

# Metropolitan Planning Commission



Staff Reports

**August 13, 2015**



## Metro Planning Commission Meeting of 08/13/2015

*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.*

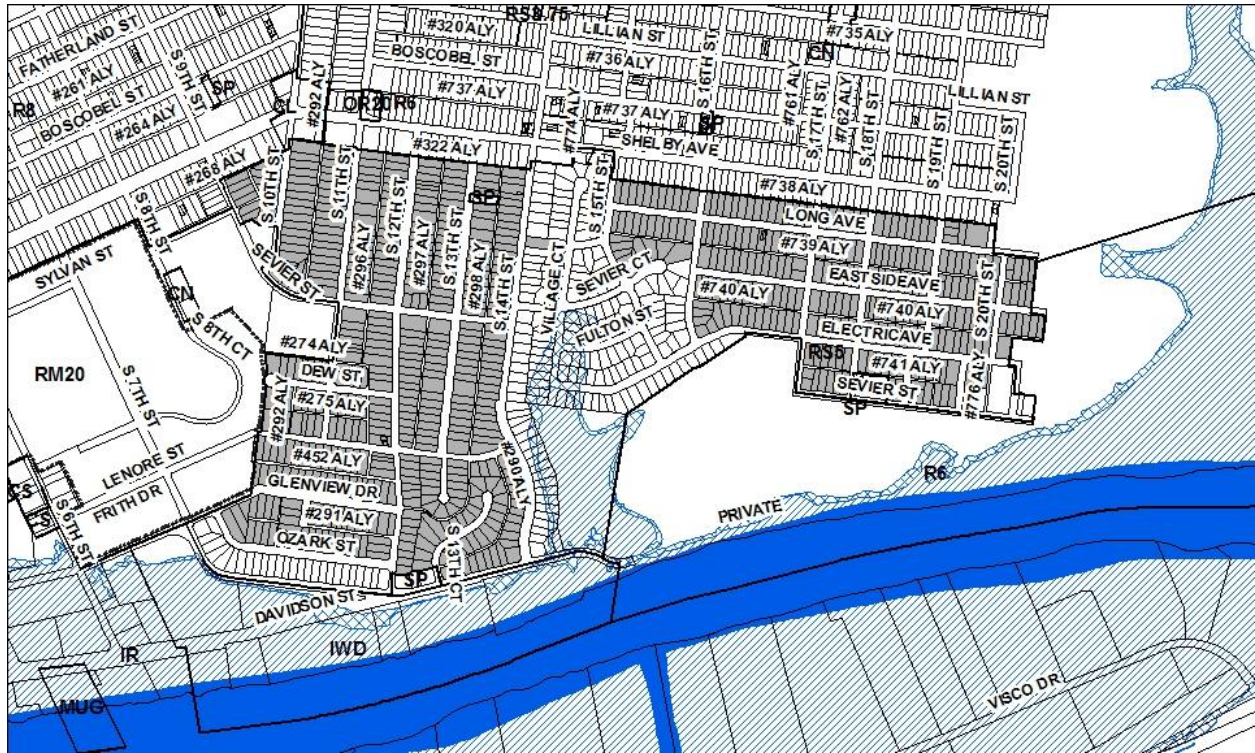


## **PREVIOUSLY CONSIDERED ITEMS**

- **Zone Changes**
- **Specific Plans**
- **Subdivision (Final Plats)**



# Metro Planning Commission Meeting of 08/13/2015



**2015Z-044PR-001 ~ BL2015-1155**

Map Various, Parcels Various

05, East Nashville

06 (Peter Westerholm)



**Project No.** 2015Z-044PR-001  
**Council Bill** BL2015-1155  
**Council District** 6 – Westerholm  
**School District** 5 - Kim  
**Requested by** Councilmember Peter Westerholm, applicant; various property owners

**Deferrals** This item was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Approve.*

**APPLICANT REQUEST**

**Apply a Detached Accessory Dwelling Unit (DADU) overlay.**

Zone Change

A request to apply the Detached Accessory Dwelling Unit (DADU) overlay to various properties located along Davidson Street, Dew Street, Eastside Avenue, Electric Avenue, Glenview Drive, Lenore Street, Long Avenue, Ozark Street, S 9th Street, S 10th Street, S 11th Street, S 12th Street, S 13th Court, S 13th Street, S 14th Street, S 15th Street, S 16th Street, S 17th Street, S 18th Street, S 19th Street, S 20th Street, Sevier Court, and Sevier Street (approximately 129 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.

**Proposed Zoning**

Detached Accessory Dwelling Unit (DADU) Overlay provides additional housing options.

**HISTORY**

The Planning Commission recommended that Council disapprove the request at the June 25, 2015, Planning Commission meeting to provide additional time for discussions with neighbors in regards to the details of the request and what would be allowed. The request was approved by Council on second reading on July 7, 2015, and referred to the Commission by Council. The Planning Commission deferred the item at the July 23, 2015, Planning Commission meeting to allow time to send new notices and post new signs for the August 13, 2015, Planning Commission meeting. There has been no change to the request.

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve 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



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

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

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

### Consistent with Policy?

Yes. The proposed Detached Accessory Dwelling Unit (DADU) Overlay is consistent with the policies for the area. The overlay provides for an additional housing option while maintaining the existing character of the area. The design standards that are incorporated into the overlay ensure proper placement, design, and access to the units.

### **ANALYSIS**

The Metro Council is currently considering legislation to establish the Detached Accessory Dwelling Unit Overlay District. On July 7, 2015, the Metro Council approved the text amendment on 2nd reading. The Detached Accessory Dwelling Unit Overlay District provides additional housing options within Davidson County. The proposed text amendment would allow DADUs as an accessory use in areas where the overlay is applied, with the same standards that currently apply to DADUs. This application is proposing to apply a Detached Accessory Dwelling Unit Overlay in the Shelby Hills area.

As per the existing standards, in order for a lot to be eligible for a detached accessory dwelling unit, it must first meet the lot size standards of the base zoning district, in this case RS5 which requires a minimum lot size of 5,000 square feet. Additionally the lot must:

- Be located within a historic overlay district; OR
- Be located within a Urban Design Overlay with standards for DADUs; OR
- Have an improved alley abutting the rear or side lot line; OR
- Exceed 15,000 square feet in size.

The Detached Accessory Dwelling Unit Overlay outlines standards for DADUs including specifications for ownership, location, driveway access, bulk, massing, as well as design standards. The Design Standards are established in the zoning ordinance and are not established by the



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application of an overlay to a specific area. The Design Standards as established cannot be modified.

### STAFF RECOMMENDATION

Staff recommends approval as the establishment of a detached accessory dwelling unit overlay is consistent with the policy for the area and allows for the introduction of an additional dwelling unit type while maintaining the existing character of the community.

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The standards for DADUs from the Zoning Ordinance are as follows:

#### Site Requirements

- May only be located behind the principal structure

#### Driveway Access

- No alley – no more than 1 curb-cut from any public street
- Alley – Any additional access shall be from the alley and no new curb cut from public streets
- Parking accessed from any public street shall be limited to one driveway for the lot with a maximum width of 12 feet

#### Bulk and Massing

- Living space shall not exceed 700 square feet
- Footprint ranges from a maximum of 750 square feet (lots less than 10,000 sq ft) to 1,000 square feet (lots 10,000 sq ft and over)
- DADU shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. Height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of 10 feet for single-story and 17 feet for two-story
- The roof ridge line must be less than the primary structure and shall not exceed 27 feet in height.

#### Design Standards

- Shall be of similar style, design, and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch
- May have dormers that relate to the style and proportion of windows on the DADU and shall be subordinate to the roofslope by covering no more than 50% of the roof
- May have dormers that are setback a minimum of 2 feet from the exterior wall

#### Historic Properties

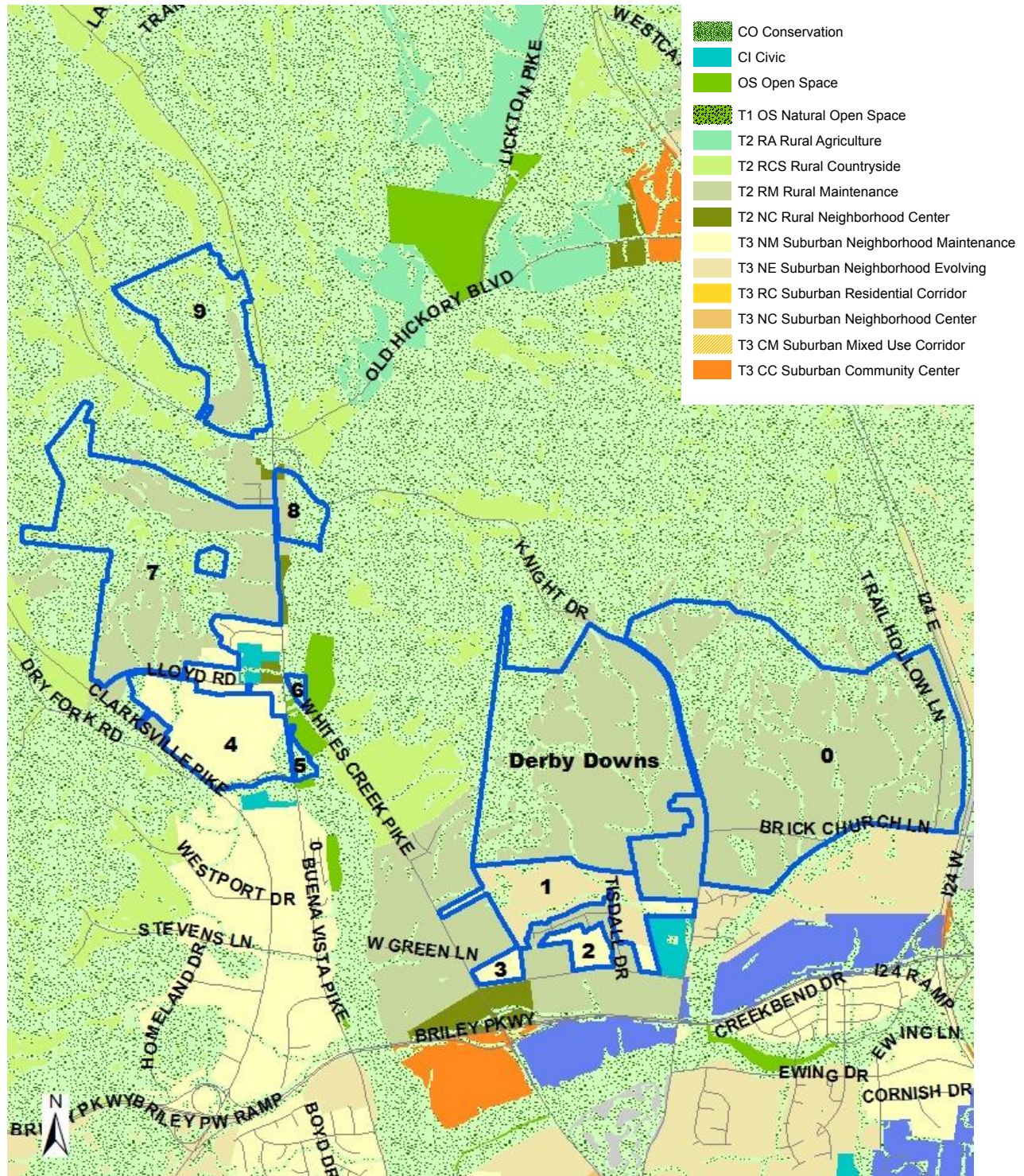
- Any properties within a historic district shall comply with the adopted standards of the applicable historic overlay

#### Ownership

- No more than 1 DADU permitted on a single-lot in conjunction with principal structure
- Cannot be divided from the property ownership of the principal dwelling
- 1 of the 2 dwellings shall be owner occupied



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2015CP-000-001

## BORDEAUX-WHITES CREEK COMMUNITY PLAN AMENDMENT

Various properties in 11 areas

Whites Creek

1 – Lonnell Matthews, Jr.

3 – Walter Hunt





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**Project No.**  
**Project Name**

**Plan Amendment 2015CP-001-002**  
**Community Character Policies for Whites Creek 11 Areas**

**Associated Case**  
**Council District**  
**School District**  
**Requested by**

2015CP-000-001  
1- Matthews, 3 – Hunt  
1 – Gentry  
Metro Planning Department

**Deferral**

These properties were deferred by the Planning Commission at the June 22, 2015, Planning Commission special meeting for the adoption of NashvilleNext.

**Staff Reviewer**  
**Staff Recommendation**

McCaig  
*Defer to the September 24, 2015, Planning Commission meeting to provide the community and property owners additional time to study the proposed Special Policies, and to allow time for an amendment to the Subdivision Regulations that will guide development within Rural policies to track concurrently.*

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### APPLICANT REQUEST

**A request to adopt the policies as recommended, along with two special policies in specific areas, for the 11 deferred areas in the Whites Creek Study Area.**

#### Amend the Bordeaux-Whites Creek Community Plan

A request to amend the Bordeaux-Whites Creek Community Plan: 2015 Update by changing community character policies for properties within 11 areas deferred from the June 22, 2015, Metro Planning Commission hearing to adopt NashvilleNext.

### **BORDEAUX – WHITES CREEK COMMUNITY PLAN**

#### **Current Policies**

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.

Rural Neighborhood Maintenance (T2 NM) is intended to preserve the general character of rural neighborhoods as characterized by their development pattern, building form, land use, and associated public realm. T2 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and public realm.

Rural Neighborhood Center (T2 NC) is intended to preserve, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale, pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses.



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Suburban Neighborhood Maintenance (T3 NM) is intended to preserve 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.

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

### **Recommended Policies**

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. Conservation in T2 Rural Transect areas should be primarily left undisturbed with a low density yield of no more than 1 dwelling unit/10 acres.

Rural Countryside (T2 RCS), a new policy category adopted with NashvilleNext, is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RCS areas have an established development pattern of very low density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area’s rural landscape. New development in T2 RCS areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/5 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

Rural Maintenance (T2 RM), a new policy category adopted with NashvilleNext that combines the previous Rural Neighborhood Maintenance (T2 NM) and Rural Neighborhood Evolving (T2 NE) policies, is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.



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Rural Neighborhood Center (T2 NC) is intended to preserve, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale, pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses.

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

### **BACKGROUND**

The properties in the 11 areas are part of the Whites Creek Study Area. In June 2013, the policies in this area, and across the county, were updated from the older Land Use Policy Application categories to the newer Community Character Manual (CCM) categories. In 2014, staff worked with the Whites Creek Community on creating additional Rural policies and guidance for Whites Creek. Five well attended workshops were held from July to October 2014 with community stakeholders.

The research, work, and community involvement as part of planning in the Whites Creek Study Area resulted in the addition of two new policy categories into CCM for Rural areas – Rural Agriculture (T2 RA) and Rural Countryside (T2 RCS). Conservation policy has also been refined countywide to differentiate between development patterns in less developed Rural areas and the denser patterns in Suburban and Urban areas. Since the policy intent is to preserve Rural areas, the previous Rural Neighborhood Maintenance (T2 NM) and Rural Neighborhood Evolving (T2 NE) policies have been combined into Rural Maintenance (T2 RM) policy.

NashvilleNext also promoted the policy to not extend sewer into Rural areas due to the community’s desire to preserve Nashville’s remaining Rural areas and character.

While the Whites Creek Community reached consensus on the policies for the majority of the study area, there are 11 areas where policies are still being debated between property owners and the larger community. The issues are due to the presence of long existing non-rural zoning, previously approved suburban developments, the existence of sewer along Whites Creek Pike, properties



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located in the Urban Services District and the interface between the rural area of Whites Creek and the more suburban area of Bordeaux to the south.

At the June 22 MPC meeting, staff presented policy recommendations for the 11 areas that sought to balance the interests of the community, the interests of property owners of large tracts of land, and the preservation of rural character in Whites Creek. The Commission deferred these 11 areas for further study and consideration. Since that time, staff has continued to meet with property owners and their representatives as well as the Whites Creek Steering Committee to discuss concerns and ideas and listen. Staff has also conducted additional analysis of the properties, and, as such, has modified a few of the previous policy recommendations that were in the Static Draft version of NashvilleNext.

### COMMUNITY PARTICIPATION

Five Rural Workshops were held in the Whites Creek Community from July to October 2014. The community continued to be involved in the NashvilleNext process, and several community members spoke at the Public Hearing on June 15, 2015. Since that time, the community has continued to work with staff on analysis and ideas for the 11 deferred areas.

At the NashvilleNext Public Hearing on June 15, several attendees voiced opinions and concerns about the appropriate policies to apply in these areas, with some supporting applying Rural policies and others desiring Suburban policies. Attendees expressed that:

- Rural policies should be applied to the entire Whites Creek Study Area to help preserve the area's Rural character;
- Rural policies should be applied to these areas to be harmonious with the Whites Creek Rural Historic District;
- Applying Suburban policies will be detrimental to the Rural character of the area;
- Property owners should be allowed to see some return on their property investments and decades of existing zoning through applying Suburban Neighborhood Evolving (T3 NE) policy;
- Rural policy conflicts with the current Suburban zoning; and
- Areas with existing sewer should have T3 Suburban policies.

For many of the Whites Creek community members, there are strong opinions that all character policies in the area should be Rural to reflect the character of Whites Creek and the community vision to preserve and maintain this area as Rural.

### ANALYSIS

Properties in the Whites Creek Study Area have been analyzed extensively. After the latest round of analysis, the majority of recommendations in the Static Draft (presented to the Commission in June 2015) have been carried forward. The areas where staff is recommending different policies than the Static Draft are four areas within the Urban Services District in the southern portion of the Whites Creek Study Area.

#### Special Policies

In addition, to provide more detailed guidance in these areas, two special policies are proposed.



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The special policy being proposed for Rural Maintenance (T2 RM) policy areas allows a well-designed development that is mindful of the larger area's rural character to exceed the usual limitation of 1 dwelling unit per 2 acres, provided that certain criteria are met. The special policy reads as follows:

*This special policy applies to the properties (identified on the attached map) where T2 Rural Maintenance (T2 RM) policy is applied. The special policy provides development options while recognizing the current conditions of non-rural zoning and access to previously provided sewer service in the area, along with the desire to avoid wholesale suburbanization of the area. The special policy allows the property owners within the special policy area to exceed the density limits set forth in the T2 Rural Maintenance policy (normally 1 dwelling unit per 2 acres) for creating a good design that is consistent with the larger community's desire to maintain the area's rural character, including the rural living environment, the rural history, and the agricultural landscape.*

*In order to maintain a harmonious development pattern within the T2 RM character area and in the surrounding rural area, the Planning Commission shall specifically review the overall subdivision design, lot placement and building site location in the review of any zone change or subdivision proposing to increase the intensity of development on the property. The intent of the review process is to ensure that the proposed site design maintains and achieves a desired rural character and development pattern in an area that transitions between suburban and rural character districts. Critical objectives in the review of the proposed subdivision include to:*

- *Preserve sensitive environmental resources such as groundwater, floodplains and floodways, wetlands, streams, steep slopes, prime agricultural land, woodlands, and wildlife corridors/habitat;*
- *Minimize disruption of scenic views from the primary roadway network, preferably by utilizing existing vegetative or topographical screening;*
- *Minimize undesirable impacts on the historic structures and features of the Whites Creek Rural Historic District;*
- *Protect natural, archeological, and cultural resources and features;*
- *Minimize land disturbance and the removal of existing mature trees and vegetation;*
- *Utilize natural and low impact stormwater management systems;*
- *Locate individual building sites to preserve the existing natural landscape;*
- *Promote interconnected greenways and wildlife and other natural corridors through the community;*
- *Design to complement and support existing current development and/or proposed character policy where near a property boundary; and*
- *Avoid regular or regimented lot patterns, such as those that would be found in suburban areas.*

*The ultimate development intensity of a property within this special policy area may exceed the preferred density as listed in the base CCM policy to the extent that the above critical objectives are achieved.*

The second special policy is proposed for Suburban Neighborhood Maintenance (T3 NM) and Suburban Neighborhood Evolving (T3 NE) policy areas within the 11 areas. The special policy



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recognizes that these areas transition between adjacent suburban and rural areas. As such, their density should not exceed four dwelling units per acre with preference given to single-family and two-family homes. It reads as follows:

*This special policy applies to T3 areas in the applicable properties. It is intended to recognize that these areas transition from less intense rural areas within the Whites Creek-Bordeaux Community Planning Area to the more intense, suburban development in the southern part of the community. Lower density suburban development (not to exceed 4 dwelling units per acre) of these properties that protects sensitive environmental features is appropriate for these areas. Single- and two-family homes are preferred, though modest use of townhomes is allowed if needed to avoid developing on sensitive features.*

### Summary of Policy Recommendations

The following is a summary of staff policy recommendations and analysis. Please also refer to the accompanying spreadsheet and PowerPoint from the MPC Work Session on July 30, 2015 for more detailed information about each area.

#### Derby Downs:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); and Rural Maintenance (T2 RM).
- Same recommendation as in the Static Draft. This area is currently Conservation and Rural policy and is within the General Services District.
- Apply special policy to Rural Maintenance (T2 RM) area.

#### Area 0:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); and Rural Maintenance (T2 RM).
- Same recommendation as in the Static Draft. The majority of this area is currently Conservation and Rural policy and is within the General Services District.
- Apply special policy to Rural Maintenance (T2 RM) area.

#### Area 1:

- Recommended Policies – Conservation (CO); Suburban Neighborhood Maintenance (T3 NM); Suburban Neighborhood Evolving (T3 NE).
- Revised recommendation by staff due to area's location within the Urban Services District, current R10 zoning, and adjacent development pattern.
- Apply special policy to Suburban Neighborhood Maintenance (T3 NM) and Suburban Neighborhood Evolving (T3 NE) areas.

#### Area 2 and Area 3:

- Recommended Policy – Suburban Neighborhood Maintenance (T3 NM).
- Retain Current Policy due to areas' locations within the Urban Services District, current R10 zoning, and due to 2014 subdivision plat for Area 3 and currently active subdivision request for Area 2.
- Apply special policy to Suburban Neighborhood Maintenance (T3 NM) areas.



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### Area 4:

- Recommended Policies – Conservation (CO); Suburban Neighborhood Maintenance (T3 NM).
- Retain Current Policy, with the exception of changing District Office Concentration (D OC) policy area to Suburban Neighborhood Maintenance (T3 NM), due to area's location within the Urban Services District.
- Apply special policy to Suburban Neighborhood Maintenance (T3 NM) area.

### Area 5 and Area 6:

- Recommended Policy – Conservation.
- Same as Current Policy and recommendation in the Static Draft.
- Areas are within the floodplain.

### Area 7:

- Recommended Policies – Rural Conservation (T2 CO); Rural Maintenance (T2 RM); Rural Countryside (T2 RCS); Suburban Neighborhood Maintenance (T3 NM).
- Same as recommendation in the Static Draft, with the exception of changing an area of Rural Countryside (T2 RCS) policy along Lloyd Road to Rural Maintenance (T2 RM) policy. The area is in the General Services District. The property frontage along Whites Creek Pike is in the Whites Creek Rural Historic District.
- Apply special policies to Rural Maintenance (T2 RM) and Suburban Neighborhood Maintenance (T3 NM) areas.

### Area 8:

- Recommended Policies – Rural Conservation (T2 CO); Rural Maintenance (T2 RM); Rural Neighborhood Center (T2 NC).
- Same as recommendation in the Static Draft. The area is in the General Services District and is completely within the Whites Creek Rural Historic District.
- Apply special policy to Rural Maintenance (T2 RM) area.

### Area 9:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); Rural Maintenance (T2 RM).
- Same as recommendation in the Static Draft due to the area's current Conservation and Rural Policy, its location north of Old Hickory Boulevard, and its location in the General Services District.
- Apply special policy to Rural Maintenance (T2 RM) area.

However, to implement the new Rural policies in the Community Character Manual, including policies for all the Rural areas that were previously adopted by the Commission on June 22, 2015, that are outside these 11 deferred areas, the *Subdivision Regulations* must be updated to implement these policies.

### **STAFF RECOMMENDATION**

Staff recommends deferral to the September 24, 2015, Planning Commission meeting to provide the community and property owners additional time to study the proposed Special Policies, and to allow



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time for an amendment to the Subdivision Regulations that will guide development within Rural policies to track concurrently.

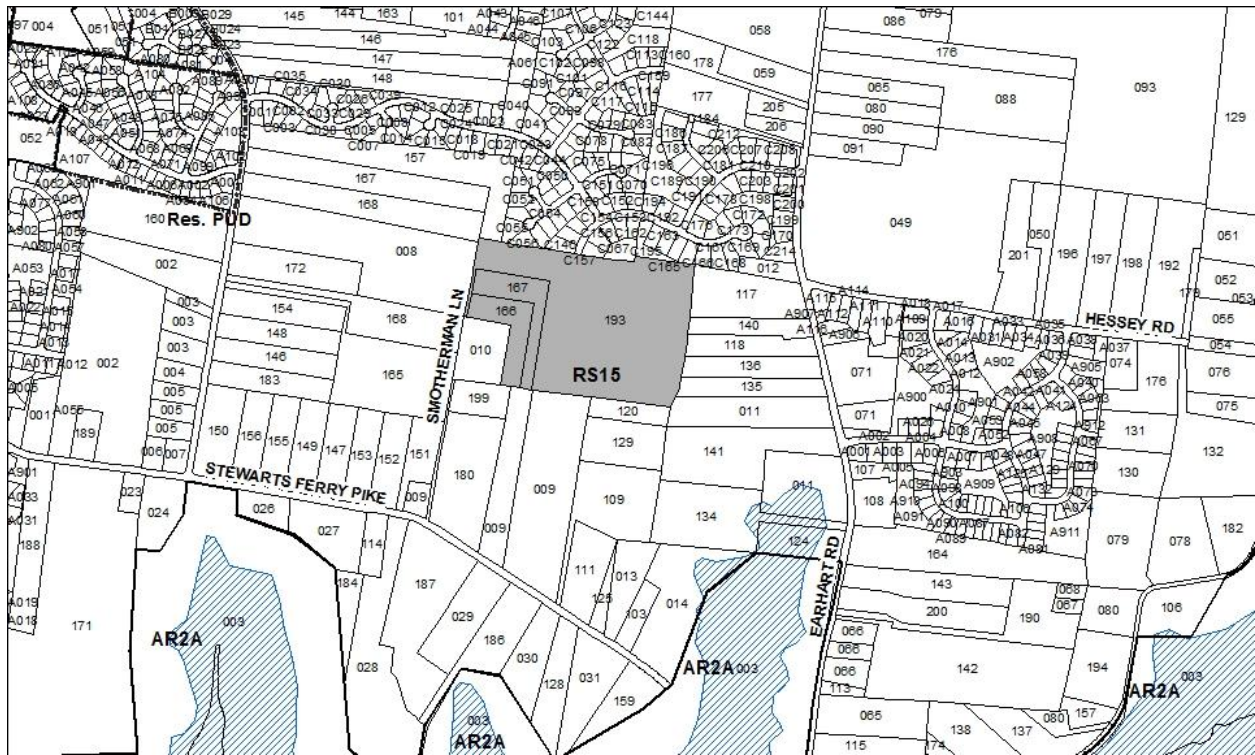




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# Metro Planning Commission Meeting of 08/13/2015



**2015SP-075-001**

THE VILLAS OF THE MEADOWS OF SEVEN POINTS

Map 110, Parcel(s) 166, 167, 193

14, Donelson - Hermitage

12 (Steve Glover)



**Project No.** 2015SP-075-001  
**Project Name** The Villas of the Meadows of Seven Points  
**Council District** 12 - Glover  
**School District** 4 - Shepherd  
**Requested by** Joe C. McConnell, applicant; David Fisher, Trustee, owner.

**Deferrals** This item was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Thomas  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**

**Preliminary SP to permit up to 86 residential units.**

Preliminary SP

A request to rezone from Single-Family Residential (RS15) to Specific Plan-Residential (SP-R) zoning for properties located at 2237 Seven Points Circle and 4103 and 4109 Smotherman Lane, approximately 1,500 feet north of Stewarts Ferry Pike (32.06 acres), to permit up to 86 residential units on 45 lots.

**Existing Zoning**

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 92 units.*

**Proposed Zoning**

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

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

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



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**Proposed Site Plan**



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

### Consistent with Policy?

The proposed SP is inconsistent with the T3 NE policy. The request proposes 86 residential units, 82 of which are two-family. The T3 NE policy is designed to provide a thorough mix of housing types, versus groupings of single types of housing. Additionally, the lack of a vehicular connection to Smotherman Lane restricts the ability of the project to provide moderate to high levels of connectivity.

Staff has requested the applicant reduce the number of two-family units and disperse their location at key intersections and larger lots throughout the development. In addition, staff has requested a direct connection from Seven Points Circle to Smotherman Lane. Subject to these conditions, staff finds the SP would be consistent with the T3 NE policy.

### **PLAN DETAILS**

The 32.06 acre site is located south of the existing Meadows of Seven Points subdivision, and at the terminus of Smotherman Lane. The site is approximately 1,500 feet north of Stewarts Ferry Pike and 1,000 feet west of Earhart Road. The Meadows of Seven Points subdivision to the north consists of single-family residences on one-quarter acre or larger lots. To the south, east, and west are single-family residences on properties that are approximately 2 acres to 16 acres in size.

### Site Plan

The plan proposes 41 two-family lots and 4 single-family lots, for a total of 86 residential units. The single-family lots are proposed along Smotherman Lane along the west boundary of the site. The remaining 41 lots are proposed to consist entirely of two-family residences. Staff recommends the plan be limited to 15 two family lots, which would account for 33% of the lots, and disperse the two-family residences to intersections and larger lots. This ratio of single- and two-family lots is consistent with the Bridgewater subdivision on John Hagar Road to the north.

The two-family lots take access from the existing Meadows of Seven Points subdivision to the north. Future connections are planned to the east and south. Staff recommends a future connection from the northeast corner of the site, connecting to Smotherman Lane along the west boundary, in order to accommodate the Hessey Road extension identified in the Major and Collector Street Plan.

The single-family lots are proposed to access onto Smotherman Lane where it currently dead ends in the site. As proposed, a variance to the Subdivision Regulations would be required for the single-family lots as the length of Smotherman Lane exceeds the maximum 750 foot length of dead end streets with turnarounds. A variance would not be required with staff's condition to provide a direct connection from Seven Points Circle to Smotherman Lane.



# Metro Planning Commission Meeting of 08/13/2015

## ANALYSIS

The proposal groups a single type of housing type rather than providing an appropriate, thorough mix of housing. Staff recommends the applicant reduce the number of two-family lots and disperse them throughout the development at intersections and on larger lots.

Additionally, the applicant has not provided adequate connectivity to establish multiple routes for residents and reduce congestion on primary roads. Staff finds a direct connection from Seven Points Circle to Smotherman Lane would meet the intent of the T3 NE policy of providing a higher level of connectivity. The existing width of Smotherman Lane varies and improvements may be required if a connection is made.

## FIRE MARSHAL’S OFFICE

### Approve with conditions

- Fire Code issues for the structures will be addressed at permit application review.

## STORMWATER RECOMMENDATION

### Approved

## WATER SERVICES

### Approve with conditions

- Approved as a Preliminary SP only.
- FYI - significant public water and sewer construction plan work will be required for the Final SP. This work must be approved prior to Final SP approval.
- The required capacity fees must also be paid prior to Final SP approval.

## PUBLIC WORKS RECOMMENDATION

### No exceptions taken

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

## TRAFFIC AND PARKING RECOMMENDATION

### Conditions if approved

- Comply with road comments.
- Any future subdivision connected to this subdivision and accessed from Earhart Rd and S New Hope Rd may require a traffic access study.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	32.06	2.90 D	92 U	963	75	100



# Metro Planning Commission Meeting of 08/13/2015

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

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)	32.06	-	86 U	906	70	94

Traffic changes between maximum: **RS15** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 6 U	-57	-5	-6

## METRO SCHOOL BOARD REPORT

**Projected student generation existing RS15 district: 9 Elementary 4 Middle 4 High**  
**Projected student generation proposed SP-R district: 30 Elementary 16 Middle 14 High**

The proposed SP-R zoning district would generate 43 additional students than what is typically generated under the existing RS15 zoning district. Students would attend Ruby Major Elementary School, Donelson Middle School, and McGavock High School. Ruby Major Elementary School and Donelson Middle School have been identified as over capacity; however, there is capacity within the cluster for elementary and middle school students. McGavock High School is also identified as over capacity; however, there is capacity in adjacent clusters. This information is based upon data from the school board last updated October 2014.

## STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

## CONDITIONS

1. Uses within the SP shall be limited to a maximum of 60 residential units.
2. Two-family lots shall be dispersed throughout the site and primarily on corner lots.
3. All garages shall be side or rear loaded, consistent with the images on the plan.
4. The development plan shall include a direct connection from Seven Points Circle to Smotherman Lane.
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 RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The following design standards shall be added to the plan:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18”- 36” is required for all residential structures.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.



## Metro Planning Commission Meeting of 08/13/2015

8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

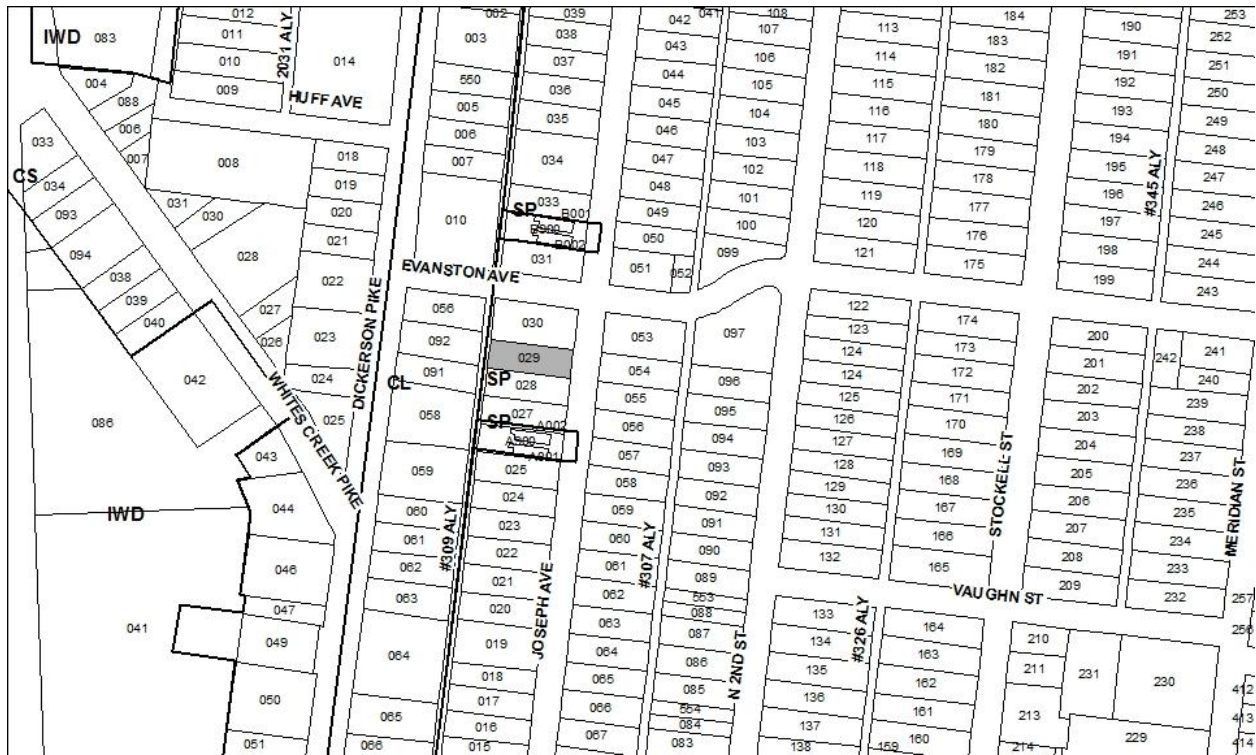




**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 08/13/2015



**2015SP-076-001 ~ BL2015-1298**

1014 JOSEPH AVENUE SP

Map 082-03, Parcel(s) 029

05, East Nashville

05 (Scott Davis)



**Project No.** 2015SP-076-001  
**Project Name** 1014 Joseph Avenue SP  
**Council Bill** BL2015-1298  
**Council District** 5 – Davis  
**School District** 5 – Kim  
**Requested by** Duke & Duke, LLC, applicant and owner.

**Deferrals** This item was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Sajid  
**Staff Recommendation** *Disapprove.*

**APPLICANT REQUEST**

**Permit up to two detached residential units.**

Preliminary SP

A request to rezone from Specific Plan-Residential (SP-R) to Specific Plan-Residential (SP-R) zoning for property located at 1014 Joseph Avenue, approximately 90 feet south of Evanston Avenue, (0.16 acres), to permit up to two detached residential units.

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

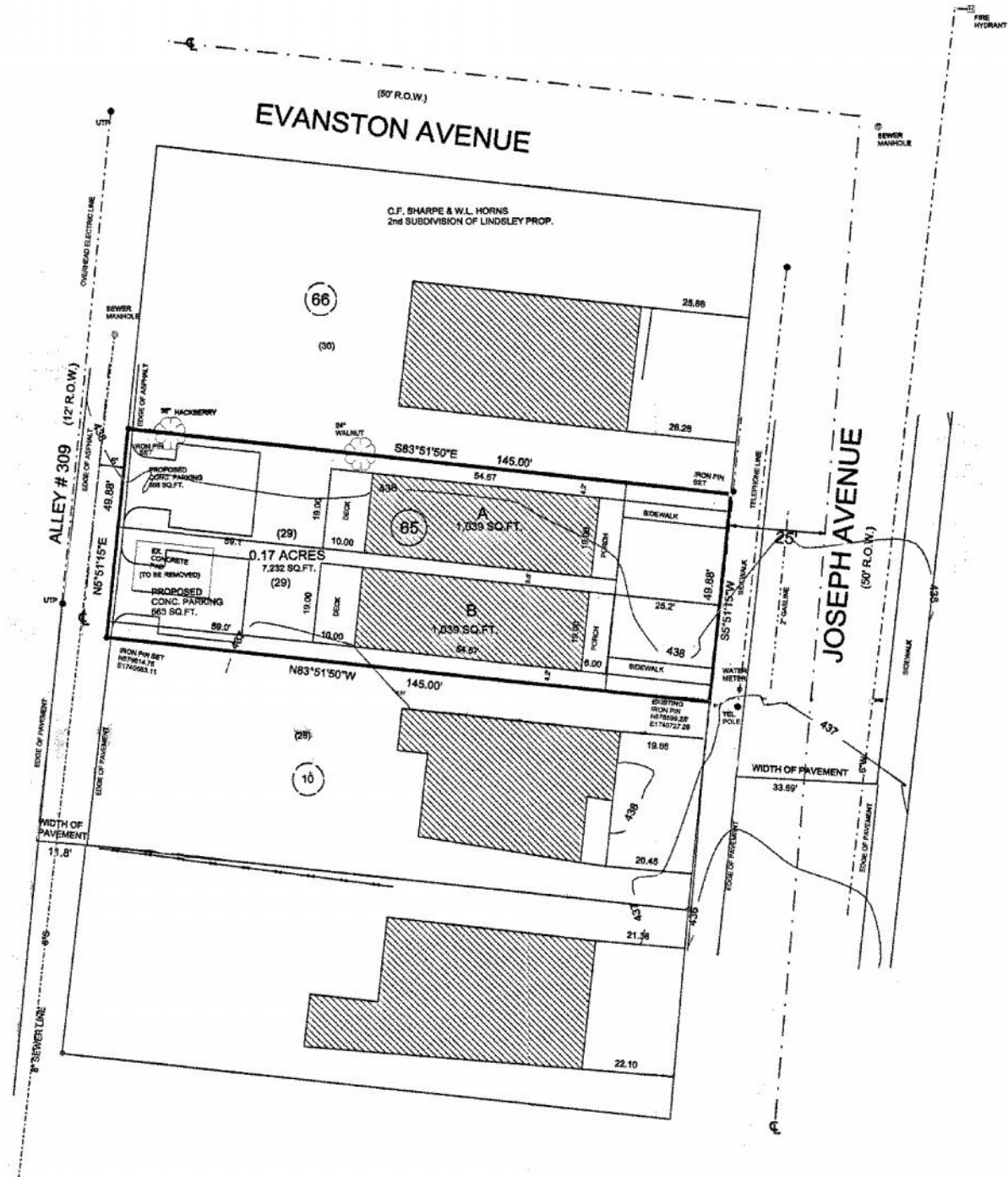
Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character 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.

Consistent with Policy?

No. The proposed SP is not consistent with the Urban Neighborhood Maintenance policy. Policy was previously Urban Community Center. Through the NashvilleNext process, the neighborhood requested that an Urban Neighborhood Maintenance policy be applied to this area to preserve the



# Metro Planning Commission Meeting of 08/13/2015



Proposed Site Plan



## Metro Planning Commission Meeting of 08/13/2015

character of the existing neighborhood. The SP proposes a detached duplex, and while there are some existing duplexes scattered throughout the neighborhood, the predominant use in the neighborhood is single-family residential. An attached two-family structure with a traditional design could be appropriate at this location if the plan incorporates contextually appropriate design that makes it appear as one unit from a massing standpoint so that it is consistent with the character of the neighborhood.

### **PLAN DETAILS**

The site is located at 1014 Joseph Avenue, south of Evanston Avenue. Access to the property is from the existing improved alley that abuts the site to the east.

#### Site Plan

The plan proposes two detached residential units fronting Joseph Avenue. Access is limited to the alley to the east, and parking pads are provided behind the units. The proposed street setbacks are contextual. The site is served by existing sidewalks along Joseph Avenue and proposes sidewalk connections from the units to the public sidewalk.

The plan does not include information addressing building height, landscaping or design standards to demonstrate that it is contextually appropriate. Additionally, the proposed plan does not include all elements of the development plan as required by Section 17.40-106.B of the Zoning Code.

### **ANALYSIS**

The SP proposes a detached duplex on an interior lot which is not consistent with the form and rhythm of the predominantly single-family residential character of the neighborhood and therefore, is not consistent with the Urban Neighborhood Maintenance policy. An attached two-family structure may be appropriate at this location if the plan incorporates contextually appropriate design that resembles the form and scale of the existing character of the neighborhood.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Add Preliminary Note.
- Add C/D Note.
- Add note stating that this project will require a Stormwater Infill plan during Building Permit review.

### **TRAFFIC & PARKING RECOMMENDATION**

#### **Approve with conditions**

- Comply with road comments.

### **WATER SERVICES RECOMMENDATION**

#### **Approve with conditions**

- Approved as a Preliminary SP only, on the condition all four private service lines (one water and one sewer for each dwelling) tie directly to a public line from the dwelling it serves (no



## Metro Planning Commission Meeting of 08/13/2015

shared private water and sewer lines). The required capacity fees must be paid prior to Final SP approval.

### **PUBLIC WORKS RECOMMENDATION**

#### **Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer
- Dedication of 1/2 MPW standard alley cross section is required prior to building permit, i.e. +/-4'

No traffic table was prepared for this case, as it is not expected to generate significant additional traffic.

### **METRO SCHOOL BOARD REPORT**

**Projected student generation existing SP-R district: 0 Elementary 0 Middle 0 High**  
**Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High**

The proposed SP-R zoning district would not generate any more students than what is typically generated under the existing SP-R zoning district. Students would attend Glenn Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated October 2014.

### **STAFF RECOMMENDATION**

Staff recommends disapproval of the SP as it is not consistent with the Urban Neighborhood Maintenance land use policy.

### **CONDITIONS (if approved)**

1. Uses within the SP shall be limited to two attached residential units in one structure that is designed to appear as one unit.
2. The following design standards shall be added to the plan:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18"- 36" is required for all residential structures.
  - f. Building height shall be limited to two stories in 35'.
3. Vehicular access for all units shall be limited to the alley.
4. Architectural elevations shall be submitted with the final site plan.
5. The two attached residential units shall comply with the following definition of two-family per Section 17.04.060 of the Zoning Code: two attached dwelling units that share the floor of a unit with the ceiling of another unit or a common wall from grade to eave at the front façade which continues for eighty percent (80%) of the common side or 20 feet, whichever is greater.
6. Side setbacks shall meet the standard of the R6 district.



## Metro Planning Commission Meeting of 08/13/2015

7. To ensure that the footprint of the two family structure is consistent with the character of the neighborhood, the width of the structure at the front setback shall be continuous and a minimum of 34 feet and a maximum of 38 feet.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. 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.



# Metro Planning Commission Meeting of 08/13/2015



**2015SP-077-001 ~ BL2015-1302**

1436 LISCHEY AVENUE SP

Map 071-11, Parcel(s) 282

05, East Nashville

05 (Scott Davis)





**Project No.** 2015SP-077-001  
**Project Name** 1436 Lischey Avenue SP  
**Council Bill** BL2015-1302  
**Council District** 5-Davis  
**School District** 5-Kim  
**Requested by** Bryan D. Spicer, applicant and owner.

**Deferral** This item was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Disapprove.*

**APPLICANT REQUEST**  
**Zone change from RS5 to SP**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Residential (SP-R) zoning for property located at 1436 Lischey Avenue, approximately 144 feet south of Gatewood Avenue, (0.36 acres) to permit up to three residential units.

**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 3 units.*

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

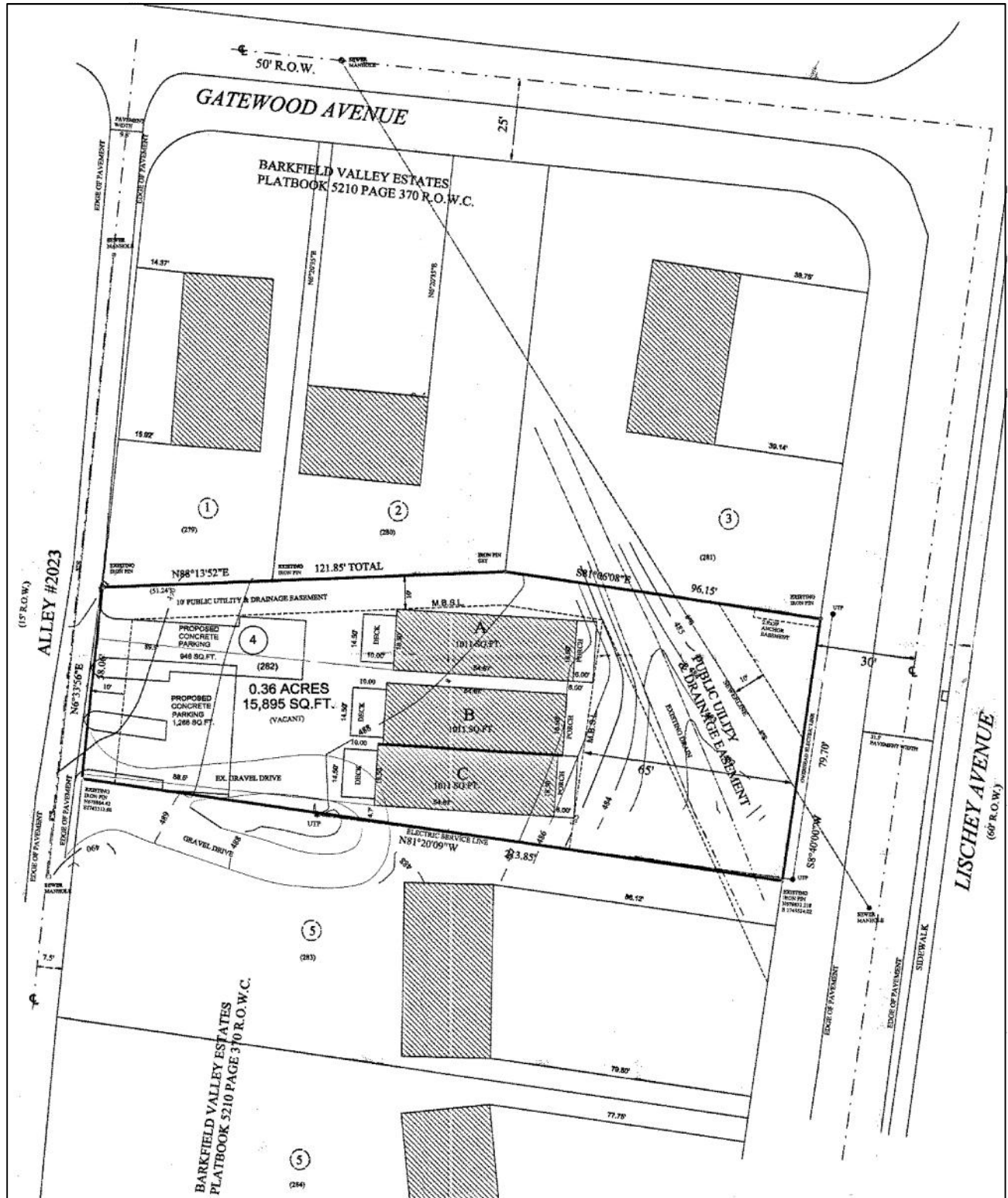
**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve 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.

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



# Metro Planning Commission Meeting of 08/13/2015



Proposed Site Plan



## Metro Planning Commission Meeting of 08/13/2015

habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

### Consistent with Policy?

No. The rezoning request to allow for three residential units is inconsistent with the T4 Urban Neighborhood Maintenance policy. While some change would be expected within the Neighborhood Maintenance area, the change should be sensitive to the existing neighborhood character. There is also an area of Conservation Policy along the front of the property due to a stream that bisects the property. Three units is not consistent with the rhythm of homes along the street, nor is it consistent with the density or massing along the street.

### **PLAN DETAILS**

The site is located at 1436 Lischey Avenue, on the west side of Lischey Avenue and south of Gatewood Avenue. The site is approximately 0.36 acres in size and is currently vacant.

### Site Plan

The plan proposes up to three residential dwelling units including one single-family detached unit and two attached units. All units will front on Lischey Avenue. The units are set back approximately 65 feet from Lischey Avenue due to public utility and drainage easement that runs across the front of the lot.

Sidewalks would be required along Lischey Avenue but are not proposed with the current plan. Parking for all units is proposed to be located in surface lots accessed from the existing alley.

### **ANALYSIS**

The property at 1436 Lischey Avenue is currently zoned RS5 which allows for single-family residential uses. All surrounding property is also zoned RS5. There is a mixture of single-family detached units and duplexes within the immediate area. The duplex units are small, single-story structures that appear more as single-family units. The spacing of units along the street is uniform and the introduction of three units on one lot will be inconsistent with the current pattern along the street. The applicant has proposed no standards in regards to building type, height, or architectural style.

### **FIRE MARSHAL'S OFFICE RECOMMENDATION**

#### **Approved with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

### **STORMWATER RECOMMENDATION**

#### **Returned for corrections**

- Drawing should be a CADD drawing that is to scale.
- Add Preliminary Note.
- Show existing topo.
- Add FEMA note and information.
- Show undisturbed buffers (or provide variance).
- Add Buffer Note to plans.
- Show North Arrow and Bearing information.



## Metro Planning Commission Meeting of 08/13/2015

- Provide a Vicinity Map.
- Proposed site layout.
- Add 78-840 note to plans
- Add Preliminary Note.
- Add Access Note.
- Add C/D Note.
- Provide water quality concept.
- Provide room for detention (if necessary).

### **PUBLIC WORKS RECOMMENDATION**

#### **Returned for corrections**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer
- Indicate on the plans construction of at a minimum curb and gutter (ST-200), 4' furnishing zone, and 5' ADA compliant sidewalk (ST-210). Sidewalks are to be within public ROW, may require ROW dedication.
- Dedication 1/2 MPW standard alley cross section prior to building permit, i.e. +/- 2.5'
- Submit to Traffic and Parking Commission to restrict parking on Lischey prior to building permit

### **TRAFFIC AND PARKING RECOMMENDATION**

#### **Returned for corrections**

- Provide parking per metro code. Include parking chart on plan.
- Provide adequate space to back out of driveway. Show buffer area between parking and alley ROW.

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)	0.37	8.71	3 U	29	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.37	-	3 U	29	3	4

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

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



## **Metro Planning Commission Meeting of 08/13/2015**

### **STAFF RECOMMENDATION**

Staff recommends disapproval as the rezoning is inconsistent with the policy for the area and a recommendation of approval has not been received from all reviewing agencies. Additionally, no standards have been provided in regards to the character of the units.



# Metro Planning Commission Meeting of 08/13/2015



**2015SP-078-001**  
HARVEST HILLS HOMES SP  
Map 105-04, Parcel(s) 044-046  
11, South Nashville  
17 (Sandra Moore)



**Project No.** 2015SP-078-001  
**Project Name** Harvest Hills Homes SP  
**Council District** 17 - Moore  
**School District** 5 - Kim  
**Requested by** FMBC Investments, LLC, applicant; Harvest Hands Community Development Corporation, owner.

**Deferral** This case was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Thomas  
**Staff Recommendation** *Defer until August 27, 2015, unless a recommendation of approval is received from all agencies prior to the Planning Commission meeting. If recommendations are received, approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**

**Preliminary SP to permit up to 10 dwelling units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning for property located at 20, 22, and 24 N. Hill Street, approximately 100 feet west of Lincoln Street (0.54 acres), to permit up to 10 residential units.

**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. All lots are currently duplex eligible which would result in 6 units on 3 lots.

**Proposed Zoning**

Specific Plan-Residential (SP-R) 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.

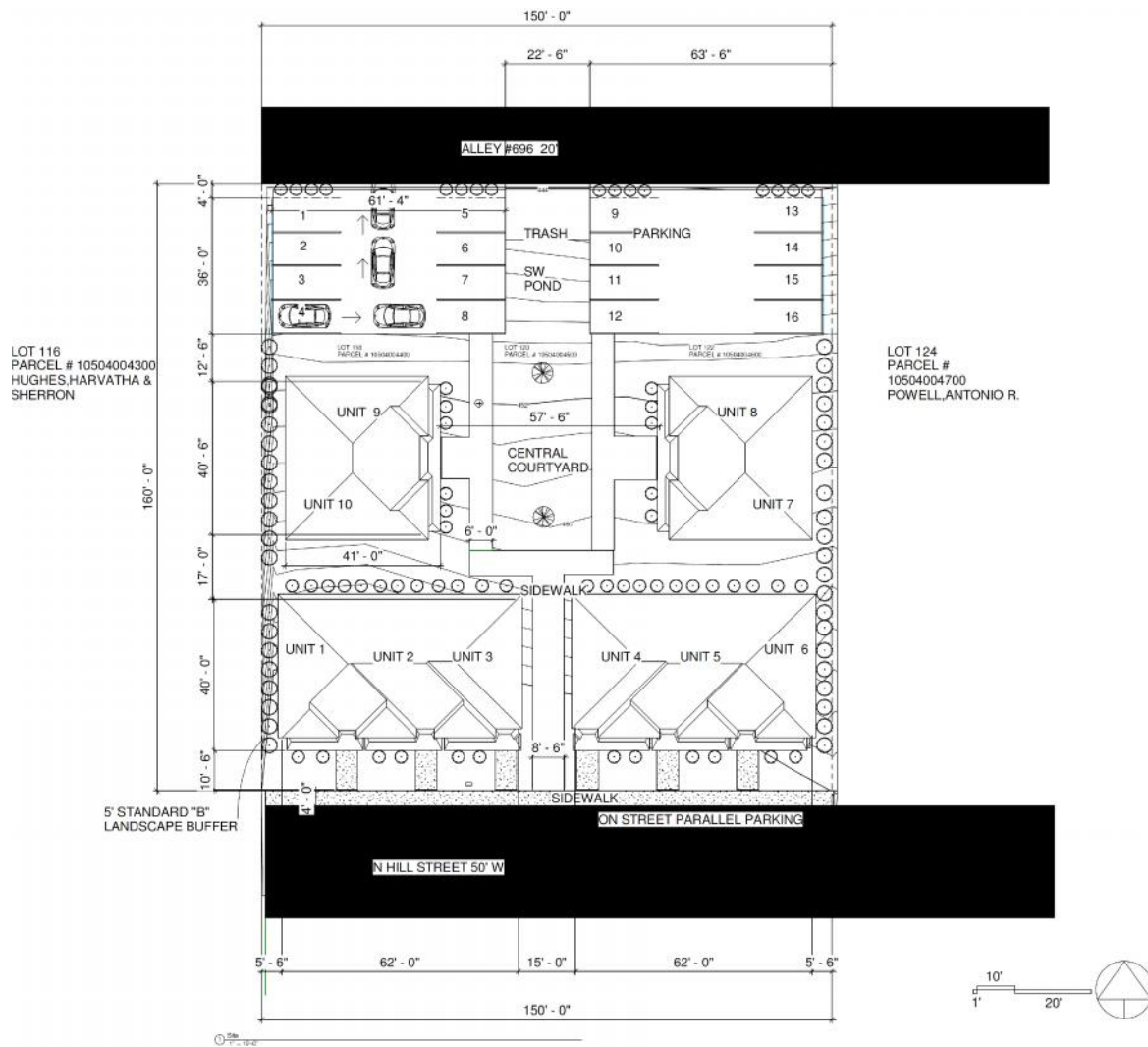
**CRITICAL PLANNING GOALS**

- Provides a Range of Housing Choices
- Supports infill development

The townhouses options are important to serve a wide range of people with different housing needs within the surrounding community. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure.



# Metro Planning Commission Meeting of 08/13/2015



**Proposed Site Plan**





## Metro Planning Commission Meeting of 08/13/2015

### **SOUTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving (T4NE) is intended to create and enhance urban neighborhoods that fit in with the general character of existing urban neighborhoods, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land without sensitive environmental features and the cost of developing housing.

#### Consistent with Policy?

Yes. The proposed SP is consistent with the T4 Urban Neighborhood Evolving Policy which supports the proposed residential form. Buildings are oriented to the street and open space and alley access already exists along the rear of the property.

### **PLAN DETAILS**

The site is located at 20, 22, and 24 N. Hill Street, approximately 100 feet west of Lincoln Street. The site is approximately 0.54 acres in size. Two of the three properties are currently vacant.

#### Site Plan

The plan proposes a total of 10 attached residential units. There are six townhouse units fronting to N. Hill Street and four units fronting on an interior courtyard. A wide sidewalk provides connectivity for the rear courtyard units to access N Hill Street. A 5' Standard B buffer yard is proposed along the side property lines. Parking is located in the rear of the property, adjacent to the alley.

The applicant has provided proposed architectural elevations. Architectural standards have also been included on the plan. Elevations shall be provided with the final site plan.

### **ANALYSIS**

The SP is consistent with the T4 Neighborhood Evolving policy and meets two critical planning goals. The 10 residential units will provide a variety of housing choices for the surrounding community in a pattern that fits in with the urban character.

### **FIRE DEPARTMENT RECOMMENDATION**

#### **Approved with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

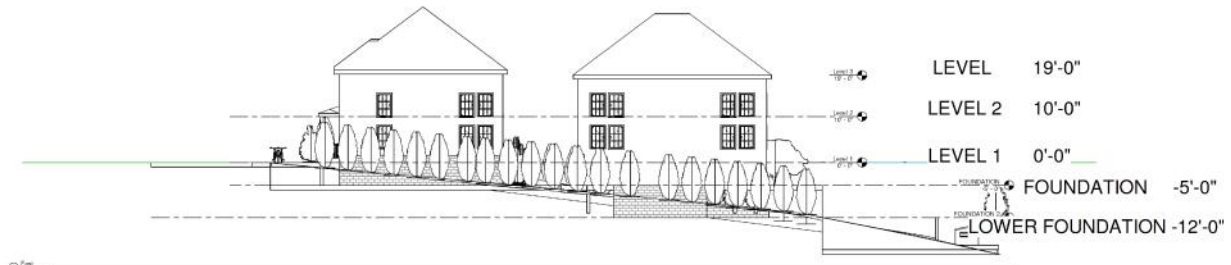
### **STORMWATER RECOMMENDATION**

#### **Returned**

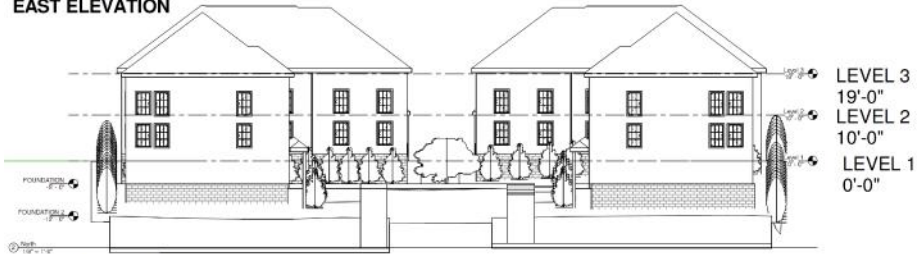
- Add FEMA note. The note should reference what zone the project is located in and whether it is located in a flood hazard zone or not. It should also list the date of the map the information was taken from.
- Show Bearing information.



# Metro Planning Commission Meeting of 08/13/2015



**EAST ELEVATION**



**NORTH ELEVATION**



**SOUTH ELEVATION**



## Proposed Elevations



## Metro Planning Commission Meeting of 08/13/2015

### WATER SERVICES RECOMMENDATION

#### Approved with conditions

- Approved as a Preliminary SP only.
- Public sewer construction plans must be submitted and approved prior to Final SP approval.
- The required capacity fees must also be paid prior to Final SP approval.

### PUBLIC WORKS RECOMMENDATION

#### Returned

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer
- Submit a dimensioned site plan and include, at a minimum, the following: existing sidewalks widths, curb location, existing edge of pavement, existing width of N Hill St pavement and ROW, alley ROW width and pavement width, etc.
- Depending on the width of N Hill St, applicant may be required to submit to Traffic and parking Commission to restrict parking along property frontage
- Indicate the location of the dumpster and recycling container, Metro Solid Waste Policy states any development of 4 or more units a dumpster is required.
- Prior to Final SP, coordinate the stormwater outfall with MPW and MWS. Point source discharge into the ROW is not permitted, may require a hard connection to the existing stormwater infrastructure.

### TRAFFIC AND PARKING RECOMMENDATION

#### Conditions if approved

- Comply with road comments. Landscaping shall not restrict sight distance at drives off alley.

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)	0.54	7.26 D	6 U*	58	5	7

\*Based on three two-family lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.54	-	10 U	96	8	11

Traffic changes between maximum: **R6** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 4 U	+38	+3	+4



## Metro Planning Commission Meeting of 08/13/2015

### METRO SCHOOL BOARD REPORT

**Projected student generation existing R6 district: 1 Elementary 0 Middle 0 High**

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

The proposed SP-R zoning district could generate two more students than what is typically generated under the existing R6 zoning district. Students would attend Whitsett Elementary School, Cameron Middle School, and Glenclyff High School. Whitsett Elementary and Glenclyff High have been identified as over capacity. There is no capacity for elementary students within the cluster; however, there is capacity within an adjacent cluster for high school students.

The fiscal liability for one elementary student is \$21,500. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2014.

### STAFF RECOMMENDATION

Staff recommends deferral to the August 27, 2015, Planning Commission meeting unless a recommendation of approval is received from all agencies prior to the meeting. If recommendations are received, staff recommends approval with conditions and disapproval without all conditions.

### CONDITIONS (if approved)

1. Permitted land uses shall be limited to up to 10 multi-family residential units.
2. Prior to building permit issuance, a plat must be recorded to consolidate the lots.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the application request or application.
4. The following design standards shall be added to the plan:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18"- 36" is required for all residential structures.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



**SEE NEXT PAGE**





**Project No.** 2015SP-079-001  
**Project Name** 1820 12<sup>th</sup> Avenue South SP  
**Council District** 17 - Moore  
**School District** 8 - Pierce  
**Requested by** FMBC Investments, LLC, applicant and owner.

**Deferral** This case was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Thomas  
**Staff Recommendation** *Defer until August 27, 2015, unless a recommendation of approval is received from all agencies prior to the Planning Commission meeting. If recommendations are received, approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**

**Preliminary SP to permit a mixed-use development with up to six residential units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 1820 12<sup>th</sup> Avenue S, on the northeast corner of 12<sup>th</sup> Avenue S and W Grove Avenue (0.22 acres), to permit a mixed-use development with up to six residential units and 1,000 square feet of general office.

**Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 1 duplex lot for a total of 2 units.*

**Proposed Zoning**

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

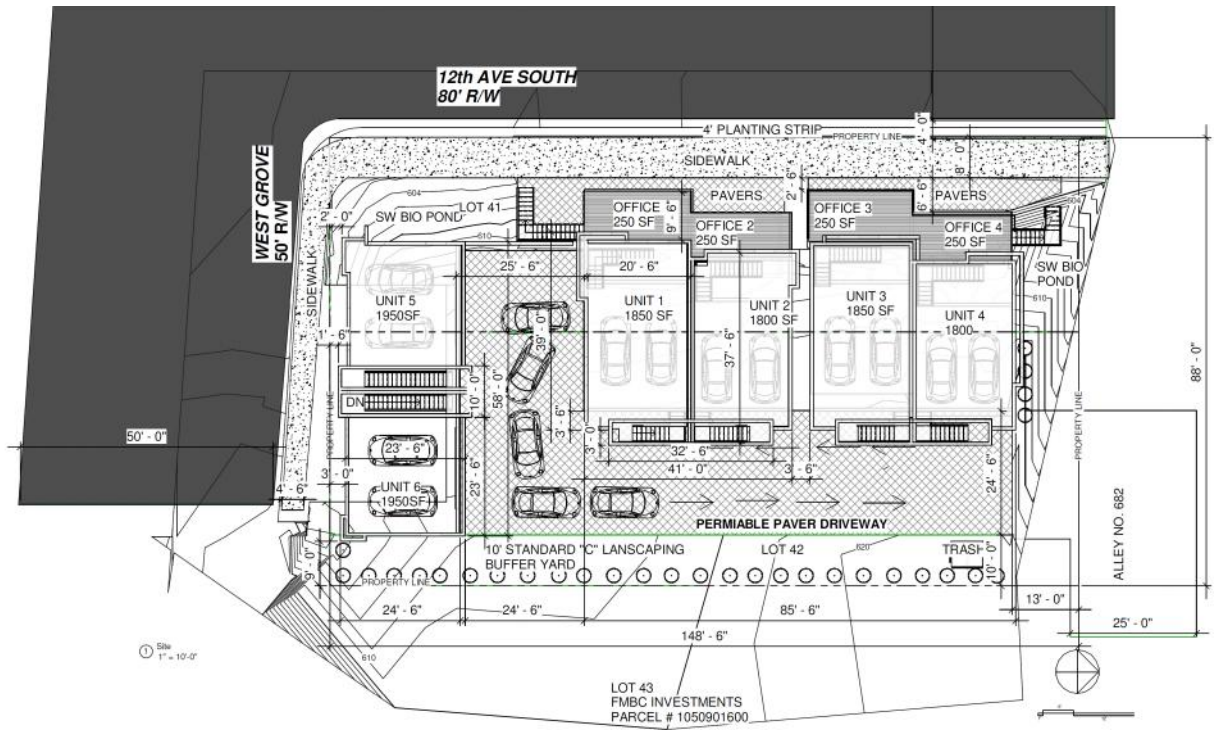
**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development
- Provides a Range of Housing Options

This proposal meets three critical planning goals. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. Improved sidewalks to meet the requirements of the Major and Collector Street Plan are being provided along 12<sup>th</sup> Avenue S to create a more pedestrian friendly and walkable area. The live-work



# Metro Planning Commission Meeting of 08/13/2015



**Proposed Site Plan**





## Metro Planning Commission Meeting of 08/13/2015

units provide a range of housing options not commonly seen in the area surrounding this development.

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

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

#### Consistent with Policy?

Yes. The proposed SP is consistent with the T4 Urban Mixed Use Corridor policy. The plan is providing for additional housing options within an urban area. Improvements to the sidewalk along 12<sup>th</sup> Avenue S will improve the pedestrian environment for existing and future residents.

### **PLAN DETAILS**

The site is located at the northeast corner of 12<sup>th</sup> Avenue S and W Grove Avenue. The site is approximately 0.22 acres in size and includes an existing duplex.

#### Site Plan

The plan proposes up to six multi-family units and 1,000 square feet of general office uses within a live-work development. The four units fronting on 12<sup>th</sup> Avenue S each include 250 square feet of general office along the ground floor of 12<sup>th</sup> Avenue S. The two units fronting on W Grove Avenue are limited to strictly residential.

Each residential unit provides two garage parking spaces. Vehicular access to the residences is provided by an internal driveway connecting to the rear alley. Per Section 17.20.030 of the Zoning Code, additional parking is not required for the office component of the live-work development as the property is located within the UZO.

The applicant is proposing a 10' Standard C buffer yard along the eastern property line to buffer the existing single-family residential. In addition, sidewalks are being widened along the 12<sup>th</sup> Avenue S frontage to meet the requirements of the MCSP and to improve pedestrian circulation.

The applicant has provided proposed architectural elevations. Architectural standards have also been included on the plan. Elevations shall be provided with the final site plan.

### **ANALYSIS**

The plan is consistent with the T4 Urban Mixed Use Corridor policy. The proposal enhances the development pattern of the urban neighborhood and provides a housing choice that is not widely available. The improvements to the sidewalks will improve the pedestrian connectivity.

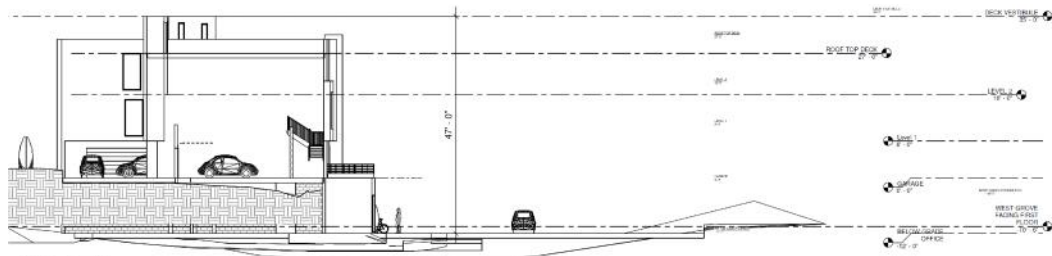
### **FIRE DEPARTMENT RECOMMENDATION**

#### **Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.



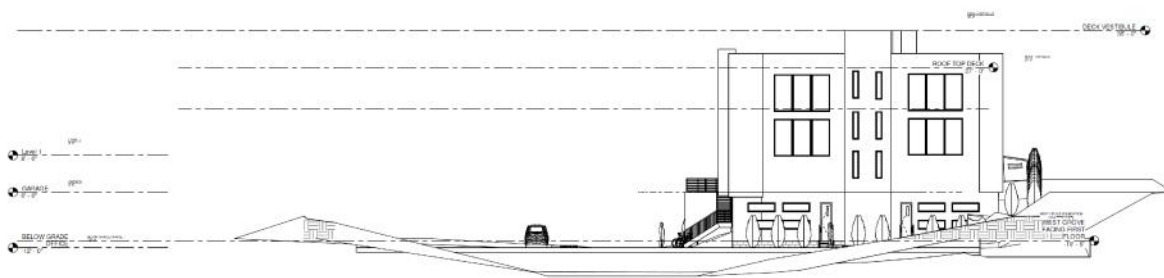
# Metro Planning Commission Meeting of 08/13/2015



**NORTH**



**WEST**



**SOUTH**

**Proposed Elevations**



# Metro Planning Commission Meeting of 08/13/2015

## STORMWATER RECOMMENDATION

### Returned

- Add FEMA note. The note should reference what zone the project is located in and whether it is located in a flood hazard zone or not. It should also list the date of the map the information was taken from.
- Show Bearing information.

## WATER SERVICES RECOMMENDATION

### Approve with conditions

- Approved as a Preliminary SP only.
- The required capacity fees must be paid prior to Final SP approval.

## PUBLIC WORKS RECOMMENDATION

### Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer.
- Submit a dimensioned site plan and include, at a minimum, the following: existing sidewalks widths, existing width of 12th Ave S and West Grove pavement, alley ROW width and pavement width, etc. ~ site plan indicates incorrect pavement widths (80' listed as pavement on 12th, dimension is closer to 60').
- Due to the existing bike lane on 12th Ave S, no parking is permitted on the curb side, indicate installation of No Parking signage, if not currently installed.
- Indicate the location of the recycling container. ~ as note to developer solid waste and recycling will be by private hauler.
- Prior to Final SP, coordinate the stormwater outfall with MPW and MWS. Point source discharge into the ROW is not permitted, may require a hard connection to the existing stormwater infrastructure.
- Indicate sidewalk extension to the eastern property line on West Grove.

## TRAFFIC AND PARKING RECOMMENDATION

### No exception taken

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.22	5.44 D	2 U*	20	2	3

\*Based on one two-family lot.



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	0.22	-	6 U	46	5	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.22	-	1,000 SF	11	2	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+37	+5	+4

### METRO SCHOOL BOARD REPORT

**Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed SP-MU district: 2 Elementary 1 Middle 1 High**

The proposed SP-MU zoning district could generate four more students than what is typically generated under the existing R8 zoning district. Students would attend Julia Green Elementary School, J.T. Moore Middle School, and Hillsboro High School. Both Julia Green Elementary and J.T. Moore Middle have been identified as over capacity. There is no capacity for elementary and middle school students within the cluster.

The fiscal liability for one middle school and two elementary school students is \$69,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2014.

### STAFF RECOMMENDATION

Staff recommends deferral until August 27, 2015, unless a recommendation of approval is received from all agencies prior to the Planning Commission meeting. If recommendations are received, staff recommends approval with conditions and disapproval without all conditions.

### CONDITIONS (if approved)

1. Permitted land uses shall be limited to up to 6 multi-family residential units and up to 1,000 square feet of general office.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the OR20-A zoning district as of the date of the application request or application.



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3. The ground floor windows along 12<sup>th</sup> Avenue South shall be a minimum 9 feet in height to give the appearance of a greater floor height.
4. The following design standards shall be added to the plan:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing for residential and 40% glazing for office.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18”- 36” is required for all residential structures. Raised foundations are not required for the office units along 12<sup>th</sup> Avenue South.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.





**Project No.** 2015S-083-001  
**Project Name** John Hill Property  
**Council District** 22-Weiner  
**School District** 9-Frogge  
**Requested by** K & A Land Surveying, applicant; John Robert Hill, owner.

**Deferral** This item was deferred from the July 23, 2015, Planning Commission meeting.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Defer to the August 27, 2015, Planning Commission meeting.*

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**APPLICANT REQUEST**

**Create 4 lots.**

Final Plat

A request for final plat approval to create four lots on property located at 7650 Sawyer Brown Road, approximately 225 feet south of Williamsport Court, zoned One and Two-Family Residential (R20) (13.9 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral to the August 27, 2015, Planning Commission meeting.



**SEE NEXT PAGE**





## **RECOMMENDATIONS TO METRO COUNCIL**

- **Zoning Text Amendments**
- **Zone Changes**



**NO SKETCH**



**Project No.**

**Text Amendment  
2015Z-015TX-001**

**Project Name**

**Transfer Development Rights**

**Council Bill**

BL2015-1255

**Council District**

Countywide

**School District**

Countywide

**Requested by**

Councilmember Burkley Allen.

**Staff Reviewer**

Thomas

**Staff Recommendation**

*Approve the staff proposed substitute ordinance.*

**APPLICANT REQUEST**

Amend the text of the Zoning Ordinance related to transfer of development rights.

**TEXT AMENDMENT**

A request to add Section 17.12.120 of Title 17 of the Metropolitan Zoning Code to permit the transfer of development rights from historic properties in Metropolitan Nashville as “sending” sites to designated “receiving” sites.

**PURPOSE**

In 2001, the State of Tennessee enacted a law enabling counties and municipalities to permit the transfer of development rights. In March of 2007, the Metro Council adopted the first ordinance permitting the transfer of development rights, defined as undeveloped square footage. The ordinance focused solely on Downtown Nashville, as it was facing significant development pressure. Permitting the transfer of development rights allowed owners of historic structures or properties within downtown to realize the full value of their properties while continuing to preserve historic structures.

Metro Nashville has numerous properties outside of Downtown Code (DTC) area which are designated historically significant or eligible for the National Historic Register. Given the unprecedented growth in Metro Nashville, many of these properties are now facing similar development pressure.

The bill proposes to permit the transfer of development rights, which is limited to the undeveloped square footage on the property under the base zoning. The bill defines sending sites as properties outside of the DTC that are identified by the Metro Historical Commission as listed in the National Register of Historic Places (NR), eligible for listing in the National Register (NRE), or a Contributing property within a local historic overlay. In addition, the property must demonstrate excellent preservation of essential features and be in an overall good condition or have a plan approved by the Metro Historical Commission to restore the historic property.

Receiving sites are defined as any property within the Urban Services District having frontage on an arterial street or collector street or as otherwise approved by Special Exception in appropriate policy areas, as determined by the Planning Department.

The bill requires the owners of the sending site and the receiving site to file an application for transfer of development rights with the Department of Codes Administration. The conveyances of



## **Metro Planning Commission Meeting of 08/13/2015**

development rights require a written instrument signed by the owners of the sending site and the receiving site. If approved by the Department of Codes Administration, the instrument is recorded in the office of the Register of Deeds. The sending site forfeits any future claim for additional floor area ratio, square footage or other opportunity for increased intensity of development. All other applicable development standards, including, but not limited to, building heights, sky exposure planes, and building setbacks continue to apply to both the sending site and the receiving site.

The bill allows the property owners in areas intended to be low intensity to realize the value of their development entitlements by permitting the property owners to donate or sell the value of undeveloped square footage.

### **ANALYSIS**

Staff is recommending approval of a substitute ordinance. In addition to excluding properties in DTC zoning as receiving sites, the substitute ordinance proposes to exclude single family and two family structures in R, RS, R-A, and RS-A zoning districts from eligibility as both sending and receiving sites. Excluding these structures and zoning districts prevents one and two-family residences from transferring undeveloped square footage. In addition, the substitute ordinance clarifies sending sites listed in the National Register of Historic Places or eligible for listing in the National Register must be contributing properties.

### **ZONING ADMINISTRATOR RECOMMENDATION**

**Approval of substitute ordinance**

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

**Approval of substitute ordinance**

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### **STAFF RECOMMENDATION**

Staff recommends approval of the staff proposed substitute ordinance.

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### **ORDINANCE NO. BL2015-1255**

**An ordinance to add Section 17.12.120 of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to permit the transfer of development rights from historic properties in Metropolitan Nashville as "sending" sites to designated "receiving" sites, which is more particularly described herein (Proposal No 2015Z-015TX-001).**

WHEREAS, in 2001, the State of Tennessee promulgated law enabling individual counties and municipalities to permit the transfer of development rights to achieve land use goals, as per Tennessee Code Annotated Sections 13-7-101 and 13-7-201.

WHEREAS, the transfer of development rights can relieve development pressure from areas intended to be low intensity while allowing property owners in the areas intended to be low intensity to realize the value of their development entitlements by permitting these property owners to donate or sell the value of undeveloped development rights.



## Metro Planning Commission Meeting of 08/13/2015

WHEREAS, the Metropolitan Nashville Davidson County has numerous properties which have been designated historically significant or eligible for the National Historic Register by the Metropolitan Historical Commission.

WHEREAS, the transfer of development rights pursuant to sound community planning standards is hereby declared to be in accordance with the health, safety and welfare of Nashville/Davidson County because it furthers the protection of historic and culturally-relevant structures and districts at a time when this objective is made urgent by development pressures upon these structures and districts.

WHEREAS, the original ordinance defining Transfer of Development rights, which was written in 2007, focused solely on Downtown Nashville as it was facing significant development pressure and now many of sectors of Nashville are facing similar pressure.

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

SECTION 1. By amending Chapter 17.12 of the Metropolitan Zoning Code, "District Bulk Regulations" by adding Section 17.12.120 titled "Transfer of Development Rights" as follows:

A. Transfer of Development Rights for Historic Properties and Sites.

1. Purpose. The transfer of development rights provisions established by this section are intended to protect historic and culturally-relevant structures and sites, while allowing owners of these structures and sites to realize the value of their under-utilized development entitlements. This is accomplished by permitting property owners in "sending sites", defined in this section, to transfer, through sale or donation, all or part of the property's unused development rights (undeveloped square footage) to a "receiving site" as defined in this section, which is an area intended for higher-intensity development. The transfer of development rights provisions are established pursuant to the authority contained in Sections 13-7-101 and 13-7-201 of the Tennessee Code Annotated.

2. Definitions and Regulations. Transfer of development rights between sites is allowed as follows:

a. Transferrable Development Rights. The development rights available for transfer are the rights for the undeveloped square footage on the property under the base zoning.

b. Sending Sites. Properties outside of the DTC that meet the following standards may transfer development rights:

i. Identified by the Metro Historical Commission to be listed in the National Register of Historic Places (NR), eligible for listing in the National Register (NRE), or to be a Contributing property within a local historic overlay; and

ii. The historic property is well-preserved:



## Metro Planning Commission Meeting of 08/13/2015

- (1) presently demonstrates excellent preservation of the essential features that enable it to convey its historical identity and significance; and
- (2) is in an overall good condition or the Metro Historical Commission has approved a preservation, restoration and/or rehabilitation plan based on the Secretary of Interior Standards established to restore the historic property to an overall good condition and provide for the excellent preservation of the essential features that enable it to convey its historical identity and significance.

### c. Receiving Sites.

i. Location. Any property within the urban services district having frontage on an arterial street or collector street as shown on the adopted Major Street Plan or as otherwise approved by special exception in appropriate policy areas, as determined by the Planning Department.

### d. Transfer Procedure. The procedure for a transfer of development rights must meet the following criteria:

i. Application. The owners of the sending site and the receiving site shall file an application for transfer of development rights with the Department of Codes Administration. The application shall be on a form provided by, and available from, the Department of Codes Administration and shall be a joint application for both the sending site and the receiving site. A fee may be assessed with the application.

ii. Recording the Transfer of Development Rights. The conveyances of development rights from the sending site to the receiving site shall be in writing in an instrument that shall be signed by the owners of the sending site and the receiving site and shall be submitted to the Department of Codes Administration to ensure that the transfer of development rights meets all of the requirements of this section. Once it is determined that the transfer of development rights meets the requirements of this section, the Department of Codes Administration shall approve the application and such approval shall be entered in writing on the document by the director or by a designee of the Department of Codes Administration. At that point, the instrument shall be recorded in the office of the register of deeds. This instrument shall include the total square footage permitted on the sending site and the receiving site by the base zoning, square footage transferred from the sending site, and the or square footage of development that remains for the sending site. Once the instrument is recorded, the sending site shall forfeit any future claim for additional floor area ratio, square footage or other opportunity for increased intensity of development. The transferred development rights shall be noted on any future plat(s), deed(s) or other relevant instruments.



## Metro Planning Commission Meeting of 08/13/2015

3. Other Development Standards. For receiving sites, the transferred development rights shall be in addition to those currently permitted by the receiving site's base zoning district. All other applicable development standards, including, but not limited to, building heights, sky exposure planes, and building setbacks shall continue to apply to both the sending site and the receiving site. The assessment of whether the transferred development rights can be accommodated within the receiving site's existing applicable development standards is the responsibility of the owners of the receiving sites.

4. Conflict with Provisions of Zoning Code. If there is a conflict between the development rights considered in this section and any other part of the Zoning Code, these provisions shall prevail.

SECTION 2. BE IT FURTHER ENACTED, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Burkley Allen

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### STAFF PROPOSED SUBSTITUTE ORDINANCE NO. BL2015-1255

**An ordinance to add Section 17.12.120 of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to permit the transfer of development rights from historic properties in Metropolitan Nashville as "sending" sites to designated "receiving" sites, which is more particularly described herein (Proposal No 2015Z-015TX-001).**

WHEREAS, in 2001, the State of Tennessee promulgated law enabling individual counties and municipalities to permit the transfer of development rights to achieve land use goals, as per Tennessee Code Annotated Sections 13-7-101 and 13-7-201.

WHEREAS, the transfer of development rights can relieve development pressure from areas intended to be low intensity while allowing property owners in the areas intended to be low intensity to realize the value of their development entitlements by permitting these property owners to donate or sell the value of undeveloped development rights.

WHEREAS, the Metropolitan Nashville Davidson County has numerous properties which have been designated historically significant or eligible for the National Historic Register by the Metropolitan Historical Commission.

WHEREAS, the transfer of development rights pursuant to sound community planning standards is hereby declared to be in accordance with the health, safety and welfare of Nashville/Davidson County because it furthers the protection of historic and culturally-relevant structures and districts at a time when this objective is made urgent by development pressures upon these structures and districts.



## Metro Planning Commission Meeting of 08/13/2015

WHEREAS, the original ordinance defining Transfer of Development rights, which was written in 2007, focused solely on Downtown Nashville as it was facing significant development pressure and now many of sectors of Nashville are facing similar pressure.

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

SECTION 1. By amending Chapter 17.12 of the Metropolitan Zoning Code, "District Bulk Regulations" by adding Section 17.12.120 titled "Transfer of Development Rights" as follows:

A. Transfer of Development Rights for Historic Properties and Sites.

1. Purpose. The transfer of development rights provisions established by this section are intended to protect historic and culturally-relevant structures and sites, while allowing owners of these structures and sites to realize the value of their under-utilized development entitlements. This is accomplished by permitting property owners in "sending sites", defined in this section, to transfer, through sale or donation, all or part of the property's unused development rights (undeveloped square footage) to a "receiving site" as defined in this section, which is an area intended for higher-intensity development. The transfer of development rights provisions are established pursuant to the authority contained in Sections 13-7-101 and 13-7-201 of the Tennessee Code Annotated.

2. Definitions and Regulations. Transfer of development rights between sites is allowed as follows:

a. Transferrable Development Rights. The development rights available for transfer are the rights for the undeveloped square footage on the property under the base zoning.

b. Sending Sites. Properties outside of the DTC, excluding single family and two family structures in R, RS, R-A, and RS-A, that meet the following standards may transfer development rights:

i. Identified by the Metro Historical Commission as a contributing property listed in the National Register of Historic Places (NR), a contributing property eligible for listing in the National Register (NRE), or a contributing property within a local historic overlay; and

ii. The historic property is well-preserved:

(1) presently demonstrates excellent preservation of the essential features that enable it to convey its historical identity and significance; and

(2) is in an overall good condition or the Metro Historical Commission has approved a preservation, restoration and/or rehabilitation plan based on the Secretary of Interior Standards established to restore the historic property to an overall good





## Metro Planning Commission Meeting of 08/13/2015

condition and provide for the excellent preservation of the essential features that enable it to convey its historical identity and significance.

### c. Receiving Sites.

i. Location. Any property within the urban services district, excluding DTC, R, RS, R-A, and RS-A, having frontage on an arterial street or collector street as shown on the adopted Major Street Plan or as otherwise approved by special exception in appropriate policy areas, as determined by the Planning Department.

### d. Transfer Procedure. The procedure for a transfer of development rights must meet the following criteria:

i. Application. The owners of the sending site and the receiving site shall file an application for transfer of development rights with the Department of Codes Administration. The application shall be on a form provided by, and available from, the Department of Codes Administration and shall be a joint application for both the sending site and the receiving site. A fee may be assessed with the application.

ii. Recording the Transfer of Development Rights. The conveyances of development rights from the sending site to the receiving site shall be in writing in an instrument that shall be signed by the owners of the sending site and the receiving site and shall be submitted to the Department of Codes Administration to ensure that the transfer of development rights meets all of the requirements of this section. Once it is determined that the transfer of development rights meets the requirements of this section, the Department of Codes Administration shall approve the application and such approval shall be entered in writing on the document by the director or by a designee of the Department of Codes Administration. At that point, the instrument shall be recorded in the office of the register of deeds. This instrument shall include the total square footage permitted on the sending site and the receiving site by the base zoning, square footage transferred from the sending site, and the or square footage of development that remains for the sending site. Once the instrument is recorded, the sending site shall forfeit any future claim for additional floor area ratio, square footage or other opportunity for increased intensity of development. The transferred development rights shall be noted on any future plat(s), deed(s) or other relevant instruments.

3. Other Development Standards. For receiving sites, the transferred development rights shall be in addition to those currently permitted by the receiving site's base zoning district. All other applicable development standards, including, but not limited to, building heights, sky exposure planes, and building setbacks shall continue to apply to both the sending site and the receiving site. The assessment of whether the transferred development rights can be



## **Metro Planning Commission Meeting of 08/13/2015**

accommodated within the receiving site's existing applicable development standards is the responsibility of the owners of the receiving sites.

4. Conflict with Provisions of Zoning Code. If there is a conflict between the development rights considered in this section and any other part of the Zoning Code, these provisions shall prevail.

SECTION 2. BE IT FURTHER ENACTED, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

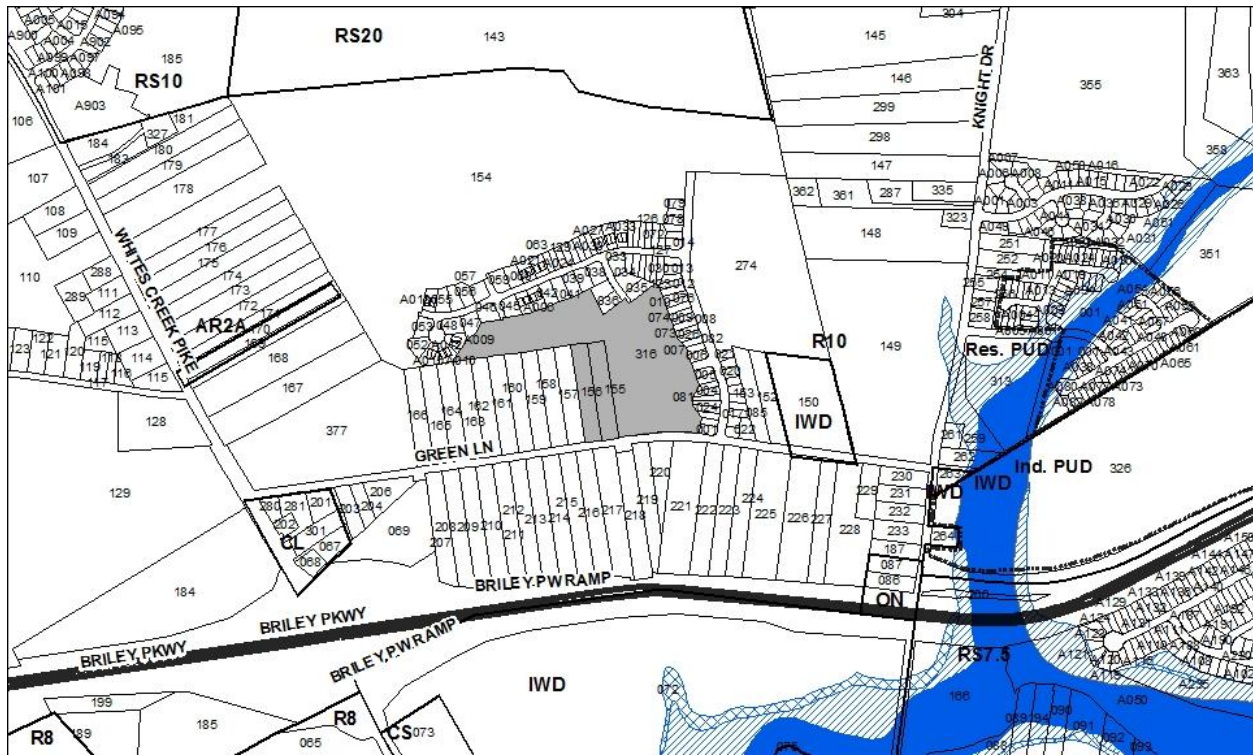


## **PLANNING COMMISSION ACTIONS**

- **Subdivision (Concept Plans)**
- **Subdivision (Final)**
- **Downtown Code**



# Metro Planning Commission Meeting of 08/13/2015



**2015S-110-001**  
THE COTTAGES OF VISTA (CONCEPT PLAN)  
Map 049, Parcel(s) 155-156, 316  
03, Bordeaux - Whites Creek  
03 (Walter Hunt)



<b>Project No.</b>	<b>2015S-110-001</b>
<b>Project Name</b>	<b>The Cottages of Vista</b>
<b>Council District</b>	3 - Hunt
<b>School District</b>	1 - Gentry
<b>Requested by</b>	Anderson, Delk, Epps & Associates, Inc., applicant; Cornerstone Lane Development, owner.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**Create 47 lots.**

Concept Plan

A request for concept plan approval to create 47 lots with 11 two-family lots for a total of 58 units for properties located at 515 and 520 Green Lane and Green Lane unnumbered, on the north side of Green Lane, approximately 100 feet west of Tisdale Drive, zoned One and Two-Family Residential (R10) (15.5 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 67 lots with 16 duplex lots for a total of 83 units.*

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The request is to subdivide three parcels into 47 lots with 11 two-family lots for a total of 58 units. The property is located north of Green Lane and east of Whites Creek Pike. The property is currently vacant.

Site Plan

The plan proposes 36 single-family residential lots and 11 two-family residential lots for a total of 58 residential units. All lots are at least 10,000 square feet in size, which meets the standards required by the Zoning Code for R10. Two Open Space areas are proposed for possible detention.

The lots that front along Green Lane have a platted front setback of 65'. All other setbacks will be as per the standards of the Zoning Ordinance. A four foot wide grass strip and five foot wide sidewalk is proposed along Green Lane and all new streets, as this site falls within the Urban Services District.

Vehicular access will be provided through connections to existing stubs of Deer Meadows Drive, Shady Side Drive, and an existing right-of-way from Tisdall Drive. A new access will also be provided from Green Lane. Future potential connections are planned to the south from Deer Meadows Drive and to the west from Road "B".



# Metro Planning Commission Meeting of 08/13/2015



**Proposed Subdivision**



## **Metro Planning Commission Meeting of 08/13/2015**

### **ANALYSIS**

The property proposed for development is located within the Bourdeaux-Whites Creek Community plan area and was one of the eleven areas that the Planning Commission voted to defer at the time of the adoption of NashvilleNext. The policy at that time was T3 Suburban Neighborhood Maintenance. Planning Staff is recommending that this area remain as T3 Suburban Neighborhood Maintenance. If the Planning Commission changes the policy, the application will still be reviewed under the existing T3 Suburban Neighborhood Maintenance policy and the Subdivision Regulations that were in place at the time the application was made. Water and sewer service is currently available for the property from existing lines adjacent to the property. Required construction plans will be for the tie-in to the existing lines .

There are several lots within this subdivision that must meet the standards of the compatibility requirement as they are on streets with existing lots. Lots 18 – 22 must meet the compatibility requirements. Lots 18-21 must have a minimum of 70 feet of street frontage and a minimum lot size of 10,316 square feet. All lots meet this standard. Lot 22 must have a minimum of 72 feet of street frontage and a minimum lot size of 10,200 square feet. Lot 22 meets this standard.

The two-family lots have been dispersed throughout the development to provide for a diversity of housing types. Several existing stub streets have been extended and two new future connections have been established with this layout. The proposed development is consistent with the existing development pattern in the area and continues the type of development that currently exists.

Staff is recommending the elimination of the two future stub-streets to the properties along the western boundary since the Community Plan calls for Rural Maintenance Policy on those properties to the west.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approved with conditions**

- Hydrants shall be located within 500' of all parts of every structure via approved hard-surfaced roads. Water flow requirements for single-family homes that do not exceed 3600 sq. ft. is a minimum of 1000 gpm @ 20 psi. Provide this data to pre-approve the future homes.

### **STORMWATER RECOMMENDATION**

#### **Approved with conditions**

- Change FEMA panel from 202 to 206.

### **PUBLIC WORKS RECOMMENDATION**

#### **Conditions if approved**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

### **TRAFFIC AND PARKING RECOMENDATION**

#### **No exception taken**



## **Metro Planning Commission Meeting of 08/13/2015**

### **WATER SERVICES RECOMMENDATION**

#### **Approved with conditions**

- Approved as a Concept Plan only. Public water and sewer construction plans must be submitted and approved prior to Final Site Plan/Final Plat approval.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

### **CONDITIONS**

1. Comply with all requirements of reviewing agencies.
2. Development plan and final plat shall exclude the two future stub streets along the western property boundary, as the Community Plan policy calls for Rural Maintenance on those properties.

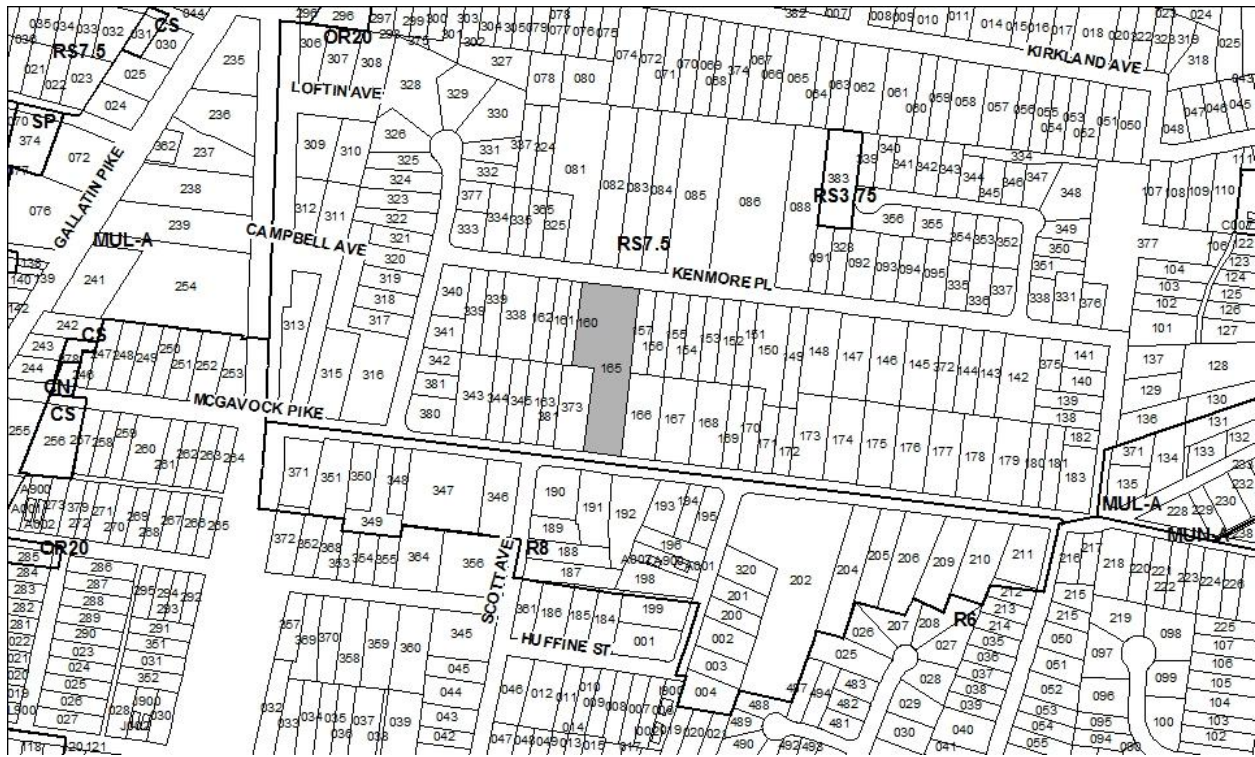




**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 08/13/2015



**2015S-103-001**  
KENMORE PLACE, RESUB  
Map 072-07, Parcel(s) 165  
05, East Nashville  
07 (Anthony Davis)



<b>Project No.</b>	<b>2015S-103-001</b>
<b>Project Name</b>	<b>Kenmore Place</b>
<b>Council District</b>	7 – Davis
<b>School District</b>	3 - Speering
<b>Requested by</b>	Clint T. Elliott, applicant; Eastwood Baptist Church, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**Create four lots.**

Final Plat

A request for final plat approval to create four lots on property located at 1229 McGavock Pike, approximately 575 feet east of Kenmore Court, zoned Single-Family Residential District (RS7.5) (1.64 acres).

**Existing Zoning**

Single-Family Residential District (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 12 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

The proposed subdivision creates an infill housing opportunity in an area that served by existing infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The subdivision requires a minimum building setback line along Kenmore Place and a height limitation that will ensure infill development compatible with the surrounding character of the community.

**PLAN DETAILS**

The proposed subdivision does meet the infill compatibility analysis that is outlined in Section 3-5.2 of the Subdivision Regulations.

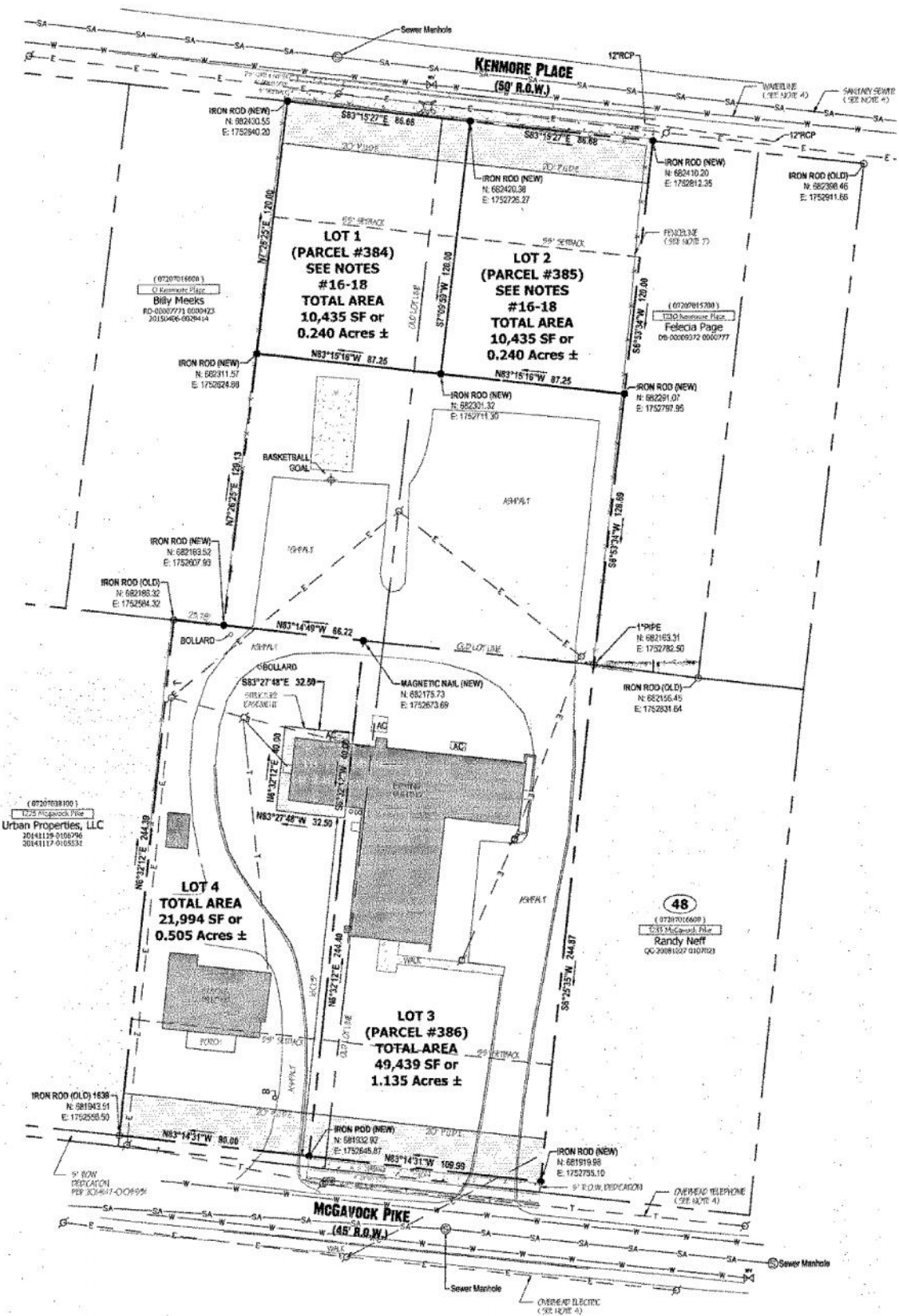
**Proposed Lots**

- Lot 1: 10,491 Sq. Ft., (0.240 Acres), and 86.68 Ft of frontage
- Lot 2: 10,491 Sq. Ft., (0.240 Acres), and 86.68 Ft of frontage
- Lot 3: 49,989 Sq. Ft., (1.148 Acres), and 109.90 Ft of frontage
- Lot 4: 21,994 Sq. Ft., (0.505 Acres), and 90.00 Ft of frontage

The above lot frontages and square footages are based on the plat as shown. The plat proposes four lots, two lots fronting Kenmore Place and two lots fronting McGavock Pike. The existing church on Lot 3 and house in Lot 4 are to remain. Sidewalks are proposed and a note is included on the plat



# Metro Planning Commission Meeting of 08/13/2015



Proposed Subdivision



## Metro Planning Commission Meeting of 08/13/2015

indicating that no building permit will be issued on any of the lots until the required sidewalk is constructed.

### **ANALYSIS**

#### Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Urban Neighborhood Maintenance policy area. Lot 1 and Lot 2 are compared to lots along Kenmore Place. Lot 3 and Lot 4 are compared to lots along McGavock Pike. All proposed lots meet the required frontage and area.

Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

#### Zoning Code

Proposed lots meet the minimum standards of the RS7.5 zoning district.

#### Street Frontage

Proposed lots have frontage on a public street.

#### Density

The T4 Urban Neighborhood Maintenance policy no longer includes density limitations.

#### Community Character

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

<b>Lot 1 Frontage Analysis</b>	
Minimum Proposed	86.68'
<b>70% of Average</b>	<b>36.40'</b>
Smallest Surrounding Parcel	35'

<b>Lot 2 Frontage Analysis</b>	
Minimum Proposed	86.68'
<b>70% of Average</b>	<b>36.40'</b>
Smallest Surrounding Parcel	35'

<b>Lot 3 Frontage Analysis</b>	
Minimum Proposed	90.00'
70% of Average	48.3'
<b>Smallest Surrounding Parcel</b>	<b>50'</b>

<b>Lot 4 Frontage Analysis</b>	
Minimum Proposed	109.99'
<b>70% of Average</b>	<b>53.20'</b>
Smallest Surrounding Parcel	50'



## Metro Planning Commission Meeting of 08/13/2015

2. Lot size: The proposed lots must have lot area that 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.

<b>Lot 1 Size Analysis</b>	
Minimum Proposed	10,491 SF
<b>70% of Average</b>	<b>9,452.52 SF</b>
Smallest Surrounding Parcel	7,405.20 SF

<b>Lot 2 Size Analysis</b>	
Minimum Proposed	10,491 SF
<b>70% of Average</b>	<b>9,452.52 SF</b>
Smallest Surrounding Parcel	7,405.20 SF

<b>Lot 3 Size Analysis</b>	
Minimum Proposed	21,994 SF
70% of Average	21,039 SF
<b>Smallest Surrounding Parcel</b>	<b>21,780 SF</b>

<b>Lot 4 Size Analysis</b>	
Minimum Proposed	49,989 SF
<b>70% of Average</b>	<b>16,557 SF</b>
Smallest Surrounding Parcel	12,196 SF

3. Street Setback: Lot 1 and Lot 2 shall have a minimum building setback of 55 feet, consistent with the neighboring houses. No parking shall be permitted within the street setback along Kenmore Place.

4. Lot Orientation: Lot 1 and Lot 2 will be orientated to Kenmore Place. Lot 3 and Lot 4 will be orientated to McGavock Place.

### Harmony of Development

The proposed subdivision does meet the Community Character criteria. The applicant has proposed several conditions ensure that the proposed plat is harmonious with the neighborhood: prohibiting parking in the front setback and limiting the building height to a maximum height of two stories within 35 feet in height, to the roofline.

### **NES RECOMMENDATION**

#### **Approved**

- Add 10 foot P.U.E. as shown on plat

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**

No exception taken

### **STORMWATER RECOMMENDATION**

Approved

### **WATER SERVICES RECOMMENDATION**

Approved



## Metro Planning Commission Meeting of 08/13/2015

### STAFF RECOMMENDATION

Staff finds that the proposed final plat meets compatibility requirements as identified in the Subdivision Regulations; therefore staff recommends approval with conditions.

### CONDITIONS

1. Lot 1 and 2 shall have a minimum front setback of 55 feet.
2. The maximum of all structures shall not exceed two stories within 35 feet in height, to the roofline.
3. Add "See Note 19" to Lots 1-4.
4. Sidewalks are required. The total payment for this proposal is \$35,841.00 (\$ 96 per linear foot x 373.35 feet) and would apply to Pedestrian Benefit Zone 2-A. Prior to the plat being recorded one of the following must take place:
  - a. Submit bond application for the sidewalk and post bond with the Planning Department.
  - b. Submit payment in-lieu of construction to the Planning Department (please see above for details on required fee).
  - c. Construct sidewalk and have it accepted by Public Works.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department.







**Project No.** 2015DTC-001-001  
**Project Name** DTC Overall Height Modification  
**Council District** 222 2<sup>nd</sup> Avenue South – SoBro Subdistrict  
**School District** 19 – Gilmore  
 5 – Kim

**Requested by** Southeast Land Strategies LLC (an affiliate of Hines), applicant; CBT Partnership, owner.

**Staff Reviewer** Collins  
**Staff Recommendation** *Approve with conditions.*

**APPLICANT REQUEST**

**Modification to the overall height standards of the DTC, SoBro Subdistrict, to allow approximately 10 feet of additional building height above an existing approval of a 295’-3” building height.**

Modification to overall height

A request for a modification for overall height, for property located at 201, 209, and 217 1<sup>st</sup> Avenue South, and 206, 216, and 222 2nd Avenue South, zoned DTC and within the SoBro subdistrict, to permit a 25 story mixed-use office building totaling 305’, where 15 stories is permitted by right and 30 stories is the permitted bonus height maximum.

**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.

**Downtown Community Plan & Policy**

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

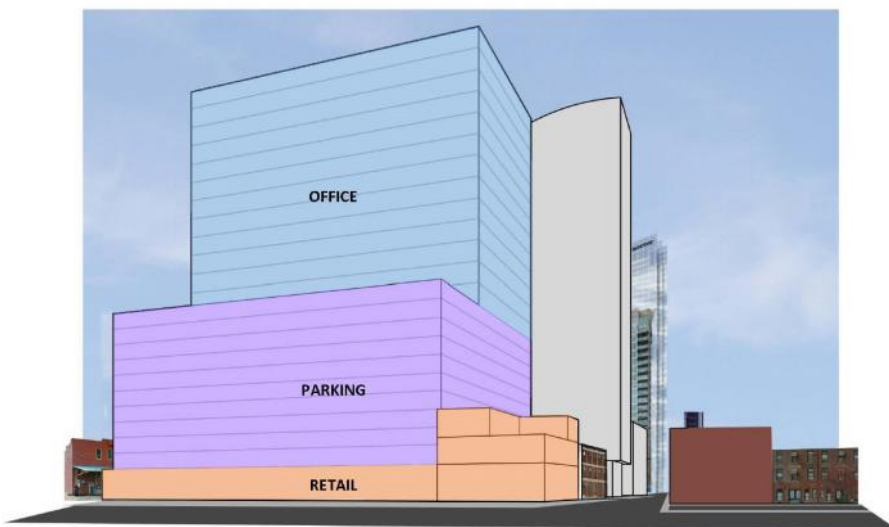
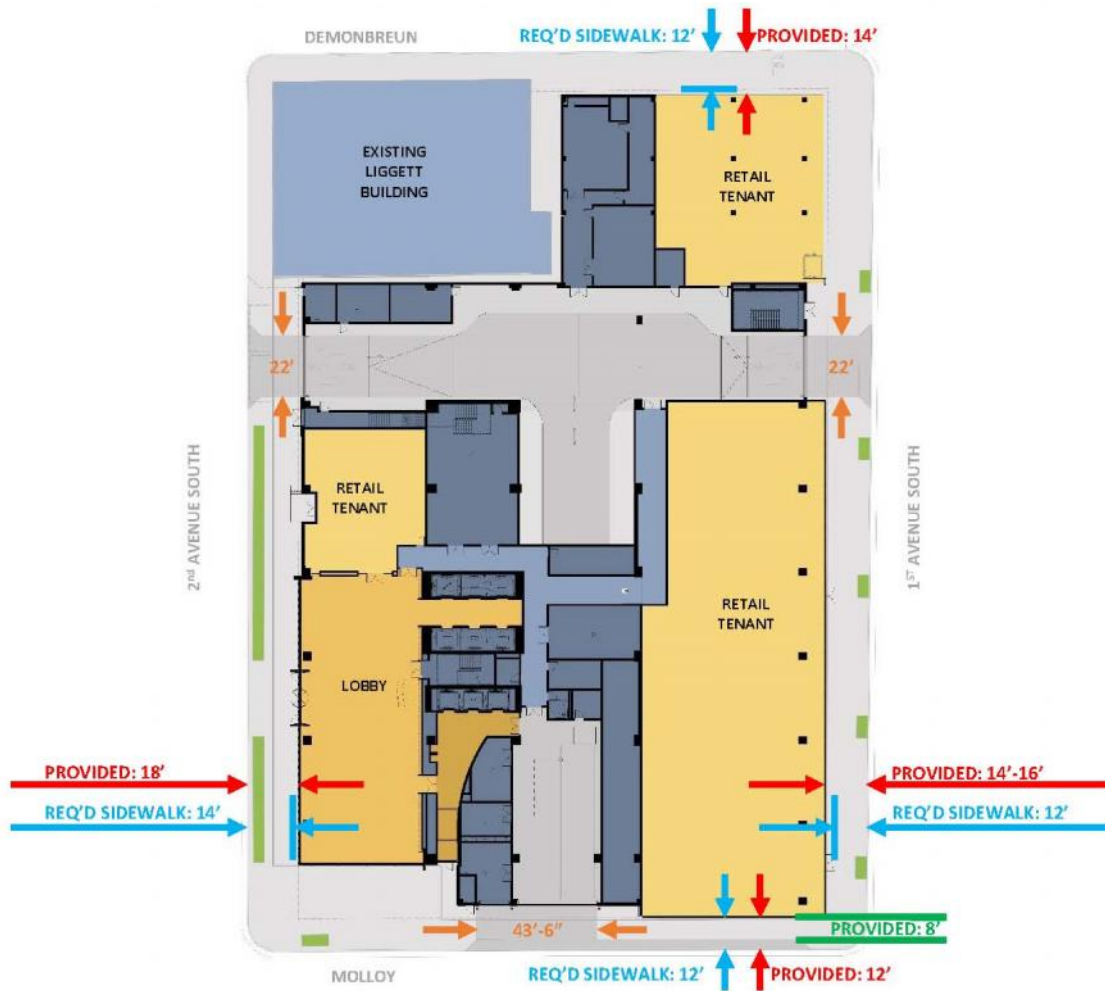
SoBro Neighborhood is intended to be a high-intensity, mixed use neighborhood emphasizing cultural, entertainment, and residential uses while accommodating some office uses. The goals included below encourage SoBro to develop as a distinctive, architecturally eclectic neighborhood with tall buildings with some sheer walls along certain streets, as well as some “stepped back” buildings to create a variety of viewsheds and allow for light and air circulation throughout the neighborhood. Overall, development in SoBro should emphasize a comfortable and lively pedestrian environment for residents and visitors.

Consistent with Policy?

Yes. The additional height of up to approximately 10’ (25 stories totaling 305’) is in keeping with the intent of the policy for encouraging high intensity mixed-use development. The overall project also provides an enhanced streetscape, and steps-down in height to the historically designated



# Metro Planning Commission Meeting of 08/13/2015



View from Second Ave. and Molloy looking east



## Metro Planning Commission Meeting of 08/13/2015

(Worthy of Conservation) Liggett Building, located at the corner of 2<sup>nd</sup> Avenue South and Demonbreun Street.

### BACKGROUND

The proposed project received DTC/MDHA Design Review Committee approval to construct 24 story mixed office building totaling 295'-3" in height on March 3, 2015. It was determined by the DTC/MDHA DRC that the project would be within the by-right Bonus Height Program entitlement of 300' maximum building height for the SoBro subdistrict location between 1<sup>st</sup> and 2<sup>nd</sup> Avenues. The project proposed to utilize LEED Silver designation, Underground Parking, and Pervious Surface provisions for the Bonus Height Program for up to eight bonus stories totaling 24 stories and 295'-3".

Subsequent to this approval, the Downtown Code has since been amended to update the Bonus Height Program Chart to 30 stories of Max Bonus Height for this location, in order to create consistency across the DTC by measuring height in stories, rather than feet. Additionally it was also amended to include an overall height modification process.

### Overall Height Modification:

- To construct a 25 story mixed-use office building totaling 305', where 15 stories is permitted by-right and 30 stories is the permitted bonus height maximum.
- The Executive Director has found that reasonable effort has been made to utilize the Bonus Height Program. Specifically the project will utilize LEED Silver and Pervious Surface Bonus Height Program provisions of the DTC.

Due to the level of the water table on this site, the applicant has proposed to redesign the building from the original March 3, 2015, MDHA DRC approved site plan. The original basement level parking garage has been shifted to a new level of above grade parking in order to avoid hitting the water table necessitating a 25<sup>th</sup> story (totaling 305' of building height), and the modification request for overall building height.

### ANALYSIS

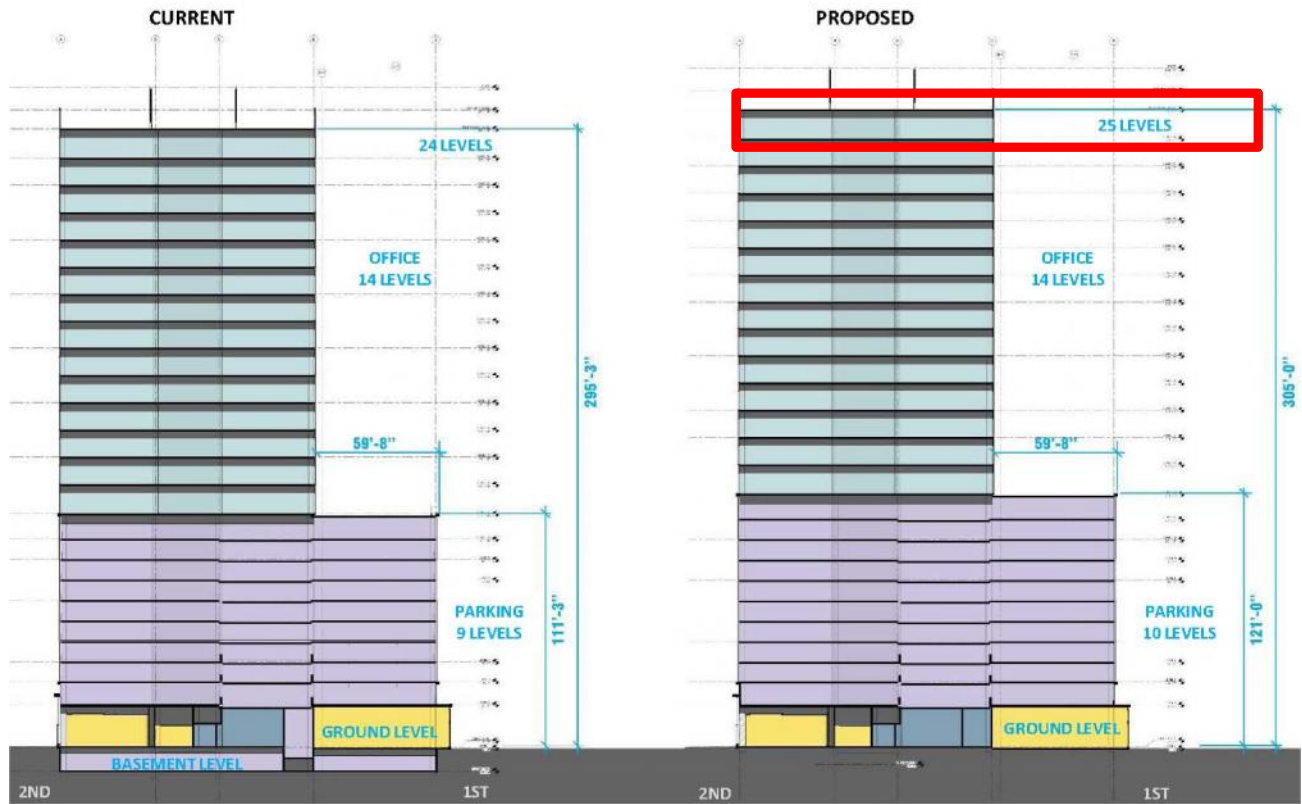
The Modification request consists of approximately 10 feet of additional height above the current approved entitlement of 295'-3". The timing of the DTC text amendments (impacting the bonus height chart), combined with the re-opening of the development review process due to site constraints, has resulted in the modification request for overall height.

Based upon these facts, and on the proposed Bonus Height Utilization proposed by the applicant, the Executive Director has determined that reasonable efforts have indeed been made to use the Bonus Height Program. In addition the applicant has indicated that they have provided notices to property owners within 300' and will hold a community meeting on August 12, 2015, as required.

The proposed development would provide sidewalk and streetscape improvements that exceed the Major and Collector Street Plan. Specifically on 1<sup>st</sup> Avenue South where a 14'-15' streetscape zone is proposed, and only 12' is required. They are also providing up to an additional 4' of furnishing zone along this frontage. This frontage is located across from the new amphitheater and Riverfront



# Metro Planning Commission Meeting of 08/13/2015





## **Metro Planning Commission Meeting of 08/13/2015**

Park, allowing for greater pedestrian access, and activity at the street level. Additionally all four street frontages of the proposed development will include retail space to further activate the street.

The building proposes to step-back after the podium levels by over 50' from the 1st Avenue South (and Riverfront Park) frontage, giving the park and amphitheater more light and air, than what the 15' step-back standard requires.

The building also steps-down in height to the historically designated (Worthy of Conservation) Liggett Building, located at the corner of 2<sup>nd</sup> Avenue South and Demonbreun Street. The building height scales down to a 3 story height, an appropriate relationship to context of the Liggett building, the 2<sup>nd</sup> and Broadway corridor, as well as the new Riverfront Park. Moreover the upper level parking structure is proposed to be fully cladded with an architectural treatment that complements the building aesthetic, and that is fully enclosed and mechanically ventilated.

### **MDHA RECOMMENDATION**

The site is located within the Rutledge Hill Redevelopment District. The MDHA Design Review Committee reviewed and approved the revised building height of 305' on August 4, 2015.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions. The overall height modification request is consistent with the DTC's standards for exceptional design, based on the project's wide sidewalks and streetscape, the active retail ground floor uses, and the reduction in scale of the building in relationship to the surrounding context of the historic Liggett building, the 2<sup>nd</sup> & Broadway corridor, and the Riverfront Park.

### **CONDITIONS**

1. Streetscape dimensions proposed shall not be reduced.
2. Parking structure cladding and architectural facade treatment shall integrate with the overall building design, and complement the surrounding context including the Riverfront Park and amphitheater.
3. Bonus Height must be certified by the Planning Commission before building permits, per the Downtown Code.