECOMMENDATION**

The project promotes enhanced neighborhood connectivity and addresses the public realm with quality materials and site design. Staff recommends approval of the overall height modification with the following conditions and deferral without all conditions:

### **CONDITIONS**

1. All bonus height actions identified in this application, including any that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 8th Avenue South.
3. Final design of the sidewalks adjacent to the enhanced alley shall use protective devices, such as bollards, to distinguish between pedestrian and vehicular areas at garage access points.
4. Overhead lines along this property's 8th Avenue South and Drexel Street frontages shall be buried.
5. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. Approval of this overall height modification shall be reconsidered by the Planning Commission if the realignment of Drexel Street is not dedicated and built on the east side of 8<sup>th</sup> Avenue South.

**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-211**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021DTC-016-001 is approved with conditions. (6-0)

**CONDITIONS**

1. All bonus height actions identified in this application, including any that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 8th Avenue South.
3. Final design of the sidewalks adjacent to the enhanced alley shall use protective devices, such as bollards, to distinguish between pedestrian and vehicular areas at garage access points.
4. Overhead lines along this property's 8th Avenue South and Drexel Street frontages shall be buried.
5. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. Approval of this overall height modification shall be reconsidered by the Planning Commission if the realignment of Drexel Street is not dedicated and built on the east side of 8<sup>th</sup> Avenue South.

**43. 84-85P-004**

**ACADEMY AT MCCRORY LANE**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Logan Elliott

A request to revise the preliminary and for final site plan approval for a portion of property located at 8012 McCrory Lane, at the northeast corner of Newsom Station Road and McCrory Lane, zoned CL and located within a Planned Unit Development Overlay District (2.18 acres), to permit a daycare center, requested by Franklin Square Partners, applicant; Bransetter Legacy Partners 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 property located at 8012 McCrory Lane, at the northeast corner of Newsom Station Road and McCrory Lane, zoned CL and located within a Planned Unit Development Overlay District (2.18 acres), to permit a daycare center.

**Existing Zoning**

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

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

**REQUEST DETAILS**

This is a request to revise the preliminary PUD and for final site plan approval for a portion of the Biltmore PUD. The subject portion of the PUD is currently approved for a commercial shopping center with surface parking and this application is proposing to revise a portion of the site plan to permit a daycare center.

**PLAN DETAILS**

The proposed revision is to permit a single-story day-care center that can accommodate 205 children on Newsom Station Road. The building is approximately 15,600 square feet with surface parking in front and to the side of the building. There are fenced-in out-door areas in front of and to the side of the building for the operations of the daycare center as well. The rear of the site has a type C-3 landscape buffer as required by the zoning code. The landscape buffer is pulled off of the property line to avoid a utility easement for an underground sewer line. The applicant is improving the right-of-way to provide the required grass-strip and sidewalk per the Major and Collector Street Plan.

**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 proposed plan does not meet any of the criteria above for requiring concurrence by the metropolitan council. The application proposes a non-residential use and is modifying the site plan to accommodate a daycare center in lieu of the shopping center planned for this portion of the PUD.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approve**

- 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**

7/15/2021 Approved with conditions that all technical review comments are addressed. A Technical Review was performed for the above referenced project. The following items were noted:

##### Plan Information and Fees

- Provide a response letter stating how the comments were addressed and where they were addressed. Please be specific in where the comments were addressed by providing page numbers, note numbers, and/or references to specific locations in the calculations.

- Address comments here within and on the markups.

#### Erosion Protection & Sediment Control (EPSC) Measures:

- Update the NOC note with the TNR# 245085.
- Update the Impaired Streams Assessment note on Sheet C400.
- See plan markups for EPSC measures and notes on the Stage 2 plans that should be removed.

#### Storm Structures and Pipes/Detention

- For the structure table:
  - The pipe 29 & pipe 30 invert outs are higher than the upstream inverts.
  - Verify the rim elevation for Structure 9 and update the contours if needed.
  - Update the rim elevation for Structure 19 to 635.70.
  - Update the rim elevation for Structure 20 to 635.55.
- PVC is not an approved pipe material outside of roof drains and underdrains. Update the pipe material for the playground drain pipes.
- Note the approximate invert at the blind connections where the pipe ID number changes.
- Provide an emergency spillway for Detention Pond B in case the downstream pipe becomes clogged.
- Add the 8" Drain Basin detail.

#### Water Quality/LID

- For the post-development LID map:
  - Show the contours under the shading for all areas.
  - Some bypass drainage areas can be combined.
- The acreage for the pre- and post-development LID spreadsheets should match. Based on the pre-development drainage map, the acreage for the post-development LID spreadsheet appears to be the more accurate value.
- For the post-development LID spreadsheet:
  - No land use modifications are used on this project. The codes for Step 1 & Step 1a should match.
  - The Step 1 codes represent the proposed land use. The pre-development land use codes are included on the pre-development LID spreadsheet.
  - For the bioretention areas, use FB as the code.
- Provide a separate post-development LID spreadsheet for the area draining to the detention ponds. The adjusted CN value calculated will be used to replace multiple hydrographs.
- For the Tv calculations:
  - The volume for the pre-treatment cells is based on the ponding depth, not the stone depth. The stone is assumed to fill with silt over time as designed and cannot be used to meet Tv requirements.
  - Update the Tv required and pre-treatment cell depth in the pre-treatment cell calculations.
  - For the De calculations, a stone layer of 2.25' and a ponding depth of 1' may be used per the plans.
  - Note the total Tv Provided per GIP structure, and calculate the %Tv Provided. The total Tv Provided includes the pre-treatment cell ponding volume.
- For the bioretention:
  - A maximum of 1' of wet storage area is allowed without infiltration testing. The underdrain may not be raised outside of the bioretention or else this will create additional wet storage.
  - For the Bioretention B cross-section detail, update the elevations for the top of pond and the top of media.

#### Drainage Calculations

- For the pre-development drainage map, per our discussion, Outfalls #1 & #4 can be combined as can Outfalls #2 & #3. There will be one acreage, CN, Tc, and Tc flow path for each combined drainage area.
- Create a separate post-development drainage map.
  - Create drainage areas that correlate to the hydrographs.
  - Note the acreage, CN, and Tc for each drainage area.
  - Include the off-site area shown on the pre-development drainage map.
  - Label the site outfalls.
- For the inlet drainage map:
  - Although super-elevation in the roadway can be taken into account, it should be assumed that the flow in the gutter will remain in the gutter to the downstream inlet.
  - Show the drainage area for the 2nd downstream structure from Outfall #1. This will be the structure downstream of the inlet on the north side of Newsom Station Road along with the next downstream pipe segment.
  - The gutter spread values noted on the drainage map do not appear to be accurate. Include pipe and inlet calculations for the downstream stormwater system in the drainage report.
- For the hydrographs:
  - Evaluate the pre- and post-development peak flow for each outfall separately.
  - Provide Tc calculations with the hydrographs for all pre-development drainage areas as well as post-development drainage areas over 5 minutes. For areas with a Tc under 5 minutes, provide a minimum of 5 minutes, but still include calculations if for pre-development areas.
  - Provide CN calculations within Hydraflow when the CN is not from one area type or the adjusted CN value.

- For the Pond No. 1 pond report:
- Update the pipe out information [A].
- For Orifice [B], the invert is 628.17.
- For Weir [A], the top of the outlet control structure is typically included here. The crest length would be 6.75' and the crest elevation would be 631.56.
- For Hyd. No. 7, the acreage is 0.13 ac.
- For the pipe and inlet calculations, these comments are referring to the Storm Sewers reports.
- For the Line ID in the Storm Sewer Inventory Report, list the upstream and downstream structures as noted in the plans.
- Use Drop Grate for the junction type for area drains without a curb. This appears to be all drains other than Structure 1.
- It is not clear why additional flow has been added to the Q values above what is calculated with the CN and acreage in Storm Sewers.
- See markups for small comments.

General Information:

- Provide an un-executed copy of the DRC and LTMP for review with the next submittal.

Provide an executed Declaration of Restrictions and Covenants (DRC) and Long Term Maintenance Plan (LTMP). The recording fee must be provided, and the documents recorded prior to issuance of the grading permit.

- Submit executed DRC documents when the plans are closer to or at the approval stage to avoid "stale dates" on the documents.
- Make checks payable to "Register of Deeds," however, verify that the documents are correct with MWS staff prior to submitting a check. Put the SWGR# in the memo line on the check for tracking purposes.
- Submit the Stormwater Control Measure (SCM) Inspection Report & the Inspection Checklist dated 2016. See the SWMM Volume 1, Appendix C, pgs. 23 & 24 (February 2016 version).
- Provide the name and phone number of the person actually responsible for the maintenance in the long term maintenance plan.
- Provide an Exhibit A to go with the DRC/LTMP documents. This shall be the legal description of the land and may be a map, survey, plat, or metes and bounds. This shall be legal (8.5 x 14) at the largest.
- Provide an LID exhibit to accompany the DRC/LTMP documents. This should be a map that essentially matches the WQ DA map, and is legible when scanned in black and white. On the map, show the practices on-site, show impervious areas and pervious areas, and list the acreage amount of each area type. An LID boundary should be shown which delineates the area used in the LID calculations. It shall also be legal at the largest. Please note that the defined boundary will impact any future development within the boundary due to the fact that the LID calculations for the designed GIP practices are based on the proposed conditions within the boundary for this project.

**WATER SERVICES RECOMMENDATION**

**Not Applicable**

- Harpeth Valley Water and Sewer Utility District.

**HARPETH VALLEY WATER AND SEWER UTILITY DISTRICT RECOMMENDATION**

**Approve with conditions**

- See letter dated 2/23/21

**NASHVILLE DOT 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. A private hauler is required for waste/recycle site disposal.

**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 (6-0)**

**Resolution No. RS2021-212**

"BE IT RESOLVED by The Metropolitan Planning Commission that 84-85P-004 is approved with conditions. (6-0)  
**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.

**44. 2017S-250-002**

**RURAL HILL ROAD BEND**

Council District 32 (Joy Styles)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create eight lots on property located at 1152 Rural Hill Road, approximately 630 feet north of Bridgecrest Drive, zoned R10 (2.31 acres), requested by Doyle Elkins, applicant; Sammy Said and Magdi Hanna, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat to create eight residential lots.**

Final Plat

A request for final plat approval to create eight lots on property located at 1152 Rural Hill Road, approximately 630 feet north of Bridgecrest Drive, zoned One and Two-Family Residential (R10) (2.31 acres).

**Previous Approvals**

On May 9, 2019, the Planning Commission approved an eight-lot subdivision on the subject parcel. Final plat approval is good for one year and an approved plat must be recorded within one year of the approval. The previously approved plat was not recorded, and the approval has expired.

**SITE DATA AND CONTEXT**

**Location:** The site is located in Antioch, on the south side of Rural Hill Road. Rice Road is approximately 1,300 feet east of the site.

**Street Type:** The Major and Collector Street Plan (MCSP) classifies Rural Hill Road as a residential collector (T3-R-CA2).

**Approximate Acreage:** 2.31 acres or 100,623 square feet.

**Parcel/Site History:** The site is comprised of one parcel. The original parcel was created in 1947. The parcel is not in its original configuration as public right of way for Rural Hill Road was dedicated by instrument in 2018.

**Zoning History:** The parcel is zoned One and Two-Family Residential (R10). The R10 zoning district has been in place since 1997. The prior zoning was AR2a.

**Existing land use:** Single-Family residential

**Surrounding land use/ zoning:**

- North: Multifamily residential (R10/PUD).
- South: Single-family residential (R10).
- East: Single-family residential (AR2a).
- West: Single-family residential (R10).

**PROPOSAL DETAILS**

**Number of lots:** 8 lots.

**Lot sizes:** Lot 1 is approximately 0.23 acres (10,350 sq. ft.); Lot 2 is approximately 0.24 acres (10,395 sq. ft.); Lot 3 is approximately 0.25 acres (10,753 sq. ft.); Lot 4 is approximately 0.33 acres (14,775 sq. ft.); Lot 5 is approximately 0.25 acres (11,041 sq. ft.); Lot 6 is approximately 0.26 acres (11,646 sq. ft.); Lot 7 is approximately 0.23 acres (10,022 sq. ft.); Lot 8 is approximately 0.24 acres (10,464 sq. ft.).

**Access:** All eight lots share two private driveways onto Rural Hill Road.

**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 Residential Corridor (T3 RC) policy. For sites within the T3 Suburban transect land use policies including T3 RC, the conventional regulations found in Chapter 3 are utilized.

**3-1 General Requirements**

Staff finds that all general requirements are met.

**3-2 Monument Requirements**

Monuments will be placed on property corners or referenced to property lines consistent with the requirements of the subdivision regulations.

**3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

**3-4 Lot Requirements**

Staff finds that all general lot requirements are met.

**3-5 Infill Subdivisions**

**3-6 Blocks**

Not applicable: New streets and/or blocks are not proposed.

**3-9 Requirements for Streets**

Not applicable: New streets and/or blocks are not proposed.

**3-10 Requirements for Dedication, Reservations, or Improvements**

Right of Way (ROW) dedications or reservations are not required. Any necessary improvements within the public ROW would be determined with building permit.

**3-11 Inspections During Construction**

Not applicable: No new public infrastructure is required.

**3-12 Street Name, Regulatory and Warning Signs for Public Streets**

Not applicable: No new streets are proposed.

**3-13 Street Names, Regulatory and Warning Signs for Private Streets**

Not applicable: No new streets are proposed.

**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 Metro Water. Water has reviewed this plat 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 Metro Water Services. Water Services has reviewed the plat 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**

Any required utilities would be determined and reviewed with building permit.

**PLANNING STAFF COMMENTS**

Staff finds that the proposed eight lot subdivision is consistent with the Subdivision Regulations and the Zoning Code.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

Approve

**FIRE MARSHAL RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve with conditions

- Clear vegetation to provide sight distance at the new driveways per AASHTO.

**WATER SERVICES RECOMMENDATION**

Approve

**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.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2017S-250-002, based upon the finding that the subdivision meets the requirements of the Subdivision Regulations, complies with the applicable standards of the Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-213**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017S-250-002 is approved with conditions. (6-0)  
**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.

**45. 2020S-066-001  
DARROW DOWNS**

Council District 16 (Ginny Welsch)  
Staff Reviewer: Dustin Shane

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

**Staff Recommendation: Disapprove unless the Planning Commission finds Lots 1 and 2 to be generally compatible with a larger area and finds Lots 3 and 4 can provide for harmonious development.**

**APPLICANT REQUEST**

**Final plat to create four single-family residential lots.**

Final Plat

A request for final plat approval to create four lots on property located at 170 Antioch Pike, at the northeast corner of Southlake Drive and Antioch Pike, zoned Single-Family Residential (RS7.5) (0.91 acres).

**SITE DATA AND CONTEXT**

**Location:** Northeast corner of the intersection of Southlake Drive and Antioch Pike.

**Street Type:** The site has frontage along Southlake Drive and Antioch Pike. Both roads are classified as residential collectors (T3-R-CA2 and T3-R-CA4, respectively).

**Approximate Acreage:** 0.91 acres or 39,639.6 square feet.

**Parcel/Site History:** The site is comprised of one acreage tract (Map 133-03, Parcel 049). The parcel dates to 1941 and was created by deed.

**Existing land use and configuration:** One parcel. There is an existing brick home and two small wooden sheds. The existing home is noted to remain.

**Surrounding land use and zoning:**

North: Single-Family Residential (RS7.5)

South: Single-Family Residential (RS10)

East: Single-Family Residential (RS7.5)

West: One and Two-Family residential (R8)

**Zoning:** Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. height: 3 stories

Min. street setback: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.45

**Zoning History:** The zoning is RS7.5. The RS7.5 zoning district was established in 2003. Prior to the RS7.5 zoning, the parcel was zoned R8.

**PROPOSAL DETAILS**

**Number of lots:** Four (4)

**Lot sizes:**

Lot 1: 9,465 sq. ft.

Lot 2: 9,464 sq. ft.  
Lot 3: 8,521 sq. ft.  
Lot 4: 8,647 sq. ft.

**Access:** All lots have direct access to either Southlake Drive or Antioch Pike.

**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 Neighborhood Maintenance (T3 NM) policy. For sites within the T3 Suburban transect land use policies including T3 NM, 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, aside for compatibility, 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**

Not applicable to this case. Based on available data, this site does not contain FEMA floodway or floodplain, steep slopes as identified on Metro's topographical maps, rock formations, problem soils, sinkholes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health, and general welfare of the inhabitants of the land and surrounding areas.

#### **3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the RS7.5 zoning district. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS7.5 zoning at the time of building permit.

Section 3-4.4 pertains to access for new single and two-family lots located along arterial and collector streets. Southlake Drive and Antioch Pikes are collectors; therefore, some form of shared access is required. Staff's recommendation includes a condition that Lot 1 and Lot 2 share access and that Lot 3 and Lot 4 share access.

#### **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. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals of the General Plan. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

*3-5.2 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels.*

- a. *All minimum standards of the zoning code are met.*  
All proposed lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*  
All lots have frontage along Southlake Drive or Antioch Pike.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block*

faces shall be used. The T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS7.5 zoning district and its prescribed density.

d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*

1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*

For Lots 1 and 2, there are no existing lots to compare. Section 3-5.2 allows the Commission to grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. Staff evaluated the four lots directly across Southlake Drive to the west and determined that the average frontage of those lots is 69.5 feet.

Neither Lot 1 (54 feet of frontage) nor 2 (54 feet of frontage) meets this average. However, the results of a wider study of frontage widths (including the narrower frontages farther to the east along Antioch Pike) could yield a smaller average.

Lots 3 and 4 do not meet the frontage requirements along Antioch Pike as they both have less frontage than the smallest lot frontage outlined in the table below:

<b>Lot 3 Frontage</b>	
Proposed Frontage	62 ft.
Smallest Frontage	71 ft.
70% Average	80 ft.

<b>Lot 4 Frontage</b>	
Proposed Frontage	61 ft.
Smallest Frontage	71 ft.
70% Average	80 ft.

2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*

For Lots 1 and 2, there are no existing lots to compare. Section 3-5.2 allows the Commission to grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. Staff evaluated the four lots directly across Southlake Drive to the west to determine general compatibility. While staff considered the opposite four lots, it is the Commission that chooses the area to be considered. Using the four lots, staff determined that the minimum lot size is 8,276.4 sq. ft. Both lots exceed this amount.

Lots 3 and 4 do not meet the lot size requirements along Antioch Pike as they are both smaller than the smallest lot size outlined in the table below:

<b>Lot 3 Area</b>	
Proposed Size	8,521 sf
Smallest Size	14,430 sf
70% Average	16,655 sf

<b>Lot 4 Area</b>	
Proposed Size	8,647 sf
Smallest Size	14,430 sf
70% Average	16,655 sf

3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used.* New homes will be required to meet the contextual setback standards per the Metro Zoning Code.

4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*

The orientation of proposed Lots 3 and 4 is consistent with the surrounding parcels along Antioch Pike. For Lots 1 and 2, there are no surrounding parcels along Southlake Drive with which to compare.

- e. *The current standards of all reviewing agencies are met.*

All agencies have recommended approval or approval with conditions.

- f. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*

The Planning Commission may want to consider the frontages and lot sizes existing along the north side of Antioch Pike across Southlake Drive to the west. The frontages there are similar to those proposed with this subdivision.

Another factor is the property's location along the intersection of two collector streets. The T3 NM policy describes the impact of this factor in this way: "The design of development along arterial-boulevard or collector-avenue streets within or at the edge of T3-NM areas may vary slightly in character from development interior to the neighborhood. Building setbacks are generally consistent with the established setback; however, lot size, building size, building spacing, and building footprint may vary in relation to properties behind the corridor." These factors could form the

basis for a positive judgment by the Planning Commission that the proposed lots are generally consistent with the surrounding context and the adopted policy for the area.

**3-5.6 Reasonable Conditions**

Staff is not proposing any special conditions.

**3-6 Blocks**

No changes to the existing block structure are proposed with the subdivision. There are existing sidewalks along both frontages.

**3-9 Requirements for Streets**

Southlake Drive and Antioch Pike are existing public streets. Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the plat and found it in compliance with the standards of this section subject to the condition that any new driveway must be approved by Public Works

**3-10 Requirements for Dedication, Reservations, or Improvements**

A right-of-way dedication of 6.5 feet is required along Antioch Pike to meet the ROW width requirements established by 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**

No new street names are proposed with this plan. Metro Public Works or Metro Traffic and Parking are not requiring any warning signs or other signs.

**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 Metro Water. Water has reviewed this plat 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 Metro Water Services. Water Services has reviewed the plat 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 will not be required to be located underground for the proposed lots as they are along an existing street.

**PLANNING STAFF COMMENTS**

The proposed subdivision including all staff conditions does not meet the standards of the Metro Subdivision Regulations and Metro Zoning Code unless the Planning Commission finds Lots 1 and 2 to be generally compatible with a larger area and finds that Lots 3 and 4 can provide for harmonious development.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

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

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Attached is a copy of the above-referenced subdivision (received from Planning on July 22, 2021) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project # 20SL0156. A bond amount of \$32,000.00 is assigned to 20SL0156.

**STAFF RECOMMENDATION**

Staff recommends disapproval unless the Planning Commission finds Lots 1 and 2 to be generally compatible with a larger area and finds Lots 3 and 4 can provide for harmonious development.

**CONDITIONS**

1. Lot 1 and Lot 2 shall share a single driveway and no other access/driveway shall be permitted. Prior to the recordation of the plat, the location of the driveway easement shall be shown on the plat. A note shall also be added to the plat indicating this restriction.
2. Lot 3 and Lot 4 shall share a single driveway and no other access/driveway shall be permitted. Prior to the recordation of the plat, the location of the driveway easement shall be shown on the plat. A note shall also be added to the plat indicating this restriction.
3. Correct all upside-down type to be right side up.
4. Include a void and vacate note for the previous plat.
5. Dedicate 6.5 feet of ROW along Antioch Pike to meet MCSP ROW width requirements.
6. Provide current owner information consistent with Metro’s online information. If inconsistent, also provide proof of ownership.

**RECOMMENDED ACTION**

Motion to disapprove proposed subdivision Case No. 2020S-066-001 unless the Planning Commission finds that the subdivision can meet the infill requirements per Section 3.5 of the Metro Subdivision Regulations based on the determination that Lots 1 and 2 are generally compatible with a larger area and that Lots 3 and 4 can provide for harmonious development.

Mr. Shane presented the staff recommendation of disapproval unless the Planning Commission finds Lots 1 and 2 to be generally compatible with a larger area and finds Lots 3 and 4 can provide for harmonious development.

The property owner spoke in favor of the application.

Steve Sanders, 217 Wheeler Ave, spoke in favor of the application.

**Councilmember Murphy closed the Public Hearing.**

Ms. Johnson stated that four lots as proposed is not generally compatible with the surrounding area.

Ms. Blackshear spoke in agreement with Ms. Johnson; this does not seem to be generally compatible.

Mr. Tibbs spoke in favor of staff recommendation of disapproval.

Mr. Lawson spoke in favor of staff recommendation of disapproval.

Mr. Henley stated there is a lot to this that actually improves what is on the other side of the street and takes preservation into account, which a lot of the people in the community seem to want.

Ms. Johnson suggested three lots instead of four.

The applicant agreed to defer to bring back another plan that would reflect three lots rather than four.

**Ms. Johnson moved and Mr. Henley seconded the motion to defer to the September 9, 2021 Planning Commission meeting. (6-0)**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-066-001 is deferred to the September 9, 2021 meeting. (6-0)

**46. 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; Entrust Investments, LLC.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Final Plat

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 One and Two-Family (R6) (1.0 acres), requested by B A Land Professionals, applicant; Entrust Investments, LLC.

**SITE DATA AND CONTEXT**

**Location:** The site is located at 205 Paragon Mills Road, 100 feet east of Towry Drive.

**Street type:** The site has frontage on Paragon Mills Road and Eisenhower Drive, both of which are local streets, both streets contain 50' of Right-of-way.

**Approximate Acreage:** 1.25 acres or 54,450 square feet.

**Parcel/Site History:** This site is comprised of one parcel, which was created by deed in 1947.

**Zoning History:** This site has been zoned R6 since 1974.

**Existing land use and configuration:** The site currently contains one single family structure which is accessed by Paragon Mills Road. The parcel, in its current configuration, is a double frontage lot which is inconsistent with the requirements of the current subdivision regulations.

**Surrounding land use and zoning:**

North: One and Two-Family Residential (R6)

South: One and Two-Family Residential (R6)

East: One and Two-Family Residential (R6)

West: One and Two

**Zoning:** R6

Min. lot area: 6,000 Square feet

Max. FAR: 0.60

Max. ISR: 0.70

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Slope of height control plane (V to H): 1.5 to 1

Min. street setback: contextual

**PROPOSAL DETAILS**

**Number of lots:** 8

**Access:** Access is provided via individual driveway connections for each lot from Paragon Mills Road and Eisenhower Drive.

**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 Neighborhood Evolving policy. For sites within the T3-NE transect land use policy, the conventional regulations found in Chapter 3-5.3 are utilized.

**3-1 General Requirements**

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

**3-2 Monument Requirements**

Internal monuments comply with all standards.

**3-3 Suitability of the Land**

Not applicable to this case. Based on available data, this site does not contain FEMA floodway or floodplain, steep slopes as identified on Metro's topographical maps, rock formations, problem soils, sinkholes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health and general welfare of the inhabitants of the land and surrounding areas.

**3-4 Lot Requirements**

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R6 zoning at the time of building permit. All proposed lots have frontage on a public street.

**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. This site is located within an T3 Neighborhood Evolving policy area, therefore the infill compatibility requirements for frontage and area do not apply. This application was filed prior to the update to the Subdivision Regulations related to lot frontage in Evolving areas. Therefore, the requirement does not apply.

**3-6 Blocks**

The existing block network at along Paragon Mills Road and Eisenhower Drive will be maintained. No new streets are proposed with this subdivision.

**3-7 Improvements**

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

**3-8 Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities**

Sidewalk requirements will be reviewed at the time of building permit, pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

No new streets are proposed. Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the final plat and found it to be in compliance with the standards of this section.

**3-10 Requirements for Dedication, Reservations, or Improvements**

Paragon Mills Road and Eisenhower Drive are local streets. Each street contains 50' of right-of-way. No additional right-of-way is required or proposed with this plat.

**3-11 Inspections During Construction**

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

**3-12 Street Name, Regulatory and Warning Signs for Public Streets**

Not applicable to this case. No new streets are proposed.

**3-13 Street Names, Regulatory and Warning Signs for Private Streets**

Not applicable to this case. No new streets are proposed.

**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 available to this site from Metro Water Services. Metro Water has reviewed the proposed plat and agrees to service the subject site.

**3-16 Sewerage Facilities**

Public sewer is available to this site from Metro Water Services. Metro Water Services has reviewed the proposed plat and found it to be in compliance with all requirements of this section. Water Services recommends approval with conditions.

**3-17 Underground Utilities**

Not applicable to this case. Utilities in subdivisions are required to be located underground whenever a new street is proposed. No new streets are proposed.

**PLANNING STAFF COMMENTS**

The proposed subdivision meets the standards of the Metro Subdivision Regulations. Future development will be required to meet the standards of the Metro Zoning Code regarding setbacks, sidewalks, etc. 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**

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

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

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approval is contingent on construction and completion of MWS Project # 20SL0321, Rev 1. A bond amount of \$58,000.00 is assigned to 20SL0321.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Shift the lot lines along Paragon Mills road to accommodate the minimum lot frontage of 50 feet.
3. Revise the owner's name on the plat to reflect the current owner.
4. Label the map and parcel number on each lot prior to the submittal of the plat recording materials.
5. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2021S-179-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

-Family Residential (R8)



**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-215**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-179-001 is approved with conditions. (6-0)  
**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Shift the lot lines along Paragon Mills road to accommodate the minimum lot frontage of 50 feet.
3. Revise the owner's name on the plat to reflect the current owner.
4. Label the map and parcel number on each lot prior to the submittal of the plat recording materials.
5. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**47. 2021S-056-001**

**316 NORTH 9TH STREET**

Council District 05 (Sean Parker)

Staff Reviewer: Logan Elliott

A request for final plat approval to create two lots on properties located at 316 North 9th Street and Marina Street (unnumbered), at the southwest corner of Marina Street and North 9th Street, zoned RS5 (0.45 acres), requested by BA Land Professionals, applicant; Brandon Bubis, owner.

**Staff Recommendation: Approve with conditions if the Planning Commission finds that the lots can provide for harmonious development.**

**APPLICANT REQUEST**

**Final plat approval to create 2 lots.**

Final Plat

A request for final plat approval to create two lots on properties located at 316 North 9th Street and Marina Street (unnumbered), at the southwest corner of Marina Street and North 9th Street, zoned Residential Single-Family (RS5) (0.45 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located at the southwest corner of the intersection of Marina Street and North 9<sup>th</sup> Street, in East Nashville.

**Street Type:** The site has frontage onto Marina Street and North 9<sup>th</sup> Street and both of these are local streets.

**Approximate Acreage:** The proposed area for subdivision is approximately 0.45 acres or 19,602 square feet.

**Parcel/Site History:** This site is comprised of two parcels that have existed in their current configuration since at least the 1960's. The larger parcel that is located at the corner of the intersection is developed with a single-family residence and the other parcel is vacant

**Zoning History:** The site has been zoned RS5 since 2004 when the property was included in an application to rezone approximately 260 acres of the surrounding area from R6 to RS5. (BL2004-272).

**Existing land use and configuration:** The site is currently developed with a single-family residence that draws its access from the alley to the rear of the site. The access drive crosses through the vacant parcel.

**Surrounding land use and zoning:**

- North: Single-Family Residential (RS5)
- South: Single-Family Residential (RS5)
- East: Single-Family Residential (RS5)
- West: Single-Family Residential (RS5)

**Zoning:** Single-Family Residential (RS5)

Min. lot size: 5,000 square feet

Max. height: 3 stories

Min. street setback and rear setback: 20'

Min. side setback : 5'

Maximum Building Coverage: 0.50

**PROPOSAL DETAILS**

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

**Number of lots:** 2

**Lot sizes:** Lot 1 - 8,449 sq ft; Lot 2 - 10,157 sq ft

**Access:** Staff is conditioning that the proposed lots gain access from the existing alley.

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

**Subdivision Variances or Exceptions Requested:** This subdivision is requesting two exceptions from the Compatibility Standards within the Subdivision Regulations section 3-5. The Compatibility Standards apply when newly created lots located in Neighborhood Maintenance policy will front onto an existing street. This is a corner lot, so the Compatibility Standards require that both block faces be analyzed. The details of the requested exceptions are listed below in section 3-5 of this report.

### **APPLICABLE SUBDIVISION REGULATIONS**

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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 the T4 Urban Neighborhood Maintenance (T4 NM) policy. For sites within the T4 transect, 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**

Land which the Planning Commission finds to be unsuitable for development due to flooding, steep slopes, rock formations, problem soils, sink holes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated. This site does not have any features that could make this site unsuitable for development.

#### **3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the RS5 zoning. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS5 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. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals of the General Plan. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

*3-5.2 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels.*

- g. All minimum standards of the zoning code are met.*

Complies. All lots meet the minimum standards of the zoning code.

- h. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*  
Complies. Lot 1 fronts North 9<sup>th</sup> Street and Lot 2 fronts North 9<sup>th</sup> Street and Marina Street.
- i. The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*  
The T4 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS5 zoning district and its prescribed density.
- j. The proposed lots are consistent with the community character of surrounding parcels as determined below:*
- 1. Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*  
Lot 1 complies with this standard and lot 2 requires an exception to this standard. The minimum frontage width requirement per this section for lot 1 and lot 2 is 50 feet. The proposed frontage width for lot 1 is 50 feet and the proposed frontage width for lot 2 is 15.38 feet.
  - 2. Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*  
Both lot 1 and 2 comply with the minimum lot size requirement per this section. The minimum lot size requirement per this section for lot 1 and lot 2 is approximately 0.19 acres (8,352 square feet). Proposed lot 1 is approximately 0.1940 acres (8,449 square feet) and proposed lot 2 is approximately 0.2332 acres (10,157 square feet).
  - 3. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*  
New homes will be required to meet this setback standard at time of building permit submittal.
  - 4. Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*  
Lot 1 is oriented to North 9<sup>th</sup> Street, consistent with adjacent properties located on the west side of North 9<sup>th</sup> Street. Lot 2 is oriented to Marina Street and requires an exception to this standard.
- k. The current standards of all reviewing agencies are met.*  
All agencies have recommended approval or approval with conditions.
- l. If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*

Nearby existing lots on Marina Street, one being directly across the street, have similar orientation situations to the proposed subdivision. The zoning code considers the side of the lot with shortest lot frontage to be the "front" side of the lot so while the proposed subdivision technically does not comply with the lot width requirement of the compatibility standards, the proposed orientation of lot 2 is towards Marina Street and the width of this lot line is consistent with or exceeds the development pattern of the surrounding area. The proposed subdivision would create a development pattern that already exist in this area and staff finds the proposed subdivision to meet the exception criteria.

### 3-5.6 Reasonable Conditions

Staff is recommending the following condition:

- Access shall be limited to the alley for both lots. No vehicular access shall be permitted from N 9th Street or Marina Street.
- Future development of lot 2 shall be oriented to Marina Street.

### 3-6 Blocks

This application does not propose to create any new blocks.

**3-9 Requirements for Streets**

This application does not propose to create any new streets.

**3-10 Requirements for Dedication, Reservations, or Improvements**

The application proposes to dedicate right-of-way to bring the sidewalk on Marina Street to be completely within the right-of-way, consistent with the standard situation.

**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. See comments in the recommendations from all agencies section below.

**3-15 Public Water Facilities**

Public water requirements are reviewed by Metro Water Services. Metro Water Services has reviewed the proposed plat and found it to comply with all applicable standards of this section. See comments in the recommendations from all agencies section below.

**3-16 Sewerage Facilities**

Public sewage requirements are reviewed by Metro Water Services. Metro Water Services has reviewed the proposed plat and found it to comply with all applicable standards of this section. See comments 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 application does not include any new streets.

**PLANNING STAFF COMMENTS**

The proposed subdivision meets the standards of the Metro Subdivision Regulations, outside of the Compatibility Standards that the applicant is requesting an exception to, and the standards of the Metro Zoning Code for a minor subdivision. Staff recommends approval with conditions if the Planning Commission finds that the lots can provide harmonious development.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends approval with conditions if the Planning Commission finds that the lots can provide for harmonious development.

**CONDITIONS**

- 1. Access shall be limited to the alley for both lots. No vehicular access shall be permitted from N 9<sup>th</sup> Street or Marina Street.
- 2. Future development of lot 2 shall be oriented towards Marina Street.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2021S-056-001 with conditions if the Planning Commission finds that the lots can provide for harmonious development.

**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-216**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-056-001 is approved with conditions. (6-0)

**CONDITIONS**

- 1. Access shall be limited to the alley for both lots. No vehicular access shall be permitted from N 9<sup>th</sup> Street or Marina Street.
- 2. Future development of lot 2 shall be oriented towards Marina Street.

**48. 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 Peeples Court, zoned R10 (3.0 acres), requested by Crenshaw Land Surveying, applicant; Marsha Gail Cowden Cook, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat approval to create 3 lots.**

Final Plat

A request for final plat approval to create three lots on property located at 261 Liberty Lane, approximately 470 feet north of Peeples Court, zoned One and Two-Family Residential (R10) (3.0 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the west side of Liberty Lane, north of the intersection of Liberty Lane and Peeples Court.

**Street Type:** The site has frontage on Liberty Lane, a local street in the Major and Collector Street Plan (MCSP). The plan does not propose any new streets.

**Approximate Acreage:** The proposed area for subdivision is 3 acres or 130,680 square feet.

**Parcel/Site History:** This site is comprised of one parcel and the parcel has existed since at least 1967. The site has been developed with one single-family structure.

**Zoning History:** The site has been zoned R10 since at least 1974 (O73-650).

**Existing land use and configuration:** The parcel site is has been developed with a single-family residential structure that has access from Liberty Lane.

**Surrounding land use and zoning:**

North: Satellite City

South: One and Two-Family Residential (R10)

East: One and Two-Family Residential (R10) and Single-Family Residential (RS10)

West: One and Two-Family Residential (R10)

**Zoning:** One and Two-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. height: 3 stories

Min. street setback for properties on Liberty Lane: 46' (contextual)

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'  
Maximum Building Coverage: 0.40

### **PROPOSAL DETAILS**

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

**Number of lots:** 3 lots

**Lot sizes:** 13,274 square feet (Lot 1), 25,509 square feet (Lot 2), 91,486 square feet (Lot 3)

**Access:** The lots have frontage onto Liberty Lane

**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 the District Employment Center (D EC) policy. For sites within the D-EC transect, 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**

There are no sensitive environmental features on the site including steep slopes, problem soils, or streams.

#### **3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the R10 zoning, 10,000 square feet. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R10 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. There are no requirements for compatibility based on the surrounding lots for this subdivision.

#### **3-6 Blocks**

The proposed lots are along an existing dead-end street and no new blocks are created.

#### **3-7 Improvements**

Not applicable to this case. No public infrastructure or improvements are required with this subdivision. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

#### **3-8 Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities**

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalks may be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

The application does not propose any new streets. Section 3-9 of the Subdivision Regulations limits dead-end streets to 750 feet. Liberty Lane is currently approximately 1,000 feet in length. Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the proposed plat 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**

Liberty Lane is a local street with 50 feet of right-of-way. No right-of-way dedication is required.

**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 available to this site from Madison Suburban Utilities District (MSUD). MSUD has provided a letter of availability which has identified a required bond amount of \$40,000.

**3-16 Sewerage Facilities**

Public sewer is provided to this site by Metro. These 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. No new streets are required with this subdivision.

**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**

- Fire apparatus access roads shall be provided and maintained in accordance with the adopted fire code and standards.
- Except as approved by the fire code official; fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Fire apparatus access roads shall have a minimum unobstructed width of 20 feet. Where a fire hydrant is located on a fire apparatus access road the minimum width in the vicinity of the hydrant shall be 26 feet.
- Buildings over 30 feet in height shall meet fire department aerial apparatus access requirements.
- Dead end fire apparatus access roads in excess of 150 feet shall be provided with an approved fire apparatus turnaround.
- All points of the building shall be within 500 feet of a fire hydrant when measured via approved fire apparatus access route.
- All buildings and/or developments are required to meet the fire-flow requirements listed in the adopted code prior to construction.

- Fire department connections for standpipe/sprinkler system shall be within 100 feet of the fire hydrant via approved access route.
- Developments of one- or two-family dwelling units where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- Buildings exceeding 30 feet in height or 62,000 square feet in area (124,000 fully sprinklered) shall be provided with two separate and approved fire apparatus access roads.
- Where two separate and approved fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The ahj may approve variations to this requirement in the event remoteness cannot be accomplished.
- The maximum grade for fire apparatus access roads shall not exceed 10% without approval from the fire code official.
- Gates across fire apparatus access roads shall comply with adopted code and standards.
- Approval of a preliminary or final site plan is not an approval for building construction. Full and complete review of building plans is required prior to approval for construction and may require changes to the site.

**STORMWATER RECOMMENDATION**  
**Approve**

**NASHVILLE DOT RECOMMENDATION**  
**Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**  
**Approve**

**WATER SERVICES RECOMMENDATION**  
**Approve with conditions**

- MWS recommends approval for sanitary sewer only. Water provided by the MSUD.

**MADISON SUBURBAN UTILITY DISTRICT**  
**Approve with conditions**

- See Availability of Service letter dated June 29, 2021, from Cynthia H. Ellis, General Manager, Madison Suburban Utility District.
- A bond amount of \$40,000 is assigned to this project.
- The plat shall be approved and signed by MSUD prior to recordation by Metro.

**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.

**RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2021S-079-001.

**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-217**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-079-001 is approved with conditions. (6-0)

**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.



**49. 2021S-129-001**

**LEGENDS DRIVE SUBDIVISION**

Council District 33 (Antoinette Lee)

Staff Reviewer: Seth Harrison

A request for concept plan approval to create 40 single-family cluster lots and 3 two-family 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: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan approval to create 43 lots.**

Concept Plan

A request for concept plan approval to create 40 single-family cluster lots and 3 two-family 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.

**SITE DATA AND CONTEXT**

**Location:** The site is located at the south side of Mount View Road, east of the intersection of Mount View Road and Hamilton Church Road.

**Street Type:** The site has frontage onto Mount View Road and Mountain View Road is classified as a Collector Avenue in the Major and Collector Street Plan. The plan proposes a single local street that extends Legend Drive to Mount View Road.

**Approximate Acreage:** The proposed area for subdivision is 12.40 acres or 540,144 sq. ft.

**Parcel/Site History:** This site is comprised of four parcels, Parcel 78 has existed since 1988, Parcel 79 has existed since 1950, Parcel 80 has existed since 2008, and Parcel 168 has existed since 1996. The site currently contains 2 buildings to be demolished.

**Zoning History:** Parcel 78 has been zoned RS10 since 1996 (O96-156) Parcel 79 has been zoned RS10 since 1985 (O85-525). Parcels 80 and 168 have been zoned R10 since 1993 (O93-831).

**Existing land use and configuration:** The site consists of 2 buildings with no access currently provided on Mount View Road and a stub connection to Legend Drive.

**Surrounding land use and zoning:**

North: Agricultural/Residential (AR2a), One and Two-Family Residential (R10) with Planned Unit Development Overlay District

South: Agricultural/Residential (AR2a), Single-Family Residential (RS10) with Planned Unit Development Overlay District

East: One and Two-Family Residential (R10) with Planned Unit Development Overlay District

West: Single-Family Residential (RS10)

**Zoning:** One and Two-Family Residential (R10) and Single-Family Residential (RS10)

Min. lot size: 10,000 square feet

Max. height: 3 stories

Min. street setback for properties on Legend Drive: 20'

Min. street setback for properties on Mount View Drive: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.40

**PROPOSAL DETAILS**

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code.

**Number of lots:** 40 single-family and 3 two-family

**Lot sizes:** Lot sizes range from 0.11 acres (5,023 sq. ft.) to 0.37 acres (16,445 sq. ft.).

**Access:** The lots have frontage onto proposed extension of Legend Drive and the site draws access from Mount View Road. Lots 1-3 and 38-43 have frontage onto existing Mount View Road.

**Subdivision Variances or Exceptions Requested:** None.

**CLUSTER LOT OPTION**

**Plan Requirements (Section 17.12.090.A)**

The concept plan establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes only single-family lots. The concept plan delineates the alternative lot sizes to be employed and describes the land areas required to satisfy open space requirements.

**Minimum Area Required to be Eligible (Section 17.12.090.B)**

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned R10 and RS10, which have a minimum lot area of 10,000 sq. ft. The minimum area within a cluster lot subdivision in the R10 and RS10 districts is 100,000 sq. ft. The site contains approximately 540,144 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

**Maximum Lot Yield (Section 17.12.090.E)**

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of area which is reserved for streets, and then division of the remaining 85 percent of the gross area by the minimum lot size of the base zoning district.

The gross area of this site is approximately 12.40 acres or 540,144 sq. ft., 3.28 acres or 142,877 sq. ft. in the R10 zoned portion, and 9.12 acres or 397,267 sq. ft. in the RS10 zoned portion. The minimum lot size of the existing zoning districts, R10 and RS10, are 10,000 sq. ft.

Overall

540,144 sq. ft. x 0.15 = 81,021 sq. ft. (15% of the gross site area reserved for streets)

540,144 sq. ft. – 81,021 sq. ft. sq. ft. = 459,123 sq. ft. (85% of the gross area remaining to yield lots)

459,123 sq. ft. / 10,000 sq. ft. = 45 lots

R10

142,877 sq. ft. x 0.15 = 21,432 sq. ft. (15% of the gross site area reserved for streets)

142,877 sq. ft. – 21,432 sq. ft. sq. ft. = 121,445 sq. ft. (85% of the gross area remaining to yield lots)

121,445 sq. ft. / 10,000 sq. ft. = 12 lots

RS10

397,267 sq. ft. x 0.15 = 59,590 sq. ft. (15% of the gross site area reserved for streets)

397,267 sq. ft. – 59,590 sq. ft. sq. ft. = 337,677 sq. ft. (85% of the gross area remaining to yield lots)

337,677 sq. ft. / 10,000 sq. ft. = 33 lots

The R10 Zoning District permits two-family lots. Section 17.16.030.D of the Zoning Code includes standards for two-family lots. In this case, the Zoning Code permits no more than 25% of the maximum number of lots to be duplex. The R10 zoned portion of this property contains 3.28 acres or 142,876 sq.ft, allowing for a maximum of 12 lots with up to 3 of these lots being two-family lots. Any two-family lot must be identified on the concept plan. This would allow for a total of 48 residential units.

This plan includes 3 two-family lots. Combined with the 40 single-family lots, the plan permits up to 46 residential dwelling units. The 3 two-family lots are noted on the plat, within the R10 zoned portion. While these lots permit up to two residential units, it is not required.

**Open Space Requirements (Section 17.12.090.D)**

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 2.65 acres or 21% of the site. The proposed open space exceeds the minimum requirement.

Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. In this case, the plan would permit up to 46 units; therefore, one facility is required. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails.

The plan calls for several active recreational areas in excess of what is required by the Code. The facilities shown on the plan include seating areas and a park. Passive areas of open space include landscape buffer yards and stormwater facilities.

**Alternative Lot Sizes (Section 17.12.090.C)**

Lots within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned R10 and RS10. A reduction of two base zone districts for R10 would be down to the R6 zone district. The R6 zone district requires a minimum lot size of 6,000 sq. ft. The smallest lot proposed, within the R10 zoned site, in this subdivision exceeds the minimum 6,000 sq. ft. lot size requirement. A reduction of two base zone districts for RS10 would be down to the RS5 zone district. The RS5 zone district requires a minimum lot size of 5,000 sq. ft. The smallest lot proposed, within the RS10 zoned site, in this subdivision exceeds the minimum 5,000 sq. ft. lot size requirement. It is important to note that lot size cannot be reduced for two-family lots. In this case all two-family lots must be at least 10,000 sq. ft. All lots identified for two-family are at least 10,000 sq. ft.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. As proposed, this concept plan meets this requirement.

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. All lots oriented toward Mount View Road exceed the minimum lot size.

Minimum lot size for perimeter lots not oriented to an existing street depend on the abutting residential zoning district. Lots may be reduced in size the equivalent of one zoning district (R10 to R8 and RS10 to RS7.5) with the installation of a standard B landscape buffer yard located within common open space, or reduced the equivalent of two zoning districts (R10 to R6 and RS10 to RS5) with the installation of a standard C landscape buffer yard located within common open space. As proposed, all lots abutting a residential zoning district either meet the minimum lot size requirement or include standard C landscape buffer.

**Landscape Buffer Yard Requirements (Article IV)**

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern, eastern, and western property line are residential (AR2a, RS10, and R10). Section 17.24.230 of the Zoning Code dictates the type of buffer yard required. No landscape buffer yard is required. As proposed, the plan meets this requirement.

**Hillside Development Standards (Section 17.28.030)**

In general lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. There are no lots proposed with natural slopes of 25% or greater. It is important to note that the Subdivision Regulations also includes hillside development standards.

**Floodplain Development Standards (Section 17.28.40)**

This site is not located within the Floodplain Overlay District.

**Recreational Facilities (Section 17.12.090.G)**

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. The concept plan proposes 43 lots and recreational facilities are provided which meet the minimum requirements for a cluster lot subdivision. As proposed, active areas include seating areas and parks. The activities proposed within the open space areas may change with the final site plan and will have to meet this section of the Zoning Code.

**APPLICABLE SUBDIVISION REGULATIONS**

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

**3-1 General Requirements**

Staff finds that all standards 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**

There are no sensitive environmental features on the site including steep slopes, problem soils, or streams.

### **3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R10 and RS10 zoning at the time of building permit. All proposed lots have frontage on Mount View Road or a new public street.

### **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. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals of the General Plan.

Section 3-5.2 requires lots to meet compatibility with the existing lots along Mount View Road. There are a total of 9 lots, lots 1-3, 38-43, required to meet compatibility as stated in the Regulations. As proposed, the plan meets the requirement.

Lots 1-3 are required to have a minimum lot size of 10,676 sq. ft. and a minimum lot width of 71 ft. The proposed lots are 15,696-16,445 sq. ft. with lot widths at 71-145 ft.

Lots 38-42 are required to have minimum lot size of 10,525 sq. ft. and a minimum lot width of 71 ft. The proposed lots are 10,527-11,357 sq. ft. with lot widths at 74-75 ft.

Lot 43 is required to have a minimum lot size of 10,509 sq. ft. and a minimum lot width of 71 ft. The proposed lot is 10,510 sq. ft. with a lot width at 71 ft.

### **3-6 Blocks**

All proposed block lengths meet the distance requirements as established in the subdivision regulations.

### **3-7 Improvements**

Construction plans for any required public or private improvements (stormwater facilities, water and sewer, public roads, etc.) will be reviewed with the final site plan.

### **3-8 Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities**

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets. The proposed concept plan indicates sidewalks will be provided consistent with the local street standard. Sidewalks will be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

### **3-9 Requirements for Streets**

All streets as shown on the concept plan meet the minimum requirements for a public street.

### **3-10 Requirements for Dedication, Reservations, or Improvements**

The application proposes a local street with 50 feet of right-of-way.

### **3-11 Inspections During Construction**

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after issuance of a building permit approved by Metro Codes and all other reviewing agencies.

### **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 Metro. These conditions are listed in the recommendations from all agencies section below.

### **3-16 Sewerage Facilities**

Metro Water Services has reviewed this proposed concept plan for sewer and has recommended approval with conditions.

### **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 subdivision regulations and zoning code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

#### **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 with condition**

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

##### **NASHVILLE DOT 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.
- 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.
- Street lighting shall be installed on all public roadways.
- Confirm the sidewalk requirement along Mt View Road with the Planning Department. From review of the Major and Collector Street plan, <https://maps.nashville.gov/MCSP/> : Mt. View Road identifies a six (6') foot Planting Strip Width; and a six (6') foot Sidewalk Width.
- Vertical obstructions are not permitted within the sidewalks. Poles, signs, guywires, etc. are to be relocated.
- Confirm any shared driveway access requirements with the Planning Department.
- New driveway connections to Mt View Road, or access points, will require a permit from the Department of Public Works. Adequate sight distance must be provided per AASHTO for new driveway connections.

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

###### **Approve**

##### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Concept Plan only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid before issuance of building permits.

##### **CONDITIONS**

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

##### **STAFF RECOMMENDATION**

Staff recommends approval with conditions

##### **RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2021S-129-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions. Consent Agenda (6-0)**

#### **Resolution No. RS2021-218**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-129-001 is approved with conditions. (6-0)

##### **CONDITIONS**

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

**50. 2021S-130-001**  
**3622 WHITES CREEK PIKE**

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Abbie Rickoff

A request for concept plan approval to create 11 single-family cluster lots on property located at 3622 Whites Creek Pike, approximately 1,300 feet north of W. Green Lane, zoned R10 (7.11 acres), requested by Dale and Associates, applicant; Home Capital, LLC, owner.

**Staff Recommendation: Approve with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.b, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.**

**APPLICANT REQUEST**

**Request for concept plan approval to create eleven cluster lots.**

Concept Plan

A request for concept plan approval to create eleven cluster lots on property located at 3622 Whites Creek Pike, approximately 1,300 feet north of W. Green Lane, zoned One and Two-Family Residential (R10) (7.11 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the west side of Whites Creek Pike, north of W. Green Lane, approximately 0.50 miles north of Briley Parkway.

**Street type:** The site has frontage on Whites Creek Pike and a new public street. Whites Creek Pike is an arterial-boulevard with approximately 60 feet of existing right-of-way, and the new public street is a local street with a proposed right-of-way width of 50 feet, widening around the proposed cul-de-sac near the western boundary.

**Approximate Acreage:** 7.11 acres or 310,017 square feet.

**Parcel/Site History:** This site is comprised of a single parcel. The parcel was created by deed in 1955.

**Zoning History:** This site has been zoned R10 since at least 1974.

**Existing land use and configuration:** The site is developed with a single-family use. The existing residential structure, located near the southeastern corner, will be retained on one of the lots proposed for subdivision. The remainder of the property includes heavy vegetation.

**Surrounding land use and zoning:**

- North: vacant (R10)
- South: single-family residential and vacant (R10)
- East: single-family residential (R10)
- West: vacant (R10)

**Zoning:** One and Two-family Residential (R10)

Min. lot size: 10,000 square feet

Min. street setback for properties on Whites Creek Pike: 40'

Min. street setback for properties on Proposed Road 'A': 20'

Min. rear setback: 20'

Min. side setback: 5'

Max. building coverage: 0.40

Max. height: 3 stories

**PROPOSAL DETAILS**

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code (cluster lot analysis is provided below Applicable Subdivision Regulations).

**Number of lots:** 11 single-family cluster lots

**Lot sizes:** Lots range from approximately 6,000 square feet (0.14 acres) to 21,373 square feet (0.49 acres).

**Access:** Access is proposed from a new public street that forms a cul-de-sac at the western boundary, providing access to all lots. The new street includes a sidewalk and planting strip consistent with the local street standard. The existing structure that is proposed to be retained on Lot 1 is currently accessed from a driveway connection to Whites

Creek Pike. The driveway will be removed and replaced with a new driveway connection to the proposed public street. No individual vehicular access is proposed from Whites Creek Pike. Areas of right-of-way dedication are proposed along Whites Creek Pike, consistent with the Major and Collector Street Plan (MCSP) requirements.

#### **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 the Rural Maintenance (T2 RM) policy. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

There are several subdivision options in the Rural Subdivision Regulations. This proposal utilizes the Countryside Character Design Open Alternative option as described in Section 4-2.5.a.1 of the subdivision regulations.

#### **4-2. Development Standards**

*4-2.1. Identification of Primary Conservation Land. Prior to design of any subdivision plan with new streets or joint access easement, Primary Conservation Land shall be identified and, subject to the provisions of Sections 4-2.2 and 4-2.3, preserved from any disturbance.*

Complies. Primary Conservation Land has been identified on the plans. At this site, Primary Conservation Land includes areas of 10,000 square feet of contiguous slopes over 15 percent.

*4-2.2. Preservation of Conservation Land. Unless an exception is granted under Section 4-2.3, all Primary Conservation Areas shall be preserved and set aside through an appropriate means such as conservation easements and/or open space.*

Approximately 3.28 acres have been identified as Primary Conservation areas, including approximately 0.57 acres that is proposed for construction of the new public street where an exception is needed (more information provided below). With the exception of grading for the new public street, all Primary Conservation areas that have not yet been disturbed have been set aside as open space.

*4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designed as the Development Footprint. A preliminary grading plan is required with all concept plan applications. The Development Footprint comprises approximately 3.83 acres. A preliminary grading plan was provided with the concept plan.*

- a. *The Planning Commission may approve an exception to permit land initially identified as a Primary Conservation area within the development footprint for public streets, joint access easements or other infrastructure, but not within lots, provided the development of such area minimizes impacts to environmental resources.*

An exception is needed to permit approximately 0.57 acres initially identified as Primary Conservation area within the development footprint for construction of the new public street. The eastern half of the new public street is the portion within Primary Conservation Land. The western half is not located within Primary Conservation Land.

- b. *The Planning Commission may approve an exception for lots within areas over 10,000 square feet of contiguous slopes between 15 and 20 percent, provided there is no grading shown on the concept plan and/or final site plans within slopes over 15 percent.*

Not applicable. With the exception of the new public street, none of the lots are proposed within areas of 15 to 20 percent slopes that have not previously been disturbed. Proposed Lot 1 includes a small area of Primary Conservation Land but this lot has previously developed with a single-family structure that is proposed to be retained on the lot.

*4-2.4 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.*

Not applicable. This concept plan proposes a new public street.

#### *4-2.5 Rural Character Design*

- a. *Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.*

1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*

Lot 1 is the only proposed lot located along an existing street and was reviewed against (a) through (d) below.

*a. Building Setback along existing public streets.*

Does not comply. The building setbacks are required to be varied, and a minimum setback line is required to be platted when the average setback of abutting parcels is more than the minimum required street setback established by the zoning. The average front setback of the abutting parcels is approximately 97 feet, greater than the 40-foot minimum required setback required by the Zoning Code. The existing building setback on Lot 1 is approximately 77 feet and does not meet the 97-foot minimum setback line.

*b. Lot Depth along existing public streets.*

Does not comply. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 397-foot lot depth. As proposed, the depth of Lot 1 is approximately 175 feet.

*c. Lot size along existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size required for Lot 1 is approximately 1.77 acres or 77,101 square feet. The area of Lot 1 is proposed to be 0.49 acres, or 21,373 square feet.

*d. Lot frontage abutting existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along Whites Creek Pike required for Lot 1 is 120 feet. The frontage of Lot 1 is proposed to be 110 feet.

*e. Street lights.*

Complies. The plan indicates low intensity street lights consistent with the USD requirements.

*f. Cluster lot option.*

Complies. The plan complies with the provisions of Cluster Lot Option (Section 17.12.090 of the Zoning Code) within the development Footprint area, excluding lots abutting existing public streets. (Cluster lot analysis is provided below Subdivision Variances).

**4-2.5 Rural Character Design**

*e. Street Design.*

**6. Cul-de-sacs are generally discouraged and shall be permitted only where all other street design alternatives are not feasible and when one of the following two conditions exist:**

*a. Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that are not desirable to remove.*

*b. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned interstate, or a protected open space area.*

Although cul-de-sacs are generally discouraged, they are permitted in instances where natural features exist that are not desirable to be removed or where the configuration of property boundaries prevent street connections. In this instance, the location of steeper slopes and floodway buffer areas located to the west of the site prevent street connectivity, and a cul-de-sac is appropriate.

**Subdivision Variances or Exceptions Requested:** Yes. This request requires a variance from Section 4-2.5.a.1.a (minimum building setback), Section 4-2.5.a.1.b (minimum lot depth), Section 4-2.5.a.1.c (minimum lot size) and Section 4-2.5.a.1.d (minimum lot frontage) pertaining to Lot 1.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that "such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations." In order to grant a variance, the Commission must find that:

1. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

**Variance Analysis**

Variance Request #1

Section 4-2.5.a.1.a requires that the minimum building setback along existing public street be platted when the average setback of abutting parcels (97 feet, in this case) is more than the minimum required street setback established by the zoning (40 feet). Proposed Lot 1 contains an existing structure which is indicated to be retained.



The setback of the existing structure is approximately 77 feet. It would not be possible to meet the 97' minimum setback requirement unless the existing structure was removed from the site. Staff finds that the existing setback does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

#### Variance Request #2

Section 4-2.5.a.1.b requires that the minimum lot depth along existing public streets be 300' plus the required front setback. In this case, the minimum required lot depth is 397'. As proposed, the Lot 1 depth is approximately 175 feet. The minimum depth could not be met without including Primary Conservation areas identified behind the lot, spanning approximately 400 feet to the west, excluding a small pocket reserved for bioretention. Increasing the lot depth to meet the minimum requirement would conflict with the intent of preserving Primary Conservation Land outside of lots proposed for subdivision. Staff finds that the proposed depth does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

#### Variance Request #3

Section 4-2.5.a.1.c requires the minimum lot size along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot size is approximately 1.77 acres. As proposed, the size of Lot 1 is approximately 0.49 acres. The minimum lot size could not be met without including Primary Conservation areas located to the west. Increasing the lot size to meet the minimum requirement would conflict with the intent of preserving Primary Conservation Land outside of lots proposed for subdivision. Staff finds that the proposed lot size does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

#### Variance Request #4

Section 4-2.5.a.1.d requires the minimum lot frontage along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot frontage is approximately 120 feet. As proposed, the frontage of Lot 1 is 110 feet. Increasing the lot width by 10 feet wouldn't be possible without shifting the proposed road further to the north which may result in additional disturbance to the Primary Conservation areas. There is a wide range of lot widths in the immediate area, including properties with smaller widths across the street, on the east side of Whites Creek Pike. Given the varied pattern of the surrounding area, Staff finds that the proposed frontage does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

### **APPLICABLE ZONING REGULATIONS FOR THE CLUSTER LOT OPTION**

The proposal utilizes the by-right Cluster Lot Option provisions of Section 17.12.090 of the Metro Zoning Code.

#### **Plan Requirements (Section 17.12.090.A)**

The concept plan (preliminary plat) establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes only single-family lots. The concept plan delineates the alternative lot sizes to be employed and describes the land areas required to satisfy open space requirements.

#### **Minimum Area Required to be Eligible (Section 17.12.090.B)**

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned R10, which has a minimum lot area of 10,000 square feet. The minimum area within a cluster lot subdivision in the R10 district is 100,000 square feet (10 x 10,000 sf). The site contains approximately 309,711 square feet and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

#### **Maximum Lot Yield (Section 17.12.090.E)**

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of area which is reserved for streets, and then division of the remaining 85 percent of the gross area by the minimum lot size of the base zoning district.

The gross area at this site, 7.11 acres, would be adjusted to reflect the Development Footprint area, which is approximately 3.83 acres or 166,834 square feet. The minimum lot size of the existing zoning district, R10, is 10,000 square feet.

$166,834 \text{ sq. ft.} \times 0.15 = 25,025 \text{ square feet (15\% of the gross site area reserved for streets)}$

$166,834 \text{ sq. ft.} - 25,025 \text{ sq. ft.} = 141,809 \text{ (85\% of the gross area remaining to yield lots)}$

$141,809 \text{ sq. ft.} / 10,000 \text{ sq. ft.} = 14.1 \text{ lots (rounds to a max. of 14 lots)}$

The concept plan proposes 11 lots, which is less than the maximum number of lots that could be permitted based on the lot yield calculation established in the Zoning Code and the existing R10 base zoning. This lot yield is the same, or fewer, lots as could be achieved without the use of the Cluster Lot Option.

**Open Space Requirements (Section 17.12.090.D)**

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes a single phase. Approximately 3.85 acres (54%) of the site is proposed as open space, including areas in Primary Conservation Land, passive open space, and stormwater treatment areas. The proposed open space exceeds the minimum requirements.

**Alternative Lot Sizes (Section 17.12.090.C)**

Lot within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned R10. A reduction of two base zone districts would be down to the R6 district, which requires a minimum lot size of 6,000 square feet. The smallest lots proposed in this subdivision meet or exceed the 6,000 square foot minimum.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. Based on the proposed lot sizes, the bulk standards of R6 will apply. Those standards are:

- Min. lot size: 6,000 square feet
- Min. street setback for properties on Whites Creek Pike: 40'
- Min. street setback for properties on Public Road 'A': 20'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 5'
- Maximum Building Coverage: 0.50
- Max. height: 3 stories

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property, R10, which results in a minimum size of 9,000 square feet. Lot 1 is oriented to an existing street, Whites Creek Pike. Lot 1 exceeds this minimum requirement. Lots 2-11 are oriented to a new public street, Public Road A, and are not required to meet this standard.

There are no perimeter double-frontage lots proposed in this concept plan. There are no lots otherwise abutting a conventional R/R-A or RS/RS-A subdivision proposed in this concept plan.

**Hillside and Floodplain Areas (Section 17.12.090.F)**

Not applicable. All lots are clustered on those portions of the site that have natural slopes of less than twenty percent. This site does not contain any hillside and floodplain areas as set out in Chapter 17.28 of the Zoning Code.

**Recreational Facilities (Section 17.12.090.G)**

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Per Subsection 17.12.90.G.3.a, residential developments containing fewer than 25 units are exempt from the requirement to install recreation facilities. This concept plan proposes 11 lots and is exempt from the recreational facility requirement.

**PLANNING STAFF COMMENTS**

Staff finds that the proposed subdivision is consistent with the intent of the Rural Subdivision Regulations and the Cluster Lot Option of the Metro Zoning Code. Furthermore, staff finds that the variances necessary to permit the proposed subdivision are appropriate and meet the standards for the Commission to approve the variance requests.

**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 with conditions**

- Ensure adequate area is reserved for water quality/quantity.

**NASHVILLE DOT RECOMMENDATION****Approve with conditions**

- 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.

**WATER SERVICES RECOMMENDATION****Approve with conditions**

- Approved as a Concept Plan only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid before issuance of building permits.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.b, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.

**CONDITIONS**

1. Outside of any grading needed for construction of the new public street, all areas identified within Primary Conservation Land shall be preserved from development or disturbance.
2. Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
3. A tree protection plan shall be provided with the final site plan application to indicate preservation of trees within common open space.
4. Street lighting shall comply with Sec. 4-2.5.a.1.e of the Metro Subdivision Regulations.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. The final site plan/building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
8. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2021S-130-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Ms. Rickoff presented the staff recommendation of approval with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.b, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.

Michael Garrigan, 115 Barton Lane, spoke in favor of the application.

**Councilmember Murphy closed the Public Hearing.**

Mr. Henley spoke in favor of staff recommendation.

Mr. Lawson spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Blackshear spoke in favor of staff recommendation.

**Ms. Johnson moved and Ms. Blackshear seconded the motion to approve with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.b, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations. (6-0)**

**Resolution No. RS2021-219**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-130-001 is approved with conditions including a variance from Section 4.2.5.a.1.a Section 4.2.5.a.1.b Section 4.2.5.a.1.c and Section 4.2.5 a.1.d of the Metro Subdivision Regulation. (6-0)

**CONDITIONS**

1. Outside of any grading needed for construction of the new public street, all areas identified within Primary Conservation Land shall be preserved from development or disturbance.
2. Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
3. A tree protection plan shall be provided with the final site plan application to indicate preservation of trees within common open space.
4. Street lighting shall comply with Sec. 4-2.5.a.1.e of the Metro Subdivision Regulations.

5. Comply with all conditions and requirements of Metro reviewing agencies.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. The final site plan/building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
8. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

## 51. 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: Disapprove unless the Planning Commission grants an exception to the frontage requirement**

#### APPLICANT REQUEST

**Final plat to create four residential lots.**

#### Final Plat

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 Single-Family Residential (RS10), (1.98 acres).

#### SITE DATA AND CONTEXT

**Location:** The site is located in Madison, on the west side of Larkin Springs Road between Cumberland Way to the north and Hospital Road to the south.

**Street Type:** The Major and Collector Street Plan (MCSP) classifies Larkin Springs Road as a mixed-use collector (T3-M-CA3).

**Approximate Acreage:** 1.98 acres or 86,248 square feet.

**Parcel/Site History:** The site is comprised of seven parcels. All parcels were created between 1976 and 1999.

**Zoning History:** The parcels are zoned Single-Family Residential (RS10). The RS10 zoning district has been in place since 1998.

**Existing land use:** Vacant residential land.

#### Surrounding land use/ zoning:

- North: Residential/Single-family residential (RS10).
- South: Residential/Single-family residential (RS10).
- East: Office General (OG).
- West: Residential/Single-family residential (RS10).

#### PROPOSAL DETAILS

**Number of lots:** 4 lots.

**Lot sizes:** Lot 1 is approximately 0.47 acres (20,861 sq. ft.); lot 2 is approximately 0.47 acres (20,894 sq. ft.); lot 3 is approximately 0.42 acres (18,593 sq. ft.); and lot 4 is approximately 0.53 acres (23,296 sq. ft.).

**Lot width at street:** The Subdivision All lots have approximately 47' of frontage along Larkin Springs Road.

**Access:** Lot 1 and Lot 2 share a single driveway, and Lot 3 and Lot 4 share a single driveway.

**Subdivision Variances or Exceptions Requested:** An exception from Section 3-5.3.1 of the Subdivision Regulations is necessary.

### **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**

Staff finds that all general requirements are met.

#### **3-2 Monument Requirements**

Monuments will be placed on property corners or referenced to property lines consistent with the requirements of the subdivision regulations.

#### **3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

#### **3-4 Lot Requirements**

Staff finds that all general lot requirements are met.

#### **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.

Section 3-5.3.1 requires new lots located in Suburban Neighborhood Evolving (T3 NE) to have at least 50' of frontage unless oriented to a permanent dead end in which case the minimum is 35 feet. The lots do not meet the minimum 50' wide frontage requirement. All lots are approximately 47' wide. The Planning Commission may grant an exception to this requirement by considering the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information.

Planning Staff reviewed the surrounding area in regard to lot frontages. Along this portion of Larkin Springs Road, lots on the west side of the road vary in frontages but most are well over 50 feet. The property in question sits immediately across the street from more intensely zoned property (OG) that is developed with various medical office uses and a nursing home.

#### **3-6 Blocks**

Not applicable: New streets and/or blocks are not proposed.

#### **3-7 Improvements**

Not applicable: new infrastructure is not proposed.

#### **3-9 Requirements for Streets**

Not applicable: No new streets are proposed.

#### **3-10 Requirements for Dedication, Reservations, or Improvements**

Public Right-of-Way is being reserved/dedicated along Stewarts Ferry Pike.

#### **3-11 Inspections During Construction**

Not applicable: No new public infrastructure is required.

#### **3-12 Street Name, Regulatory and Warning Signs for Public Streets**

Not applicable: No new streets are proposed.

**3-13 Street Names, Regulatory and Warning Signs for Private Streets**

Not applicable: 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 Metro Water. Water 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 Metro Water Services. Water Services 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**

Any required utilities would be determined and reviewed with building permit.

**PLANNING STAFF COMMENTS**

Staff finds that the lots do not meet the minimum frontage requirements of the Subdivision Regulations, but the Planning Commission may consider an exception

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Lots 1-4 will be limited to single family residential use only.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- A minimum of 30% of Sewer Capacity fees must be paid before issuance of building permits. (Sewer Capacity Fee Permit No. T2020020024).
- Water provided by Madison Suburban Utility District.

**MADISON SUBURBAN UTILITY DISTRICT**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends disapproval unless the Planning Commission grants an exception to lot frontage.

**CONDITIONS (if approved)**

1. Add the following note: All lots are limited to single-family.
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.

**RECOMMENDED ACTION**

Motion to disapprove proposed subdivision Case No. 2021S-136-001, based upon the finding that the subdivision does not meet Section 3-5.3.1 of the Subdivision Regulations, unless the Planning Commission approves an exception.

Ms. Milligan presented the staff recommendation of disapproval unless the Planning Commission grants and exception to the frontage requirement.

Michael Barns, 309 Sunset Allen Trail, spoke in favor of the application.

**Councilmember Murphy closed the Public Hearing.**

Mr. Tibbs spoke in favor of granting an exception to the frontage requirement.

Ms. Blackshear spoke in favor of granting an exception to the frontage requirement.

Mr. Henley spoke in favor of granting an exception to the frontage requirement.

**Ms. Blackshear moved Mr. Tibbs seconded the motion to approve including an exception to the frontage requirement because of the variety of widths in the area and the more intense zoning across the street. (6-0)**

**Resolution No. RS2021-220**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-130-001 is approved including an exception to the frontage requirement because of the variety of widths in the area and the more intense zoning across the street. (6-0)

- 52. 2021S-143-001**  
**SERENITY ESTATES**  
Council District 12 (Erin Evans)  
Staff Reviewer: Dustin Shane

A request for concept plan approval for properties located at Earhart Road (unnumbered), approximately 570 feet south of John Hagar Road, zoned RS15 (10.02 acres), to permit 24 single family lots, requested by Dale and Associates, applicant; Dana Battista and Miranda Kenney, owners.

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

**The Metropolitan Planning Commission deferred 2021S-143-001 to the September 9, 2021, Planning Commission meeting. (6-0)**

- 53. 2021S-158-001**  
**BENTON SUBDIVISION**  
Council District 12 (Erin Evans)  
Staff Reviewer: Jason Swaggart

A request for final plat approval to create four lots on property located at 1624 Stewarts Ferry Pike, approximately 340 feet east of S New Hope Road, zoned RS15 (2.13 acres), requested by M2 Group LLC, applicant; Penny Benton, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat to create four residential lots.**

Final Plat

A request for final plat approval to create four lots on property located at 1624 Stewarts Ferry Pike, approximately 340 feet east of S New Hope Road, zoned Single-Family Residential (RS15) (2.13 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the south side of Stewarts Ferry Pike. This section of Stewarts Ferry Pike is located on the east side of Percy Priest Lake.

**Street Type:** The Major and Collector Street Plan (MCSP) classifies this section of Stewarts Ferry Pike as a residential collector (T3-R-CA2).

**Approximate Acreage:** 2.13 acres or 92,782 square feet.

**Parcel/Site History:** The parcel was created in 1986.

**Zoning History:** The parcel is zoned Single-Family Residential (RS15). The RS15 zoning district has been in place since 1998. It was zoned R15 prior to 1998.

**Existing land use:** Single Family.

**Surrounding land use/ zoning:**

- North: Residential/Single-family residential (RS15).
- South: Army Corps Property/Agricultural and Residential (AR2a).
- East: Residential/Single-family residential (RS15).
- West: Army Corps Property/Agricultural and Residential (AR2a).

**PROPOSAL DETAILS**

**Number of lots:** 4 lots.

**Lot sizes:** Lot 1 is approximately 0.44 acres (19,052 sq. ft.); Lot 2 is approximately 0.42 acres (18,509 sq. ft.); Lot 3 is approximately 0.70 acres (30,660 sq. ft.); and Lot 4 is approximately 0.55 acres (24,110 sq. ft.).

**Lot width at street:** All lots have more than 50' of frontage along Stewarts Ferry Pike.

**Access:** Lot 1 and Lot 2 share a single driveway, and Lot 3 will maintain the existing driveway and Lot 4 has a single driveway.

**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**

Staff finds that all general requirements are met.

**3-2 Monument Requirements**

Monuments will be placed on property corners or referenced to property lines consistent with the requirements of the subdivision regulations.

**3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

**3-4 Lot Requirements**

Staff finds that all general lot requirements are met.

**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. Staff finds that all infill requirements are met.

**3-6 Blocks**

Not applicable: New streets and/or blocks are not proposed.

**3-7 Improvements**

Not applicable: new infrastructure is not proposed.

**3-9 Requirements for Streets**

Not applicable: No new streets are proposed with this concept plan.

**3-10 Requirements for Dedication, Reservations, or Improvements**

Public Right-of-Way is being reserved/dedicated along Stewarts Ferry Pike.



**3-11 Inspections During Construction**

Not applicable: No new public infrastructure is required.

**3-12 Street Name, Regulatory and Warning Signs for Public Streets**

Not applicable: No new streets are proposed.

**3-13 Street Names, Regulatory and Warning Signs for Private Streets**

Not applicable: 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 Metro Water. Water 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 Metro Water Services. Water Services 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**

Not applicable: No new streets are proposed.

**PLANNING STAFF COMMENTS**

Staff finds that the proposed four lot subdivision is consistent with the Subdivision Regulations.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

**Approve**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- A minimum of 30% of capacity fees must be paid before issuance of building permits. (Water and Sewer Capacity Fee Permit No's T2021045113 and T2021045109).

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. The area noted on the plat for ROW reservation must be dedicated with this plat. Update plat accordingly prior to recordation.
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.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2021S-158-001, based upon the finding that the subdivision meets the requirements of the Subdivision Regulations, complies with the applicable standards of the Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Penny Benton, 1009 Clay Pl, spoke in favor of the application.

Greg Watson, 1637 Stewarts Ferry Pike, spoke in opposition to the application.

Bill Tolbert, 1615 Stewarts Ferry Pike, spoke in opposition to the application.

**Councilmember Murphy closed the Public Hearing.**

Ms. Blackshear noted that all subdivision requirements have been met and spoke in favor of staff recommendation.

Ms. Johnson expressed concerns with approving but it does meet all subdivision regulations.

Mr. Henley would like to take historical significance into account.

Mr. Lawson spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

**Mr. Tibbs moved and Mr. Lawson seconded the motion to approve with conditions. (4-2) Ms. Johnson and Councilmember Murphy voted against.**

**Resolution No. RS2021-221**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-158-001 is approved with conditions.

1. The area noted on the plat for ROW reservation must be dedicated with this plat. Update plat accordingly prior to recordation.
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.

(4-2)

**54. 2021S-159-001**

**EDGEHILL TOWNHOMES**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create ten lots on properties located at 1300 and 1304 Edgehill Avenue, approximately 170 feet west of 13th Avenue South, zoned RM20 (0.50 acres), requested by Civil Site Design Group, applicant; Leon Randall Leonard and Vishnu Jayamohan, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan approval to create 10 lots.**

Concept Plan

A request for concept plan approval to create ten lots on properties located at 1300 and 1304 Edgehill Avenue, approximately 170 feet west of 13th Avenue South, zoned Multi-Family Residential (RM20) (0.50 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located at the north side of Edgehill Avenue, west of where 13<sup>th</sup> Avenue South intersects Edgehill Avenue.

**Street Type:** The site has frontage onto Edgehill Avenue and Edgehill Avenue is classified as a Collector Avenue in the Major and Collector Street Plan.

**Approximate Acreage:** The proposed area for subdivision is 0.50 acres or 21,780 square feet.

**Parcel/Site History:** This site is comprised of two parcels. 1304 Edgehill Avenue has existed since originally platted in 1876 and 1300 Edgehill has existed by deed since at least 1948.

**Zoning History:** The site has been zoned RM20 since at least 1998 (O96-555).

**Existing land use and configuration:** 1304 Edgehill Avenue has been vacant since at least 2003 and 1300 Edgehill Avenue contains a single-family residence.

**Surrounding land use and zoning:**

North: One and Two-Family Residential (R6-A)

South: Multi-Family Residential (RM20)

East: One and Two-Family Residential (R6-A)

West: One and Two-Family Residential (R6-A)

**Zoning:** Multi-Family Residential (RM20)

Min. lot size: 1,500 square feet

Max. height: 3 stories

Min. street setback for properties on Edgehill Avenue: 30'

Min. rear setback for all properties: 5'

Min. side setback for all properties: 0' (Common Wall), 5' (End Wall)

Maximum Building Coverage: 0.50

**PROPOSAL DETAILS**

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. The concept plan is utilizing section 17.12.020B.1 of the Metro Zoning Code for developing attached housing on individual lots with multi-family zoning.

**Number of lots:** 10 single-family lots.

**Lot sizes:** The lots range in size from 1,887 to 4,169 square feet.

**Access:** The lots have frontage onto Edgehill Avenue and the site draws access from Alley 435 to the rear.

**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 T4 Urban Neighborhood Maintenance (T4 NM) policy. For sites within the T4 Urban transect land use policies including T4 NM, 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 does not contain any Hillside or Floodplain/Floodway areas as defined by the Zoning Code.

**3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the RM20 zoning. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RM20 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 for property with R, R-A, RS, or RS-A zoning; therefore, it is not classified as an infill subdivision.

**3-6 Blocks**

The proposed concept plan does not establish new blocks or streets

**3-9 Requirements for Streets**

No new streets are proposed with this concept plan.

**3-10 Requirements for Dedication, Reservations, or Improvements**

The application proposes to dedicate the necessary right-of-way for Edgehill Avenue to make the planned improvements per the Major and Collector Street Plan. The plan also proposes to dedicate right-of-way along the alley to the rear of the site to bring this half right-of-way up to standard width.

**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**

No new streets are proposed with this concept plan.

**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 Metro Water. Water 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 Metro Water Services. Water Services 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. The concept plan identifies utilities to be buried along the proposed street extension.

**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 provided or reviewed. Must comply with all applicable codes and requirements.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT 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**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approved as a Concept Plan only. Public water and/or sanitary sewer construction plans must be submitted and approved prior to Final Site Plan approval. The approved construction plans must match the Final Site Plan/Concept plans. A Capacity Study must take place and the required capacity reserved by confirmation of capacity fee payment prior to Final Site Plan/Concept Plan approval. 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% of W&S Capacity must be paid before issuance of building permits.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. The final site plan shall provide the Major and Collector Street Plan planned section for Edgehill Avenue.
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.

**RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2021S-159-001.

**Approve with conditions. Consent Agenda (6-0)**

**Resolution No. RS2021-222**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-159-001 is approved with conditions. (6-0)

**CONDITIONS**

1. The final site plan shall provide the Major and Collector Street Plan planned section for Edgehill Avenue.
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.

**55. 2021CP-007-003**

**6111 COWDEN AVENUE**

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Cory Clark

A request to amend the West Nashville Community Plan by changing from T3 Suburban Neighborhood Evolving Policy to T3 Suburban Mixed Use Corridor Policy for property located at 6111 Cowden Avenue, approximately 200 feet west of Marcia Avenue, zoned R6 (0.29 acres), requested by Barge Cauthen and Associates, applicant; JJZ Realty Partnership G.P., owner (associated case 2021Z-077PR-001).

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

**The Metropolitan Planning Commission deferred 2021CP-007-003 to the September 9, 2021, Planning Commission meeting. (6-0)**

**56. 2021Z-077PR-001**

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Jason Swaggart

A request to rezone from R6 to OR20 zoning for property located at 6111 Cowden Avenue, at the current terminus of Cowden Avenue (0.29 acres), requested by Barge Cauthen & Associates, applicant; JJZ Realty Partnership, G.P., owner (associated case 2021CP-007-003).

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

**The Metropolitan Planning Commission deferred 2021Z-077PR-001 to the September 9, 2021, Planning Commission meeting. (6-0)**

## H: OTHER BUSINESS

57. New Employee Contract for Molly Pike & Hazel Ventura

**Resolution No. RS2021-223**

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Contract for Matt Schenk & Samuel Snider is **approved**. (7-0)

58. Historic Zoning Commission Report
59. Board of Parks and Recreation Report
60. Executive Committee Report
61. Accept the Director's Report

**Resolution No. RS2021-224**

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved**. (7-0)

62. Legislative Update

## I: MPC CALENDAR OF UPCOMING EVENTS

**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

**October 14, 2021**

MPC Meeting

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

## J: ADJOURNMENT

The meeting adjourned at 10:30 p.m.