



# **METROPOLITAN PLANNING COMMISSION**

## **MINUTES**

**September 09, 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:  
Greg Adkins, Chair  
Jessica Farr, Vice Chair  
Jeff Haynes  
Brian Tibbs  
Dr. Pearl Sims  
Edward Henley  
Mina Johnson  
Councilmember Kathleen Murphy

Staff Present:  
Lucy Kempf, Executive Director  
Bob Leeman, Deputy Director  
George Rooker, Assistant Director  
Lisa Milligan, Planning Manager II  
Joni Williams, Planning Manager I  
Latisha Birkeland, Planner III  
Abbie Rickoff, Planner II  
Eric Hammer, Planner II  
Alex Dickerson, Legal

Commissioners Absent:  
Jim Lawson  
Lillian Blackshear

**Lucy Alden Kempf**  
Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

## 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, 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 Ms. Johnson seconded the motion to adopt the agenda. (7-0)

## **C: APPROVAL OF AUGUST 26, 2021 MINUTES**

The minutes were not completed at this time and will be voted on at the September 23, 2021 Planning Commission meeting.

## **D: RECOGNITION OF COUNCILMEMBERS**

Councilmember Syracuse spoke in favor of Items 10, 11, and 19.

Councilmember O'Connell spoke in favor of Item 17.

Councilmember Taylor spoke in favor of Item 12.

## **E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2, 3, 4a, 4b, 5a, 5b, 6, 9a, 9b, 9c, 14**

Mr. Haynes move and Ms. Farr seconded the motion to approve the Deferred and Withdrawn items. (8-0)

## **F: CONSENT AGENDA ITEMS 25, 29**

Ms. Farr moved and Ms. Johnson seconded the motion to approve the Consent Agenda. (8-0)

## **G: ITEMS TO BE CONSIDERED**

### **1a. 2007SP-037-002**

#### **BELL ROAD/BLUE HOLE ROAD SP AMENDMENT**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

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

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

**The Metropolitan Planning Commission deferred 2007SP-037-002 to the October 14, 2021, Planning Commission meeting. (8-0)**

### **1b. 95P-025-007**

#### **MILLWOOD COMMONS PUD (CANCELLATION)**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

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

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

**The Metropolitan Planning Commission deferred 95P-025-007 to the October 14, 2021, Planning Commission meeting. (8-0)**

**2. 2009SP-017-003  
KELLY DRIVER SENIOR RETIREMENT SP (AMENDMENT)**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Seth Harrison

A request 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 October 14, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2009SP-017-03 to the October 14, 2021, Planning Commission meeting. (8-0)**

**3. 2021SP-060-001  
1300 HUNTERS LANE SP**

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Seth Harrison

A request to rezone from R20 to SP zoning for property located at 1300 Hunters Lane, approximately 600 feet north of Dalemere Drive, (7.65 acres), to permit up to 69 multi-family residential units, requested by Dale & Associates, applicant; John R. Stringfield ET UX, owner.

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

**The Metropolitan Planning Commission deferred 2021SP-060-001 to the October 14, 2021, Planning Commission meeting. (8-0)**

**4a. 2021CP-007-003  
WEST NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Cory Clark

A request to amend the West Nashville Community Plan by changing from T3 NE Policy to T3 CM 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 23, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021CP-007-003 to the September 23, 2021, Planning Commission meeting. (8-0)**

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

**The Metropolitan Planning Commission deferred 2021Z-077PR-001 to the September 23, 2021, Planning Commission meeting. (8-0)**

**5a. 2021SP-046-001  
SUMMITT VIEW**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

A request to rezone from R8 to SP zoning for properties located at 2111 and 2115 W Summitt Avenue, approximately 330 feet northeast of Reshna Lane and located within a Commercial Planned Unit Development Overlay District (14.56 acres), to permit up to 96 multi-family residential units and maintain an existing telecommunication facility, requested by Kimley-Horn, applicant; Comcast of Nashville I LLC, owner. (See associated case #27-79P-001).

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

**The Metropolitan Planning Commission deferred 2021SP-046-001 to the September 23, 2021, Planning Commission meeting. (8-0)**

**5b. 27-79P-001  
COMMUNICATIONS TOWER PUD (CANCELLATION)**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

A request to cancel a Planned Unit Development on properties located at 2111 and 2115 W Summitt Avenue, approximately 330 feet northeast of Reshna Lane (14.56 acres), zoned R8, requested by Kimley-Horn, applicant; Broadband Nashville I, LLC, owner. (See associated case #2021SP-046-001).

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

**The Metropolitan Planning Commission deferred 27-79P-001 to the September 23, 2021, Planning Commission meeting. (8-0)**

**6. 2021Z-086PR-001**

Council District 16 (Ginny Welsch)  
Staff Reviewer: Logan Elliott

A request to rezone from RS7.5 to RM9 zoning for properties located at 3144 and 3146 Glencliff Road, approximately 170 feet north of Twin Oaks Drive (4.51 acres), requested by SWS Engineering, Inc., applicant; James C. & Oveta N. Pyburn and Diana R. Flegal and Joanne E. Merriam ETAL, owners.

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

**The Metropolitan Planning Commission deferred 2021Z-086PR-001 to the October 14, 2021, Planning Commission meeting. (8-0)**

**7. 2021S-069-001  
HEARTLAND NORTH**

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 114 single family lots and 28 two family lots for a total of 170 residential dwelling units, on property located at Brick Church Lane (unnumbered), approximately 2,500 feet east of Knight Drive, zoned One and Two-Family Residential (R10) (65.37 acres), requested by Civil Site Clarksville, applicant; Parkwood Estates, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan to permit up to 170 residential dwelling units.**

Concept Plan

A request for concept plan approval to create 114 single family lots and 28 two-family lots for a total of 170 residential dwelling units on property located at Brick Church Lane (unnumbered), approximately 2,500 feet east of Knight Drive, zoned One and Two-Family Residential (R10) (65.37 acres).

## HISTORY

On November 11, 2017, the Planning Commission approved a concept plan for 193 single-family cluster lots on the subject site (Project No. 2017S-226-001). There was a challenge to the approval in Chancery Court and at the Appeals Court level. The Appeals Court has remanded the case back to the Planning Commission for consideration. The subdivision process for this subdivision includes three steps: concept plan, final site plan and final subdivision plat. A final site plan (Project No. 2017S-226-002) in accordance with Section 2-3 of the Subdivision Regulations was submitted on August 10, 2018. The final site plan was in the review process; however, the review ceased due to the lawsuit. While the final site plan review has ceased and does not have final approval, the plan has been approved by Stormwater, the Fire Marshal's Office with conditions, NDOT with conditions and Traffic and Parking with conditions.

## MAY 13, 2021, PUBLIC HEARING

A public hearing was held on May 13, 2021. The plan that was presented on May 13, 2021, consisted of 180 single family lots. The Commission had numerous concerns with the plan. Primary concerns pertain to the following:

- The overall amount of grading required.
- Grading techniques that created very steep slopes between lots.
- Placement of recreational areas.
- The transition from the rural policy area on the opposite side of Knight Drive.
- Lack of diversity in lot sizes.

In an attempt to address the concerns expressed by the Planning Commission, the applicant has revised the plan. Following are the more notable changes to the plan:

- The overall grading has been reduced.
  - Shifted western entrance road east maintaining the 2:1 grading to reduce impact to the 20% slopes along the TVA easement. Also moved bioretention area to the east side of the western entrance road.
  - Maintain 2:1 grading along western entrance road to reduce impact to 20% slopes in the TVA easement.
  - Roads and grading around the internal 20%+ slopes (natural and unnatural) have been adjusted to preserve these areas.
  - Reduced the grade of sloped areas.
  - Will utilize some split-level homes (basement) as opposed to all slab on grade.
- Added larger lots along at the beginning of the eastern entrance road closer to Knight Drive and removed lots from along the western entrance road in order to provide a better transition from the rural policy area on the opposite side of Knight Drive.
- Increased the diversity in lot sizes.
- Added two family lots
- Added and rearranged open space areas.

## SITE DATA AND CONTEXT

**Location:** The single parcel that makes up the site is located on the south side of Brick Church Lane approximately 2,500 feet east of Knight Road. Interstate 24 abuts the eastern property line and the I-24 interchange with Briley Parkways abuts the southeastern corner of the site. A large Fed Ex terminal abuts the southern property line. The abutting land along the eastern property line consist of large tracts of residential land.

**Street Type:** The subject site has access to Brick Church Lane. The Major and Collector Street Plan (MCSP) identifies Brick Church Lane as a Suburban Residential Collector (T3-R-CA2). All new streets on the proposed concept plan are local public street.

**Approximate Acreage:** 65.37 acres or 2,847,517 sq. ft.

**Parcel/Site History:** This site is comprised of one parcel and is a platted lot. It is Lot 2 of the Wheeler Property Subdivision. The plat was recorded in 1995.

**Zoning History:** The site is zoned One and Two-Family Residential (R10). It has been zoned R10 since 1998. A very small portion of the northwest corner of the site is within the Flood Plain Overlay District.

**Existing land use:** The parcel is identified as vacant land.

### Surrounding land use and zoning:

- North: Single-Family Residential (RS20)
- South: Industrial Warehousing/Distribution (IWD)
- East: Industrial Warehousing/Distribution (IWD)
- West: One and Two-Family Residential (R10)

### Zoning: One and Two-Family Residential (R10)

- Min. lot size: 10,000 sq. ft.
- Min. lot coverage: 0.40
- Max. height: 3 stories
- Min. street setback: 20'

- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 5'

**PROPOSAL DETAILS**

This proposal is for a 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:** 114 single family and 28 two-family

**Lot sizes:** Lots range in size between 6,024 sq. ft. to 20,960 sq. ft.

**Access:** Access into the development is proposed from two new public streets that connect to Brick Church Lane. All lots will be accessed by new public streets. All new public streets meet the minimum requirements for local streets. The plan provides two stub streets.

**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, which has a minimum lot area of 10,000 sq. ft. The minimum area within a cluster lot subdivision in the R10 district is 100,000 sq. ft. The site contains approximately 2,847,517 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 65.37 acres or 2,847,517 sq. ft. The minimum lot size of the existing zoning district, R10, is 10,000 sq. ft.

$$2,847,517 \text{ sq. ft.} \times 0.15 = 427,127 \text{ sq. ft. (15\% of the gross site area reserved for streets)}$$

$$2,847,517 \text{ sq. ft.} - 427,127 \text{ sq. ft.} = 2,420,390 \text{ sq. ft. (85\% of the gross area remaining to yield lots)}$$

$$2,420,390 \text{ sq. ft.} / 10,000 \text{ sq. ft.} = 242 \text{ lots}$$

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. Any duplex lot must be identified on the concept plan. This would allow for a total of 302 residential units.

$$242 \text{ lots} \times 0.25 = 60 \text{ two-family lots}$$

$$60 + 242 = 302 \text{ residential units}$$

This plan includes 28 two-family lots. Combined with the 114 single-family lots, the plan permits up to 170 residential dwelling units. The 28 two-family lots are noted on the plat. 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 two phases. Phase 1 includes approximately 4.61 acres or 26% of the total land area in Phase 1 as open space. Phase 2 includes approximately 25 acres or 45% of the total land area in Phase 2 as open space. The total open space provided is approximately 27 acres or 41% 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 170 units; therefore, one facility is required. Recreational facilities can

include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picknick 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 hiking trails, playground and fire pit. 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. A reduction of two base zone districts 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 in this subdivision exceeds the minimum 6,000 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 square feet. All lots identified for two-family are at least 10,000 square feet.

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, both phases meet 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. No perimeter lots oriented to an existing street are proposed.

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) 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) with the installation of a standard C landscape buffer yard located within common open space. Few lots are required to meet this requirement as they either abut a nonresidential district or do not directly abut a residential zoning district. As proposed, all lots abutting a residential zoning district meet the minimum lot size requirement.

**Landscape Buffer Yard Requirements (Article IV)**

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning district abutting the southern property line is industrial (IWD). Section 17.24.230 of the Zoning Code dictates the type of buffer yard required. It requires a C landscape buffer yard between the R10 zoning district that applies to the proposed subdivision and the adjacent IWD zoning district. 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)**

The northwest corner of the site along Brick Church Lane includes floodplain and floodway and is in the Floodplain Overlay District. This area is minimum and is located within open space. No development or disturbance is proposed in this area.

**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 114 single family lots and 28 two family lots and recreational facilities are provided which meet the minimum requirements for a cluster lot subdivision. As proposed, active areas include walking trails, gazebos, and a fire pit. 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**

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 standards 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**

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.

The site contains areas of steep slopes as well as areas in floodplain and floodway. There are no lots proposed in areas with floodplain or floodway. Those areas are shown in open space. Any lot on natural slopes that are 20% or steeper are considered critical and must be designated as critical. Lots designated as critical must comply with the critical lot standards in the Zoning Code. The plan includes 38 lots designated as critical. A TVA power line and associated TVA easement bisects the site. As proposed, no lots are located within the TVA easement.

**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 zoning at the time of building permit. All proposed lots have frontage on 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.

Not applicable. No lots are proposed fronting on an existing street.

**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. Sidewalks construction is not required along Brick Church Lane through either the Subdivision Regulations or 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**

Vhoins Branch runs along the northwestern property line along Brick Church Lane. Plan To Play: The Nashville Parks and Greenways Master Plan identifies a long range future trail along Vhoins Branch. Since Vhoins Branch is identified as a long-range future trail, Section 3-10.6, of the Subdivision Regulations requires a publicly accessible greenway conservation easement along the stream. Final determination of the type of easement will be determined with the final site plan; however, it is likely that this requirement will require at least a 75' easement measured from the outer edge of the floodway. The easement also includes the floodway. Due to the steep slopes in the area along Vhoins Branch, the easement may need to be pushed further away to accommodate any future greenway multi-use path.

**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**

NDOT will require the review and approval of streets with the submittal of the final site plan. Street names for new streets will be reserved at that time.

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

Not applicable to this case. The concept plan does not propose any new private streets.

**3-14 Drainage and Storm Sewers**

Drainage and storm sewer requirements are reviewed by Metro Stormwater. Metro Stormwater has reviewed the proposed concept plan and found it to comply with all applicable standards of this section. Stormwater recommends approval.

**3-15 Public Water Facilities**

Metro Water Services has reviewed this proposed concept plan for water and has recommended approval.

**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. The concept plan notes all new utilities will be placed underground as required.

**PLANNING STAFF COMMENTS**

The proposed subdivision meets the standards of the subdivision regulations and zoning code, including the Cluster lot provisions. 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. This is consistent with staff's previous finding. It is also important to note that this plan goes beyond what is required by the Zoning Code in regards to the cluster lot option and hillside development standards.

**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 with conditions**

- The developer's final construction drawings shall comply with the design regulations established by NDOT, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Comply with MPW traffic comments.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Developer shall construct separate left and right turn lanes on Brick Church Lane at the intersection with Brick Church Pk. Each of the eastbound turn lanes should include at least 150 feet of storage with adequate transition.
- Developer shall construct a separate northbound left turn lane on Brick Church Pike. The northbound left turn lane should include at least 100 feet of storage with adequate transition.
- Developer shall provide an \$80,000 contribution to NDOT to mitigate regional traffic impacts. Funds will be utilized to conduct a regional study for future traffic improvements in the area and/or implement transportation projects.

## **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 approval. The approved construction plans must match the Final Site Plan plans. All 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.

## **CONDITIONS**

1. Dedications for greenway easements per Section 3-10 of the Subdivision Regulations shall be determined with the final site plan. The required easements shall be identified on the final site plan and recorded with the final subdivision plat.
2. Grading shall meet Section 3-3.6 of the Subdivision Regulations. Grading techniques per Section 3-3.6 will be reviewed with detailed construction plans with the final site plan.
3. The approval of a concept plan shall be effective for four years from the date of Planning Commission Approval to the recording of the final plat or a phase of the plat as described in Section 2-2.4.g.
4. 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-069-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, including the Cluster Lot provisions, 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.

Jim Murphy, 1600 Division St, spoke in favor of the application as it meets all subdivision requirements.

Tom White, 500 11<sup>th</sup> Ave N, spoke in favor of the application.

Emily Snider, 70 Craighead St, spoke in opposition to the application.

George Ewing, 4601 Whites Creek Pike, spoke in opposition to the application.

Elise Hudson, 4601 Whites Creek Pk, spoke in opposition to the application.

James Hudson, 536 Brick Church Lane, spoke in opposition to the application.

Marcella Hudson, 527 Brick Church Lane, spoke in opposition to the application.

Wesley Hudson, 527 Brick Church Lane, spoke in opposition to the application.

Angela Williams, 7203 Old Hickory Blvd, spoke in opposition to the application.

David Wells, 3460 Knight Dr, spoke in opposition to the application.

Jim Gregory, 4115 Dry Fork Rd, spoke in opposition to the application.

Jennifer Hagan-Dier, 681 Brick Church Lane, spoke in opposition to the application.

Colson Horton, 5342 Green Valley Court, spoke in opposition to the application.

Councilmember Gamble spoke in favor of the application.

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

Ms. Farr expressed ongoing concerns about the health and safety of the development.

Mr. Tibbs expressed concerns with emergency vehicle turn-around access, specifically fire trucks. There still seems to be too much density.

Councilmember Murphy expressed concerns with the steep slopes used for open space, concerns that there are not enough buffers between the interstate, concerns that the electric fence will cause issues, and concerns with storm water.

Ms. Johnson expressed concerns that this is not following precise language of cluster lot options by mixing single family with multi family lots. There is a drastic change rather than transitional density. This plan does not meet 3-1.2 of the Subdivision Regulations.

Dr. Sims said she feels that this is compatible and that growth must go somewhere.

Mr. Henley stated that we do have to figure out how to accommodate growth and density somewhere.

Mr. Haynes spoke in favor of the application; this is where we need density.

Mr. Tibbs and Ms. Farr stressed that the developer should continue to work with the community to find some compromise.

**Ms. Johnson moved and Councilmember Murphy seconded the motion to disapprove based on not meeting 3-1.2 of the Subdivision Regulations. (5-3) Chairman Adkins, Mr. Haynes, and Mr. Henley voted against.**

#### **Resolution No. RS2021-225**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-069-001 is disapproved based on not meeting 3-1.2 of the Subdivision Regulations. (5-3)

#### **CONDITIONS**

1. Dedications for greenway easements per Section 3-10 of the Subdivision Regulations shall be determined with the final site plan. The required easements shall be identified on the final site plan and recorded with the final subdivision plat.
2. Grading shall meet Section 3-3.6 of the Subdivision Regulations. Grading techniques per Section 3-3.6 will be reviewed with detailed construction plans with the final site plan.
3. The approval of a concept plan shall be effective for four years from the date of Planning Commission Approval to the recording of the final plat or a phase of the plat as described in Section 2-2.4.g.
4. Comply with all conditions and requirements of Metro agencies.

### **8. 2021CP-005-001 EAST NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 05 (Sean Parker)  
Staff Reviewer: Cory Clark

A request to amend the East Nashville Community Plan by changing from D EC Policy to T4 MU Policy for various properties located along Pittway Drive, E Trinity Lane Ambrose Avenue and N Hill Drive, zoned IR and SP (24.17 acres), requested by Centric Architecture, applicant; various owners.

**Staff Recommendation: Approve.**

#### **APPLICANT REQUEST**

**Amend East Nashville Community Plan to change the policy.**

#### Minor Plan Amendment

A request to amend the East Nashville Community Plan by amending the Community Character Policy from District Employment Center (D EC) to T4 Urban Mixed Use Neighborhood (T4 MU) for various properties located along Pittway Drive, East Trinity Lane, Ambrose Avenue, and North Hill Drive, zoned Industrial Restrictive (IR) and Specific Plan (SP) (approximately 24.17 acres).

#### **EAST NASHVILLE COMMUNITY PLAN Current Policy**

District Employment Center (D EC) policy is intended to maintain, create, and enhance Districts where a mixture of office, commercial, and sometimes select light industrial uses are predominant.

D EC areas are concentrated areas of employment that are often in a campus-like setting. Complementary uses are also present and are encouraged as secondary and supportive to the primary function of D EC areas. Daily convenience retail, restaurants, and services for the employees and medium- to high-density residential are appropriate secondary and supportive uses within the district. These uses may also be found in mixed-use areas near the District. D EC areas are buffered from surrounding residential properties with native vegetation or landscaping and use transitions in buildings and site design.

Conservation (CO) policy 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 small areas of steep slopes, some of which may be man-made.

**Requested Policy (Note: Conservation policy to remain.)**

T4 Urban Mixed Use Neighborhood (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. T4 MU areas will have high levels of connectivity and complete street networks with sidewalks, bikeways, and existing or planned transit. T4 MU areas will have parking that is behind or beside buildings and generally accessed by side streets or alleys. T4 MU areas will make consistent use of lighting and formal landscaping. T4 MU areas will have clearly distinguishable boundaries identified by block structure, street/ alley networks, and building placement.

**BACKGROUND**

The plan amendment was requested in conjunction with zone change application 2021Z-059PR-001, a request to change the zoning from Industrial Restrictive (IR) to Mixed Use General-Alternative (MUG-A) zoning to permit a mix of uses on 3.19 acres within the study area located along East Trinity Lane, Ambrose Avenue and North Hill Drive. As part of the application process, the Executive Director determined the plan amendment to be minor with a required community meeting.

The applicant has applied for MUG-A zoning to permit a mix of uses. While a mix of uses is allowed under D EC policy, the emphasis is on creating anchors of employment opportunities with supportive uses. The applicant's proposed project is anchored by a large amount of residential, with a small amount of other uses. As a result, the applicant has proposed a policy change to T4 MU, which is intended to create urban mixed-use neighborhoods. The applicant has deferred the zone change to work with staff on the most appropriate zoning district; however, the applicant wishes to proceed with the plan amendment at this time.

Staff created a larger study boundary to encompass adjacent streets with a grid pattern and similar characteristics. The proposed plan amendment area consists of commercial office structures, industrial warehouses, residential homes, and self-storage facilities. The area is in East Nashville, directly adjacent to Ellington Parkway with Gallatin Pike a half-mile to the east and Dickerson Pike one mile to the west along Trinity Lane. The MNPD East Police Precinct is located to the south; the Highland Heights neighborhood is located southwest, and the East Hill neighborhood is located to the southeast.

**COMMUNITY PARTICIPATION**

On August 19, 2021, Community Plans staff conducted a virtual community meeting to discuss the applicant's plan amendment and zoning requests. The meeting was available via WebEx. Notices were mailed to 200 property owners in a 1,000 foot buffer of the plan amendment site. Details of the community meeting were made readily available on Metro Nashville Planning Department's webpage. Approximately 10 people attended, including the applicant, development team, and Community Plans staff. The applicant and development team presented a site plan and conceptual renderings for the proposed development. Following these presentations, attendees were given the opportunity to ask questions. No questions were asked of the applicant, development team, or Community Plans staff by attendees regarding the plan amendment request.

**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 (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map shows the plan amendment area situated in a location designated as a Tier Two Center. It is envisioned as becoming a pedestrian-friendly environment with frequent transit service that contains a dense mix of homes, shops, jobs, and parks, as well as services, schools, and cultural amenities. In addition, these centers receive some investments to manage growth, though less than Tier One Centers which are focused on coordinated investments to shape growth and support increased transit service over the next ten years. The NashvilleNext planning process applied the Concept Map designations generally rather than at the parcel-specific level. Sometimes they include areas used and zoned for uses that may be incompatible with surrounding uses and that should transition to more compatible uses over time. In this case, the current zoning of IR occupying the plan amendment area is deemed obsolete as East Trinity Lane and the surrounding area has transitioned to a residential and mixed-use corridor in recent years.

The surrounding neighborhoods near the plan amendment area are compact and walkable with a gridded street pattern, short blocks, and a range of housing types from single-family to apartments. This diversity of housing types, typical of many East Nashville neighborhoods, provides housing to people at various social and economic levels. Delivering additional housing to strategic locations is a key element outlined in the NashvilleNext plan.

### Key Findings

- The plan amendment area is identified as a Tier Two Center on the Growth & Preservation Concept Map and is appropriate for T4 MU policy because of its location within this center.
- The current IR zoning is no longer compatible with the surrounding residential and mixed-use character that has developed along East Trinity Lane.
- Delivering additional housing to strategic locations is a key element outlined in the NashvilleNext plan.

### **Community Character Policy Application**

Community Plans provides 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 East Nashville Community Plan uses Community Character Policies that are tailored to the urban and suburban character of neighborhoods throughout its area. The Community Plan emphasizes enhancing centers and corridors to revitalize older centers and providing more services and options, while strategically locating additional housing options, such as various housing types, on prominent corridors to support businesses and transit. In addition to areas that provide a variety of housing types, East Nashville includes numerous walkable neighborhood centers, and there is a strong desire to increase walkability and pedestrian safety.

The T4 Urban Transect category includes the historic, inner-ring neighborhoods as well as new neighborhoods intended to be developed in a more intense, urban fashion. 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.

Residents in urban neighborhoods are generally within a five- to ten-minute walk of neighborhood-scaled commercial and mixed-use centers. Urban centers are often mixed use, accommodating commercial and residential land uses. Mixed use buildings with residential or office on upper floors and commercial uses on the ground floor promote active uses at the pedestrian level, adding to the bustling atmosphere of the neighborhood.

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.

### Key Findings

- T4 MU's intent of creating urban mixed-use areas that provide a mix of land uses that create high-intensity urban mixed-use neighborhoods make this an appropriate application of the policy.
- Applying T4 MU is appropriate at this densely populated location.

### **Transportation and Connectivity**

The plan amendment area consists of properties located along Pittway Drive, East Trinity Lane, Ambrose Avenue, and North Hill Drive, adjacent to Ellington Parkway with Gallatin Pike a half-mile east and Dickerson Pike one mile west of the area. East Trinity Lane is classified as a three-lane arterial boulevard by the Major & Collector Street Plan (MCSP) with Dickerson and Gallatin Pikes both classified as arterial boulevards. The Growth & Preservation Concept Map highlights Gallatin Pike and Dickerson Pike as immediate need high-capacity transit corridors and East Trinity Lane a long-term need high-capacity transit corridor with recommendation to improve transit service. Public transit service near the plan amendment area is provided by WeGo with bus routes servicing Dickerson Pike (#23), Ellington Parkway (#34/41/87), Gallatin Pike #56), and Lischey Avenue (#28). Both sides of Trinity Lane have sidewalks with a future bike path planned along there as well. Allowing a mix of land uses, supported by T4 MU policy, in locations with convenient access to major transportation and transit networks (existing and planned) near a primary corridor to downtown Nashville is appropriate.

### Key Findings

- Gallatin Pike and Dickerson Pike are classified as immediate need high-capacity transit corridors, and East Trinity Lane is identified as a long-term high-capacity transit corridor. All three roadways are recommended for improvements to transit service.
- The existing and planned transportation infrastructure surrounding this location make it an accessible multimodal site and suitable for T4 MU policy.

### **Relationship to Surrounding Policies**

The plan amendment area's relationship to surrounding policies is as follows:

- District Employment Center (D EC) policy is applied to the study area as well as an area to the north.
- T4 Urban Mixed Use (T4 MU) policy is applied to the property directly to the south of the intersection of East Trinity Lane and Ambrose Avenue.

- Civic (CI) policy is applied to Metro Government-owned property (MNPD East Police Precinct) to the south and the Metro-owned properties to the east.
- On the west side of Ellington Parkway, the study area is adjacent to T4 Urban Neighborhood Center (T4 NC) and T4 Urban Neighborhood Maintenance (T4 NM) policy, recognizing an established residential area.
- A range of corridor and neighborhood policies within the T4 Urban Transect are applied to the Trinity Lane corridor and neighborhoods off the corridor.

T4 MU policy is applied to two large parcels directly to the south of Ambrose Avenue's intersection with East Trinity Lane. Extension of T4 MU policy to the site would allow the opportunity for additional services for the neighborhood that can develop in a compatible manner consistent with mixed use development.

Key Finding

- T4 MU policy allows the opportunity for compatible development to occur as an extension of existing T4 MU policy (to the south) along Trinity Lane.

**Analysis Summary**

Amending the Community Character Policy from D EC 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 is identified as a Tier Two Center on the Growth & Preservation Concept Map and is appropriate for T4 MU policy because of its location within this center.
- Delivering additional housing to strategic locations is a key element outlined in the NashvilleNext plan.
- T4 MU's intent of creating urban mixed-use areas that provide a mix of land uses that create high-intensity urban mixed-use neighborhoods make this an appropriate application of the policy.
- Applying T4 MU policy is appropriate at this densely populated location.
- The current Industrial Restrictive (IR) zoning is no longer compatible with the mixed-use character that has developed along East Trinity Lane.
- Gallatin Pike and Dickerson Pike are classified as immediate need high-capacity transit corridors, and East Trinity Lane is identified as a long-term high-capacity transit corridor. All three streets call for future frequent transit.
- The existing and planned transportation infrastructure surrounding this location make it an accessible multimodal site and suitable for T4 MU policy.
- T4 MU policy allows the opportunity for compatible development to occur as an extension of existing T4 MU policy (to the south) along Trinity Lane.

**STAFF RECOMMENDATION**

Staff recommends approval of T4 Urban Mixed Use Neighborhood (T4 MU) policy.

**Approve. Consent Agenda (8-0)**

**Resolution No. RS2021-226**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-005-001 is approved. (8-0)

**9a. 2021SP-062-001**

**4321 OLD HICKORY BLVD**

Council District 11 (Larry Hagar)

Staff Reviewer: Dustin Shane

A request to rezone from R15 and R8 to SP zoning for properties located at Old Hickory Blvd (unnumbered) and 4321 Old Hickory Blvd, approximately 470 feet north of Granwood Blvd, (8.52 acres), to permit 73 multi-family residential units, requested by SWS Engineering, Inc., applicant; William L. Butler, owner. (See associated cases 45-86P-003 and 123-84P-001).

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

**The Metropolitan Planning Commission deferred 2021SP-062-001 to the September 23, 2021, Planning Commission meeting. (8-0)**

**9b. 123-84P-001**  
**SOUTHFORK COMMERCIAL PUD (CANCELLATION)**

Council District 11 (Larry Hagar)  
Staff Reviewer: Dustin Shane

A request to cancel a Planned Unit Development located at Old Hickory Blvd (unnumbered), approximately 400 feet south of Southfork Blvd (3.6 acres), zoned R8, requested by SWS Engineering, Inc., applicant; William Lyttleton Butler, owner. (See associated cases 45-86P-003 & 2021SP-062-001).

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

**The Metropolitan Planning Commission deferred 123-84P-001 to the September 23, 2021, Planning Commission meeting. (8-0)**

**9c. 45-86P-003**  
**GRANWOOD VILLAGE PUD (CANCELLATION)**

Council District 11 (Larry Hagar)  
Staff Reviewer: Dustin Shane

A request to cancel a portion of a Planned Unit Development Overlay District for property located at 4321 Old Hickory Blvd, approximately 430 feet north of Granwood Blvd (4.92 acres), zoned R15, requested by SWS Engineering, Inc., applicant; William L. Butler, owner. (See associated cases 2021SP-062-001 & 123-84P-001).

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

**The Metropolitan Planning Commission deferred 45-86P-003 to the September 23, 2021, Planning Commission meeting. (8-0)**

**10 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: Approve with conditions and disapprove without all conditions.**

**APPLICANT REQUEST**

**Preliminary SP to permit 68 multi-family residential units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R10) to Specific Plan-Residential (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, to permit 68 multi-family residential units (5.32 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 19 lots with 4 duplex lots for a total of 23 units, based on the total acreage only.*

Urban Design Overlay Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code. *This site is located in the Downtown Donelson UDO and falls within Subdistrict 4, Residential and Civic Corridor.*



## **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 5.32-acre site is located on the north side of Lebanon Pike, at the northwest corner of Lebanon Pike and Stewarts Ferry Pike. Stewarts Ferry Pike terminates into Munn Road, which wraps the

southeastern corner of the site and extends further north. The vacant site contains heavy vegetation and is adjacent to a stream that generally runs parallel with Munn Road. The parcel contains areas of steeper slopes located to the south of the stream, at the back of the site and along the eastern boundary. Surrounding land uses include institutional, office and multi-family residential uses on the opposite side of Munn Road to the east, and nonresidential uses on the south side of Lebanon Pike. Donelson Middle School is located to the south, on the west side of Stewarts Ferry Pike.

The adjacent property to the west is developed with a church and associated parking. Directly west of the church property is a proposed SP with multi-family residential uses (2021SP-036-001). Vehicular and pedestrian access are proposed to be coordinated between the subject site, the church property, and the associated SP (2021SP-036-001) to provide for enhanced access management amongst all three sites.

### Site Plan

The plan proposes 68 multi-family residential units, housed in five buildings. Three of the buildings have frontage along Lebanon Pike and two are located behind the street-fronting buildings. Access to the site is proposed from Munn Road to a private drive that extends over the stream to the west, behind the Lebanon Pike-fronting units. The private drive provides access to the interior parking areas and stubs to the western boundary at two locations, aligning with the church parking lot located to the west. Modifications to the church parking lot will provide for continued access between the site, the church, and associated SP to the west (2021SP-036-001), where access is proposed to connect to Lebanon Pike. No access to Lebanon Pike is proposed along the frontage of this site.

Pedestrian access is provided directly from Lebanon Pike, which will be improved per the Major and Collector Street Plan (MCSP) standard, to the three buildings that front the corridor. The internal sidewalk network will provide pedestrian access to all buildings and will extend to the western property line along the private drive. The internal network will also connect to the public sidewalk along Munn Road, which will be improved per the local street standard. The improvements along Munn Road may require a stormwater variance due to the presence of stream buffer areas located adjacent to the street. Staff has included a condition of approval that if a variance is not granted, a connection from the internal sidewalk network shall be provided to Lebanon Pike. A pedestrian path is also proposed behind the development footprint to the northwestern boundary for future connectivity to the west.

The buildings are proposed with maximum heights of 3 to 4 stories. The Lebanon Pike-fronting buildings (buildings 1, 2, and 3) are proposed as 3/4 splits, with the 4<sup>th</sup> level located on the back side of the building. Buildings 4 and 5 are also proposed as 3/4 splits but are rotated 90 degrees, resulting in the 4<sup>th</sup> story façade being visible from the front of the site. Staff is recommending a condition that the maximum height for all buildings be three stories in 45 feet from the front of the site, consistent with the requirements of the Downtown Donelson UDO. Conceptual architectural elevations with proposed maximum heights have been incorporated into the preliminary SP. Architectural standards, including materials and glazing, are included in the plan.

Open space is primarily provided behind the development footprint, where the pedestrian path is proposed and where a majority of the tree canopy is indicated to be preserved on the northern and eastern portions of the site. The path is proposed as a mulched path to avoid disturbance to the existing tree canopy. Two retaining walls are proposed behind building 5 that extend to the northwest and southeast to work with the topographical change.

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

T3 Suburban Residential Corridor (T3 RC) is intended to maintain, enhance, and create suburban residential corridors. T3 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. T3 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. *CO policy at this site recognizes steep slopes, a stream, and associated stream buffer.*

**ANALYSIS**

The SP is consistent with the T3 RC policy, which is intended to enhance suburban arterial-boulevards with residential development that frames the corridor, and with the Downtown Donelson UDO Subdistrict 4 standards to provide additional housing choice along Lebanon Pike. Lebanon Pike is an arterial-boulevard designated by the Major and Collector Street Plan (MCSP) and is served by existing transit service with multiple MTA stops in proximity to the site. The site is also located within a Tier 1 Center along a Priority Corridor (Lebanon Pike) identified by the NashvilleNext Growth & Preservation Map. Centers are intended to be the focus of coordinated growth where additional intensity, such as multi-family development, is expected to support existing and future transit service. Vehicular and pedestrian access are proposed to be coordinated between the subject site, the church property, and the associated SP (2021SP-036-001) to provide for enhanced access management, which is a goal of Tier 1 Centers.

A majority of the proposed development is located outside of the sensitive features recognized by the CO policy. However, portions of the development located to the rear, including building 5, are located within areas of steeper slopes. Policy guidance for CO areas surrounded by Tiered Centers and Priority Corridors, such as this site, recommends that environmentally sensitive development techniques be employed to preserve or remediate disturbance of the environmentally sensitive features, but that the balance tips more toward the function and development pattern of the surrounding Tiered Center or Priority Corridor areas than toward the preservation or remediation of the sensitive environmental features.

**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. (Water & Sewer Capacity Fee Permit No's. T2020073999 & T2020074006).

**NASHVILLE DOT RECOMMENDATION**

**Approved with conditions**

- The developer's final construction drawings shall comply with the design regulations established by NDOT, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Callout recorded cross access easements on the final site plan.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Prior to Final SP approval, coordinate with WeGo on bus stop upgrades along site frontage.

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
Single-Family Residential* (210)	5.32	4.356 D	28 U	322	25	30

\*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 3-10 (221)	5.32	-	68 U	369	23	31

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
-	-	-	+40 U	+47	-2	+1

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation proposed SP-R district: 5 Elementary 4 Middle 3 High**

The proposed SP-R zoning is expected to generate 5 more students than the existing R10 zoning district. Students would attend Hermitage Elementary School, Donelson Middle School, and McGavock High School. Donelson Middle 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 approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 68 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. The maximum height of the front facades of all buildings shall be 3 stories in 45 feet. Building facades oriented to Lebanon Pike shall be considered the front facades.
3. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance and per the Downtown Donelson UDO.
4. Should a Stormwater variance be required for the Munn Road sidewalk and not granted, a connection from the internal sidewalk network shall be provided to Lebanon Pike.
5. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements.
6. No individual retaining wall shall exceed a maximum height of 10 feet. Appropriate screening of retaining walls shall be reviewed by Planning staff with the final SP.
7. The eastern façade of Building 3 fronting Munn Road shall include architectural treatments and glazing per the SP architectural standards.
8. On the corrected copy, correct the FFE typographical error on Building 4.
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. The applicant shall continue to coordinate with the adjacent property (APN # 09602000400) and the developer/owner of the associated SP (2021SP-036-001) on final design of the coordinated vehicular and pedestrian access, which shall be provided with the final site plan. Prior to final site plan approval, provide documentation of recorded cross access easements.
11. The pedestrian path shall be designed in a manner to minimize disturbance to existing tree canopy that is identified to be preserved.
12. Comply with all conditions and requirements of Metro reviewing agencies.
13. With the submittal of the final site plan, provide architectural elevations complying with the all architectural standards outlined on the preliminary SP for review and approval.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
17. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
18. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners' Association.
19. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

20. 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 (8-0)**

**Resolution No. RS2021-226**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-025-001 is approved with conditions and disapproved without all conditions. (8-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 68 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. The maximum height of the front facades of all buildings shall be 3 stories in 45 feet. Building facades oriented to Lebanon Pike shall be considered the front facades.
3. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance and per the Downtown Donelson UDO.
4. Should a Stormwater variance be required for the Munn Road sidewalk and not granted, a connection from the internal sidewalk network shall be provided to Lebanon Pike.
5. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements.
6. No individual retaining wall shall exceed a maximum height of 10 feet. Appropriate screening of retaining walls shall be reviewed by Planning staff with the final SP.
7. The eastern façade of Building 3 fronting Munn Road shall include architectural treatments and glazing per the SP architectural standards.
8. On the corrected copy, correct the FFE typographical error on Building 4.
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. The applicant shall continue to coordinate with the adjacent property (APN # 09602000400) and the developer/owner of the associated SP (2021SP-036-001) on final design of the coordinated vehicular and pedestrian access, which shall be provided with the final site plan. Prior to final site plan approval, provide documentation of recorded cross access easements.
11. The pedestrian path shall be designed in a manner to minimize disturbance to existing tree canopy that is identified to be preserved.
12. Comply with all conditions and requirements of Metro reviewing agencies.
13. With the submittal of the final site plan, provide architectural elevations complying with the all architectural standards outlined on the preliminary SP for review and approval.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
17. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
18. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners' Association.
19. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
20. 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.

## 11. 2021SP-036-001

### 2830 LEBANON PLACE

Council District 15 (Jeff Syracuse)

Staff Reviewer: Abbie Rickoff

A request to rezone from CS and R10 to SP-R zoning for properties located at 2826, 2830, 2832 A, 2836 and 2842 Lebanon Pike, approximately 600 feet east of Donelson Pike and located within the Downtown Donelson Urban Design Overlay District (8.3 acres), to permit 108 multi-family residential units, requested by Land Solutions Company, applicant; Harwell Properties, LLC, Terry and Carol Coker, L.W. Lane Jr. and Ruth Lane, owners.

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

#### APPLICANT REQUEST

**Preliminary SP to permit 108 multi-family residential units.**

##### Preliminary SP

A request to rezone from Commercial Service (CS) and One and Two-Family Residential (R10) to Specific Plan-Residential (SP-R) zoning for properties located at 2826, 2830, 2832 A, 2836 and 2842 Lebanon Pike, approximately 600 feet east of Donelson Pike and located within the Downtown Donelson Urban Design Overlay District, to permit 108 multi-family residential units (8.3 acres).

##### **Existing Zoning**

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

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. *The R10-zoned portion is approximately 5 acres and would permit a maximum of 18 lots with 4 duplex lots for a total of 22 units, based on the total acreage only.*

Urban Design Overlay Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code. *This site is located in the Downtown Donelson UDO and falls within Subdistrict 1, Trail Oriented Development, and Subdistrict 4, Residential and Civic Corridor.*

##### **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 8.3-acre site is located on the north side of Lebanon Pike, northwest of the intersection of Lebanon Pike and Stewarts Ferry Pike. Munn Road is located to the east, north of the terminus of Stewarts Ferry Pike. The eastern portion of the site is zoned R10 and is developed with residential uses. The western portion of the site is zoned CS and is primarily vacant. The site contains heavy vegetation and contains a stream and stream buffer that bisects the western portion of the site, with areas of steeper slopes located on either side of the stream. Surrounding land uses include a church to the east, and commercial and nonresidential uses to the west and on the south side of Lebanon Pike.

The adjacent property to the east is developed with a church and associated parking. Directly east of the church property is a proposed SP with multi-family residential uses (2021SP-025-001), located at the corner of Lebanon Pike and Munn Road. Vehicular and pedestrian access are proposed to be coordinated between the subject site, the church property, and the associated SP (2021SP-025-001) to provide for enhanced access management amongst all three sites.

##### Site Plan

The plan proposes 108 multi-family residential units, housed in five buildings. Building 1 is the largest building and is located at the front of the site, on the western side of the proposed access drive. Building 2 is a smaller building located on the eastern side of the driveway. Buildings 3, 4, and 5, are located to the rear, on the eastern portion of the site, oriented towards the eastern boundary. The access drive leads to the interior surface parking areas and to the lower level garages proposed at the rear of Buildings 1 and 2. The private drive stubs to the eastern boundary at two locations, aligning with the church parking lot located to the east. Modifications to the church parking lot will

provide for continued access between the site, church, and associated SP (2021SP-025-001), connecting to Munn Road to the east.

Pedestrian access is provided directly from Lebanon Pike, which will be improved per the Major and Collector Street Plan (MCSP) standard, to the two buildings that front the corridor. The internal sidewalk network will provide pedestrian access to all buildings and will extend to the northeastern boundary for future connectivity to the east. A pedestrian path is also proposed behind the development footprint to the northeastern boundary for future connectivity to the east.

The buildings are proposed with maximum heights of 3 to 4 stories. The Lebanon Pike-fronting buildings (buildings 1 and 2) are proposed as 3 stories at the front, with a lower level garage located on the back side of each building. Buildings 3, 4, and 5 are proposed as 3/4 splits but are rotated 90 degrees, resulting in the 4<sup>th</sup> story façade being visible from the front of the site. Building 3 was previously positioned at an angle, where the 4<sup>th</sup> story was on the back side of the building, and where the angled location shielded views of the 4<sup>th</sup> story on buildings 4 and 5. The current location and orientation of building 3 results in the 4<sup>th</sup> story being visible from the front, which conflicts with the maximum height requirement of the Downtown Donelson UDO. Staff is recommending a condition that the maximum height for all buildings be three stories in 45 feet from the front of the site. Conceptual architectural elevations with proposed maximum heights have been incorporated into the preliminary SP. Architectural standards, including materials and glazing, are included in the plan.

Open space is primarily provided behind the development footprint, where the pedestrian path is proposed and where a majority of the tree canopy is indicated to be preserved on the northern and western portions of the site. The path is proposed as a mulched path to avoid disturbance to the existing tree canopy. Retaining walls are proposed behind the development footprint on the western portion and along the eastern boundary adjacent to the church to work with the topographical change.

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

T3 Suburban Residential Corridor (T3 RC) is intended to maintain, enhance, and create suburban residential corridors. T3 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. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

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

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 steep slopes, a stream, and associated stream buffer.*

#### **ANALYSIS**

The site includes areas in the T4 CC policy located along a portion of the western frontage, T3 CC policy located along the eastern half, and CO policy behind the T4 CC and T3 CC policy areas. The majority of the development footprint is located within the T3 RC policy, which is intended to enhance suburban arterial-boulevards with residential development that frames the corridor, within Subdistrict 4 of the Downtown Donelson UDO. Lebanon Pike is an arterial-boulevard designated by the Major and Collector Street Plan (MCSP) and is served by existing transit service with multiple MTA stops in proximity to the site. The site is also located within a Tier 1 Center along a Priority Corridor (Lebanon Pike) identified by the NashvilleNext Growth & Preservation Map, where additional intensity, such as multi-family development, is expected to support existing and future transit service. Vehicular and pedestrian access are proposed to be coordinated between the subject site, the church property, and the associated SP (2021SP-025-001) to provide for enhanced access management, which is a goal of Tier 1 Centers.

A majority of the proposed development is located outside of the sensitive features recognized by the CO policy. However, portions of the development, including small portions of building 1 and building 5, are located within areas of steeper slopes. Policy guidance for CO areas surrounded by Tiered Centers and Priority Corridors, such as this site, recommends that environmentally sensitive development techniques be employed to preserve or remediate disturbance of the environmentally sensitive features, but that the balance tips more toward the function and development pattern of the surrounding Tiered Center or Priority Corridor areas than toward the preservation or remediation of the sensitive environmental features.

**FIRE MARSHAL RECOMMENDATION****Approve****STORMWATER RECOMMENDATION****Approve with conditions**

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

- 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 capacity fees 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.
- Portions of sidewalks on plans appear to not be in public ROW. Confirm. Callout if dedicating.
- Show new sidewalk tie back (90 or 45) to existing sidewalks before guardrail, West along Lebanon road frontage. (cont.) Show new sidewalk tie back to existing sidewalks, along East Lebanon Rd.
- Call out ST-324 ramp for access off Lebanon.
- Show new curb & gutter along frontage, per ST-200.
- A private hauler will be required for waste/recycle dumpster disposal.
- Comply w/ traffic comments.
- Note: Prior to bldg. permit approval, cross access easement agreements w/ adjacent parcels will need to be recorded and shown on plans.

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

- Prior to Final SP approval, development shall submit a signal warrant analysis for the intersection of Lebanon Pike at driveway / proposed south public road.
- If warranted, development shall construct a traffic signal. If not warranted, development shall continue to coordinate with NDOT to construct an enhanced pedestrian crossing across Lebanon Pike.

**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)	3.30	0.6 F	86,249 SF	919	108	99

**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)	5	4.356 D	26 U	66	8	2

\*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 3-10 (221)	8.30	-	108 U	587	37	48

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-398	-79	-53

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation proposed SP-R district: 8 Elementary 6 Middle 4 High**

The proposed SP-R zoning is expected to generate 12 more students than the existing R10 zoning district. Students would attend Hermitage Elementary School, Donelson Middle School, and McGavock High School. Donelson Middle 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 approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 108 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. The maximum height of the front facades of all buildings shall be 3 stories in 45 feet. Building facades oriented to Lebanon Pike shall be considered the front facades.
3. On the corrected copy, Building 3 shall be angled to block views of the 4<sup>th</sup> story from the front of the site.
4. Construction of Building 2 shall be required with the first phase of development.
5. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance and per the Downtown Donelson UDO.
6. On the final site plan, include connection from pedestrian path to the internal sidewalk network north of Building 5.
7. Additional screening shall be provided around the detention areas fronting Lebanon Pike.
8. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements.
9. No individual retaining wall shall exceed a maximum height of 10 feet. Appropriate screening of retaining walls shall be reviewed by Planning staff with the final SP.
10. On the corrected copy, correct the building label identifications on sheets A3.0 and A4.0.
11. 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.
12. The applicant shall continue to coordinate with the adjacent property (APN # 09602000400) and the developer/owner of the associated SP (2021SP-025-001) on final design of the coordinated vehicular and pedestrian access, which shall be provided with the final site plan. Prior to final site plan approval, provide documentation of recorded cross access easements.
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22. 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.

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

Len Healey, applicant, spoke in favor of the application.

Christine Clark, 431 Munn Rd, spoke in opposition to the application due to lack of knowledge about the project and concerns with traffic.

Councilmember Syracuse spoke in favor of the application; this will be a great addition to the area.

**Chairman Adkins closed the Public Hearing.**

Mr. Haynes spoke in favor of staff recommendation.

Mr. Henley spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Ms. Johnson spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

**Ms. Farr moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions. (8-0)**

**Resolution No. RS2021-227**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-036-001 is approved with conditions and disapproved without all conditions. (8-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 108 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. The maximum height of the front facades of all buildings shall be 3 stories in 45 feet. Building facades oriented to Lebanon Pike shall be considered the front facades.
3. On the corrected copy, Building 3 shall be angled to block views of the 4<sup>th</sup> story from the front of the site.
4. Construction of Building 2 shall be required with the first phase of development.
5. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance and per the Downtown Donelson UDO.
6. On the final site plan, include connection from pedestrian path to the internal sidewalk network north of Building 5.
7. Additional screening shall be provided around the detention areas fronting Lebanon Pike.
8. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements.
9. No individual retaining wall shall exceed a maximum height of 10 feet. Appropriate screening of retaining walls shall be reviewed by Planning staff with the final SP.
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22. 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.

**12. 2021SP-055-001  
CLAY STREET**

Council District 21 (Brandon Taylor)  
Staff Reviewer: Logan Elliott

A request to rezone from R6 and CS to SP zoning for properties located at 1919, 1924 and 1928 9th Avenue North, at the southeast and southwest corners of Clay Street and 9th Avenue North (1.12 acres), to permit a mixed use development, requested by Fulmer Lucas Engineering, applicant; Clay Street Commons LLC, owner.

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

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

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) and Commercial Service (CS) to Specific Plan (SP) zoning for properties located at 1919, 1924 and 1928 9th Avenue North, at the southeast and southwest corners of Clay Street and 9th Avenue North (1.12 acres), to permit a mixed use development.

**Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 1 duplex lot for a total of 2 units.*

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse 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 Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

**Proposed Zoning**

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.

**NORTH NASHVILLE COMMUNITY PLAN**

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

sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

### **Existing PUD Plan**

The property located at 1928 9<sup>th</sup> Avenue North is within a Commercial PUD that was approved by the Metro Council in 2003. The PUD permitted an existing restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code. No application has been made to cancel the PUD.

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

The application includes two sites comprising approximately 1.12 acres and includes both of the southern corner properties at the intersection of 9<sup>th</sup> Avenue North and Clay street. 9<sup>th</sup> Avenue North is classified as a Collector Street in the Major and Collector Street Plan and Clay Street is a local street. Alleys exist to the rear of both sites. The site on the east side of 9<sup>th</sup> Avenue North currently contains a single-family residence and a commercial use and the site on the west side of 9<sup>th</sup> Avenue North is vacant property. The sites are surrounded by single-family and two-family residential land uses.

The application is for a Specific Plan that includes two mixed use buildings. Building 1, on the west side of 9<sup>th</sup> Avenue N, contains a maximum of 1,921 square feet of retail space and a maximum of 32 multi-family units. Building 2, on the east side of 9<sup>th</sup> Avenue N, contains a maximum of 2,539 square feet of retail space and a maximum of 31 multi-family residential units. In total, the application proposes 63 multi-family residential units and 4,460 square feet of non-residential uses. Both buildings have surface parking to the rear of the site and along the alleyways with vehicular access being drawn from the alleys. The application proposes to widen the alleys to bring them up to the half right-of-way public alley standard.

The application proposes a maximum building height of 30 feet at the street setback line of 15 feet with a height control plane of 1.5:1 beyond the setback line. The application also includes architectural elevations for building 2 showing a 4 story building with a maximum building height of 41'.

A C-5 landscape buffer is proposed along the southern property boundary on both sites. A WeGo bus stop is proposed on the south side Clay Street and west of 9<sup>th</sup> Avenue North. The application also proposes to improve the 9<sup>th</sup> Avenue North and Clay Street intersection with crosswalks at each of the four pedestrian crossing points.

### **ANALYSIS**

The application proposes land uses that are not supported by T4 NM policy. T4 NM policy is a residential only policy and supports residential and institutional land uses and does not support commercial land uses, such as retail.

In addition to the issues above with the inconsistent land uses, the density and form of the development is not aligned with the goals of the NM policy. Surrounding land uses are primarily single and two-family residential. The proposed density is close to 60 units per acre which is significantly higher than surrounding densities and the densities permitted in the zoning districts identified as potentially appropriate for this policy. The form of the building, stacked flats at 4 stories, is a dramatic departure from the detached character and form of the existing neighborhood.

The policy intends for buildings to generally be 3 stories with taller building heights potentially being found near Centers and Corridors as identified on the NashvilleNext Growth and Preservation Concept Map. Additionally, the T4 NM policy speaks to potentially increased intensity along Collector Avenues and a broader mix of housing potentially being appropriate on vacant properties; however, staff finds the proposed form to be too large a departure from the surrounding development pattern considering the location of site and its lack of proximity to a Center or Corridor.

The proposed plan would require a policy amendment to a policy that permitted non-residential land uses and building form of this scale. This would be a major policy amendment application that required at least one community meeting.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

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

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Final SP plans to match approved SWGR# 2020033093 plans.

**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 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**

**Returned for corrections**

- Show each alley with new pavement per ST-263 (18' minimum).
- Pull back on-street parking(back/front of stall) from public alley ramps, 25 ft. minimum.
- Pull back on-street parking 30 ft. from approach stop sign on 9th Ave.
- Pull back on-street parking 30 ft. from approach stop signs on Clay Street (East leg).
- Show loading/unloading for West site. Internal?
- Show loading/unloading truck turning exhibit from East site. Back of loading stall to opposite EOP in alley appears tight, 24 ft. minimum required.
- Private hauler will be required for waste/recycle pickup.
- Comply w/ traffic comments.

**TRAFFIC AND PARKING RECOMMENDATION**

**Under review**

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)	0.93	0.6 F	24,306 SF	918	23	92

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.19	7.26 D	2 U	28	7	2

\*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 3-10 (221)	-	-	63 U	342	22	28

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)	-	-	4,460 SF	168	5	17

Traffic changes between maximum: **CS, R6, and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-436	-3	-49

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing CS and R6 district: 0 Elementary 0 Middle 0 High**

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

The proposed SP-MU zoning is expected to generate 3 more students than the existing CS and R6 zoning. Students would attend Jones Paideia Magnet School, John Early Museum Magnet Middle School, and Pearl-Cohn Magnet 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 disapproval as the proposal is inconsistent with the land use policies and there are outstanding agency reviews.

Mr. Elliott presented the staff recommendation of disapproval.

Jay Fulmer, 2002 Richard Jones Rd, spoke in favor of the application.

**Chairman Adkins closed the Public Hearing.**

Mr. Henley spoke in favor of the application but it doesn't meet policy, therefore we can't approve.

Dr. Sims spoke in favor of the application but it doesn't meet policy.

Ms. Johnson spoke in favor of the application but it doesn't meet policy.

Councilmember Murphy asked if a policy amendment could be done.

Mr. Tibbs spoke in favor of staff recommendation as this is too far away from policy.

**Ms. Farr moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions and directed staff to complete a housekeeping policy amendment at the intersection to T4 NC. (7-1) Dr. Sims voted against.**

**Resolution No. RS2021-228**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-055-001 is approved with conditions and disapproved without all conditions and directed staff to complete a housekeeping amendment at the intersection to T4 NC. (7-1)

**13. 2021SP-058-001**

**BROUSSARD MECHANICAL SP**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Seth Harrison

A request to rezone from IWD to SP zoning for property located at 117 Lemuel Road, approximately 580 feet west of Dickerson Pike, (0.53 acres), to permit 6,000 square feet of building contractor supply with outdoor storage and two multi-family residential units, requested by Barge Cauthen & Associates, applicant; Broussard Plumbing, Inc., owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit 6,000 square feet of building contractor supply with outdoor storage and 2 multi-family units.**

Zone Change

A request to rezone from IWD to SP zoning for property located at 117 Lemuel Road, approximately 580 feet west of Dickerson Pike, (0.53 acres), to permit 6,000 square feet of building contractor supply with outdoor storage and two multi-family residential units.

**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.

**EAST 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.

**Supplemental Policy Area**

This site is located within the Dickerson North Corridor Study. This supplemental policy provides planning guidance at a more detailed level than a community plan. This addresses land use, transportation, and community character at the neighborhood level. This site is within the SPA 05-DNS-PAGES BRANCH Special Policy Area.

**SITE CONTEXT AND PLAN DETAILS**

The approximately 0.53 acre property is located on the north side of Lemuel road, about 580 feet west of Dickerson Pike. Currently the site contains an office building and on site storage with access provided along Lemuel Road. The surrounding parcels are all zoned IWD with CS zoning 2 parcels to the east. The adjacent uses are mobile home park, single-family, and vacant lots. Surrounding policies are T4 Urban Mixed Use Corridor and T4 Urban Neighborhood Maintenance located north.

Plan Details

The site plan proposes a 6,870 square foot 2-story, 30 foot, building with office uses located on the bottom level and 2 multi-family residential units on the upper level. Located behind the primary structure, parking will be a combination of surface parking with two garages, with access provided by a drive aisle from Lemuel Road. The northern portion of the site will contain the outdoor storage area. Along Lemuel Road is proposed a 4 foot planting strip and 5 foot sidewalk as required by the Major and Collector Street Plan. The plan includes architectural standards requiring raised foundations, minimum glazing percentage, minimum porch depths, and prohibited materials.

**ANALYSIS**

The T4 MU land use policy is intended to create an enhance locations with increase in density, uses, and to add a variety of housing types for the area. Although the proposed plan is providing minimal commercial uses and reduced density, the SP is moving closer to the intended goal for this area. The Dickerson North Corridor Study classifies this area as medium intensity within the Pages Branch Character area. This supplemental policy calls for infill type housing with neighborhood services provided. Again, with the supplemental policy, it may not be meeting the intensity level desired, the proposed use is moving this area closer to meeting the policy. Parking has been provided in the rear, a mix of uses are proposed, and creation of a sidewalk are in line with the underlying policies to enhance this street.

**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. 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 NDOT. Final design and improvements may vary based on actual field conditions.
- 22 ft. minimum pavement required along frontage. Show per ST-252 schedule.
- Widen internal drive aisle width.
- Note: A private hauler will be required for waste/recycle disposal.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with Conditions**

- Parking shall be provided per Code.

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
Warehouse (150)	0.53	0.8 F	18,469 U	75	3	4

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 1-2 (220)	0.53	-	2 U	15	1	2

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)	0.53	-	6,000 SF	69	32	8

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
-	-	-	-	+9	+30	+6

**METRO SCHOOL BOARD REPORT**

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

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

The proposed SP anticipates one additional student from the current IWD zoning. Students would attend Tom Joy 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 approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to office, building contractor supply, and a maximum of 2 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. A 10-foot Type B Landscape buffer will be required along the boundary of the site.
3. The storage area will be required to be screened from the right of way with at least a 6 foot fence or wall. Chain link is prohibited.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor

- area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

**Resolution No. RS2021-229**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-058-001 is approved with conditions and disapproved without all conditions. (8-0)

**CONDITIONS**

1. Permitted uses shall be limited to office, building contractor supply, and a maximum of 2 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. A 10-foot Type B Landscape buffer will be required along the boundary of the site.
3. The storage area will be required to be screened from the right of way with at least a 6 foot fence or wall. Chain link is prohibited.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**14. 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 Indefinitely.**

**The Metropolitan Planning Commission deferred 2021Z-079PR-001 indefinitely. (8-0)**

**15. 2021Z-082PR-001**

Council District 05 (Sean Parker)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS5 to R6-A zoning for property located at 1520 Jones Avenue, approximately 515 feet south of Joy Avenue (0.18 acres), requested by Williams Engineering, LLC, applicant; Fed Development, LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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



### Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 1520 Jones Avenue, approximately 515 feet south of Joy Avenue (0.18 acres).

### **Existing Zoning**

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

### **Proposed Zoning**

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

### **EAST NASHVILLE COMMUNITY PLAN**

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

### Highland Heights Study Supplemental Policy

The site is within the Highland Heights Study Supplemental Policy which was approved and adopted by the Planning Commission on June 14, 2018. The Highland Heights Study was completed after an extensive community engagement process and resulted in updates to the community character policies for the area, as well as establishment of a supplementary Building Regulating Plan and Mobility Plan for the area. The community character policy for this site, T4 NM, changed from T4 NE, Urban Neighborhood Evolving, with adoption of the Highland Heights plan.

This site is within the R3 Subdistrict of the Building Regulating Plan, which is intended to maintain the existing moderate-density, predominantly single-family residential development pattern, building form/types, setbacks, and building rhythm along the street, while allowing for slightly higher intensities at intersections of significant streets. The R3 Subdistrict supports a range of residential uses, including single-family, two-family, and multi-family at select locations, if located at the corner of significant streets. The R3 Subdistrict also supports a variety of building forms, including house (1 unit), detached accessory dwelling unit, house (2 unit), and plex or manor house, if located on corner lots of significant streets. The Mobility Plan component of the Highland Heights Study, which was incorporated into the Major and Collector Street Plan (MCSP), identifies Jones Avenue as a north/south connector street with a specific cross section that includes wider sidewalks and future transit service, which continues to the southeast, along Chickasaw Avenue.

Chickasaw Avenue, a connector street located approximately 150' to the southeast, terminates into Marshall Street, a future east/west connector street that will connect from Jones Avenue to Lischey Avenue. The Mobility Plan does not specify any infrastructure improvements such as new street or alley connections adjacent to this site.

### **SITE AND CONTEXT**

The 0.18-acre site is located on the west side of Jones Avenue, south of Joy Avenue. The site contains an existing single-family residential use. The surrounding development pattern along the west side of Jones Avenue includes primarily single-family residential uses within the RS5 zoning district, with the exception of an adjacent vacant property located to the south, which was recently rezoned to R6-A. Properties located on the east side of Jones Avenue have primarily developed with non-residential uses within the MUN-A, Mixed Use Neighborhood-Alternative, zoning district, which extends to the east, wrapping the Cherokee and Chickasaw Avenue corners.

### **ANALYSIS**

The requested R6-A zoning is supported by the T4 NM policy and the R3 Subdistrict of the Highland Heights Study at this location. The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area. The standards for building placement, parking, and access included in the R6-A district would also improve the relationship of development to the street, creating a more walkable neighborhood consistent with the goals of the T4 Urban transect.

The site is adjacent to an R6-A-zoned property to the south and is located directly across the street from properties that are zoned for mixed use development, within the M1 Subdistrict, a higher intensity Subdistrict intended to serve as urban neighborhood-scale centers, providing daily needs and services for the surrounding neighborhood. Uses supported by the M1 Subdistrict include multi-family residential, office, and mixed use development that would enhance the area's urban residential development pattern. The site is also just north of the intersection of Jones

Avenue and Chickasaw Avenue, two connector streets which are programmed with wider sidewalks and future bus service to accommodate future development in the area. Properties located directly behind the site are located in the R1 Subdistrict, which is generally intended to maintain the low to moderate intensity, predominantly single-family residential development pattern.

The requested R6-A district is consistent with the goals of the R3 Subdistrict of the Highland Heights Study, which envisioned that the R3 area would maintain the existing moderate-density residential pattern while accommodating slightly higher intensity than the R1 and R2 Subdistricts. The proposed R6-A zoning district will incorporate additional housing choice into the neighborhood in a manner that provides an appropriate transition from the higher intensity policy areas located on the east side of Jones Avenue to the lower intensity policy areas located behind the site, to the west. The R6-A zoning district represents a modest increase in intensity, consistent with surrounding context and goals of the policy.

**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)	0.18	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
Single-Family Residential* (210)	0.18	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 zoning districts: 0 Elementary 0 Middle 0 High**

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

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

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. Consent Agenda (8-0)**

**Resolution No. RS2021-230**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-082PR-001 is approved. (8-0)

**16. 2021Z-087PR-001**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Amelia Lewis

A request to rezone from RS40 to RS15 zoning for property located at 7959 Poplar Creek Road, approximately 135 feet west of Willow Oak Drive (9.98 acres), requested by SWS Engineering, Inc, applicant; Middle Tennessee Properties, LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**  
**Zone change from RS40 to RS15**

Zone Change

A request to rezone from Single-Family Residential (RS40) to Single-Family Residential (RS15) zoning for property located at 7959 Poplar Creek Road, approximately 135 feet west of Willow Oak Drive (9.98 acres).

**Existing Zoning**

Single-Family Residential (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. *RS40 would permit a maximum of 10 single-family lots, based solely on a minimum lot size of 40,000 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.*

**Proposed 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 28 single-family lots, based solely on a minimum lot size of 15,000 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.*

**BELLEVUE 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.

**ANALYSIS**

The 9.98 acre site is located on the south side of Poplar Creek Road, west of the intersection of Poplar Creek Road and Old Harding Pike. The properties to the east, south, and west are zoned RS15 and within a Planned Unit Development (PUD) Overlay. The properties have been developed with single-family residential uses. The properties on the north side of Poplar Creek Road are zoned Agricultural/Residential (AR2a) and RS20 and have been developed with single-family uses.

The proposed RS15 zoning district is consistent with the intent of the T3 NM policy to maintain the general character of suburban neighborhoods as characterized by their development pattern, form, land use, and associated public realm. The surrounding properties have been well established with a lot and land use pattern of single-family lots ranging in size from 15,000 square feet to 20,000 square feet. The proposed zoning district could permit the property to develop in a form consistent with the surrounding development with the minimum lot size established by the RS15 zoning district. The CO policy on the site is due to the presence of an existing stream along the southern property line. Given the low intensity of the proposed zoning district and any applicable stormwater regulations that would be required with the development of the site, the resulting development would likely be sensitive to the environmental features on the site.

**FIRE RECOMMENDATION**

**Approve**

Maximum Uses in Existing Zoning District: **RS40**

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)	9.98	1.089 D	10 U	125	12	11

Maximum Uses in Proposed 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)	9.98	2.904 D	28 U	322	25	30

Traffic changes between maximum: **RS40 and RS15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+18 U	+197	+13	+19

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS40 district: 1 Elementary 1 Middle 1 High  
 Projected student generation proposed RS15 district: 3 Elementary 2 Middle 2 High

The proposed RS15 zoning district is expected to generate an additional four students than the existing RS40 zoning district. Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood 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.

Mr. Haynes moved and Mr. Tibbs seconded the motion to approve. (8-0)

**Resolution No. RS2021-231**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-087PR-001 is approved. (8-0)

**17. 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 Dean Stratouly, The Congress Group, applicant; 2nd Avenue Properties, 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 for two residential buildings of 32 stories and 36 stories, and one hotel building of 18 stories.**

DTC Overall Height Modification

A request for a modification of overall building height on property located at 507, 509, 511, 519, 521 2<sup>nd</sup> Avenue South, 203 Peabody Street, and 518 3<sup>rd</sup> Avenue South, 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 project proposes a 32-story and a 36-story residential building consisting of 830 residential units total, one 18-story hotel building consisting of 286 rooms, 16,250 square feet of retail space and underground parking with a total of 991 vehicular parking spaces. The ground floors of the three buildings are lined with active retail/restaurant uses and pedestrian entrances.

This project was originally proposed as two, taller towers with commercial uses and more limited open spaces. The applicant has re-submitted an updated application that emphasizes residential uses and includes a 1-acre urban park.

### **PLAN DETAILS**

The project is located on the full block encompassed by 2<sup>nd</sup> Avenue South, Peabody Street, 3<sup>rd</sup> Avenue South, and Lea Avenue. The primary drop-off area and lobby access is located along 3<sup>rd</sup> Avenue South, with entry to the below-grade parking garage located at that drop-off, and an additional garage entry/exit point on Peabody Street. All loading and service operations will be located in the below-grade parking garage.

This project includes:

- 1.37 acres of publicly accessible open space.
- The publicly accessible open space borders the full edge of 2<sup>nd</sup> Avenue South, with additional open space and pathways located between the buildings, as well as along the proposed realignment of Lea Avenue.
- Activated ground floors. The ground levels of each building will be activated through retail and restaurant use and will be open to the public.
- Below grade parking and loading.

### **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, eight stories are allowed by right, and an additional three stories may be earned, up to a maximum of 11 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. Efforts include fulfilling requirements of the Open Space, Pervious Surfaces, Public Parking, and Underground Parking bonuses, as well as committing to earn LEED silver-level (or higher) certification.

#### Community Meetings

The applicant held their first virtual community meeting on February 26, 2021, as part of the original filing for this project, and notices were sent to properties within a radius of 1,300 feet (per CPA notification guidelines, for the associated Community Plan Amendment Case #2021CP-009-001). There were approximately 41 attendees, including District 19 Councilmember Freddie O'Connell. Several nearby residents expressed concern and opposition to the proposed height. There were also comments of support for this type of density from other attendees, including some from the development community. This meeting was recorded and uploaded to the Metro Nashville YouTube page for viewing.

The applicant and design team elected to host a subsequent in-person community meeting on July 29, 2021 on the site at 509 2<sup>nd</sup> Avenue South, and sent notices to properties within 300 feet, per OHM notification guidelines. Approximately 23 participants were in attendance, inclusive of the applicant team, as well as Councilmember Freddie O'Connell. A number of adjacent residents expressed that they felt the buildings were still too tall, but there was general consensus that the new publicly-accessible open space would be a benefit to the neighborhood. Several attendees expressed support and commended the applicant for reconsidering the site design and incorporating a significant amount of open green space for the community. This meeting was recorded.

#### MDHA Design Review Committee Meeting

The applicant team presented the project to the MDHA Design Review Committee (DRC) on Tuesday, August 17, 2021. The Committee voted (with none opposed) to grant the project concept-level approval before it proceeds to Planning Commission on August 26<sup>th</sup>, with the understanding that the applicant will return to the MDHA DRC when the design has been further developed, for a vote on final approval. It was also noted that NDOT is in the process of scoping the project's traffic study and will be making subsequent recommendations to the applicant that shall be incorporated into the final design and reviewed during the Final Site Plan process.

#### Unique Architecture

The following architectural qualities contribute to the unique design:

- The proposed material palette is comprised of high-quality, crafted materials.
- The open views and use of glazing at the ground level of each of the three buildings, combined with active use programs, create a feeling of transparency and accessibility across the site and open park space.

- The use of unique structural grids on the building facades (Y-shaped beams on the residential towers, and a diagrid exoskeleton on the hotel) create a regular geometric rhythm and scalar perception that help mitigate the height.

Enhanced Streetscape + Open Park Space

- The project's publicly accessible open space is comprised of approximately 59,740 square feet, with approximately 43,000 square feet being open to the sky above. This open space includes passive and active elements, seating, water features, and space for outdoor dining.
- This public open space creates a substantial urban park frontage along 2<sup>nd</sup> Avenue South.

Improvement of Project's Relationship to Surrounding Properties

- The project's realignment of Lea Ave and dedication of that space as part of the open park space enhances both pedestrian and vehicular use and safety at the intersection of Lea Avenue at 3<sup>rd</sup> Avenue South.

Additional Considerations

- The project is across the street from the Sobro Subdistrict, which allows for 30 stories of building height by-right and unlimited height through the Bonus Height Program.
- The project site is located at the edge of areas served by current downtown parks, based on Plan to Play's Downtown Park Pressure Map. Adding open space would expand access to parkland in Downtown.
- The addition of residential units in this area will increase the supply of downtown housing options, responding to the need for more housing units in the urban core.
- The popularity of tourism Downtown has created significant pressure to convert residential units to short-term rentals. The applicant is committed to removing STRs as an allowed use.
- Downtown residents rely on, and in turn help support, alternative transportation modes, including walking, biking, and transit. The project site is three blocks from land planned for a major transit center in SoBro along Lafayette between 4<sup>th</sup> Avenue South and 5<sup>th</sup> Avenue South.

**STAFF RECOMMENDATION**

The project offers unique design characteristics and expression in its site and open space design, as well as through the building massing and façade articulation. The project's emphasis on residential use lays the groundwork for a vibrant urban neighborhood in this part of downtown. The project's significant amount of open park space will be an important neighborhood amenity in this area of the Lafayette Subdistrict.

Several conditions are recommended to ensure that bonus height actions and critical site elements are addressed according to the standards of the DTC. Staff recommends approval with the following conditions and deferral without all conditions:

**CONDITIONS**

1. The project shall obtain a minimum of LEED Silver certification, or equivalent, as described within the LEED section of the DTC.
2. 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.
3. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to the issuance of building permits.
4. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South.
5. The applicant shall coordinate with NDOT and Metro departments on their proposed realignment and construction of Lea Avenue, and related ROW dedications.
6. Existing overhead lines along all frontages shall be buried.
7. The proposed residential use shall not be converted to short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal prior to issuance of a Use and Occupancy Letter.

Mr. Hammer presented the staff recommendation of approval with conditions or defer without all conditions.

Jonathan, 111 SW 3<sup>rd</sup> St, spoke in favor of the application.

Michael Hays, 4409 Warner Place, spoke in favor of the application.

Tom Turner, Nashville Downtown Partnership, spoke in favor of the application.

Kevin Tyner, 500 2<sup>nd</sup> Ave, spoke in favor of the application.

Roger Brown, 407 Driftwood, spoke in favor of the application.

Doug Berry, 401 Commerce St, spoke in opposition to the application.

Harris Decker, City Lights, spoke in opposition to the application.

Bruce Camber, City Lights, spoke in opposition to the application.

Chad Berry, City Lights, spoke in opposition to the application.

Hattie Bryant, City Lights, spoke in opposition to the application.

Greg Bretz, City Lights, spoke in opposition to the application.

**Chairman Adkins closed the Public Hearing.**

Mr. Tibbs spoke in favor of the application; it's a very thoughtful approach for the area and will enhance the area.

Councilmember Murphy expressed concerns with the amount of bonus height proposed and setting a precedent.

Ms. Johnson expressed that she could see much improvement from the previous version; if we revisit the height, then we go back to the previous version, which no one liked. The thought process of this development is excellent and this is an appropriate area for this amount of density.

Mr. Haynes expressed concerns with inadequate amount of parking spaces and the amount of bonus height proposed. We need to pause on triple density and bonus height.

Mr. Henley spoke in favor of the application; this is the definition of exceptional design and doing it in a way that benefits a larger community.

Dr. Sims asked how we sustain neighborhoods that are growing vertically instead of horizontally.

Ms. Farr spoke in favor of the application; this is an amazing project and great design.

**Ms. Farr moved and Mr. Tibbs seconded the motion to approve with conditions.**

Councilmember Murphy asked if deferring one meeting would be appropriate..

Dean Stratouly addressed Councilmember Murphy's questions regarding height and Dr. Sims' questions concerns regarding sustaining vertical neighborhoods.

**Vote taken. (6-2) Mr. Haynes and Councilmember Murphy voted against.**

**Resolution No. RS2021-232**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021DTC-008-001 is approved with conditions. (6-2)

**18. 2020S-066-001  
DARROW DOWNS SUBDIVISION  
Council District 16 (Ginny Welsch)  
Staff Reviewer: Dustin Shane**

A request for final plat approval to create three 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: Approve with conditions and find Lot 1 to be generally compatible and find Lots 2 and 3 provide for harmonious development.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to create three 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:** Three (3)

**Lot sizes:**

Lot 1: 12,269.7 sq. ft.

Lot 2: 11,743.2 sq. ft.

Lot 3: 12,085.6 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 2 and Lot 3 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 Lot 1, 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. Lot 1, at 70 feet, exceeds this average. The results of a wider study of frontage widths (including the narrower frontages farther to the west along Antioch Pike) would most likely yield a similar result.

Lots 2 and 3 meet the frontage requirements along Antioch Pike as they both have more frontage than the smallest lot frontage outlined in the table below:

Lot 2 Frontage		Lot 3 Frontage	
Proposed Frontage	82 ft.	Proposed Frontage	87 ft.
Smallest Frontage	71 ft.	Smallest Frontage	71 ft.
70% Average	80 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 Lot 1, 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. Lot 1 (12,269.7 square feet) exceeds this amount.

Lots 2 and 3 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:

Lot 2 Area		Lot 3 Area	
Proposed Size	11,743 sf	Proposed Size	12,086 sf
Smallest Size	14,430 sf	Smallest Size	14,430 sf

70% Average	16,655 sf
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70% Average	16,655 sf
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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 2 and 3 is consistent with the surrounding parcels along Antioch Pike. For Lot 1, 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).*

Lot 1's frontage and size exceed those of the parcels directly across Southlake Drive. In addition, 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 smaller than those proposed with this subdivision. Another factor is the property's location along the intersection of two collector streets, which would seem to indicate that Lot 2 and Lot 3 do meet the intent of this provision of the Subdivision Regulations. 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.

3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.*  
Not applicable to this case.

3-5.4 *Criteria for Determining Compatibility for Designated Historic Districts.*  
Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*  
Not applicable to this case.

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 Nashville DOT. NDOT 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 NDOT.

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

A right-of-way dedication of 6.5 feet required along Antioch Pike to meet the ROW width requirements established by the Major and Collector Street Plan has been indicated on the plat.

**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. Nashville DOT 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 meets the standards of the Metro Subdivision Regulations and Metro Zoning Code if the Planning Commission finds Lot 1 to be generally compatible with a larger area and finds that Lots 2 and 3 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 NDOT. 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 approval with conditions if the Planning Commission finds Lot 1 to be generally compatible with a larger area and finds Lots 2 and 3 can provide for harmonious development.

**CONDITIONS**

1. Lot 2 and Lot 3 shall share a single driveway and no other access/driveway shall be permitted. A note shall also be added to the plat indicating this restriction.
2. Include a void and vacate note for the previous recorded subdivision (parts of Lots 16 and 17 on the Map of Hinchey Petway Lands as of record in Minute Book "I," page 442, Chancery Court)
3. Provide current owner information under owner signature lines consistent with Metro's online information. If inconsistent, also provide proof of ownership.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2020S-066-001 with conditions if the Planning Commission finds that the subdivision meets the infill requirements per Section 3.5 of the Metro Subdivision Regulations based on the determination that Lot 1 is generally compatible with a larger area and that Lots 2 and 3 can provide for harmonious development.

**Approve with conditions and find Lot 1 to be generally compatible and find Lots 2 and 3 provide for harmonious development. Consent Agenda (8-0)**

**Resolution No. RS2021-233**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-066-001 is approved with conditions and find Lot 1 to be generally compatible and find Lots 2 and 3 provide for harmonious development. (8-0)

**19. 2021S-026-001  
SUBDIVISION OF THE TONY AND PAMELA ADAMS PROPERTY**

Council District 15 (Jeff Syracuse)  
Staff Reviewer: Abbie Rickoff

A request for final plat approval to create three lots on property located at 2203 Pennington Bend Road, at the western terminus of McGavock Pike, zoned R15 (1.37 acres), requested by Clint T. Elliott Surveying, Inc., applicant; Tony and Pamela Adams, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST  
Request for final plat approval to create three lots.**

Final Plat

A request for final plat approval to create three lots on property located at 2203 Pennington Bend Road, at the western terminus of McGavock Pike, zoned One and Two-Family Residential (R15) (1.37 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the west side of Pennington Bend Road, at the western terminus of McGavock Pike.

**Street type:** The site has frontage on Pennington Bend Road, which is a collector-avenue identified by the Major and Collector Street Plan (MCSP) with an existing right-of-width of 50 feet.

**Approximate Acreage:** 1.37 acres or 59,729 square feet.

**Parcel/Site History:** This site is comprised of one parcel that was created in 1985.

**Zoning History:** The parcel has been zoned R15 since 2017, when it was rezoned from OR20 to R15 in conjunction with the cancellation of a Residential PUD at this site.

**Existing land use and configuration:** The parcel is currently vacant, with its western boundary adjacent to the Cumberland River.

**Surrounding land use and zoning:**

- North: Two-Family Residential and Single-Family Residential (R15)
- South: Parking and Vacant (CA)
- East: Multi-Family Residential (CA and Commercial PUD)
- West: N/A (Cumberland River)

**Zoning:** One and Two-family Residential (R15)  
Min. lot size: 15,000 square feet  
Max. building coverage: 0.35  
Min. rear setback: 20'  
Min. side setback: 10'  
Max. height: 3 stories  
Min. street setback: 40' or contextual as determined by Codes

**PROPOSAL DETAILS  
Number of lots: 3**

**Lot sizes:** Lot 1 is approximately 0.51 acres (21,982 square feet); Lot 2 is 0.43 acres (18,880 square feet); and Lot 3 is 0.43 acres (18,725 square feet).

**Access:** Access is provided from Pennington Bend Road, an existing collector street with a right-of-way width of 50'. Areas of right-of-way dedication are proposed along Pennington Bend to meet the 25.5' half of standard right-of-way required for the collector street.

**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 located within the Suburban Neighborhood Maintenance (T3 NM) and Conservation (CO) policies. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T3 Suburban 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 standards are met.

#### **3-2 Monument Requirements**

Staff finds that the internal monuments and lot pins comply with monument requirements.

#### **3-3 Suitability of the Land**

Based on available data, the site contains areas in the floodplain and floodway associated with the Cumberland River, located behind the site. Areas located in the 100-year floodplain are present towards the back half of the site and wrapping a portion of the site's frontage. Associated stormwater regulation buffers are located on the rear half of the site. Each lot has been identified as a critical lot, indicating areas of natural slopes greater than 20 percent, which are located towards the back of the site. Critical lots are reviewed with a future phase, prior to issuance of building permits, consistent with the requirements of Section 17.28.030 and Section 17.28.040 of the Metro Zoning Code.

#### **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 R15 zoning at the time of building permit. All proposed lots have frontage on a public street, Pennington Bend Road.

#### **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. All lots front Pennington Bend Road.

*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 T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying R15 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*

All lots meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 51.52 feet. The frontage width for Lot 1 is 123.02 feet; the frontage width for Lot 2 is 80 feet; and the frontage width for Lot 3 is 80 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*

All lots meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.26 acres, or 11,325 square feet. Lot 1 is approximately 0.51 acres (21,982 square feet); Lot 2 is 0.43 acres (18,880 square feet); and Lot 3 is 0.43 acres (18,725 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 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.*

All lots are oriented to Pennington Bend Road consistent with surrounding lots. Lot 1 is located at the southern boundary, where McGavock Pike “tees” into Pennington Bend Road from the east. Properties on the south side of the “tee” are located along McGavock Pike and are not considered in the calculation for compatibility.

k. *The current standards of all reviewing agencies are met.*

All agencies have recommended approval or approval with conditions.

The proposed subdivision meets all requirements of subsections a, b, c, d and e and is therefore found to be harmonious and compatible with the goals of the General Plan. Subsection f of this section of the Subdivision Regulations applies only instances where a subdivision fails to meet subsection d, and is therefore not applicable to this case.

**3-5.3 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.**

Not applicable to this case.

**3-5.4 Criteria for Determining Compatibility for Designated Historic Districts.**

Not applicable to this case.

**3-5.5 Infill Subdivision Frontage**

Not applicable to this case.

**3-5.6 Reasonable Conditions**

Staff recommends that each lot be limited to single-family residential uses only due to the presence of environmentally sensitive features at this site. The applicant has agreed to this condition and has identified each lot as single-family on the plat.

Staff recommends the following condition:

- Each lot shall be limited to single-family residential uses only.

### **3-6 Blocks**

Not applicable to this case. This proposal is for an infill subdivision. No new blocks are being created.

### **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**

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. 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**

Not applicable to this case. The proposal is for an infill subdivision located on an existing street. No new streets are proposed.

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

Pennington Bend Road is classified by the MCSP as a collector-avenue with 51' of required right-of-way. Approximately 0.5' of right-of-way dedication is proposed along Pennington Bend Road to meet the 25.5' half of standard right-of-way requirement.

**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 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.

**3-16 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.

**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 in regards to 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 NDOT Department. Adequate sight distance must be provided per AASHTO for new driveway connections.

**WATER SERVICES RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

- 1. Each lot shall be limited to single-family residential uses only.
- 2. Comply with all conditions and requirements of Metro reviewing agencies.
- 3. 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-026-001 with conditions 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 (8-0)**

**Resolution No. RS2021-234**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-026-001 is approved with conditions. (8-0)

**20. 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: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan approval to create 28 single-family cluster lots.**

Concept Plan

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 Single-Family Residential (RS10) (7.6 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the north side of Haywood Lane, about a third of a mile east of where Haywood Lane intersects Nolensville Pike.

**Street Type:** The site has frontage onto Haywood Lane, an Arterial Boulevard in the Major and Collector Street Plan.

**Approximate Acreage:** 7.6 acres or 331,056 square feet.

**Parcel/Site History:** This site is comprised of the entire parcel: 14712002800. The parcel has existed since at least 1987 and was established by deed.

**Zoning History:** The parcel has been zoned RS10 since at least 1998.

**Existing land use and configuration:** The land is currently used as a single-family residence with access taken from Haywood Lane.

**Surrounding land use and zoning:**

North, South, East, West: Single-family residential (RS10)

**Zoning:**

Single-Family Residential (RS10)

Min. lot size: 10,000 square feet

Max. height: 3 stories

Min. street setback: 20 feet

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 (see analysis below).

**Number of lots:** 28 single-family lots.

**Lot sizes:** Lots from 5,300 to 11,500 square feet.

**Access:** The site draws access Haywood Lane through a proposed public local street and proposes a stub street to the parcel to the west.

**Open space:** Approximately 2.26 acres of the site, or 98,445 square feet (approximately 30% of the total site area) of the site is proposed as open space. The open space area includes a recreational open space area, landscape buffer areas, wetlands, and stormwater facilities.

**Subdivision Variances or Exceptions Requested:** None

**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 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 size to be employed and describes the land area 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 RS10 which has a minimum lot area of 10,000 square feet. The minimum area within a cluster lot subdivision in the RS10 district is 100,000 square feet (10 x 10,000 sf). The site contains approximately 331,056 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 within the RS10 zoning district is approximately 7.6 acres or 331,056 square feet. The minimum lot size of the existing zoning district, RS15, is 10,000 square feet.

$$331,056 \text{ sq. ft.} \times 0.15 = 49,658 \text{ square feet (15\% of the zoning district area reserved for streets)}$$

$$331,056 \text{ sq. ft.} - 49,658 \text{ sq. ft.} = 281,398 \text{ (85\% of the gross area remaining to yield lots)}$$

$$281,398 \text{ sq. ft.} / 10,000 \text{ sq. ft.} = 28 \text{ lots}$$

The concept plan proposes 28 lots, which is consistent with the maximum number of lots that could be permitted based on the lot yield calculation established in the Zoning Code and the existing RS10 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 is proposed as a single phase. The required open space is 0.15 x 7.6 acres = 1.14 acres and the application proposes 2.26 acres of open space.

**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 RS10 and a reduction of two base zone districts would be down to the RS5 district. The minimum lot size in the RS5 district is 5,000 square feet and the smallest lots proposed is 5,351 square feet.

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 RS5 will apply. Those standards are:

Min. street setback: 20'

Min. rear setback for all properties: 20'  
Min. side setback for all properties: 5'  
Maximum Building Coverage: 0.50

All of the proposed lots abut conventional subdivisions of RS zoned property. Lots may be reduced in size the equivalent of two zoning districts (example: R15 to R8) with the installation of a standard C landscape buffer yard located within common open space. A standard C landscape buffer yard is indicated between all of the proposed lots and the adjacent conventional subdivisions.

**Hillside and Floodplain Areas (Section 17.12.090.F)**

This site contains steeply sloped area to the rear of the site as set out in Chapter 17.28 of the Zoning Code. The application avoids the steeply sloped areas with the proposed lots and does not include any Critical Lots. The steeply sloped areas are proposed to be included in a common open space parcel. The site does not contain any area of floodplain.

**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 more than 25 units are required to install recreation facilities. This concept plan proposes 28 lots and is required to install a single recreation facility. The plan includes a fire pit and sitting area in the rear of the site and additional details will be required with the final site plan materials.

**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 T3 NM policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

**3-1 General Requirements**

This subdivision is required to meet on standards of Chapter 3. 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**

The application avoids developing the areas identified as having steep slopes as defined by the Zoning Code.

**3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the zoning code pursuant to the Cluster Lot Option in Section 17.12.090. 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.

The proposed subdivision includes a new street and all of the proposed lots are proposed to front onto this proposed street so the infill subdivision requirements do not apply.

**3-6 Blocks**

Section 3-6.2 limits block lengths in residential areas to no more than 1,200 feet and no less than 200 feet, or four lot widths, whichever is greater. As proposed, all newly proposed blocks comply with this standard.

**3-9 Requirements for Streets**

Public street requirements are reviewed by NDOT. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

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

The application provides for the standard local street right-of-way for the newly proposed public street. The local street standard grass strip and sidewalk are provided for this newly proposed street.

**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**

NDOT 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 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, outside of the proposed exception for lot 28, and the standards of the Metro Zoning Code for the by-right Cluster Lot Option as described above. Staff recommends approval with conditions.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

**Approve**

**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.

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final construction plans and road grades shall comply with the design regulations established by NDOT. NDOT. Slopes along roadways shall not exceed 3:1.

**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.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. 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-135-001 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 and disapprove without all conditions. Consent Agenda (8-0)**

**Resolution No. RS2021-235**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-135-001 is approved with conditions. (8-0)

**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.
3. 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.

**21. 2021S-139-001**

**SECTION 2 DONELSON MEADOWS (RESERVE PARCEL)**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Jason Swaggart

A request for final plat approval to remove the reserve parcel status on a property located at 0 Bermuda Drive, at the northwest corner of Bermuda Drive and Dearborn Drive, zoned RS10 (0.72 acres), requested by Donlon Land Surveying, LLC, applicant; Mary J. Sassaman Revocable Trust, owner.

**Staff Recommendation: Disapprove unless the Planning Commission finds that the parcel fits into the character of the area and is consistent with the general plan.**

**APPLICANT REQUEST**

**Remove the reserve status from one parcel.**

Final Plat

A request for final plat approval to remove the reserve parcel status on a property located at 0 Bermuda Drive, at the northwest corner of Bermuda Drive and Dearborn Drive, zoned Single Family Residential (RS10), (0.72 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located at the northwest corner of Bermuda Drive and Dearborn Drive.

**Street Type:** Bermuda Drive and Dearborn Drive are local streets.

**Approximate Acreage:** 0.72 acres or 31,363 sq. ft..

**Parcel/Site History:** The parcel was created by plat in 1954. It was identified as reserved, and the plat does not indicate why it was placed in reserve.

**Zoning History:** The parcel is zoned Single-Family Residential (RS10). The RS10 zoning district has been in place since 1998. It was zoned R10 prior to 1998. The parcel is also within the Airport Impact Overlay.

**Bulk Standards for RS10:**

- Min. lot size: 10,000 sq. ft.
- Max. FAR: N/A
- Building Coverage: 0.40
- Max. ISR: N/A
- Max. height: 3 stories
- Min. street setback: Contextual
- Min. side setback: 5
- Min. rear setback: 20'

**Existing land use:** Vacant residential land.

**Surrounding land use/ zoning:**

- North: Residential/Single-family residential (RS10).
- South: Residential/Single-family residential (RS10).
- East: Residential/Single-family residential (RS10).
- West: Residential/Single-family residential (RS10).

**PROPOSAL DETAILS**

**Number of lots:** 1 lot.

**Lot size:** 0.72 acres or 31,363 sq. ft.

**Lot width at street:** Approximately 99 ft. on Bermuda Drive and approximately 212 ft. on Dearborn Drive.

**Access:** Bermuda Drive and Dearborn Drive.

**Subdivision Variances or Exceptions Requested:** None.

**APPLICABLE SUBDIVISION REGULATIONS**

Chapter 2-8, Miscellaneous Platting Situations, applies to this request. Section 2-8.1, pertains to converting parcels to building sites. The Commission is required to review parcels being converted to building sites. An exception to this is when a parcel is in reserve due to pending action by a public utility to provide service to the parcel and the reason is stated on the plat that created the reserve parcel. If the reason for reserve is noted on the plat, the review can be done at an administrative level with all reviewing agency approvals.

When determining if the reserve status should be removed from parcels where the plat does not cite why the parcel is in reserve, the regulations require the Commission consider the following:

1. That the parcel fits into the character of the area and is consistent with the general plan.
2. That all minimum standards of the zoning code are met.
3. That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.2.c, 4-6.3 or 5- 3.1.
4. That the current standards of all reviewing agencies are met.

Items 2, 3, and 4 are met for the parcel requesting to be converted to a building site. However, staff finds that criteria one is not met when looking at the character of the immediate area. Existing lots along this block of Bermuda Drive, oriented in the same manner, average 0.94 acres in size and 189 feet of lot frontage on Bermuda. Including properties across the street and along Bermuda to the north, lots average 0.93 acres in size and 166 feet of lot frontage. The reserve parcel under review is 0.73 acres in size with a frontage of 99 feet. The Planning Commission may consider a broader area.

The lot contains areas of floodplain and areas of stormwater regulation buffers. Any building permits would be required to meet adopted regulations pertaining to these constraints.

**PLANNING STAFF COMMENTS**

Staff finds that the reserve parcel is not consistent with the character of the immediate area and recommends disapproval.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

Approve

**FIRE MARSHAL RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approve with conditions

- W&S Capacity fees must be Paid before issuance of building permits.

**STAFF RECOMMENDATION**

Staff recommends disapproval unless the Planning Commission finds that the parcel fits into the character of the area and is consistent with the general plan.

**CONDITIONS (if approved)**

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.

Ms. Birkeland presented the staff recommendation of disapproval unless the Planning Commission finds that the parcel fits into the character of the area and is consistent with the general plan.

Erica Bergstrom, applicant, spoke in favor of the application.

Mark Sassaman, 100 Sassaman Lane, spoke in favor of the application.

Sharon Kipp spoke in favor of the application.

Councilman Syracuse asked what you can put on this parcel of land and fit with the general plan. He requested further information on what could be approved.

**Chairman Adkins closed the Public Hearing.**

Ms. Johnson said as far as the subdivision regulations and meeting the general plan, this lot does meet the guidelines and she is comfortable removing the reserve on this lot.

Dr. Sims spoke in agreement with Ms. Johnson; it does fit with the character.

Mr. Henley and Mr. Haynes spoke in agreement with Ms. Johnson – it is consistent with the broader area.

**Mr. Tibbs moved and Ms. Farr seconded the motion to approve the parcel as it fits into the character of the area and is consistent with the general plan. (8-0)**

**Resolution No. RS2021-236**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-139-001 is approved the parcel as it fits into the character of the area and is consistent with the general plan. (8-0)

**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.

**22. 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: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan to create 24 lots.**

Concept Plan

A request for concept plan approval to create 24 single-family lots on property located at Earhart Drive (unnumbered), approximately 570 feet south of John Hagar Road, zoned Single-Family Residential (RS15) (10.02 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the eastern side of Earhart Road, south of the intersection with John Hagar Road and New John Hagar Road.

**Street Type:** The site has frontage onto Earhart Road, which is classified as a Collector Avenue in the Major and Collector Street Plan. The plan proposes two local streets which intersect. It is a condition of approval that Spring Streams Court ROW be extended north and south to the property lines with temporary turnarounds on each end.

**Approximate Acreage:** 10.02 acres or 436,471.2 sq. ft.

**Parcel/Site History:** This site is comprised of two parcels; both parcels (220 and 221) were created in 2020.

**Zoning History:** The site is zoned Single-Family Residential (RS15). It has been zoned RS15 since 1998.

**Existing land use:** The parcel is identified as vacant residential land.

**Surrounding land use and zoning:**

- North: Single-Family Residential (RS15)
- South: Single-Family Residential (RS15)
- East: Single-Family Residential (RS15)
- West: Single-Family Residential (RS15)

**Zoning: Single-Family Residential (RS15)**

- Min. lot size: 15,000 sq. ft.
- Min. lot coverage: 0.35
- Max. height: 3 stories
- Min. street setback: 30'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 10'

**PROPOSAL DETAILS**

This proposal is for a 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:** 24 single family

**Lot sizes:** Lots range in size from 8,280 sq. ft. to 24,580 sq. ft.

**Access:** The lots have frontage onto proposed streets Serenity Streams Drive and Serenity Streams Court, and the site draws access from Earhart Road.

**Open space:** 0.13 acres of active open space and 2.4 acres of passive open space are proposed.

**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 RS15, which has a minimum lot area of 15,000 sq. ft. The minimum area within a cluster lot subdivision in the RS15 district is 150,000 sq. ft. The site contains approximately 436,471.2 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 10.02 acres or 436,471.2 sq. ft. The minimum lot size of the existing zoning district, RS15, is 15,000 sq. ft.

$436,471.2 \text{ sq. ft.} \times 0.15 = 65,470.68 \text{ sq. ft.}$  (15% of the gross site area reserved for streets)  
 $436,471.2 \text{ sq. ft.} - 65,470.68 \text{ sq. ft.} = 371,000.52 \text{ sq. ft.}$  (85% of the gross area remaining to yield lots)

$371,000.52 \text{ sq. ft.} / 15,000 \text{ sq. ft.} = 24 \text{ lots}$

**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 first and only phase includes approximately 2.53 acres or 25% of the total land area as open space. 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 24 units; therefore, no facilities are 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 one active recreational area in excess of what is required by the Code. 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 RS15. A reduction of two base zone districts would be down to the RS7.5 zone district. The RS7.5 zone district requires a minimum lot size of 7,500 sq. ft. The smallest lot proposed in this subdivision exceeds the minimum 7,500 sq. ft. lot size requirement.

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, all bulk standards meet 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. No perimeter lots oriented to an existing street are proposed.

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 (RS15 to RS10) with the installation of a standard B landscape buffer yard located within common open space, or reduced the equivalent of two zoning districts (RS15 to RS7.5) with the installation of a standard C landscape buffer yard located within common open space. The smaller lots along Serenity Streams Drive meet this second requirement because they abut residential zoning districts. Lots 11 and 16 are reduced in size the equivalent of one zoning district and therefore require installation of a standard B landscape buffer along their northern and southern lot lines, respectively (this is a condition of approval). The lots along Serenity Streams Court are not required to meet this requirement because they meet the minimum base zoning district size.

**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 southern property lines are residential (RS15). Section 17.24.230 of the Zoning Code dictates the type of buffer yard required. No landscape buffer yards in excess of the cluster lot buffer yards cited above are 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. Lots 1, 12, 13, 14, 15, and 24 contain areas of greater than 20% slope. These lots are designated as critical lots.

**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 24 single family lots, and recreational facilities are provided which exceed the minimum requirements for a cluster lot subdivision of this size. No specific activities are proposed for the active open space area at this time.

**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 T3 Suburban Neighborhood Evolving (T3 NE) policy. For sites within the T3 Suburban transect, the conventional regulations found in Chapter 3 are utilized.

**3-1 General Requirements**

Staff finds that all standards 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**

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.

The site contains areas of steep slopes. Those areas are shown in open space. Any lot on natural slopes that are 20% or steeper are considered critical and must be designated as critical. Lots designated as critical must comply with the critical lot standards in the Zoning Code. The plan includes 6 lots designated as critical.

**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 RS15 zoning at the time of building permit. All proposed lots have frontage on 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.

Not applicable. No lots are proposed fronting on an existing street.

**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 for Serenity Streams Drive and Spring Streams Court. It is a condition of approval that the sidewalks along Earhart Road meet the Collector Road standard cross-section of the MCSP and feature 8-foot-wide sidewalks and 6-foot-wide grass furnishing zones. 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**

The application proposes two local streets perpendicular to one another and intersecting, with Spring Streams Court dead-ending at the northern and southern boundaries of the property. It is a condition of approval that both ends of the Spring Streams Court ROW be extended to the northern and southern property boundaries. Future development is expected to occur on the adjacent parcels and connect to these stubouts. The stubouts will be over 150 feet long and so require temporary turnarounds, which must abut the property boundaries. Public street requirements are reviewed by NDOT. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

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

The application proposes two local streets with 50 feet of right-of-way and proposes to dedicate the necessary right-of-way for Earhart Road to make the planned improvements per the Major and Collector Street Plan.

**3-11 Inspections During Construction**

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after 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**

NDOT 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 concept plan does not propose any new private streets.

**3-14 Drainage and Storm Sewers**

Drainage and storm sewer requirements are reviewed by Metro Stormwater. Metro Stormwater has reviewed the proposed concept plan and found it to comply with all applicable standards of this section. Stormwater recommends approval with conditions.

**3-15 Public Water Facilities**

Metro Water Services has reviewed this proposed concept plan for water and has recommended approval with conditions.

**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. The concept plan notes all new utilities will be placed underground as required.

**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**

- Concept plan.

## **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 and road grades shall comply with the design regulations established by NDOT. Slopes along roadways shall not exceed 3:1.
- Coordinate and obtain approval for street names with NDOT E-911 / Records Section at 615-880-2427.
- Comply with MPC connectivity requirements, turn arounds required on the north and south stub streets.
- The proposed 'bottomless arch culvert' requires review and approval from NDOT Bridge consultant.
- Provide details for the proposed retaining wall. Retaining walls are to be located away from the public right of way, a distance away of at least the height of the wall.
- Confirm Earhart Road sidewalk construction requirement / right-of-way dedication requirement with the Planning Department. From review of the MCSP, <https://maps.nashville.gov/MCSP/>, Earhart Road identifies a six (6') foot grass furnishing zone width; and an eight (8') foot sidewalk width.

## **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 W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2021025679 & T2021025683).

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

## **CONDITIONS**

1. Pursuant to 2-2.5.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.
2. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
3. Because Lots 11 and 16 are reduced in size the equivalent of one zoning district, provide a standard B landscape buffer along side lot lines abutting RS15-zoned properties.
4. Reconfigure Earhart Road to include a 6-foot-wide grass furnishing zone and an 8-foot-wide sidewalk.

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapprove without all conditions.

## **RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2021S-143-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, including the Cluster Lot provisions, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

### **Resolution No. RS2021-237**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-143-001 is approved with conditions. (8-0)

#### **CONDITIONS**

1. Pursuant to 2-2.5.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.
2. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
3. Because Lots 11 and 16 are reduced in size the equivalent of one zoning district, provide a standard B landscape buffer along side lot lines abutting RS15-zoned properties.
4. Reconfigure Earhart Road to include a 6-foot-wide grass furnishing zone and an 8-foot-wide sidewalk.

**23. 2021S-148-001**  
**ELIAS PROPERTY SUBDIVISION**  
Council District 35 (Dave Rosenberg)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create one lot on property located at 8262 Charlotte Pike, approximately 800 feet east of Highway 70 South, zoned R40 (3.07 acres), requested by Crowe - Wheeler and Associates, applicant; Donald Elias III, owner.

**Staff Recommendation: Approve with conditions including variance to Section 4.2-5.a.1.a-c.**

**APPLICANT REQUEST**

**Final plat approval to create one lot.**

Final Plat

A request for final plat approval to create one lot on property located at 8262 Charlotte Pike, approximately 800 feet east of Highway 70 South, zoned One and Two Family Residential (R40) (3.07 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the north side of Charlotte Pike, northeast of the intersection of Charlotte Pike and Highway 70 S.

**Street Type:** The site has frontage on Charlotte Pike, a scenic arterial boulevard in the Major and Collector Street Plan (MCSP). The plan does not propose any new streets.

**Approximate Acreage:** The proposed lot area is 3.07 acres or 133,729 square feet.

**Parcel/Site History:** This site is comprised of one parcel which was created by deed in 1999. The site is currently vacant. The purpose of platting a single lot would be to create a legal building lot.

**Zoning History:** The site has been zoned R40 since at least 1974 (O73-650).

**Existing land use and configuration:** In 1999 the parcel was deeded with the current boundaries from a part of a larger parcel. The parcel has frontage along Charlotte Pike. The subject parcel and the adjacent parcel share a vehicular access from Charlotte Pike.

**Surrounding land use and zoning:**

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

South: Commercial Services (CS) and One and Two-Family Residential (R40)

East: One and Two-Family Residential (R40)

West: One and Two-Family Residential (R40)

**Zoning:** One and Two-Family Residential (R40)

Min. lot size: 40,000 square feet

Max. height: 3 stories

Min. street setback: 45' (per Board of Zoning Appeals approval)

Min. rear setback for all properties: 20 feet

Min. side setback for all properties: 5 feet

Maximum Building Coverage: 0.25

**PROPOSAL DETAILS**

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

**Number of lots:** 1 lot

**Lot sizes:** 3.07 acres (133,729 square feet)

**Access:** The lot has frontage onto Charlotte Pike

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

**Subdivision Variances or Exceptions Requested:** The requested variances to the subdivision standards in Chapter 4 are outlined below.

## 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 RM 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 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.*

The plat does not include any new streets or joint access easements, therefore the identification of primary conservation land is not required. There is an existing access easement on the site that provides access to the parcel to the east.

*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.*

The plat does not include any new streets or joint access easements, therefore the identification of primary conservation land is not required.

*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. A grading plan is not required with a final plat.*

*4-2.3 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.*

This is a condition of approval of the plat.

### 4-2.5 Rural Character Design

1. *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.*

a. *Building Setback along existing public streets.*

The proposed lot 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 275 feet, greater than the 120-foot minimum required setback required by the Zoning Code. The proposed building setback on the lot is 45 feet. This setback was approved by the Board of Zoning Appeals under Case 2021-106.

Charlotte Pike is classified as a scenic arterial boulevard in the Major and Collector Street Plan (MCSP). Per the subdivision regulations, the lot area 75 feet from the right-of-way line shall be designated as a Scenic Easement. Given the constraints on the northern portion of the lot, a reduced easement area is appropriate to allow for development on the portions of the lot less affected by steep slopes.

b. *Lot Depth along existing public streets.*

The proposed lot 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 575-foot lot depth. As proposed, the depth of the proposed lot is approximately 425 feet.

c. *Lot size along existing public streets.*

The proposed lot 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 the lot is approximately 6.98. The proposed area of the lot is 3.07 acres.

*d. Lot frontage abutting existing public streets.*

The proposed lot complies. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along Charlotte Pike required for the lot is 170 feet. The proposed frontage of the lot is 326 feet.

*e. Street lights.*

The site is located within the GSD therefore no street lights are permitted.

*f. Cluster lot option.*

Not applicable.

**Subdivision Variances or Exceptions Requested:** 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).

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 – Minimum Building Setback

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 (275 feet, in this case) is more than the minimum required street setback established by the zoning (40 feet). The plat contains an alternative front building setback which was approved by the Board of Zoning Appeals earlier this year. A condition of approval is that the plat be modified to have the 45' setback as approved by the BZA. The property has steep slopes which increase with distance from the front property line. A reduced building setback would permit any structures from being located on the steep slopes. Staff finds that the BZA approved 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 – Minimum Lot Depth

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 575'. As proposed, the depth is 500 feet at the western portion of the lot and 425 feet at the eastern portion of the lot. The lot pattern along Charlotte Pike is varied. The lots within the parcels that are considered "surrounding parcels" range in depth from 400 feet to over 2,000 feet. The proposed depth of this parcel was created when the lot was illegally deeded and resulted in the creation of this parcel and three adjacent flag parcels. The proposed lot depth would not be detrimental to the safety of the public. Other parcels with single-family residential structures along Charlotte Pike, east and west of the subject site, have lot depths ranging from 240 feet to 380 feet. Including a broader range of the surrounding lots indicates other existing lot depths. The proposed depth is consistent with the existing parcels established with single-family homes on Charlotte Pike.

##### Variance Request – Minimum Lot Size

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 6.98 acres. As proposed, the size of the lot is approximately 3.07 acres. The lot size of the surrounding parcels ranges from 2 acres to 29 acres. This lot size was created when the parcel was illegally deeded and resulted in the creation of parcels that are inconsistent with the surrounding lot pattern.. The proposed lot depth would not be detrimental to the safety of the public. Similarly with the lot depth analysis above, there are other parcels along Charlotte Pike developed with single-family uses that range in lot size from 2 acres to 5 acres. The proposed lot size is not out of character for other single-family parcels along Charlotte Pike.

**PLANNING STAFF COMMENTS**

The proposed subdivision does not meet the standards of the Metro Subdivision Regulations for a subdivision unless the variances outlined above are approved by the Planning Commission.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve with conditions

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

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**HARPETH VALLEY SUBURBAN UTILITY DISTRICT**

Approve

- Service is available from an existing water main according to an availability letter dated June 23, 2021, from David Walker at HVUD

**STAFF RECOMMENDATION**

Staff recommends approval with conditions including variances to Section 4.2-5.a.1.a, Section 4.2-5.a.1.b., and Section 4.2-5.a.1.c. of the Subdivision Regulations.

**CONDITIONS**

1. A revised plat showing the building envelope shall be provided to staff
2. A revised plat showing a scenic landscape buffer from the right of way line to the 45 foot building setback line, labeled as "Scenic Easement" shall be submitted to staff.
3. A revised plat with the added note: Except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement except driveway crossings which shall be located to provide minimal disturbance." This note shall be referenced by arrow or number to the scenic easement location.
4. Prior to recording the plat, the mylar version of the plat shall be signed by HVUD.

**RECOMMENDED ACTION**

Motion to approve the proposed subdivision Case No. 2021S-148-001 with the variances to *Section 4.2-5.a.1.a, Section 4.2-5.a.1.b., and Section 4.2-5.a.1.c. of the Subdivision Regulations, and* based upon finding that the subdivision complies with all other applicable Metro Subdivision Regulations, with the exception of those outlined in the report, 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 and disapprove without all conditions. Consent Agenda (8-0)**

**Resolution No. RS2021-238**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-148-001 is approved with conditions including variance to Section 4.2-5.a.1.a-c. (8-0)

**CONDITIONS**

1. A revised plat showing the building envelope shall be provided to staff
2. A revised plat showing a scenic landscape buffer from the right of way line to the 45 foot building setback line, labeled as "Scenic Easement" shall be submitted to staff.
3. A revised plat with the added note: Except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement except driveway crossings which shall be located to provide minimal disturbance." This note shall be referenced by arrow or number to the scenic easement location.
4. Prior to recording the plat, the mylar version of the plat shall be signed by HVUD.

24. **2021S-169-001**  
**SEQUOIA VALLEY (RESERVE PARCELS)**  
Council District 09 (Tonya Hancock)  
Staff Reviewer: Jason Swaggart

A request to amend a previously approved plat to remove the reserve status on properties located at 1206 Apache Lane and Apache Lane (unnumbered), at the current terminus of Apache Lane, zoned RS10 (0.58 acres), requested by Harold Render, applicant and owner.

**Staff Recommendation: Disapprove unless the Planning Commission finds that the parcel fits into the character of the area and is consistent with the general plan.**

The Metropolitan Planning Commission deferred 2021S-169-001 to the September 23, 2021, Planning Commission meeting. (8-0)

## H: OTHER BUSINESS

25. Employee Contract Renewal for Jared Islas

**Resolution No. RS2021-239**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Renewal for Jared Islas is **approved**. (8-0)

26. Historic Zoning Commission Report
27. Board of Parks and Recreation Report
28. Executive Committee Report
29. Accept the Director's Report

**Resolution No. RS2021-240**

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

30. Legislative Update

## I: MPC CALENDAR OF UPCOMING EVENTS

**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 10:00 p.m.