



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, January 14, 2016**

**4:00 pm Regular Meeting**

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

## **MISSION STATEMENT**

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

**Commissioners Present::**

Jim McLean, Chair  
Greg Adkins, Vice Chair  
Hunter Gee  
Stewart Clifton  
Derrick Dalton  
Jeff Haynes  
Lillian Blackshear  
Jessica Farr  
Jennifer Hagan-Dier  
Councilmember Burkley Allen

**Staff Present:**

Doug Sloan, Executive Director  
Bob Leeman, Deputy Director  
Kelly Adams, Administrative Services Officer III  
Kathryn Withers, Planning Manager II  
Carrie Logan, Planning Manager II  
Brandon Burnette, Planner III  
Jason Swaggart, Planner III  
Lisa Milligan, Planner III  
Cindy Wood, Planner III  
Tifinie Capehart, Planner II  
Stephanie McCullough, Planner II  
Latisha Birkeland, Planner II  
Alex Deus, Planner I  
Karimeh Moukaddem, Planner I  
Craig Owensby, Public Information Officer  
Emily Lamb, Legal

**J. Douglas Sloan III**

Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300

## Notice to Public

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

The Commission is a 10-member body, nine of whom are appointed by the Metro Council and one of whom serves as the mayor's representative. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at [www.nashville.gov/mpc/agendas](http://www.nashville.gov/mpc/agendas) or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit [www.nashville.gov/calendar](http://www.nashville.gov/calendar) for a broadcast schedule.

### Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

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

### Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at [www.nashville.gov/mpc/pdfs/mpc\\_mtg\\_presentation\\_tips.pdf](http://www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf) and our summary regarding how Planning Commission public hearings are conducted at [www.nashville.gov/mpc/docs/meetings/Rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf). Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commission's Rules and Procedures, at [www.nashville.gov/mpc/pdfs/main/rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf)

### Legal Notice

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



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries, contact Melody Fowler-Green, executive director of Human Relations at (615) 880-3374. For all employment-related ADA inquiries, call David Sinor at (615) 862-6735 or e-mail [david.sinor@nashville.gov](mailto:david.sinor@nashville.gov).

# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

## B. ADOPTION OF AGENDA

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

## C. APPROVAL OF DECEMBER 10, 2015, MINUTES

Mr. Clifton moved and Mr. Adkins seconded the motion to approve the December 10, 2015 minutes, (8-0)

## D. RECOGNITION OF COUNCILMEMBERS

Council Lady Mina Johnson spoke in favor of Items 7a and 7b.

Councilman Swope spoke in opposition to Item 5.

Mr. Dalton arrived at 4:09 p.m.

Mr. Clifton arrived at 4:11 p.m.

Councilman Glover spoke in favor of Item 17.

Councilman Scott Davis spoke in favor of Item 24.

Councilman Greene requested a two meeting deferral of Item 23.

Councilman Sledge spoke in favor of Items 2a and 2b.

Councilman Bedne spoke in favor of deferring/delaying Item 1 and asking council to re-refer back to the Planning Commission.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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### 3a. 2015CP-012-002

SOUTHEAST COMMUNITY PLAN AMENDMENT

### 3b. 2015SP-098-001

CEDARWOOD SP

### 6a. 2015SP-110-001

2202 HOBBS

### 6b. 2003P-013-001

VILLAGE HALL PHASE II

### 8a. 2005P-008-007

HARPETH VILLAGE (PUD AMENDMENT)

### 8b. 2015Z-096PR-001

### 9. 2014UD-001-002

CLAYTON AVENUE

### 10. 2015SP-105-001

OCEOLA COMMONS

**12. 2016SP-001-001**

311 CARTER SP

**23. 2016Z-006PR-001**

**27. 2015S-174-001**

WELCH PROPERTY SUBDIVISION, SECTION II

Mr. Clifton moved and Ms. Blackshear seconded the motion to approve the Deferred Items. (10-0)

Ms. Blackshear recused herself from Items, 3a and 3b.

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**F. CONSENT AGENDA**

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

**2a. 2015CP-011-003**

SOUTH NASHVILLE PLAN AMENDMENT

**2b. 2015SP-092-001**

OUTPOST NASHVILLE

**7a. 2015SP-113-001**

NASHVILLE HIGHLANDS SP

**7b. 73-85P-001**

NASHVILLE HIGHLANDS (PUD CANCELLATION)

**15. 2016SP-005-001**

HAMMER MILL SP

**16. 2016SP-006-001**

FRANKLIN PARK CIRCLE HOTEL

**17. 2015Z-093PR-001**

**18. 2015Z-100PR-001**

**19. 2016Z-001PR-001**

**20. 2016Z-002PR-001**

**21. 2016Z-004PR-001**

**22. 2016Z-005PR-001**

**25. 55-85P-003**

SUMMIT COMMERCIAL PUD

**30. New employee contracts for Debbie Sullivan and Patrick Napier**

**38. Accept the Director's Report and Approve Administrative Items**

Mr. Clifton asked to remove Items 31, 32, 33, and 34 from the Consent Agenda at the request of Margo Chambers.

Mr. Haynes moved and Mr. Adkins seconded the motion to approve the Consent Agenda. (10-0)

Ms. Blackshear recused herself from Items 7a, 7b, and 15.

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## G. RECOMMENDATIONS TO METRO COUNCIL

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### Zoning Text Amendments

#### 1. 2016Z-001TX-001

Staff Reviewer: Carrie Logan

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to create Inclusionary Housing requirements with additional development entitlements and adjust existing bonuses to encourage affordable and workforce housing, requested by the Metro Planning Department.

**Staff Recommendation: Approve, but defer Council action to allow for additional public conversation and to track with the budget.**

#### **TEXT AMENDMENT**

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, to create Inclusionary Housing requirements with additional development entitlements and adjust existing bonuses to encourage affordable and workforce housing.

#### **HISTORY**

In July of 2015, Metro Council adopted BL2015-1139, which required the Executive Director of the Planning Department to submit an ordinance to the Metropolitan Council amending the Metropolitan Zoning Code to implement the rules and regulations for affordable and workforce housing by January 20, 2016. A RFP for an Inclusionary Housing Feasibility and Policy Study was issued and Economic and Planning Systems (EPS) was selected. EPS worked on the feasibility determinations and policy recommendations included in the legislation.

The Planning Department assembled a Stakeholders Group of 50 members, including but not limited to advocates for affordable housing, residents of affordable housing, for-profit and non-profit developers, Planning Commissioners, and Councilmembers. EPS led Stakeholders Group meetings on October 12, 2015, November 10, 2015, and December 9, 2015, as well as a public meeting on November 11, 2015, and a Planning Commission work session on December 10, 2015. The purpose of these meetings was to gather information and feedback throughout the process. Draft recommendations were presented at the December meetings and the recommendations were refined based on the feedback.

These meetings were noticed on the Planning Department website and in Development Dispatch. All presentations and videos of the meetings, as well as the public input gathered at the November 11, 2015, meeting, were posted on the Planning Department's website at <http://www.nashville.gov/Planning-Department/Inclusionary-Housing.aspx>.

At the time of the staff report, the Inclusionary Housing Feasibility and Policy Study has not been completed, but EPS has been working with staff to make sure the proposed Zoning Code amendments are consistent with the study.

#### **PROPOSED ZONING CODE AMENDMENTS**

The proposed amendments to the Zoning Code incentivize Inclusionary Housing with any additional development entitlements requested by a development, including bonus residential floor area through Adaptive Residential Uses, Special Exceptions for height, zone changes and the Downtown Code (DTC) bonus height program.

Two exceptions are provided. The first exception is for residential developments, including developments on adjoining sites under common control developed within five years of each other, under five units. The second exception is for a development for which the average unit sale price or rental rate is less than, or within 5% above 100% AMI market prices or rental rates for Nashville and Davidson County and the Inclusionary Housing Plan demonstrates that the census tract market rate prices or rental rates are affordable to a household at 100% AMI. These developments are also prohibited from receiving financial incentives.

The proposed set aside requirement varies based on location, construction type and AMI level:

	Rental at 60% AMI	Rental at 80% AMI	Rental at 100% AMI (available in the UZO only)	For-sale at 80% AMI	For-sale at 100% AMI (available in the UZO only)
Single-family, Two-family, and Multi-family uses less than 3 stories	20% of total residential floor area	30% of total residential floor area	n/a	20% of total residential floor area	30% of total residential floor area
Multifamily uses (3 to 6 stories)	15% of total residential floor area	25% of total residential floor area	35% of total residential floor area	15% of total residential floor area	25% of total residential floor area
Multifamily uses (≥ 7 stories)	10% of total residential floor area	20% of total residential floor area	30% of total residential floor area	10% of total residential floor area	20% of total residential floor area
Nonresidential uses	20% of additional nonresidential floor area	30% of additional nonresidential floor area	40% of additional nonresidential floor area	20% of additional nonresidential floor area	30% of additional nonresidential floor area
Where residential and nonresidential uses are combined, the required number affordable or workforce housing units shall be the greater of the residential and nonresidential requirements.					
The Metropolitan Housing Trust Fund Commission may approve a mixture of AMI levels, provided the mixture is equivalent to the set asides above. The equivalency of the mixture of AMI levels and the approval shall be documented in the Inclusionary Housing Plan.					

For example, if a rental project with 100,000 square feet of residential floor area requests another 50,000 square feet of residential uses, the resulting building is greater than seven stories and the developer chooses to provide housing at 80% AMI, then 20% of the 150,000 square feet, or 30,000 square feet, must be provided as housing at 80% AMI. The calculation is based on a square foot requirement instead of a unit requirement in order to facilitate the flexibility of unit sizes that can be rented or sold to families.

Additionally, if a project with 120,000 square feet of nonresidential uses requests another 60,000 square feet of nonresidential uses, the resulting building is greater than seven stories and the developer chooses the 100% AMI category, then 40% of the 60,000 square feet, or 24,000 square feet, must be provided as housing at 100% AMI. In most cases, the nonresidential project will choose to pay the in lieu contribution.

The proposed legislation allows for in lieu construction within ½ mile from the project site or in lieu contribution at the following rates:

	Within the UZO	Outside of the UZO
Residential uses	Per square foot equivalent of 50% of the affordable sales price at 100% AMI for Davidson County for 20% of the total residential floor area in a for-sale project or for 30% of the total residential floor area in a rental project.	Per square foot equivalent of 50% of the affordable sales price at 80% AMI for Davidson County for 10% of the total residential floor area in a for-sale project or for 20% of the total residential floor area in a rental project.
Nonresidential uses	Per square foot equivalent of 50% of the affordable sales price at 100% AMI for Davidson County for 40% of additional nonresidential floor area.	Per square foot equivalent of 50% of the affordable sales price at 80% AMI for Davidson County for 30% of additional nonresidential floor area.

The affordable sales price shall be determined by the Metropolitan Housing Trust Fund Commission annually based on:

- a. A maximum down payment of 5.0%,
- b. Current Year AMI thresholds adjusted for household size published by HUD,
- c. Prior six-month average rate of interest based on the Fannie Mae Yield on 30-year mortgage commitments (price at par) plus one-half point (0.5%) spread,
- d. 30-year mortgage term,
- e. Any homeowner fees, taxes and insurance, and
- f. Typical unit size.

The current in lieu contributions would be approximately:

	Within the UZO	Outside of the UZO
Residential uses	\$118 per square foot of Inclusionary Housing requirement	\$91 per square foot of Inclusionary Housing requirement
Nonresidential uses	\$118 per square foot of Inclusionary Housing requirement	\$91 per square foot of Inclusionary Housing requirement

In the examples above, if both projects are in the UZO, a residential project would result in an in lieu contribution of \$3.5 million (30,000 square feet x \$118) for a for-sale project and \$5.3 million (45,000 square feet x \$118) for a rental project. The nonresidential project would result in an in lieu contribution of \$2.8 million (24,000 square feet times \$118).

In the examples above, if both projects are outside of the UZO, the residential project would result in an in lieu contribution of \$1.4 million (15,000 square feet x \$91) and \$2.7 million (30,000 square feet x \$91) for a rental project. The nonresidential project would result in an in lieu contribution of \$1.6 million (18,000 square feet times \$91).

The in lieu contribution is approximately equal to the cost of the construction of the affordable or workforce units.

The proposed legislation includes standards for construction, occupancy and enforcement. The Owner/Developer is required to submit an Inclusionary Housing Plan with any building permit application that utilizes the Inclusionary Housing incentive and submit compliance reports to the Metropolitan Housing Trust Fund Commission.

Some bonuses, such as LEED certification/review and parking garage liner buildings, are now expected by the market or addressed through other means, including pervious surface bonuses covered by Stormwater's LID manual. These requirements are included in the proposed legislation. The bonuses that are proposed for removal from Section 17.12.070 (Special floor area ratio (FAR) provisions) and the Downtown Code (DTC) are included at the end of this report.

In order to ensure that existing or proposed bonuses do not impact existing single-family and two-family neighborhoods, the measurement of the height control plane has been modified to apply to the nearest residential zoning district boundary, instead of only applying to a residential zoning district boundary that is also a lot or parcel line.

**OTHER ACTIONS NECESSARY TO FACILITATE INCLUSIONARY HOUSING**

For the Zoning Code amendments to be effective, several other decisions not within the purview of the Planning Department need to be made. These actions include identifying a dedicated funding source for for-sale project incentives and other affordable and workforce housing initiatives, developing a grant program for rental projects and identifying the entity that will administer the Inclusionary Housing programs. All of these actions have fiscal impacts to the Metropolitan Government. Determinations must to be made as to the level of funding needed balanced against the need for funding for other initiatives of the Metropolitan Government. Additionally, the amount of the incentives affects the set aside requirement that is feasible. The set aside requirement included in the proposed text amendment is based on a grant equal to 50% of the annual property tax liability between the predevelopment value and improved value of the property for rental projects and \$20,000 per unit within the UZO and \$10,000 per unit outside the UZO for for-sale projects.

Without a grants program and a dedicated funding source to fund the incentives, the Inclusionary Housing requirement is not feasible for development and detrimental to Nashville's housing market. That is, without the per-unit cash incentives for for-sale developments or tax grants for rental developments, the financial return on for-sale and rental projects are diminished to the extent as to possibly deter development from taking place at all. Such a situation would place a significant burden on Nashville's housing market, stifling market-rate development that is aimed at addressing the housing needs of a growing population. It would effectively reduce the supply of available housing, placing greater pressures on the existing supplies and exacerbating already high rates of housing sales price and rental rate appreciation. Therefore, identifying an amount for the grants program and allocating funds for incentives is critical not only to facilitating development with affordable and workforce housing, but also critical to avoiding the further exacerbation of Nashville's housing prices. Depending on the market rate assumptions, the feasibility model demonstrates that for a low rise for-sale project five stories or less, complying with the inclusionary zoning requirements



and receiving incentives has a similar financial return than a project not in compliance with the inclusionary zoning requirements and not receiving incentives. Over five stories, construction costs increase the gap between the affordable sales prices and the market rate sales price, making a subsidy impractical. Developments in this category would likely choose the in lieu contribution option. More significantly, it also shows that a rental project complying with the inclusionary zoning requirements and receiving incentives has a higher financial return than a rental project under by-right zoning.

**ZONING ADMINISTRATOR RECOMMENDATION**

Approve.

**METROPOLITAN HOUSING TRUST FUND COMMISSION**

Accepts the expanded structure and role as indicated in the ordinance.

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**STAFF RECOMMENDATION**

The affordable and workforce housing bonuses proposed are designed to increase housing opportunities for low and moderate income families in areas of Nashville that would not otherwise be created by the open market. The proposed legislation recommends changes to the current zoning code to eliminate bonuses designed to encourage ecofriendly development standards, provide public parking and promote mixed use development. Some of the bonuses are now designed to be requirements. However, time has not permitted the necessary public conversation regarding the removal of these bonuses, additional requirements and how restructuring the bonuses will impact the goals for these community objectives.

The proposed legislation only modifies the requirements of the Zoning Code. The legislation requires funding for the necessary incentives to build affordable and workforce housing; however, it does not identify the amount or source of those funds. Additionally, it does not identify how the Barnes Fund or other organizations will receive and manage the disbursement and regulation of these the funds.

For these reasons, it is the recommendation of the Planning Department that the Metropolitan Council delay passage of the legislation until additional community conversations can be had.

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ORDINANCE NO. BL2015-\_\_\_\_\_

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to create Inclusionary Housing requirements with additional development entitlements and adjust existing bonuses to encourage affordable and workforce housing. (Proposal No. 2016Z-001TX-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County has undertaken a Inclusionary Housing Feasibility and Market Study (the Study); and

WHEREAS, the Study found that there has been cost appreciation and housing turnover in central areas of the city; and

WHEREAS, the Study found that 28% of homeowners in the city are cost-burdened and 47% of renters in the city are cost-burdened; and

WHEREAS, cost appreciation and housing turnover in central areas can lead to the displacement of cost-burdened households and gentrification; and

WHEREAS, 29% of all 2015 home sales in Nashville and Davidson County were affordable to a buyer earning 80% AMI for a 2.5 person household; and

WHEREAS, much of the housing affordable to 80% AMI is outside of the central areas, with poor access to jobs, transit and services; and

WHEREAS, the Zoning Code currently allows bonuses without providing public benefit; and

WHEREAS, some bonuses, such as LEED certification/review and parking garage liner buildings, are now expected by the market or addressed through other means, including pervious surface bonuses covered by Stormwater's LID manual; and

WHEREAS, bonuses need to be adjusted to properly incentivize public benefits with the greatest impact to the citizens of Nashville and Davidson County; and

WHEREAS, affordable and workforce housing is a primary concern of the citizens of Nashville and Davidson County, as it continues to be a major barrier to economic progress for many in Nashville; and

WHEREAS, increasing the supply of affordable and workforce housing supports economic growth and is an important tool in reducing poverty in Davidson County.

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

Section 1. That Chapter 17.40 (Administration and Procedures) of the Metropolitan Code is hereby amended by inserting the following Article XVII (Inclusionary Housing):

17.40.780 Purpose and Applicability of Inclusionary Housing Provisions

A. Purpose. The purposes of this Section are to promote the public health, safety and welfare by increasing the production of Inclusionary Housing units to meet existing and anticipated housing and employment needs; mitigating the impacts of increasing housing cost and provide housing affordable to low and moderate income households; maintaining existing housing stock while accommodating additional housing opportunities; providing for a range of housing choices throughout the city to avoid the concentration of poverty; and to provide a mechanism by which commercial and residential development can contribute in a direct way to increasing the supply of affordable housing in exchange for additional development entitlements other than those otherwise permitted as a matter of right.

B. Applicability.

1. Where additional development entitlements are sought, including but not limited to, change in uses, height, density or floor area, or where public resources or property is provided, the development shall be subject to the provisions of this Section.
2. For residential uses, developments fewer than five units are exempt from this requirement. For the purposes of this subsection, "development" shall include any residential or mixed use development at one or more adjoining sites with common ownership or under common control, within a period of five years from the first date of the issuance of a building permit for construction.
3. Inclusionary Housing shall not be required and no financial incentives shall be granted if the average unit sale price or rental rate is less than, or within 5% above 100% AMI market prices or rental rates for Nashville and Davidson County and the Inclusionary Housing Plan demonstrates that the census tract market rate prices or rental rates are affordable to a household at 100% AMI.

17.40.790 Requirements for Inclusionary Housing

A. Construction. The required set aside for affordable or workforce housing shall be:

	Rental at 60% AMI	Rental at 80% AMI	Rental at 100% AMI (available in the UZO only)	For-sale at 80% AMI	For-sale at 100% AMI (available in the UZO only)
Single-family, Two-family, and Multi-family uses less than 3 stories	20% of total residential floor area	30% of total residential floor area	n/a	20% of total residential floor area	30% of total residential floor area
Multifamily uses (3 to 6 stories)	15% of total residential floor area	25% of total residential floor area	35% of total residential floor area	15% of total residential floor area	25% of total residential floor area
Multifamily uses (≥ 7 stories)	10% of total residential floor area	20% of total residential floor area	30% of total residential floor area	10% of total residential floor area	20% of total residential floor area
Nonresidential uses	20% of additional nonresidential floor area	30% of additional nonresidential floor area	40% of additional nonresidential floor area	20% of additional nonresidential floor area	30% of additional nonresidential floor area

Where residential and nonresidential uses are combined, the required number affordable or workforce housing units shall be the greater of the residential and nonresidential requirements.

The Metropolitan Housing Trust Fund Commission may approve a mixture of AMI levels, provided the mixture is equivalent to the set asides above. The equivalency of the mixture of AMI levels and the approval shall be documented in the Inclusionary Housing Plan.

- B. In lieu Construction. In lieu of meeting the Inclusionary Housing requirements on site, construction at the same rates included in subsection A of this section may be provided within ½ mile from the development that is required to provide Inclusionary Housing, provided that the Use & Occupancy permits for the affordable and/or workforce units are issued prior to the issuance of any Use & Occupancy permit for principal project.
- C. In lieu Contribution. In lieu of meeting the Inclusionary Housing requirements on site, prior to the issuance of building permits, an in lieu contribution may be provided to the Metropolitan Housing Trust Fund Commission as follows:

	Within the UZO	Outside of the UZO
Residential uses	Per square foot equivalent of 50% of the affordable sales price at 100% AMI for Davidson County for 20% of the total residential floor area in a for-sale project or for 30% of the total residential floor area in a rental project.	Per square foot equivalent of 50% of the affordable sales price at 80% AMI for Davidson County for 10% of the total residential floor area in a for-sale project or for 20% of the total residential floor area in a rental project.
Nonresidential uses	Per square foot equivalent of 50% of the affordable sales price at 100% AMI for Davidson County for 40% of additional nonresidential floor area.	Per square foot equivalent of 50% of the affordable sales price at 80% AMI for Davidson County for 30% of additional nonresidential floor area.
<p>The affordable sales price shall be determined by the Metropolitan Housing Trust Fund Commission annually based on:</p> <ul style="list-style-type: none"> <li>a. A maximum down payment of 5.0%,</li> <li>b. Current Year AMI thresholds adjusted for household size published by HUD,</li> <li>c. Prior six-month average rate of interest based on the Fannie Mae Yield on 30-year mortgage commitments (price at par) plus one-half point (0.5%) spread,</li> <li>d. 30-year mortgage term,</li> <li>e. Any homeowner fees, taxes and insurance, and</li> <li>f. Typical unit size.</li> </ul>		

17.40.800 Standards for Construction and Occupancy of Affordable and/or Workforce Housing

- A. With the building permit application, the Owner/Developer shall submit an Inclusionary Housing Plan, which documents the following:
  - 1. Number of total residential units and nonresidential floor area provided under the site plan.
  - 2. Amount of nonresidential floor area that triggers the Inclusionary Housing requirement.
  - 3. Whether the development uses public resources or public property.
  - 4. Number of affordable or workforce housing units provided.
  - 5. Income levels of targeted families for affordable or workforce housing units.
  - 6. The proposed rents or sales prices and guarantee of limits on future rent increases or sales prices.
  - 7. Location of affordable or workforce housing units.
  - 8. Sizes of affordable or workforce housing units.
  - 9. Bedroom counts of affordable or workforce housing units.
  - 10. Census tract market rate pricing or rental rates for the project site and, if applicable, the in lieu site.
  - 11. The party responsible for compliance reports, with approval from the Metropolitan Housing Trust Fund Commission.
- B. To ensure livability, Inclusionary Housing units shall be at least 80% of the average size of market rate units and the breakdown of bedroom counts of Inclusionary Housing units shall be similar to the breakdown of bedroom counts for the market rate units in the project. After the Inclusionary Housing square footage is allocated according to the distribution of market rate units, any remaining square footage too small for construction of a unit shall utilize the in lieu contribution option.
- C. Exteriors of Inclusionary Housing units shall closely resemble the exteriors of other units in a project.
- D. The owner shall ensure to the satisfaction of the Metropolitan Government that the Inclusionary Housing units will:
  - 1. be occupied by eligible households.
  - 2. be maintained as rental Inclusionary Housing units for a minimum of 15 years from the date of initial occupancy and/or be maintained as for-sale Inclusionary Housing unit for 30 years from the date of initial occupancy.

17.40.810 Enforcement

- A. Prior to the issuance of the first building permit, all Standards for Construction and Occupancy shall be documented on the building permit plans.

B. Prior to the issuance of the Use & Occupancy permit, all Standards for Construction and Occupancy shall be satisfied and documentation provided to the Codes Department.

C. During the applicable period, the owner, developer or designee shall provide a compliance report to the Metropolitan Housing Trust Fund Commission in the form and manner determined by the Commission. The party responsible for compliance reports shall be approved by the Metropolitan Housing Trust Fund Commission and noted Inclusionary Housing Plan. For for-sale developments, individual owners are not permitted to be the party responsible for compliance reports.

Section 2. That Section 17.12.060.F (Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings and property zoned DTC) Within the Urban Zoning Overlay District:) of the Metropolitan Code is hereby amended by deleting subsection 1 and inserting the following subsection 1:

1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020.B and 17.12.020.C, or the maximum height in the build to zone for 30% of the façade fronting each public street and/or the maximum heights specified in Table 17.12.020.D, if the development complies with Section 17.20.780 (Inclusionary Housing) and based on the review and approval of a Special Exception by the Board of Zoning Appeals.

Section 3. That Section 17.12.070 (Special floor area ratio (FAR) provisions.) of the Metropolitan Code is hereby amended by deleting subsections A, B, C, D, E and F and inserting the following subsections A and B:

A. Residential Floor Area. For property located within the urban zoning overlay district in any mixed-use, ON, ORI and ORI-A or CF district, no density or floor area ratio applies for residential uses if the development complies with Section 17.20.780 (Inclusionary Housing).

B. Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council (USGBC)

1. Any structure over 100,000 square feet and less than 250,000 square feet is required to submit LEED precertification or initial certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices with the building permit application.

2. Any structure 250,000 square feet or more is required to obtain LEED certification or certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices.

Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.

To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.

If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.

The fee for a certificate of LEED noncompliance shall be based on the following formula:  $F = [(CN-CE)/CN] \times CV \times 0.0075$ , where:

- F is the fee;
- CN is the minimum number of credits to earn the level of LEED certification for which the project was precertified;
- CE is the number of credits earned as documented by the report; and
- CV is the Construction Value as set forth on the building permit for the structure.

Section 4. That Table 17.12.020B of the Metropolitan Code is hereby amended by inserting the following note as note 4:

Street Level Parking Decks. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses, or in districts that only permit residential uses, residential uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed.

Section 5. That Tables 17.12.020C of the Metropolitan Code is hereby amended by inserting the following note as note 7:

Street Level Parking Decks. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses, or in districts that only permit residential uses, residential uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed.

Section 6. That Table 17.12.020D of the Metropolitan Code is hereby amended by deleting subsection D under note 3 and inserting the following subsection D:

Street Level Parking Decks. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses, or in districts that only permit residential uses, residential uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed.

Section 7. That Section 17.12.060.A (Height Controls Established.) of the Metropolitan Code is hereby amended by deleting subsection 3 and inserting the following subsection 3:

3. In nonresidential districts, any zoning district boundary between the nonresidential district and an AG, AR2a, RS, R, RM or MHP district.

Section 8. That Chapter 17.04 of the Metropolitan Code is hereby amended by deleting Diagram 17.04B and inserting the attached Exhibit A as Diagram 17.04B.

Section 9. That Section 17.16.030.E (Adaptive Residential Development.) of the Metropolitan Code is hereby amended by deleting subsection 3 and replacing with the following subsection 3:

3. Residential Floor Area. In all non-residential districts that permit a residential use with conditions, no density or floor area ratio applies to residential uses if the development complies with Section 17.20.780 (Inclusionary Housing).

Section 10. That Section 17.36.090 (Development bonuses.) of the Metropolitan Code is hereby amended by deleting the section in its entirety.

Section 11. That Chapter 17.37 (Downtown Code (DTC)) of the Metropolitan Code is hereby amended by deleting pages 3, 8, 9, 14, 15, 67-69, 81, 93-100 and replacing with pages 3, 8, 9, 14, 15, 67-69, 81, 93-100 in the attached Exhibit B.

Section 12. That Chapter 17.40 of the Metropolitan Code is hereby amended by inserting the following Section 17.40.055 (Inclusionary Housing Incentive):

As an incentive to encourage developers and property owners to meet the affordable and workforce housing goals set forth in this Title, all proposed development that seeks to increase development entitlements beyond that permitted by the current base zoning district shall comply with Section 17.20.780 (Inclusionary Housing).

Section 13. That Section 17.40.105 (Specific plan—Purpose and intent.) of the Metropolitan Code is hereby amended by deleting the last sentence and inserting the following as the last sentence:

The specific plan cannot vary the requirements of Section 17.40.055 (Inclusionary Housing Incentive) and must comply with the building, fire and life safety codes adopted by the metropolitan government.

Section 14. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

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**BONUSES REMOVED FROM SECTION 17.12.070 (Special floor area ratio (FAR) provisions.)**

A. Plazas/Arcade Bonus. For properties located within the MUI and MUI-A district, a floor area development bonus is offered in return for the design and construction of pedestrian plazas and/or arcades that are accessible to the general public. Two categories of bonuses are offered to the property owner:

1. Design Plan Plaza/Arcade Bonus. A property owner electing to construct a pedestrian plaza or arcade in strict accordance with the design standards established by an Urban Design Overlay district shall derive the following increase in building floor area based on each square foot of plaza or arcade area provided.

District	Bonus Floor Area (in sq. ft.)
MUI and MUI-A	Plaza: 6.0
	Arcade: 3.0

2. Standard Plaza/Arcade Bonus. Properties not specifically designated by an urban design overlay district as qualifying for plaza and/or arcade bonuses under the provisions of subdivision (1) of this subsection, also may elect to provide a plaza and/or arcade in return for a floor area development bonus.

a. For qualifying plazas and arcades, the provision of one square foot of plaza or arcade area shall yield the following increase in developable floor area:

District	Bonus Floor Area (in sq. ft.)
MUI and MUI-A	Plaza: 3.0
	Arcade: 3.0

b. Design Criteria. To qualify for a standard plaza/arcade floor area bonus, the following design criteria shall be satisfied:

i. Plazas.

- (A) The plaza shall provide a minimum depth of ten feet from the adjacent street and a minimum area of five hundred square feet.
- (B) The floor of the building located at plaza level shall provide individual establishments such as restaurants or retail sales that open directly to the plaza. Up to fifty percent of the plaza area may be utilized as a sidewalk cafe.
- (C) When feasible, pedestrian linkages shall be provided to plazas located on adjacent lots.

ii. Arcades.

- (A) The arcade shall provide a minimum height of twenty-five feet and a minimum area of five hundred square feet.
- (B) The arcade shall be located within five feet of the average level of the street. The floor of the building located at arcade level shall provide individual establishments such as restaurants or retail sales that open directly to the arcade.

B. Residential Bonus in Mixed Use, ORI and ORI-A and CF Districts.

1. For property located either (a) in the MUI and MUI-A district, or (b) within the urban zoning overlay district in any mixed-use, ORI and ORI-A or CF district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.

2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section to construct ten or more residential units, the following number of residential units shall be restricted for use as affordable housing for a period of at least seven years:

$$\text{Affordable housing units} = 25\% \times (\text{total residential units} - 10)$$

This provision shall be enforced pursuant to the affordable housing provisions in Section 17.36.090(b)(3).

C. Exemption in the MUI and MUI-A District. In the MUI and MUI-A district, leasable space that is located at street level with a minimum depth of twenty feet, which is occupied by uses that have individual access to the street such as, but not limited to, either a bar, restaurant or retail use, shall be excluded as floor area for the purpose of calculating floor area ratio. A minimum of fifty percent of each storefront shall be glazed window area. Also excluded as floor area:

- 1. Below grade parking; and
- 2. Above grade parking decks of flat plate type construction that provide no less than twelve feet floor to ceiling clearance and have architectural cladding.

D. Parking Exemptions. In all districts the floor area used for the provision of off-street parking spaces or loading berths (and the driveways and maneuvering aisles for those spaces and berths) shall not be counted as floor area for the purpose of calculating floor area ratio when such spaces or berths are used to satisfy the parking demands for the principal use(s) on the parcel.

E. Street Level Parking Decks in the MUI and MUI-A District. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed. That floor area shall be excluded from the calculation of floor area ratio.

F. Parking Garage Liner Buildings. Within the CF, ORI and ORI-A, and all mixed-use districts, parking garages fronting a public street or public space may be masked by a liner building that is a minimum of twenty feet deep. The floor area of any liner building shall be excluded from the calculation of the floor area ratio, provided the following requirements are satisfied:

1. The first twenty feet of depth of the liner building shall be occupied by office, residential, or other non-parking commercial uses.
  2. For non-residential uses on the first floor, a minimum of forty percent of the front facade of the first floor shall be clear or lightly tinted windows and doors. The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of sixteen feet, whichever is less. Upper floors, regardless of use, shall have a minimum of twenty-five percent of glazing to be eligible for square footage calculation exemption.
  3. For residential uses on the first floor, a minimum of twenty percent of the front facade of the first floor shall be openings. Openings shall be clear or lightly tinted windows or main entrance doors. The first floor opening area calculation shall be measured from the finished floor elevation of the first floor to the finished floor elevation of the second floor, or to a height of twelve feet, whichever is less. Upper residential floors shall have a minimum of twenty-five percent glazing to be eligible for square footage calculation exemption. Residential uses on the first floor shall have a minimum finished floor elevation one and one half feet above the finished grade at the setback.
- The provisions of this subsection shall be enforced pursuant to the final site plan review procedures in Section 17.40.170.

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## **BONUSES REMOVED FROM DOWNTOWN CODE (DTC)**

### **LEED and LEED ND**

The U.S. Green Building Council (USGBC) is a non-profit organization that oversees the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

LEED for Neighborhood Development integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED ND goes beyond the building to address sustainability on a neighborhood-wide basis.

The bonuses are specific to each Subdistrict. See the BHP Chart for details.

A different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices may be substituted for LEED. Bonuses will be determined by the Planning Commission based on ratings equivalent to LEED silver, gold, and platinum.

Bonuses for individual buildings are given upon precertification of LEED silver, gold and platinum. Bonuses for neighborhoods are given upon pre-certification of LEED ND. Every property within the LEED ND neighborhood may utilize the bonus height. The bonuses are specific to each Subdistrict. See the BHP Chart for details.

The following shall apply to all new construction that utilizes the Bonus Height Program for LEED:

- Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration and the Planning Commission by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.
- To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.
- If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.

- The fee for a certificate of LEED noncompliance shall be based on the following formula:  $F = [(CN-CE)/CN] \times CV \times 0.0075$ , where:
  - F is the fee;
  - CN is the minimum number of credits to earn the level of LEED certification for which the project was precertified;
  - CE is the number of credits earned as documented by the report; and
  - CV is the Construction Value as set forth on the building permit for the structure.

### **Pervious Surface**

The integration of pervious surfaces into site design and building design benefits the individual development, the neighborhood and the city. Pervious surfaces can reduce stormwater runoff, flood risk, irrigation needs and the burden on infrastructure. Examples of pervious surfaces include pervious pavement, green roofs, bio-swales, landscaping, and green screens. As technology in this field advances, additional pervious surfaces may meet the intent of this standard.

- The number of square feet of Bonus Height shall be twice that of the number of square feet of Pervious Surface. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Green roofs that are utilized to meet LEED certification may not be “double counted” for both the LEED height bonus and the Pervious Surface height bonus. If the level of LEED certification would be met without the green roof, then the green roof may be counted for the Pervious Surface height bonus.

### **Workforce Housing**

Housing encompassing a range of sizes, costs and tenure (both rental and owner-occupied), to accommodate the diverse range of employees and their families, is key to Downtown’s continued economic health and to sustainable development patterns for Nashville/Davidson County.

Metro Government shall require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability and establishes the manner in which the affordability will be monitored for the required period before final site plan review.

As listed below, the specified percentage of total units shall be reserved for ownership or rental by households with incomes below the specified percentage of the current Average Median Income (AMI) in Davidson County, as determined by MDHA.

Height bonuses are based on a percentage of the Maximum Height allowed on the property as dictated by the Subdistrict. In all cases, fifty percent (50%) of the additional stories shall be dedicated to Workforce Housing with twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred percent (100%) of AMI and twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred-twenty percent (120% ) of AMI.

Workforce Housing Height Bonuses are:

- Level 1 - 10% increase in stories
- Level 2 - 20% increase in stories
- Level 3 - 30% increase in stories
- Level 4 - 40% increase in stories

Not all Levels are available in every Subdistrict. See the BHP Chart for details.

When percentage calculations result in a fraction of a story, the number of stories shall be rounded up.

The following shall apply to all construction that utilizes the BHP for Workforce Housing:

- Owner-occupied units shall remain affordable for 30 years.
- Renter-occupied units shall remain affordable for 30 years.
- Units that are converted from renter-occupied to owner occupied shall remain affordable (as determined above) for 30 years beyond conversion.
- The size of all Workforce Housing units shall be at least 80% of the average size of market rate units.

### **Upper Level Garage Liner and Underground Parking**

The public realm of the streetscape is improved by providing parking in underground structures and lining above ground parking structures with habitable space. See the BHP Chart for a list of Subdistricts in which the Garage Liner and Underground Parking bonuses may be utilized.

- Height bonuses are given for upper levels of habitable space, a minimum of 20’ in depth, which masks a parking structure from view along public streets and open space. The minimum depth may be reduced by the Planning Commission provided the intent of an active streetscape is met.
- The number of square feet of Bonus Height shall be twice that of the number of square feet in Garage Liners. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- The number of square feet of Bonus Height shall be equal to the number of square feet in Underground Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.



- Height bonuses are not given for ground level liners, or upper level liners that are required by the DTC.

### **Public Parking**

Parking accessible to the general public is important to the continued growth and vitality of Downtown. See the BHP Chart for a list of Subdistricts in which the Public Parking bonuses may be utilized.

- The number of square feet of Bonus Height shall be twice that of the number of square feet in Public Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Public Parking shall be clearly marked as public, and shall be accessible to the public, at all hours that the garage is open, for the lifetime of the building.

Ms. Logan presented the staff recommendation of approval but defer Council action to allow for additional public conversation and to track with the budget.

Avi Poster, 5300 Crest Hollow Court, spoke in opposition because more study is needed.

Donna Gregory, 120 Fitzpatrick Court, spoke in opposition.

Paulette Coleman, 6205 Willow Oak Drive, spoke in opposition and noted she likes some parts of the proposed text amendment but is sorely disappointed by others. Inclusionary Housing is never defined and incentives are used as primary mechanism.

Sam McCullough, 1112 N 6<sup>th</sup> Street, spoke in opposition and explained that Nashville can't afford to continue down the road it's on.

Nell Levin, 1611 Forest Avenue, spoke in opposition because there is nothing in this plan about keeping people in place; it's not a good idea to break up neighborhoods.

Arnold Hayes, 405 Ramble Wood Circle, spoke in opposition.

Dirk Melton, 138 2<sup>nd</sup> Ave N, spoke in opposition as it should be part of a larger public discussion.

David Meador, 1804 Cedar Lane, spoke in opposition and explained the weakest link in Nashville's future is economic disparity, the divide between the haves and have nots.

Samuel Lester, 58 Arcade, spoke in opposition because it doesn't deal adequately with people who are 60% and below AMI. The proposed plan deals with those at 100% AMI.

Jim Johnston, homeless, spoke in opposition.

Margo Chambers, 3803 Princeton Avenue, spoke in opposition and noted this isn't the way other text amendments are approved.

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

Council Lady Allen inquired if this somehow provides special incentives.

Ms. Logan clarified this text amendment addresses only the zoning side of things, not the financial incentive portion. There will have to be separate legislation identifying a funding source and allocating that funding source as part of the budget process. There would also have to be legislation to design the grant program, which still requires a lot of financial decisions.

Mr. Sloan explained he would like the commission to instruct staff to get an extension on the consultant's contract in order to have the opportunity to continue working with him.

Council Lady Allen stated compliance seems like something that will require different non-profit organizations and others to follow and asked if it's possible that an HOA could be a responsible entity for that.

Ms. Logan explained a requirement was included that it has to be approved by the Metro Housing Trust Fund Commission. The only prohibition would be an individual homeowner, which did not seem appropriate.

Council Lady Allen spoke in favor of delaying this for a while. It is a good starting point but clearly not finished yet.

Ms. Blackshear asked how the process will continue if it ends up sitting at council for a while.

Mr. Sloan explained that he would like to extend the consultant's contract and continue to bring his reports back to the commission as the process continues.

Ms. Blackshear referenced the comments stating possible unintended consequences if implemented without appropriate funding, asked if there is similar legislation in other cities, and if so, what successes, if any.

Mr. Sloan pointed out that our code, and the changes we are suggesting are unique to our city. The total package is customized to Nashville.

Mr. Gee expressed agreement with Councilman Bedne's comments that we must come up with a holistic comprehensive plan and address economic justice, education issues, poverty, and many other social factors that relate to this. He explained that the burden lies, in his opinion, with every Nashvillian and not just with the development community. This is a good start but because of the time constraints, the proposed ordinance has not been vetted with the community as they have only had six days to review it. He noted this needs a lot more time to work through and referenced questions such as what happens when funds run out, the phasing in process, and certain parts of the ordinance having nothing to do with affordable housing.

Mr. Sloan expressed hope that the council would not try to make any of the changes before a funding source is identified.

Mr. Gee suggested some amendments to the pending legislation such as adding a section that states anything filed prior to the effective date would not be effected, as well as amending Section 14 to make the effective date July 1, 2016.

Mr. Clifton expressed concerns with the effect this could have on potential development. He spoke in agreement that the entire proposal deals overwhelmingly with workforce and moderate income families as opposed to families who are in danger of homelessness and having to move out of the county. What we have in this ordinance is only part of the answer; it needs additional public conversation.

Mr. Adkins spoke in favor of a contract extension to be reasonable and allow more time for this very detailed and time consuming effort.

Mr. Haynes agreed that the burden should not fall entirely on the development community; it needs to be a citywide effort. He expressed confusion on why LEED mandated certifications were brought into an affordable housing bill as well as concerns that we are selling precious city owned land and MDHA owned land for other uses yet we have this challenge. He suggested giving people 12 months after identifying a funding source before this takes effect.

Mr. Dalton explained that while this is a good start, we need to be slow and methodical in our approach. How will we measure our success? We have more people being displaced and mass transit is needed. This is not where it needs to be.

Ms. Farr stated there are many specific issues that need to be addressed before this is finalized. All of the questions being raised are not relevant to the zoning code, they are relative to the broader citywide housing policy. The commission should be targeting the one piece that they have pervue over and that is zoning.

Ms. Hagan-Dier expressed concern. This is a good start but concerned with handing it over to an elected body to deal with all of the things that have to happen to give this teeth. Without a financial body, without dedicated funding, this is just ink and paper.

Mr. Sloan spoke in favor of a disapproval for a more thorough vetting.

Ms. Farr stated this amendment needs to be significantly simplified; we may not need to make such sweeping changes if we get some other things in place. We need to take our time and think about this comprehensively and not just this one amendment.

**Mr. Gee moved and Mr. Adkins seconded the motion to add a new section that states "Any appropriately filed application that complies with all existing requirements and that is filed prior to the effective date of this ordinance shall not be subject to the provisions of this ordinance." (9-1) Ms. Farr voted against.**

Mr. Sloan explained that the commission can instruct staff to separate the legislation into two different bills.

**Mr. Gee moved and Mr. Haynes seconded the motion to direct staff to split the proposed ordinance into two ordinances. The first ordinance includes those changes that relate directly to the requirements for inclusionary housing including Section 1; Section 10, amended to delete only 17.36.090.B, related to Affordable Housing; Section 11, amended to only replace the "Workforce Housing" bonus with the "Inclusionary Housing" bonus; Section 12; Section 13; Section 14, amended to an effective date of July 1, 2016. The second ordinance would include all other proposed changes in Section 14 as amended. (10-0)**

Mr. Gee moved and Mr. Adkins seconded the motion to disapprove as amended and request that Metro Council refer the ordinance back to the Planning Commission for a public engagement process to vet all proposed zoning changes included in the ordinance. (10-0)

#### **Resolution No. RS2016-1**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-001TX-001 is To amend the proposed ordinance to include only the following sections from the proposed ordinance: Section 1; Section 10, amended to delete only 17.36.090.B, related to Affordable Housing; Section 11, amended to only replace the “Workforce Housing” bonus with the “Inclusionary Housing” bonus; Section 12; Section 13; Section 14, amended to an effective date of July 1, 2016. And add a new section that states that “Any appropriately filed application that complies with all existing filing requirements and that is filed prior to the effective date of this ordinance shall not be subject to the provisions of this ordinance.” And motion to disapprove as amended and request that Metro Council refer the ordinance back to the Planning Commission for a public engagement process to vet all proposed zoning changes included in the ordinance. (10-0)”

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## **H. PREVIOUSLY DEFERRED ITEMS**

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The items below were deferred from a previous Planning Commission meeting at the request of the applicant or by the commissioners. For Community Plan Policy items, see H. Community Plan Policy Changes and Associated Cases.

### **Community Plan Amendments**

#### **2a. 2015CP-011-003**

##### **SOUTH NASHVILLE PLAN AMENDMENT**

Map 105-03, Parcel(s) 331, 349

Council District 17 (Colby Sledge)

Staff Reviewer: Stephanie McCullough

A request to amend the South Nashville Community Plan by amending the Community Character policy to allow 9 stories in height for a portion of the T4 Urban Mixed Use Neighborhood Policy Area for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of 4th Avenue South and Chestnut Street (5.2 acres), requested by Outpost Nashville, applicant; William and Sara Bass, owners. (See also Associated Case # 2015SP-092-001).

**Staff Recommendation: Approve.**

**Amend the South Nashville Community Plan by amending the Community Character policy to allow 9 stories in height for a portion of the T4 Urban Mixed Use Neighborhood Policy Area.**

##### Major Plan Amendment

A request to amend the South Nashville Community Plan by amending the Community Character policy to allow 9 stories in height for a portion of T4 Urban Mixed Use Neighborhood Policy Area for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of 4th Avenue South and Chestnut Street (5.2 acres).

##### **SOUTH NASHVILLE COMMUNITY PLAN – AMENDMENT**

###### **Current Policy**

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

###### **Proposed Policy**

The amended request is to create a special policy that would permit 9 story maximum building heights for some of the buildings within the development. The original request from the applicant was for 10 stories, but was amended during the review process to align with the companion specific plan application.

###### **BACKGROUND**

The community plan amendment was requested in conjunction with zone change application 2015SP-092-001, to change the zoning from IR to Specific Plan – Mixed Use for properties at 1131 and 1137 4th Avenue South.

The T4 MU policy generally supports a maximum height of five stories in most cases, or six stories in limited instances. Consideration for additional height is based on factors such as: proximity to other Community Character Policies and transitions between the policies; contribution to the overall fabric of the area; relationship of the building height to the street width; capacity of the block structure; proximity to existing or planned transit; and use of building heights and setbacks to mitigate increased building heights; among other factors.

Both 4th Avenue South and Chestnut Streets are currently constrained streets. Constrained streets are streets that are narrower than recommended by the Major and Collector Street Plan. 4th Avenue currently has a right of way 56 feet, but is recommended to be 76 feet wide in the Major and Collector Street Plan. Chestnut Street currently contains 66 feet of right-of-way but is recommended to be 81 feet wide in the Major and Collector Street Plan.

Additional height in this location can be supported by policies of NashvilleNext, the General Plan for Nashville-Davidson County, adopted in 2015. It recommends that most of Nashville's growth be concentrated in several tiered centers and along High Capacity Transit Corridors. A Tier One Center covers portions of the Wedgewood Houston neighborhood, immediately southwest of the proposed special policy area. Additionally, this site is less than one half mile south of downtown (also a Tier One Center) and along an Immediate Need High Capacity Transit Corridor (4th Avenue South/Nolensville Road). Nashville Next recommends that infrastructure investments in the Tier One Centers and the Immediate Need segments of High Capacity Transit Corridors will be prioritized over other areas and are planned to be made within the next one to five years within the Tier One Centers, and one to ten years along the High Capacity Transit Corridors.

The South Nashville area is expected to receive a significant share of Nashville's growth in both employment and housing. The industrial edges of the Wedgewood Houston neighborhood have been identified as areas to accommodate increased residential and mixed use development; much of which has been demonstrated through rehabilitation and renovation of existing buildings with a focus on arts and the "maker" culture. Prior to its current industrial use, the larger area surrounding the historic Nashville City Cemetery was residential, and the immediate site was a depot for the Nashville and Decatur railroad.

### **COMMUNITY PARTICIPATION**

Community meeting and public hearing notices were mailed out to property owners within 1,300 feet of the amendment area on September 9, 2015. Local neighborhood associations were also notified and copies of the notices were placed on the Planning Department website.

A community meeting was held on September 23, 2015, at the South Nashville Action People (SNAP) Headquarters and Community Center, located at 1224 Martin Street. Twenty five people attended the meeting in addition to Councilman Colby Sledge, the development team, and Metro Planning staff.

Residents expressed concerns about increases in traffic in the area, particularly during peak hours, and traffic delays caused by train traffic (there are two at-grade crossings in the area, on 4th Avenue South and Chestnut Street). Attendees of the community meeting also expressed concern about the potential for an increased demand for parking within the neighborhood as a result of the retail spaces proposed by the development team. Some attendees expressed concern regarding the scale of buildings in the development, compared to existing development (new and old), and the potential for other buildings to request heights in excess of what is allowed by the policy.

Attendees of the community meeting also expressed concern about the impact of the development on the historic Nashville City Cemetery, which is immediately adjacent to its southern portion. Tall buildings could cast shadows into the cemetery, changing the feel of the historic property. The sight of the residential building from the cemetery could be perceived as a negative impact, and the granting of additional height for this development could set a precedent and increase the number of developments seeking the same accommodations.

### **ANALYSIS**

The area in question is unique for south Nashville. Its size, proximity to downtown (which is also one of two Tier One Centers), proximity to a High Impact Transit Corridor, and the history of the area, contribute to the validity of applying a special policy.

The concerns expressed by local stakeholders are well-founded, but can be balanced with the larger trends affecting the area and the adjacent Tier One Center. A number of the concerns are addressed within the T4 MU policy's guidance, as well as the general guidance of the Community Character Manual, and can be addressed further with the addition of special policy language.

The T4 MU policy addresses:

- Additional height in some areas due to proximity to another policy, such as District Impact (DI). T4 MU policy and DI both describe the need to form transitions in scale and massing when adjoining (lower intensity) areas.

The Community Character Manual addresses:

- Historically Significant Areas and Sites
  - Owners of private property that contains historic or archaeological features of historic structures are encouraged to work with the Metropolitan Historical Commission to protect and preserve the historic features in conjunction with any proposed development of the site.

- The potential impacts of proposed developments on historic sites or areas with archaeological features should be carefully considered, and appropriate measures should be applied that mitigate any adverse impacts;
- Development near structures or in areas of local, state, or national historical significance should make efforts to balance new development with the existing character, scale, massing and orientation of those historical features.

The proposed Special Policy would address:

- Support for increased height. The T4 MU policy advises that an increase in height could be applicable in buildings along areas such as rail lines, if the additional height accomplishes the goal of accommodating parking needs for the entire special policy area, and reduces parking pressure on neighborhood streets.
  - The site's location at the edge of the neighborhood and proximity to the railroad lines is better suited to accommodate additional height, compared to sites within the neighborhood. Due to the narrow widths of 4<sup>th</sup> Avenue and Chestnut Street, buildings taller than five or six stories as envisioned in the policy could create a "canyon effect" if located at the back of the sidewalk along the street frontage.
  - The allowance of additional height on a portion of the site can free ground level space in other parts of the site to allow for the creation of additional open space on the site, such as plazas and landscape features.
  - The size and depth of the site is unique for property in this area of south Nashville and compared to other properties located within the T4 MU policy elsewhere in the county.

The original request for ten stories was considered too tall based on preliminary diagrams illustrating the relationship of the proposed building located along the northern portion of the site adjacent to the city cemetery. It was determined by staff that reducing the height and/or increasing the distance between the northern buildings and the property line could alleviate the impact on the cemetery.

## **PROPOSED SPECIAL POLICY**

### **11-T4-MU-01**

T4 Urban Mixed Use Neighborhood Area 1 is referenced as 11-T4-MU-01 on the accompanying map. It applies to properties bounded by the Nashville City Cemetery to the north, Chestnut Street to the south, 4th Avenue South to the east, and the CSX rail lines to the west. In this area, the following Special Policies apply. Where the Special Policy is silent, the guidance of the T4 Urban Mixed Use Neighborhood policy applies.

Buildings of heights above the five or six stories described in the policy may be permitted with the following guidance:

#### **Building Form and Site Design**

- Building heights of up to five stories are generally most appropriate in this area because of its small blocks and narrow streets, but buildings of nine stories may also be appropriate in portions of this area due to its proximity to the Wedgewood Houston Tier One Center, the Downtown Nashville Tier One Center, and location along an Immediate Need segment of a High Capacity Transit corridor, provided that sufficient attention is paid to:
  - High quality urban design, including building design, as well as the pedestrian realm. This includes avoiding the effects of taller buildings overshadowing the constrained neighborhood streets (4th Avenue South and Chestnut Street) within the area, or the historic Nashville City Cemetery to the north. Adequate distance from the cemetery and neighborhood streets must be provided.
  - Careful attention to the design of details of the taller building, such as setbacks, placement of doors and windows, stoops and porches, and the location of parking garage entrances, in addition to massing of the building.
  - Provision of open space and landscaped areas within the development, to allow for places to provide places for pedestrians to congregate, and variety in the build environment.
  - Providing safe and comfortable walking and biking facilities, in addition to managing potential impacts such as increased traffic and demand for parking in the adjacent neighborhoods are also important factors in considering whether additional height for buildings in the area would be appropriate.

#### **Connectivity (Pedestrian/Bicycle)**

- Pedestrian and bicycle connectivity through the site is important, as well as providing access to the high capacity transit along 4th Avenue South. MTA has recommended this intersection for the location for a transit shelter, the location of which should be considered in new development projects within this area.
- Buildings of additional height within the development must not negatively impact the pedestrian experience; elements such as sidewalks and the streetscape should be in scale with the massing of buildings exceeding five stories (i.e. wider sidewalks for taller buildings).

#### **Proximity to Historic Landmark – Nashville City Cemetery**

- The design of buildings in the special policy area should be created in a manner that does not negatively impact the Nashville City Cemetery. No building should cast excessive shadows on, or loom over, the cemetery. New buildings should not create excessive light pollution. Additional setbacks for the location of buildings, or step-backs at higher floors of buildings may be necessary to ensure that this is met.
- The density of landscaping and vegetation along the property line between the Nashville City Cemetery and the special policy area should be maintained or increased.

- The Metro Nashville Historical Commission shall be consulted on design and placement of any buildings in the special policy area that are adjacent to the Nashville City Cemetery.

**METRO HISTORICAL ZONING STAFF**

**Approve with conditions**

1. Building footprint sets back a minimum of 40 feet from the property line with the City Cemetery,
2. Building height is 9 stories with a reduction to 8 stories for at least 45 feet on the northeast leg of the “U” shaped tower,
3. Vehicular entrance from 4th Avenue South at the northeast corner of the property is pushed south 2 feet or more to protect the early 20th century corner limestone wall pier, which was recently damaged due to the tight turning radius,
4. During excavation an archaeologist should be on site to monitor for human remains that date to the Civil War when the site was used as an expansion of the City Cemetery for the burial of Union and Confederate soldiers, and
5. During blasting a seismologist should be on site to monitor potential damage to underground burial vaults at the City Cemetery.

**STAFF RECOMMENDATION**

Staff recommends approval of special policy **11-T4-MU-01** outlined above to allow the requested height of nine stories in portions of the amendment area bounded by 4th Avenue South, Chestnut Street, the Nashville City Cemetery and the CSX railroad, through a new special policy category in the South Nashville Community Plan.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-2**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015CP-011-003 is **Approved. (10-0)**”

**2b. 2015SP-092-001**

**OUTPOST NASHVILLE**

Map 105-03, Parcel(s) 331, 349  
 Council District 17 (Colby Sledge)  
 Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP-MU zoning for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of Chestnut Street and 4th Avenue South (5.2 acres), to permit a mixed use development, requested by Hastings Architecture Associates, LLC, applicant; William and Sara Bass, owners. (See also Associated Case # 2015CP-011-003).

**Staff Recommendation: Approve with conditions and disapprove without all conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.**

**APPLICANT REQUEST**

**Rezone to permit a mixed-use development.**

Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan – Mixed-Use (SP-MU) zoning for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of Chestnut Street and 4th Avenue South (5.2 acres), to permit a mixed-use development.

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Fosters Distinctive, Attractive Mixed-Use Communities
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Provides a Variety of Transportation Choices

The area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure. The plan fosters distinctive, attractive mixed-use communities by providing a unique design that would permit a variety of uses including residential, office, commercial and entertainment. The

plan also provides open space areas such as plazas and courtyards which would provide gathering spots for residents of the development and visitors alike. All these amenities and uses are tied together by sidewalks, which creates walkable neighborhoods. The mixture of uses also provides for the ability to live and work within the same neighborhood, further supporting walkability. The proposal also supports walkable neighborhoods by providing new destinations for the area. The request provides an additional housing option in the area, which are important to serve a wide range of people with different housing needs. The additional uses and density support public transportation. People living in more dense mixed-use areas are more likely to use public transit because every day services are located closer by and it can be more efficient than driving oneself.

## **SOUTH NASHVILLE COMMUNITY PLAN**

### **Existing Policy**

Urban Mixed Use (T4 MU) policy is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

### **Proposed Special Policy**

#### **11-T4-MU-01**

T4 Urban Mixed Use Neighborhood Area 1 referenced as 11-T4-MU-01 would apply to properties bounded by the Nashville City Cemetery to the north, Chestnut Street to the south, 4th Avenue South to the east, and the CSX rail lines to the west. In this area, the following Special Policies apply. Where the Special Policy is silent, the guidance of the T4 Urban Mixed Use Neighborhood policy applies.

Buildings of heights above the five or six stories described in the policy may be permitted with the following guidance:

#### **Building Form and Site Design**

- Building heights of up to five stories are generally most appropriate in this area because of its small blocks and narrow streets, but buildings of nine stories may also be appropriate in portions of this area due to its proximity to the Wedgewood Houston Tier One Center, the Downtown Nashville Tier One Center, and location along an Immediate Need segment of a High Capacity Transit corridor, provided that sufficient attention is paid to:
  - High quality urban design, including building design, as well as the pedestrian realm. This includes avoiding the effects of taller buildings overshadowing the constrained neighborhood streets (4th Avenue South and Chestnut Street) within the area, or the historic Nashville City Cemetery to the north. Adequate distance from the cemetery and neighborhood streets must be provided.
  - Careful attention to the design of details of the taller building, such as setbacks, placement of doors and windows, stoops and porches, and the location of parking garage entrances, in addition to massing of the building.
  - Provision of open space and landscaped areas within the development, to allow for places to provide places for pedestrians to congregate, and variety in the build environment.
  - Providing safe and comfortable walking and biking facilities, in addition to managing potential impacts such as increased traffic and demand for parking in the adjacent neighborhoods are also important factors in considering whether additional height for buildings in the area would be appropriate.

#### **Connectivity (Pedestrian/Bicycle)**

- Pedestrian and bicycle connectivity through the site is important, as well as providing access to the high capacity transit along 4th Avenue South. MTA has recommended this intersection for the location for a transit shelter, the location of which should be considered in new development projects within this area.
- Buildings of additional height within the development must not negatively impact the pedestrian experience; elements such as sidewalks and the streetscape should be in scale with the massing of buildings exceeding five stories (i.e. wider sidewalks for taller buildings).

#### **Proximity to Historic Landmark – Nashville City Cemetery**

- The design of buildings in the special policy area should be created in a manner that does not negatively impact the Nashville City Cemetery. No building should cast excessive shadows on, or loom over, the cemetery. New buildings should not create excessive light pollution. Additional setbacks for the location of buildings, or step-backs at higher floors of buildings may be necessary to ensure that this is met.
- The density of landscaping and vegetation along the property line between the Nashville City Cemetery and the special policy area should be maintained or increased.
- The Metro Nashville Historical Commission shall be consulted on design and placement of any buildings in the special policy area that are adjacent to the Nashville City Cemetery.

#### Consistent with Policy?

The proposed SP is not consistent with the existing policy, but it is consistent with the proposed special policy. While the T4 MU policy supports the type of mixed-use development being proposed, the proposed plan exceeds the height supported by the policy. The T4 MU policy supports a maximum height of five stories with six in limited instances. The maximum height

proposed with this SP is nine, which is significantly higher than allowed by the policy. The impact that the development could have on the adjacent Nashville Cemetery, which is a Historic Landmark District, is paramount to staff's consideration.

The proposed SP is consistent with the proposed special policy which would apply to the subject project area. The plan provides a building form that is urban in nature, including shallow setbacks, appropriate heights along 4<sup>th</sup> Avenue and Chestnut Street and, a strong pedestrian streetscape and pedestrian areas. As designed, the proposed height along the shared property boundary with the Nashville Cemetery is also appropriate. The proposed SP would also provide bicycle parking, and would meet the Major and Collector Street Plan. The Metro Historic Zoning Commission has been heavily involved in the design of the project, and is recommending that the plan be approved with conditions.

## **PLAN DETAILS**

The subject site is approximately five acres in size and consists of two separate properties. The site is located at the northwest corner of 4<sup>th</sup> Avenue South and Chestnut Street. The Nashville City Cemetery, which is a Historic Landmark District, borders the site to the north. A CSX railroad abuts the western property boundary. The site is developed and the use classification for each property in the proposed SP is light manufacturing which is permitted under the current IR zoning.

### Site Plan

The plan consists of a site plan and regulating plan. The site plan identifies building footprints, amenity areas, sidewalks, internal drive layout and access locations. The regulating plan provides more details including use restrictions, bulk standards, design examples, elevations, public street standards and private drive standards.

The SP permits most of the uses that are permitted under the MUL-A zoning district. Permitted uses include but are not limited to residential, office, retail, restaurant and entertainment uses.

The plan would permit up to 70 units per acre and a maximum floor area ratio (FAR) of one for nonresidential uses. Residential units and parking would not count towards the maximum floor area. Given the acreage (5.2 acres), the SP would permit up to 364 residential units and up to 226,512 square feet of nonresidential uses.

The proposed plan specifies build-to zones which define the area in which future buildings must be placed along 4<sup>th</sup> Avenue, Chestnut Street and internal drives or lanes. The standards include the percentage of the façade along each build-to zone that must meet the requirement. The remaining façade that is not required to be within the build to zone could be setback further and is intended for plazas and other outdoor spaces. The SP would prohibit parking within the build-to zone.

The plan does not require any internal or external rear yard or side yard setbacks. It does require a 40 foot minimum building setback from the property line shared with the Nashville Cemetery.

As proposed, the plan provides specific height requirements and would permit a maximum height of nine stories. Maximum heights are identified by zones. The nonresidential area is limited to three stories, which includes the areas adjacent to 4<sup>th</sup> and Chestnut. The residential building, which is shown at the northwest corner of the site is permitted up to nine stories; however, the SP does not permit the entire façade facing the Nashville Cemetery to be up to nine stories. The SP requires that a majority of the façade facing the Nashville Cemetery be a maximum of three stories. The SP further restricts the height of the east wing of the residential building to a maximum of eight stories within 45 feet of the front façade.

A majority of the required parking will be located in structured parking; however, the SP would also permit parking along internal drives. The SP requires that any ground floor parking be lined with active uses. The plan also requires that upper floors of parking decks be screened with active uses or screening that is in keeping with the overall architecture of the building design. The required number of parking spaces is as specified by the Zoning Code. The SP also permits all UZO parking exemptions. The plan also requires bike parking consistent with Zoning Code requirements.

The parking plan does not include details regarding signage. Signage is to be consistent with the signage requirements for the MUL-A zoning district as outlined in the Metro Zoning Code.

The SP calls for street improvements along 4<sup>th</sup> and Chestnut to be consistent with the Major and Collector Street Plan. This includes sidewalks, a planting strip and any other necessary improvements.

## **ANALYSIS**

The SP plan is not consistent with the existing T4 MU policy. The proposed SP meets a majority of the goals of the T4 MU policy; however, the proposed height exceeds the maximum height supported by the policy. The current policy supports a maximum height of five stories with six stories in limited instances.

The proposed SP is consistent with the proposed special policy, which would apply to the subject project area. The plan provides a building form that is urban in nature, including shallow setbacks, appropriate heights along 4<sup>th</sup> Avenue and Chestnut Street, a strong pedestrian streetscape and pedestrian areas. The SP would also provide bicycle parking, and would meet the Major and Collector Street Plan. Metro Historical Zoning staff has been heavily involved in the design of the project, and is recommending that the plan be approved with conditions.



The proposed SP also meets several critical planning goals. Since the proposed SP is consistent with the proposed policy and meets several critical planning goals, then staff recommends approval of the proposed SP, if the associated policy amendment is approved. Staff does not recommend approval of the proposed SP if the associated policy amendment is disapproved.

#### **METRO HISTORICAL ZONING STAFF**

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

1. Building footprint sets back a minimum of 40 feet from the property line with the City Cemetery,
2. Building height is 9 stories with a reduction to 8 stories for at least 45 feet on the northeast leg of the "U" shaped tower,
3. Vehicular entrance from 4th Avenue South at the northeast corner of the property is pushed south 2 feet or more to protect the early 20th century corner limestone wall pier, which was recently damaged due to the tight turning radius,
4. During excavation an archaeologist should be on site to monitor for human remains that date to the Civil War when the site was used as an expansion of the City Cemetery for the burial of Union and Confederate soldiers, and
5. During blasting a seismologist should be on site to monitor potential damage to underground burial vaults at the City Cemetery.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approved with conditions**

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

#### **STORMWATER RECOMMENDATION**

##### **Approved**

#### **PUBLIC WORKS RECOMMENDATION**

##### **Approved 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.
- Dedicate ROW/ easements to the back of the proposed sidewalk, prior to the building permit approval.
- Indicate on the plans the existing utility poles and any other utilities within ROW. These items are to be relocated outside the proposed sidewalk. This may cause a revision to the proposed sidewalk to be relocated.

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

##### **Conditions if approved**

In accordance with the TIS findings, the developer shall construct the following roadway improvements:

- A "One Way" (R6-1 or R6-2) sign should be installed on 4th Avenue South facing the Site Access 3 approach.
- A "One Way" (R6-2) sign should be installed on the near right corner of the intersection facing the Site Access 3 approach.

##### **Site Access 2 and Chestnut Street**

- Site Access 2 at Chestnut Street should be designed to include sufficient width for one entering lane and one exiting lane. Signage shall be installed to restrict loading and parking along the 24ft wide access road.

##### **Chestnut Street**

- In order to provide an eastbound left turn lane on Chestnut Street at Site Access 2 for entering traffic, Chestnut Street is recommended to be restriped between 3rd Avenue South and the CSX Railroad Crossing. The restriping, as shown on the site plan, should provide one westbound lane, two eastbound lanes, and an eastbound left turn lane on Chestnut Street at the proposed Site Access 2. The eastbound left turn lane should include approximately 90 feet of storage and 50 feet of taper. The inside westbound lane on Chestnut Street at 4th Avenue South should be restriped to a dedicated left turn lane. Developer shall submit striping and signage plan with Final SP plan. Additional analysis may be required to determine if a SW left turn lane shall be installed on Chestnut at 4th Ave intersection.

##### **Parking**

- Valet parking operations, if provided, should be located on the internal private drives within the site, an appropriate distance from access drives to allow adequate queueing without blocking entering or exiting traffic.
- The mixed-use development should provide sufficient off-street parking to accommodate the proposed land uses per the Metro Zoning Code for MUL-A districts and/or per a shared parking analysis as allowed in the zoning code. The number of required parking spaces should be re-evaluated at Final SP.

##### **Chestnut Street and Martin Street**

- The existing crosswalk on Martin Street at Chestnut Street should be refurbished.

##### **Chestnut and 4th Ave.**

- Developer shall upgrade pedestrian signals at intersection to LED module countdown ped signals. Developer shall submit signal plan to Metro traffic engineer for approval and install updated ped signals when directed by MPW.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	5.2	0.6	135,907 sq. ft.	484	41	44

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 (220)	5.2	-	364 U	2330	183	218

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
Retail (820)	5.2	-	226,512 sq. ft.	11555	250	1101

Traffic changes between maximum: **IR** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+13,401	+392	+1,275

**WATER SERVICES RECOMMENDATION**

**Approved with conditions**

- Approved as a Preliminary SP only.

**METRO SCHOOL BOARD REPORT**

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

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

The proposed SP-MU would generate four additional students, based on the Urban Infill Factor. Students would attend Whitsitt Elementary School, Wright Middle School and Glencliff High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends that the proposed SP be approved with conditions and disapproved without all conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.

**CONDITIONS**

1. The SP shall be limited to uses listed in the SP document.
2. Prior to any final site plan approval, applicant shall work with the Metropolitan Transit Authority (MTA) to determine if a public transit-stop should be located within the project or along the project boundary. If MTA determiners that a transit-stop is necessary within or along the project boundary, then the final site plan shall accommodate the transit-stop.
3. Any final site plan shall provide public pedestrian improvements including sidewalks and planting strips consistent with the Major and Collector Street Plan.
4. Dumpster and recycling container locations shall not be visible from internal drives or public streets.
5. Building footprint sets back a minimum of 40 feet from the property line with the City Cemetery.
6. Building height is 9 stories with a reduction to 8 stories for at least 45 feet on the northeast leg of the "U" shaped tower.
7. Vehicular entrance from 4th Avenue South at the northeast corner of the property is pushed south 2 feet or more to protect the early 20th century corner limestone wall pier, which was recently damaged due to the tight turning radius.
8. During excavation an archaeologist should be on site to monitor for human remains that date to the Civil War when the site was used as an expansion of the City Cemetery for the burial of Union and Confederate soldiers.

9. During blasting a seismologist should be on site to monitor potential damage to underground burial vaults at the City Cemetery.
10. Signage shall meet the MUL-A signage requirements.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
12. 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.
13. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (10-0), Consent Agenda

**Resolution No. RS2016-3**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-092-001 is **Approved with conditions and disapproved with all conditions. (10-0)**"

**CONDITIONS**

1. The SP shall be limited to uses listed in the SP document.
2. Prior to any final site plan approval, applicant shall work with the Metropolitan Transit Authority (MTA) to determine if a public transit-stop should be located within the project or along the project boundary. If MTA determiners that a transit-stop is necessary within or along the project boundary, then the final site plan shall accommodate the transit-stop.
3. Any final site plan shall provide public pedestrian improvements including sidewalks and planting strips consistent with the Major and Collector Street Plan.
4. Dumpster and recycling container locations shall not be visible from internal drives or public streets.
5. Building footprint sets back a minimum of 40 feet from the property line with the City Cemetery.
6. Building height is 9 stories with a reduction to 8 stories for at least 45 feet on the northeast leg of the "U" shaped tower.
7. Vehicular entrance from 4th Avenue South at the northeast corner of the property is pushed south 2 feet or more to protect the early 20th century corner limestone wall pier, which was recently damaged due to the tight turning radius.
8. During excavation an archaeologist should be on site to monitor for human remains that date to the Civil War when the site was used as an expansion of the City Cemetery for the burial of Union and Confederate soldiers.
9. During blasting a seismologist should be on site to monitor potential damage to underground burial vaults at the City Cemetery.
10. Signage shall meet the MUL-A signage requirements.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
12. 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.
13. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**16. 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.**

### **3a. 2015CP-012-002**

#### **SOUTHEAST COMMUNITY PLAN AMENDMENT**

Map 186, Parcel(s) 013.01, 011-014

Council District 31 (Fabian Bedne)

Staff Reviewer: Cynthia Wood

A request for a Major Amendment to the Southeast Community Plan to change the Community Character Policies from T3 Suburban Residential Corridor, T3 Neighborhood Center, and Conservation to T3 Suburban Community Center for properties located at 6960 and 6968 Nolensville Pike, Nolensville Pike (unnumbered) and 7203 and 7235 Old Burkitt Road (8.22 acres), requested by Gresham, Smith and Partners, applicant; 6968 Nolensville Road, LLC, owner. (See Associated Case #2015SP-098-001).

**Staff Recommendation: Defer to the January 28, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015CP-012-002 to the January 28, 2016, Planning Commission meeting. (9-0-1)**

### **3b. 2015SP-098-001**

#### **CEDARWOOD SP**

Map 186, Parcel(s) 013.01, 011-013

Council District 31 (Fabian Bedne)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-C zoning for properties located at 6960 and 6968 Nolensville Pike and 7203 and 7235 Old Burkitt Road, at the corner of Nolensville Pike and Burkitt Road, (6.72 acres), to permit a 5,100 square foot automobile convenience market that includes a 1,373 square foot restaurant, requested by Gresham Smith & Partners, applicant; 6968 Nolensville Road, LLC, owner. (See Associated Case # 2015CP-012-002).

**Staff Recommendation: Defer to the January 28, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015SP-098-001 to the January 28, 2016, Planning Commission meeting. (9-0-1)**

## **Specific Plans**

### **4. 2015SP-103-001**

#### **MADISON MILL LOFTS**

Map 091-16, Parcel(s) 163

Council District 24 (Kathleen Murphy)

Staff Reviewer: Lisa Milligan

A request to rezone from IR to SP-MU for property located at 4101 Charlotte Avenue, at the southeast corner of the intersection of Charlotte Avenue and 42nd Avenue N. (7.1 acres), to permit a mixed use development with up to 10,000 square feet of non-residential uses and up to 400 residential dwelling units, requested by Fulmer Engineering, LLC, applicant; Thomas Patten, owner.

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

#### **APPLICANT REQUEST**

**Permit a mixed-use development with up to 400 residential units and up to 10,000 square feet of non-residential uses.**

#### Preliminary SP

A request to rezone from Industrial Restrictive (IR) to Specific Plan – Mixed Use (SP-MU) for property located at 4101 Charlotte Avenue, at the southeast corner of the intersection of Charlotte Avenue and 42nd Avenue N. (7.1 acres), to permit a mixed use development with up to 10,000 square feet of non-residential uses and up to 400 residential dwelling units.

#### **Existing Zoning**

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

## **Proposed Zoning**

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

## **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Promotes Compact Building Design

The proposed development meets several critical planning goals. Development in areas with adequate infrastructure is more appropriate than development in areas 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 project proposes development on an infill site. Sidewalks are being provided along Charlotte Avenue and along 42<sup>nd</sup> Avenue North to create a more pedestrian friendly and walkable area. Also, the mixture of uses on a single site encourages walking and promotes an active streetscape. The SP proposes additional density in an area adequately served by a variety of transportation choices including streets, a bike lane, sidewalks, and public transit along Charlotte Avenue. The development utilizes structured parking and mixed uses to promote compact building design.

## **WEST NASHVILLE COMMUNITY PLAN**

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

Special Policy – 07-T4-CM-02 applies to the portion of the property within the T4 CM policy area. The Special Policy addresses several design elements including access, height, connectivity, parking location, and appropriate zoning districts. Based on the Special Policy, no additional access points should be provided along Charlotte Avenue, appropriately wide sidewalks and pedestrian amenities shall be provided, and parking shall be located primarily behind the building. For the property in question, the building height should range from 2 stories minimum to 4 stories maximum. Zoning districts in the special policy area are limited to design based zoning districts based on MUL-A, OR20-A, or RM20-A districts.

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

## Consistent with Policy?

Yes. The proposed SP is consistent with both the T4 Urban Mixed Use Corridor policy and the T4 Urban Neighborhood Maintenance policy. The proposal provides for additional residential units in an urban area where said units are appropriate while also providing a transition to the single-family neighborhood to the west. The mixed use portion of the development is located along Charlotte Avenue within the Mixed Use Corridor policy area. Charlotte Avenue is designated by the Major and Collector Street Plan as an arterial. The land use policy along Charlotte Avenue is a T4 Urban Mixed Use Corridor with a Special Policy calling for heights ranging from a minimum of two stories to a maximum of four stories. The building is proposed at 4 stories along Charlotte Avenue, including one story of non-residential with three stories of residential above, consistent with the Special Policy.

The multi-family portion of the proposal is located within the T4 Urban Neighborhood Maintenance policy. The site is currently zoned for industrial uses and is currently in use as a limited manufacturing facility. The T4 Urban Neighborhood Maintenance policy gives specific guidance in regards to the redevelopment of non-residential sites, such as this site. The policy states that such sites may be redeveloped with a broader mix of housing types than the rest of the area only subject to appropriate design that transitions in building type, massing and orientation in order to blend new development into the surrounding neighborhood. Along Charlotte Avenue and adjacent to the railroad, the building is at a maximum height of four stories. Along 42<sup>nd</sup> Avenue North, the building is three stories with a stepback to four stories. Additionally, there is an open space area along 42<sup>nd</sup> Avenue approximately 100 feet in width providing for buffering from the single-family residential neighborhood to the west. Along the southern property line, the building is proposed at 3 stories before a stepback to 4 stories. The heights as proposed along with the addition of open space along 42<sup>nd</sup> Avenue and a grade change from 42<sup>nd</sup> Avenue into the site all combine to provide for an appropriate transition of the proposed development into the surrounding neighborhood.

## **PLAN DETAILS**

The site is located at 4101 Charlotte Avenue, on the east side of 42<sup>nd</sup> Avenue North. The site is approximately 7.1 acres in size and is currently being used as a limited manufacturing facility.

## Site Plan

The plan proposes up to 400 multi-family residential dwelling units. The multi-family units are located within two buildings. The first building is proposed to front along Charlotte Avenue and includes a minimum of 7,000 square feet and a maximum of 10,000 square feet of non-residential uses fronting Charlotte Avenue. The remainder of the building is proposed for multi-family residential units. A second building is proposed for only multi-family units, and is located at the rear of the site.

There is one vehicular access point proposed along Charlotte Avenue and two vehicular access points proposed along 42<sup>nd</sup> Avenue North. Parking is provided through structured parking within both multi-family residential buildings. Parallel parking is proposed along the main interior drive. Sidewalks will be required to be improved along Charlotte Avenue to be consistent with the Major and Collector Street Plan (4 foot planting strip/tree wells; 8 foot sidewalk; 4 foot frontage zone). Sidewalks are also proposed along 42<sup>nd</sup> Avenue North to tie in to the existing sidewalk to the south of the property. Internal sidewalks are provided as well as a trail in the open space adjacent to the railroad, though staff is recommending additional sidewalk connections.

Building 1 along Charlotte Avenue is proposed to include one-story of non-residential uses with three stories of multi-family residential above. The portion of the building along 42<sup>nd</sup> Avenue North is three stories in height to a setback of four stories. The remainder of the building is four stories. Building 2 is proposed for three stories along 42<sup>nd</sup> Avenue North and adjacent to the southern property line with a setback to four stories. A landscaped open space approximately 100 feet in width is proposed between 42<sup>nd</sup> Avenue North and the multi-family buildings.

The developer is proposing that 50% of the exterior facing ground floor multi-family units, excluding courtyard units, will have a stoop with a connection to the adjacent sidewalks. Elevations have been provided as part of the SP.

## **ANALYSIS**

The proposed development provides for an urban development on an infill site. The current industrial zoning and use of the property is inconsistent with the T4 Urban Neighborhood Maintenance policy. With the adoption of NashvilleNext, the T4 Urban Neighborhood Maintenance Policy was updated to include specific guidance in regards to the redevelopment of existing non-residential sites within Neighborhood Maintenance areas, such as the subject property. The policy states that with the redevelopment of these sites a broader mix of housing may be allowed on the site versus what is typically allowed within the policy. However, care must be taken to ensure that the development is an appropriate design and that transitions in building type, massing, and orientation are utilized in order to blend the new development into the surrounding neighborhood.

The Neighborhood Maintenance policy indicates that, in general, heights of one to three-stories are most appropriate and that additional height may be found abutting or adjacent to centers and corridors. The proposed height along Charlotte Avenue within the Mixed Use Corridor policy area is four stories, providing for an appropriate height along a major corridor. The project as designed provides for an appropriate transition to the existing single-family neighborhood to the west. The inclusion of an approximately 100 foot wide open space between 42<sup>nd</sup> Avenue North and the multi-family buildings allows for an appropriate transition. Also, the height of the building along 42<sup>nd</sup> Avenue North is three stories before a setback to four stories, further creating an appropriate transition.

The location of the project along the Charlotte Avenue corridor is an appropriate location for an urban infill project. The proposed development is moving the site closer to conformance with the policy and removing an industrial site from a residential neighborhood. Charlotte Avenue features a variety of transportation options and is an appropriate location for development of this type.

## **FIRE MARSHAL RECOMMENDATION**

### **Approve with conditions**

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

## **STORMWATER RECOMMENDATION**

### **Approve with conditions**

- Revise with new Preliminary Note to plans:
- Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Stormwater approval / comments only. The final lot count and details of the plan shall be governed by the appropriate stormwater regulations at the time of final application.

## **WATER SERVICES RECOMMENDATION**

### **Approve with conditions**

- Approved as a Preliminary SP only. Public sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval. Please update availability study before Final SP stage, to reflect the latest unit counts (this SP proposes less units than the latest availability study). This way, the applicant is not overcharged capacity fees.

## **PUBLIC WORKS RECOMMENDATION**

### **Approved 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
- Install "Now entering private property" signage all connections of this project with the public ROW. These are to be plainly visible, ground mount signs, or similar in kind.
- Prior Final SP, indicate that all driveways are to have MPW standard ST-324 driveway ramps.
- Add note that all improvements that were designed by MPW for Charlotte Ave are to be installed by this project. Coordinate with MPW Project Management to obtain design plans.
- Prior to Final SP approval submit copy of Cross Access Agreement. If Cross Access Agreement cannot be obtained then additional analysis will be required to justify any proposed access to Charlotte.
- Add note that prior to building permit approval applicant must obtain permit for all construction with TDOT ROW on Charlotte.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Conditions if approved**

In accordance with the TIS findings, developer shall install the following road and signal improvements.

#### Charlotte Avenue

- Based on discussions with Metro Public Works representatives, construction plans are in progress, which include restriping Charlotte Avenue between 42nd Avenue North and 40th Avenue North to provide a center turn lane. The plans for improvements also include reconstructing the traffic signal on Charlotte Avenue at 42nd Avenue and restriping the northbound and southbound approaches of 42nd Avenue North to provide dedicated left turn lanes. However, this project is not funded or scheduled for construction by MPW.
- The center turn lane with protected/permissive left turn phasing, as planned, will provide significant improvements for westbound left turns onto 42nd Avenue North. The center left turn lane will also provide improved operations and provide vehicle storage for westbound left turns entering the site access point on Charlotte Avenue.
- Therefore, the developer shall construct these roadway and signal improvements per final MPW construction plans as a condition of SP approval.

#### 42nd Avenue North

- The existing curb-to-curb width of 42nd Avenue North between Charlotte Avenue and Elkins Avenue is extremely wide, but it varies along the length. The right-of-way is approximately 100 feet. One travel lane should be provided in each direction. On-street parallel parking should be provided along the both sides of 42nd Avenue North within the existing pavement width between Park Avenue and Elkins Avenue in order to narrow the travel width to discourage speeding.
- Existing vegetation on the west side of 42nd Avenue North should be trimmed and/or removed to improve intersection sight distance for left turns from Park Avenue and Elkins Avenue onto 42nd Avenue North. The existing trees appear to be located within the right-of-way.
- The centerline pavement markings on 42nd Avenue North should be refurbished between Charlotte Avenue and approximately 200 feet south of Dakota Avenue. The excess pavement width between Charlotte Avenue and Elkins Avenue should be allocated to the travel lane, and bike sharrow pavement markings should be provided. The existing bike sharrow pavement markings should be removed as they are located where on-street parallel parking is recommended. Developer shall apply to T&P staff to allow parallel on-street parking.
- Metro standard 2.5-foot curb and gutter should be constructed along the project site frontage on 42nd Avenue North.

#### Charlotte Avenue and 42nd Avenue North

- The intersection and traffic signal modifications per Metro Public Works signal construction plans will provide improvements that will accommodate the projected traffic at the intersection.
- Charlotte Avenue shall be restriped between 42nd Avenue North and 40th Avenue North to provide two lanes in each direction and one center turn lane.
- The northbound and southbound approaches of 42nd Avenue North shall be restriped to provide one left turn lane and one shared through right turn lane.
- The traffic signal shall be reconstructed with mast arm design. The traffic signal design will include protected/permissive left turn signal phasing for the westbound approach of Charlotte Avenue. Permissive signal phasing will be provided for the northbound and southbound approaches. The traffic signal and intersection design shall include pedestrian facilities for each leg of the intersection.

#### Charlotte Avenue and Shared Commercial Site Access

- Site access at Charlotte Avenue should be provided by a shared access with the adjacent commercial property.
- The site access drive should include one entering lane and two exiting lanes. The exiting lanes should be marked as one left turn lane and one right turn lane.
- Stop-sign control should be provided for the site access drive.
- Construction plans to restripe Charlotte Avenue to provide a center turn lane, will provide a left turn lane for the project traffic entering the site at the shared commercial site access.

42nd Avenue North and Park Avenue/Park Avenue Extended (Private Drive)

- The site access should be aligned with Park Avenue and include a minimum of one lane in each direction (one entering lane and one exiting lane).
- Stop-sign control should be provided for the westbound approach of the site access drive.
- The stop line and stop sign on the eastbound approach of Park Avenue should be relocated with the construction of the curb extensions.
- Crosswalks should be provided on the north and south legs crossing 42nd Avenue North.
- ADA compliant curb ramps should be provided for each corner of the intersection.
- Pedestrian warning signs with supplemental diagonal arrow signs should be provided at each of the crosswalks.
- The existing vegetation on the west side of 42nd Avenue North between Park Avenue and Elkins Avenue should be trimmed back to improve intersection sight distance for vehicles turning left from Park Avenue and right from Elkins Avenue onto 42nd Avenue North. It appears all of the vegetation is located within the right-of-way.
- The existing vegetation on the west side of 42nd Avenue North between Charlotte Avenue and Park Avenue should be trimmed back to improve intersection sight distance for vehicles turning right from Park Avenue onto 42nd Avenue North. It appears all of the vegetation is located within the right-of-way.

Murphy Road and 42nd Avenue North

- The stop line pavement marking for the southbound approach of 42nd Avenue North at Murphy Road should be refurbished.

42nd Avenue North and Dakota Avenue

- Prior to Final site plan approval, developer shall apply to the T&P operations staff to determine if intersection traffic control should be modified.

Final SP site plan shall include signal construction plans and pavement markings and signage plans. 42nd Ave cross section modification will be determined at final site plan approval. Any trimming or removal of vegetation by developer shall occur only within the public ROW.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing	7.1	0.60	185,565 SF	661	56	60

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	7.1	-	400 U	2548	200	238

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
Retail	7.1	-	10,000 SF	466	16	46

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,353	+160	+244



## METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-MU district: 20 Elementary 10 Middle 9 High

The proposed SP-MU zoning district could generate 39 more students than what is typically generated under the existing IR zoning district. Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2015.

### STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the plan meets several critical planning goals and provides for redevelopment of an industrial site in a manner that is more consistent with the land use policy for the area.

### CONDITIONS

1. Permitted land uses shall be limited to up to 400 multi-family residential units and a minimum of 7,000 square feet and a maximum of 10,000 square feet of retail and restaurant uses.
2. With the Final SP, provide a detailed landscaping plan for the open space along 42<sup>nd</sup> Avenue North for approval by Planning Staff. The landscaping should serve as a buffer from 42<sup>nd</sup> Avenue North and should create a parklike setting.
3. On the corrected set, remove the fence along 42<sup>nd</sup> Avenue North.
4. On the corrected set, connect the sidewalk in front of Building 1 along 42<sup>nd</sup> Avenue North to the sidewalk along the main entrance drive.
5. On the corrected set, connect the sidewalk in front of Building 2 along 42<sup>nd</sup> Avenue North to the sidewalk running along the southern property line.
6. On the corrected set, include the proposed floor area ratio.
7. Prior to issuance of building permits, a public access easement must be recorded for the labeled Public Pedestrian Trail and open space.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
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. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Blackshear left the room at 8:21 p.m.

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

Shawn Henry, 315 Deaderick Street, spoke in favor of the application and noted there are already multi-family townhomes on 42<sup>nd</sup>.

Gary (last name unclear) spoke in favor of the application as it is proposing \$400,000 in street improvements.

Todd Jackovich, developer, spoke in favor of the application and noted it has a lot of businesses in support.

Gilbert Smith, 4401 Chickory Lane, spoke in favor of the application.

Tom White, 315 Deaderick Street, spoke in favor of the application.

Ben Goremaker, 4507 Nebraska Avenue, spoke in opposition to the application due to increased density.

Kate (last name unclear), 3913 Elkins Avenue, spoke in opposition to the application because it is extremely difficult to get around in this area as it is now. Density is too high.

Mike Irwin, 4506 Utah Avenue, spoke in opposition to the application because there are much better uses for this; would like to see other proposals put forward.

William Mitchell, 42<sup>nd</sup> Street, spoke in opposition to the application due to increased density and traffic concerns.

Christy Wilson, 4807 Elkins Avenue, spoke in opposition to the application due to increased traffic; would like a traffic study to be completed.

Catherine Beasley, 5111 Dakota Avenue, spoke in opposition to the application as 42<sup>nd</sup> cannot handle this type of traffic.

Catherine Hayden, 5000 Wyoming Avenue, spoke in opposition to the application because this development does not respect the transition into the neighborhood.

Cheryl Pickney, 4604 Dakota Avenue, spoke in opposition to the application due to increased density and traffic concerns.

Bernard Pickney, 4604 Dakota Avenue, spoke in opposition to the application and explained that no one in the HOA voted in favor of the project.

Pat Williams, 4301 Elkins Avenue, spoke in opposition to the application due to blasting concerns.

Emily (last name unclear), 4409 Nevada Avenue, spoke in opposition to the application due to increased traffic concerns and inadequate parking.

Margo Chambers spoke in opposition to the application.

Nicholas Crain, 4504 Idaho Avenue, spoke in opposition to the application.

Kristin Barlow, 4316 Colorado Avenue, spoke in opposition to the application and asked the commission to take a bigger, broader look at what is going on.

Mekayle Houghton, 4412 Utah Avenue, spoke in opposition to the application as NashvilleNext does not call for this type of density.

John Summers, 5000 Wyoming Avenue, spoke in opposition to the application.

James Clower, 4316 Colorado Avenue, spoke in opposition to the application.

Council Lady Murphy spoke in opposition to the application as it is not an appropriate transition.

Shawn Henry clarified existing traffic congestions will be corrected by this development.

**Chairman McLean closed the Public Hearing.**

Mr. Adkins asked if a traffic study was done.

Ms. Milligan confirmed that it was reviewed and accepted by Public Works.

Devin Doyle, Metro Public Works, stated that a traffic study was completed in November 2015 and the applicant accepted all conditions. There would be an insignificant increase in delay at the intersection.

Mr. Adkins inquired about underground parking or blasting.

The applicant noted that blasting will be insignificant.

Mr. Clifton noted the rather dramatic increases along Charlotte, the fact that this is so close to a historic district, and the fact that this will link up with a pretty crowded roadway is of concern. He expressed concern not with what is being done, but by how far back into the neighborhood it goes.

Mr. Gee stated the transition works pretty well and overall this meets the intent of the policy.

Council Lady Allen asked if more work could be done to make the transition better.

Ms. Hagan-Dier abstained as she had to step out of the room during a portion of the presentation.

Ms. Farr noted the plan is appropriate for the Charlotte Avenue piece but she is struggling with how this is consistent with policy and whether it's the correct massing and transition for the neighborhood maintenance. This is a great opportunity to showcase something unique; is this really what we want to see in that neighborhood?

Mr. Haynes spoke in opposition as the southern half is too dense.

Mr. Clifton spoke in opposition due to how far back it goes, the lack of transition, and the density.

Mr. Gee explained there might be other ways to achieve transition that might be better, but these corridors are where we want the density. There could be more work done on this before it goes through the political process.

Chairman McLean suggested a two meeting deferral to give the developers time to work this out.

Mr. Adkins spoke in favor of a deferral and encouraged both parties to come together and figure out the density and a better transition plan.

**Mr. Adkins moved and Mr. Haynes seconded the motion to defer to the February 11, 2016, Planning Commission meeting. (8-0-1)**

**The Metropolitan Planning Commission deferred 2015SP-103-001 to the February 11, 2016, Planning Commission meeting. (8-0-1)**

## **5. 2015SP-109-001**

### **ARCADIA BRENTWOOD**

Map 161, Parcel(s) 042

Council District 04 (Robert Swope)

Staff Reviewer: Jason Swaggart

A request to rezone from R40 to SP-R for property located at 511 Old Hickory Boulevard, approximately 275 feet west of Copperfield Way (5.43 acres), to permit an assisted living care facility with 68 beds, requested by Ragan-Smith Associates, applicant; Roy S. Jones, Trustee, owner.

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

#### **APPLICANT REQUEST**

**Permit a 22 dwelling unit assisted care living facility.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan-Residential (SP-R) for property located at 511 Old Hickory Boulevard, approximately 275 feet west of Copperfield Way (5.43 acres), to permit an assisted living care facility with 68 beds.

#### **Existing Zoning**

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 5 lots with 1 duplex lot for a total of 6 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**

- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods

This proposal meets two critical planning goals. The assisted care living facility provides a residential building type that supports the community in accommodating all points of the life-cycle and provides a housing type not currently permitted. In addition, the development proposes sidewalk improvements along Old Hickory Boulevard, consistent with the Major and Collector Street Plan. The improvements, along with pedestrian connections to the proposed building, create a more pedestrian friendly and walkable area.

## **SOUTHEAST COMMUNITY PLAN**

T3 Suburban Residential Corridor (T3 RC) is intended to preserve, enhance and create suburban residential corridors. T3 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

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

### Consistent with Policy?

The proposed SP is consistent with the T3 Suburban Residential Corridor and Conservation policies, and provides an appropriate transition to the adjacent T3 Suburban Neighborhood Maintenance policy. The proposed building has a deep setback to preserve the existing environmental features within the Conservation policy. This allows the Old Hickory Boulevard corridor to be framed by the existing trees and dense vegetation. As Old Hickory Boulevard is classified as an arterial-boulevard, the mass, orientation, and placement of the proposed building is appropriate. The applicant is proposing to vary the depth of the building along the eastern property line to provide a transition in scale and massing to the adjacent T3 NM policy. In addition, the building transitions from three stories in the front to two stories in the rear of the property. Parking is also located away from the adjacent single-family development and additional landscaping is proposed to buffer the development.

## **PLAN DETAILS**

The site is located at 511 Old Hickory Boulevard, approximately 275 feet west of Copperfield Way. The site is approximately 5.43 acres in size and is currently vacant.

### Site Plan

The plan proposes an approximately 83,639 square foot assisted care living facility with a (66 units with 68 beds). Units consist of 28 studios, 36 one bed, and two, two-bed units. The proposed building transitions in height from north to south, with 3 stories facing Old Hickory Boulevard and 2 stories above grade at the rear of the site. The building proposes a floor area ratio (FAR) of 0.32 and an impervious surface ratio (ISR) of 0.37.

The site is accessed via a driveway onto Old Hickory Boulevard. Sidewalk improvements along Old Hickory Boulevard are being provided consistent with the requirements of the Major and Collector Street Plan. In addition, five foot internal sidewalks will connect the proposed building with the sidewalk along Old Hickory Boulevard.

The plan proposes 53 surface parking spaces, generally to the north and west of the proposed building. Trash enclosures are tucked in to the west elevation of the building, out of view from Old Hickory Boulevard to the north and existing residential to the east. A 10 foot Type B landscape buffer is proposed along the eastern and southern property lines. The plan also calls for a six foot tall opaque fence and retaining wall on the east side of the internal drive near the eastern property line.

## **ANALYSIS**

The plan is consistent with the T3 Suburban Residential Corridor and Conservation policies, and transitions in scale and massing to the adjacent policy area. The mass, orientation, and placement of the proposed building is appropriate for the Old Hickory Boulevard corridor. In addition, the proposal improves pedestrian connectivity and supports all points of the life-cycle for the surrounding community. For information purposes, it is important to note that for density, the Metro Zoning Code classifies one dwelling unit per three units. In this case the total number of units is 66, which would be considered 22 units for density purposes.

## **FIRE DEPARTMENT RECOMMENDATION**

### **Approve with conditions**

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

## **STORMWATER RECOMMENDATION**

### **Approved**

## **WATER SERVICES RECOMMENDATION**

### **Approve with conditions**

- Approved as a Preliminary SP only, on the following two conditions:
  1. The required capacity fees must be paid prior to Final Site Plan/SP approval.
  2. Minimum sanitary sewer service line size shall be 6-inches in diameter. Please update the sizes of these on the Final SP plans.

**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.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- In accordance with sight distance exhibit dated 11/17/15, developer shall comply with the following conditions:
  1. Developer shall remove plant growth within the Old Hickory Blvd. ROW and on the project site within 10ft of the property boundary along the Old Hickory Blvd. frontage of the project. This vegetation trimming may require TDOT approval.
  2. Any landscaping or signage shall maintain the intersection sight distance sight lines. No excessive grading, signage or landscaping shall be placed within the sight triangles per AASHTO guidelines.

Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	5.43	1.08 D	6 U*	58	5	7

\*Based on one two-family lot.

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
Assisted- Living Facility (254)	5.43	-	23 U/68beds	125	4	6

Traffic changes between maximum: **R40 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 17 U	+67	-1	-1

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions, as the request is consistent with the land use policies, and meets several critical planning goals.

**CONDITIONS**

1. Permitted land uses shall be limited to an assisted care living facility with up to 68 units/beds.
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 RM15 zoning district as of the date of the application request or application.
3. Free standing signage shall be limited to a monument sign that is no taller than five feet in height with a maximum sign area of 12 square feet (per side). Any sign shall only be externally lit.
4. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
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.

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

**Chairman McLean left the meeting at 9:29 p.m.**

James Weaver, 511 Union Street, spoke in favor of the application.

Scotty Bernick, landscape architect, spoke in favor of the application.

Brian Durbin, president of Arcadia Communities, spoke in favor of the application.

James Weaver noted that they have spent many hours working with staff to get this site in compliance with the plan.

Shawn Henry, 315 Deaderick Street, spoke in opposition to the application because this is a medical use under the land use table. The density is twice that of the surrounding residential subdivisions and the site doesn't qualify under the locational criteria that is in the NashvilleNext document.

Lennard Paulsen, 11 Micawber Court, spoke in opposition to the application due to blasting concerns.

Jonas Kalnas, 513 Copperfield Way, spoke in opposition to the application due to blasting concerns.

James Weaver stated institutional uses or residential uses should encompass this type of facility.

**Mr. Adkins closed the Public Hearing.**

Council Lady Allen expressed appreciation for the offer of a written plan for blasting and spoke in favor if we can get the blasting to where it needs to be.

Mr. Clifton asked the applicant about a pre-blast survey.

James Weaver explained that blasting can be done in a way as to not disturb surrounding structures. They will do a pre-blast survey and have a very detailed blasting plan as well as working with the neighbors to ensure they understand.

Mr. Clifton stated it's not a bad thing to have a facility like this for people who are aging; seems like a great thing for the neighborhood.

Mr. Haynes asked how the neighbors will have any assurance that dollars will be set aside in the budget to handle repairs from any damages.

James Weaver stated the plan will have very specific details as to how to get compensation.

Ms. Farr pointed out that is this was a new subdivision coming in, there would be more cars and significantly more traffic. This is a nice, low-impact development that provides some needed housing for the area.

**Mr. Haynes moved and Ms. Farr seconded the motion to approve with conditions including a condition requiring a pre-blast survey and disapprove without all conditions. (8-0)**

**Ms. Blackshear stepped back in the room at 10:05 p.m.**

**Resolution No. RS2016-4**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-109-001 is **Approved with conditions including a condition requiring a pre-blast survey and disapproved without all conditions. (8-0)**"

**CONDITIONS**

- 1. Permitted land uses shall be limited to an assisted care living facility with up to 68 units/beds.**
- 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 RM15 zoning district as of the date of the application request or application.**
- 3. Free standing signage shall be limited to a monument sign that is no taller than five feet in height with a maximum sign area of 12 square feet (per side). Any sign shall only be externally lit.**
- 4. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the**

issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

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.

## 6a. 2015SP-110-001

### 2202 HOBBS

Map 131-01, Parcel(s) 022, 024

Map 131-02-0-M, Parcel(s) 413, 415, 417, 419, 900

Council District 34 (Angie Henderson)

Staff Reviewer: Alex Deus

A request to rezone from RM4 and R20 to SP-R for properties located at 413, 415, 417, 419, and 419B Village Hall Place and 2204 and 2202B Hobbs Road, approximately 380 feet west of Stammer Place (2.68 acres), to permit up to 11 residential units, requested by Dale & Associates, applicant; Haury & Smith Contractors, owner. (See Associated Case # 2003P-013-001).

**Staff Recommendation: Defer indefinitely.**

**The Metropolitan Planning Commission indefinitely deferred 2015SP-110-001. (10-0)**

## 6b. 2003P-013-001

### VILLAGE HALL PHASE II

Map 131-02-0-M, Parcel(s) 413, 415, 417, 419, 900

Council District 34 (Angie Henderson)

Staff Reviewer: Alex Deus

A request to cancel a portion of the Village Hall Planned Unit Development Overlay District for properties located at 413, 415, 417, 419, and 419B Village Hall Place, approximately 380 feet east of Stammer Place (1.5 acres), requested by Dale & Associates, applicant; Haury & Smith Contractors, owner. (See Associated Case # 2015SP-110-001).

**Staff Recommendation: Defer indefinitely.**

**The Metropolitan Planning Commission indefinitely deferred 2003P-013-001. (10-0)**

## 7a 2015SP-113-001

BL2015-86\M. Johnson

### NASHVILLE HIGHLANDS SP

Various Maps, Various Parcels

Council District 23 (Mina Johnson)

Staff Reviewer: Jason Swaggart

A request to rezone from R15 and R20 to SP-R for properties located at 326 Old Hickory Boulevard, Old Hickory Boulevard (unnumbered) and Highway 70 (unnumbered), on the east side of Old Hickory Boulevard and north of Highway 70 (approximately 246 acres), to permit the additional disturbance of the natural landscape to a maximum of 14 acres to permit up to 360 multi-family residential units, requested by the Metro Planning Department and Councilmember Mina Johnson, applicants; Harpeth Valley Utility District, Nashville Highlands, LLC, and Reserve Service Assoc., Inc., owners. (See Associated PUD cancellation case # 73-85P-001).

**Staff Recommendation: Approve with conditions and disapprove without all conditions including an amendment to the council bill.**

### APPLICANT REQUEST

**Zone change to permit up to 360 multi-family units.**

#### Zone Change

A request to rezone from One and Two-Family Residential (R15) and One and Two-Family Residential (R20) to Specific Plan – Residential (SP-R) for properties located at 326 Old Hickory Boulevard, Old Hickory Boulevard (unnumbered) and Highway 70

(unnumbered), on the east side of Old Hickory Boulevard and north of Highway 70 (approximately 246 acres), to permit the additional disturbance of the natural landscape to a maximum of 14 acres to permit up to 360 multi-family residential units.

### **Suspension of the Rules**

Staff is recommending that the Commission suspend a rule pertaining to public hearings signs specified in Section V11.A.3 of the Rules and Procedures of the Metropolitan Planning Commission (MPC Rules and Procedures). This section requires that a public hearing sign be placed on the site notifying the public of the public hearing at least ten days prior to said public hearing. Signs were placed on the property; however, the date for the Planning Commission public hearing was incorrect. It cited January 28<sup>th</sup> instead of January 14<sup>th</sup>. The sign was corrected two days after being posted.

Staff finds that while the signs were originally posted incorrectly, there was sufficient public notification of the public hearing. Notices were mailed as required by the MPC Rules and Procedures with the correct date. The Commission also deferred this request from the December 10, 2015, meeting to the January 14<sup>th</sup> public hearing. The sign was corrected within two days of being posted; therefore, the sign will be up for nine days, one day short of the requirement

### **Amendment to Council Bill**

Since the bill was introduced a parcel within the subject area was divided by deed creating a new parcel. This parcel should be included in the council bill; therefore, staff is recommending that the bill be amended to include the new parcel and that the sketch be updated.

### **Existing Zoning**

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *The PUD overlay permits a maximum of 864 units.*

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *The PUD overlay permits a maximum of 864 units.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. *The proposed PUD district requires a higher standard for the protection and preservation of environmentally sensitive lands than what is required by the Metro Zoning Code.*

### **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.

### **HISTORY**

Last year, the unbuilt portion of the subject PUD went through a periodic review per Section 17.40.120.H of the Metro Zoning Code. At the July 23, 2015, Planning Commission meeting, the Commission found the PUD to be inactive and advised Council to cancel the subject portion of the PUD and rezone it to an SP. The Commission further recommended that any SP meet the following goals:

1. Reduce the overall footprint of the development.
2. Utilize environmentally sensitive building practices.
3. Protect view shed.

The Commission also encouraged the property owner(s) to work with Council in preserving the undeveloped portions of the PUD by means of transferring the property to Metro Parks and/or a conservation group.

This proposed SP was drafted by staff in accordance with the Planning Commission's recommendation at its meeting on July 23, 2015.

### **CRITICAL PLANNING GOALS**

- Preserves creates open space
- Preserves Environmental Resources

The subject site contains very steep hillsides, problem soils, mature forest and other significant environmental features that are worthy of protection. The proposed SP requires that a majority of these features be preserved in permanent open space that is to be left undisturbed with the exception that it does permit trails and other less impactful activities.



## **BELLEVUE COMMUNITY PLAN**

Conservation (CO) is intended to preserve and enhance environmentally sensitive land 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 area in and whether or not they have already been disturbed.

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

### Consistent with Policy?

Yes. The purpose of the proposed Specific Plan district is to permit development that adequately protects environmentally sensitive features such as problem soils, hillsides and streams within the SP boundary which is consistent with the CO policy. The SP limits disturbance to a much smaller area than what is currently permitted under the PUD. The SP also provides standards which will lessen the impact to areas where disturbance is permitted.

The community plan also recognizes areas that are not encumbered with 20 to 25 percent slopes. These areas are within the T3 NM policy. Due to these areas being so small and fragmented they cannot be developed in a manner consistent with the T3 NM policy.

## **REQUEST DETAILS**

The Nashville Highlands PUD was originally approved in 1985 for 1,062 multi-family units. The development has also been referred to as Eagle Ridge at the Reserve, The Reserve and Robertson Highlands. Through the years the PUD has been revised several times. There have also been requests to amend the PUD to permit single-family uses and commercial uses; however, these amendments were never approved. The overall PUD boundary consists of approximately 271 acres. Currently 198 units, a clubhouse and water tower have been constructed on approximately 69 acres. The remaining approximately 202 acres of the PUD, which is proposed to be canceled and rezoned to SP is approved for a maximum of 864 units. The remaining 69 acres that is currently developed will remain in the PUD.

The boundary of the PUD extends from Old Hickory Boulevard southward to Highway 70. The entire site is encumbered with very steep slopes in excess of 20 percent. The steep slopes on the site contain Bodine-Sulphura which is a problem soil and is prone to slides.

## **ANALYSIS**

Staff finds that the proposed SP meets policy and the Planning Commission's previous recommendation to draft an SP that meets the following goals:

1. Reduce the overall foot print of the development.
2. Utilize environmentally sensitive building practices.
3. Protect view sheds.

In addition to providing protection for a majority of the environmentally sensitive areas, the proposed SP provides standards for low impact activities in the protected areas such as walking paths, which is intended to provide pedestrian access so that the unique property may be enjoyed by residents of the community or the wider public. These requirements are consistent with the CO policy that applies to the site and meets two critical planning goals.

## **FIRE MARSHAL RECOMMENDATION**

### **Approved with conditions**

- Verify that there is a 2nd means of ingress/egress for the subdivision. Fire Code issues for the structures will be addressed at permit application review.

## **STORMWATER RECOMMENDATION**

**Ignore**

## **PUBLIC WORKS RECOMMENDATION**

### **Conditions if approved**

This development will require Public Works approval of detailed construction plans prior to grading the site. Plans must comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Conditions if approved**

A TIS will be required prior to final SP site plan approval in order to identify any necessary road improvements.

**WATER SERVICES RECOMMENDATION**  
N/A

**HARPETH VALLEY UTILITY DISTRICT**  
Approve

**STAFF RECOMMENDATION**

Staff recommends that the proposed SP be approved with conditions and disapproved without all staff conditions as the SP is consistent with the Conservation land use policy and meets two critical planning goals. Staff is also recommending that the Commission suspend its rules pertaining to the placement of public hearing signs, and that the council bill be amended to reflect the newly created parcel within the boundary of the proposed SP.

**CONDITIONS**

1. Uses shall be limited to a maximum of 360 residential units.
2. 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 RM2 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions including an amendment to the council bill. (9-0-1), Consent Agenda

**Resolution No. RS2016-5**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-113-001 is **Approved with conditions and disapproved without all conditions including an amendment to the council bill. (9-0-1)**"

**CONDITIONS**

1. **Uses shall be limited to a maximum of 360 residential units.**
2. **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 RM2 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.**
3. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

**7b. 73-85P-001**

BL2015-87/M. Johnson  
**NASHVILLE HIGHLANDS (PUD CANCELLATION)**  
Various Maps, Various Parcels  
Council District 23 (Mina Johnson)  
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Nashville Highlands Planned Unit Development Overlay District for properties located at 326 Old Hickory Boulevard, Old Hickory Boulevard (unnumbered) and Highway 70 (unnumbered), on the east side of Old Hickory Boulevard and north of Highway 70 (approximately 246 acres), zoned R15 and R20, requested by the Metro Planning Department and Councilmember Mina Johnson, applicants; Harpeth Valley Utility District, Nashville Highlands, LLC, and Reserve Service Assoc., Inc., owners. (See Associated Case # 2015SP-113-001).

**Staff Recommendation: Approve with conditions including an amendment to the council bill subject to the approval of the associated SP. Disapprove if the associated SP is not approved.**

**APPLICANT REQUEST**

**Cancel a portion of a PUD.**

Cancel PUD

A request to cancel a portion of the Nashville Highlands Planned Unit Development for properties located at 326 Old Hickory Boulevard, Old Hickory Boulevard (unnumbered) and Highway 70 (unnumbered), on the east side of Old Hickory Boulevard and north of Highway 70, approximately 246 acres, zoned One and Two-Family Residential (R15) and One and Two-Family Residential (R20).

**Suspension of the Rules**

Staff is recommending that the Commission suspend a rule pertaining to public hearings signs specified in Section V11.A.3 of the Rules and Procedures of the Metropolitan Planning Commission (MPC Rules and Procedures). This section requires that a public hearing sign be placed on the site notifying the public of the public hearing at least ten days prior to said public hearing. Signs were placed on the property; however, the date for the Planning Commission public hearing was incorrect. It cited January 28<sup>th</sup> instead of the 14<sup>th</sup>. The sign was corrected two days after being posted.

Staff finds that while the signs were originally posted incorrectly, that there was sufficient public notification of the public hearing. Notices were mailed as required by the MPC Rules and Procedures with the correct date. The Commission also deferred this request from the December 10, 2015, meeting to the January 14<sup>th</sup> public hearing. The sign was corrected within two days of being posted; therefore, the sign will be up for nine days, one day short of the requirement.

### **Amendment to Council Bill**

Since the bill was introduced a parcel within the subject area was divided by deed creating a new parcel. This parcel should be included in the council bill; therefore, staff is recommending that the bill be amended to include the new parcel and that the sketch be updated.

### **Existing Zoning**

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *The PUD overlay permits a maximum of 864 units.*

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *The PUD overlay permits a maximum of 864 units.*

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

### **HISTORY**

Last year the unbuilt portion of the subject PUD went through a periodic review per Section 17.40.120.H of the Zoning Code. At the July 23, 2015, Planning Commission meeting, the Commission found the PUD to be inactive and advised Council to cancel the subject portion of the PUD and rezone it to SP. The Commission further recommended that any SP meet the following goals:

1. Reduce the overall foot print of the development.
2. Utilize environmentally sensitive building practices.
3. Protect view shed.

The Commission also encouraged the property owner(s) to work with Council in preserving the undeveloped portions of the PUD by means of transferring the property to Metro Parks and/or a conservation group.

### **CRITICAL PLANNING GOALS**

**N/A**

### **BELLEVUE COMMUNITY PLAN**

Conservation (CO) is intended to preserve and enhance environmentally sensitive land 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 area in and whether or not they have already been disturbed.

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

### **Consistent with Policy?**

The approved PUD is not consistent with the Conservation policy that applies to a majority of the site. The Conservation policy recognizes the very steep slopes and problem soils that encumber a majority of the site. Although Conservation policy could support some development on sites with steep slopes and problem soils, it does not support intense development, and/or development that would severely impact the environmentally sensitive areas recognized by the policy. While the PUD calls for a majority of the site to be preserved as open space, the development permitted under the PUD severely impacts the landscape outside of the areas designated as open space. The plan also permits over 800 units, which is not appropriate given the extent of the steep hillsides and problem soils. The associated SP limits disturbance to a much smaller area than what is currently

permitted under the PUD. The SP also provides standards which will lessen the impact to the areas where some disturbance is to be permitted.

The community plan also recognizes areas that are not encumbered with 20 to 25 percent slopes. These areas are within the T3 NM policy. Due to these areas being so small and fragmented they cannot be developed in a manner consistent with the T3 NM policy.

**REQUEST DETAILS**

The Nashville Highlands PUD was originally approved in 1985 for 1,062 multi-family units. The development has also been referred to as Eagle Ridge at the Reserve, The Reserve and Robertson Highlands. Through the years the PUD has been revised several times. There have also been requests to amend the PUD to permit single-family uses and commercial uses; however, these amendments were never approved. The overall PUD boundary consists of approximately 271 acres. Currently 198 units, a clubhouse and water tower have been constructed on approximately 69 acres. The remaining approximately 202 acres of the PUD which is proposed to be canceled and rezoned to SP is approved for a maximum of 864 units. Under the PUD, approximately 227 acres (83%) of the site is in open space.

The boundary of the PUD extends from Old Hickory Boulevard southward to Highway 70. The entire site is encumbered with very steep slopes in excess of 20 percent. The steep slopes on the site contain Bodine-Sulphura which is a problem soil.

**ANALYSIS**

If the associated SP is approved, then staff recommends approval of the subject PUD cancellation. The currently approved PUD is not consistent with the CO land use policy as it does not adequately protect the environmentally sensitive areas that the CO policy recognizes. If approved, the associated SP zoning would provide standards that would provide better protection of these environmentally sensitive areas.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

No exceptions taken

**TRAFFIC & PARKING RECOMMENDATION**

No exceptions taken

**STORMWATER RECOMMENDATION**

Approved

**WATER SERVICES RECOMMENDATION**

Approved

**STAFF RECOMMENDATION**

Staff recommends approval subject to the approval of the associated SP. If the associated SP is not approved, then staff recommends disapproval. Staff is also recommending that the Commission suspend its rules pertaining to the placement of public hearing signs, and that the council bill be amended to reflect the newly created parcel within the boundary.

Approve with conditions including an amendment to the council bill. (9-0-1), Consent Agenda

**Resolution No. RS2016-6**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 73-85P-001 is Approved with conditions including an amendment to the council bill. (9-0-1)”**

## Zone Changes

### 8a. 2005P-008-007

#### HARPETH VILLAGE (PUD AMENDMENT)

Map 156, Parcel(s) 112

Map 156-05-0-A, Parcel(s) 900-901

Council District 35 (Dave Rosenberg)

Staff Reviewer: Jason Swaggart

A request to amend the Harpeth Village Planned Unit Development for property located at 7725 Old Harding Pike, approximately 350 feet north of Temple Road, (11.36 acres), to add property into the overlay to permit 25 multifamily units, zoned RS40 and proposed for RM6, requested by Batson and Associates, applicant; Trendmark Construction, LLC, O.I.C. Harpeth Village, owners (See also Zone Change, Case No. 2015Z-096PR-001).

**Staff Recommendation: Defer to the February 25, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2005P-008-007 to the February 25, 2016, Planning Commission meeting. (10-0)**

### 8b. 2015Z-096PR-001

Map 156, Parcel(s) 112

Council District 35 (Dave Rosenberg)

Staff Reviewer: Jason Swaggart

A request to rezone from RS40 to RM6 zoning for property located at 7725 Old Harding Pike, approximately 345 feet north of Temple Road (5.06 acres), requested by Trendmark Construction, LLC, owner and applicant (See Also Planned Unit Development Case No. 2005P-008-007).

**Staff Recommendation: Defer to the February 25, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015Z-096PR-001 to the February 25, 2016, Planning Commission meeting. (10-0)**

## Urban Design Overlays

### 9. 2014UD-001-002

#### CLAYTON AVENUE

Map 118-06-0-P, Parcel(s) 001-004, 900-901

Council District 17 (Colby Sledge)

Staff Reviewer: Singeh Saliki

A request for a modification for properties located at 837, 839, 841 and 843 Clayton Avenue, approximately 655 feet east of Craig Avenue and located within the Clayton Avenue Urban Design Overlay, to permit a 0' setback from the side property line, to allow for a combined driveway, requested by Aspen Construction Holdings, LLC, applicant and owner.

**Staff Recommendation: Withdraw.**

**The Metropolitan Planning Commission withdrew 2014UD-001-002. (10-0)**

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## **I. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES**

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The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

### **No Cases on this Agenda**

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## J. RECOMMENDATIONS TO METRO COUNCIL

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The Planning Commission will make a recommendation to the Metro Council on the requests below. The Metro Council will make the final decision to approve or disapprove the request.

### Specific Plans

#### 10. 2015SP-105-001

##### **OCEOLA COMMONS**

Map 103-02, Parcel(s) 138-139  
Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Lisa Milligan

A request to rezone from R6 to SP-R for properties located at 122 and 124 Oceola Avenue, approximately 200 feet south of Burgess Avenue (0.59 acres), to permit up to 8 residential units, requested by Dale & Associates, applicant; Ribbon Cutters, Inc., owner.

**Staff Recommendation: Defer to the February 11, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015SP-105-001 to the February 11, 2016, Planning Commission meeting. (10-0)**

#### 11. 2015SP-111-001

##### **1212 PENNOCK AVENUE**

Map 071-15, Parcel(s) 413  
Council District 05 (Scott Davis)  
Staff Reviewer: Karimeh Moukaddem

A request to rezone from SP to SP-R zoning for property located at 1212 Pennock Avenue, approximately 290 feet south of Douglas Avenue (0.16 acres), to permit two detached homes, requested by Dale & Associates, applicant; Derik Pell, owner.

**Staff Recommendation: Disapprove.**

##### **APPLICANT REQUEST**

**Preliminary SP to permit two single family homes.**

##### Preliminary SP

A request to rezone from Specific Plan-Residential (SP-R) to Specific Plan-Residential (SP-R) zoning for property located at 1212 Pennock Avenue, approximately 290 feet south of Douglas Avenue (0.16 acres), to permit two detached homes.

##### **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**

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.

##### Consistent with Policy?

No. The proposed SP is not consistent with the site's T4 Urban Neighborhood Maintenance policy. While some change is expected within the Neighborhood Maintenance area, this change should be sensitive to the existing neighborhood character.

Having two detached dwelling units on one lot is not consistent with the rhythm of development in the area, nor is it consistent with the massing and spacing along Pennock Avenue.

**PLAN DETAILS**

The site is located at 1212 Pennock Avenue, on the west side of Pennock Avenue and south of Douglas Avenue. The site is approximately 0.16 acre and currently contains a single family home.

Site Plan

The plan proposes two detached single family residential dwelling units. The proposed units front Pennock Avenue. Sidewalks are existing along Pennock Avenue. Surface parking for both units is proposed at the rear of the units, to be accessed from the existing alley.

**ANALYSIS**

The property at 1212 Pennock Avenue, as well as the wider area, is currently zoned SP, which allows for Detached Accessory Dwelling Units (DADUs) provided that a lot has an improved alley abutting the rear or side property line or is larger than 15,000 square feet. This lot is abutted at the rear by an improved alley. All surrounding property is located within the same SP district. This existing SP has standards that address the location, placement, massing, and vehicular access of additional dwelling units on lots in this area. The units may only be located behind the principle structure. For lots with access to an improved alley, such as this one, any additional access must be from the alley. Bulk and massing standards are also included in the existing SP to ensure that DADUs are accessory to the primary structure on a given lot. To ensure this, the height of a DADU may not exceed the height of the principle structure on the lot or 27 feet in height at the roof ridge line, whichever is greater. The proposed rezoning of this lot to a separate SP-R would not require development to meet these standards, which are applicable to the wider neighborhood. Additionally, in the immediate area there is a mixture of mostly single-family detached units and some duplexes. The duplex units are small, single-story structures that resemble single-family units. Most homes along Pennock Avenue are one to one and a half story structures. The spacing of units along the street is uniform and the introduction of two units on one lot that is mid-block will be inconsistent with the current pattern along Pennock Avenue.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

- Provide flow data and sq. footages for the units. Inadequate flow would require the living units to be sprinklered and the locations of the hydrants may not be adequate.

**STORMWATER RECOMMENDATION**

**Approved**

**PUBLIC WORKS RECOMMENDATION**

**Approved 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.
- Submit dimensioned site plan, with Final SP.
- Indicate on the plans 2' ROW dedication on the alley, to be recorded prior to the building permit.
- Indicate on the plans a minimum of 24' between the rear of the proposed alley parking stalls and the opposite ROW line.

**TRAFFIC AND PARKING RECOMMENDATION**

**No exception taken**

**WATER SERVICES RECOMMENDATION**

**Approved with Conditions**

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/SP approval (amounts revealed on a forthcoming letter from MWS).

**TRAFFIC AND PARKING RECOMMENDATION**

**No exception taken**

Maximum Uses in Existing 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)	0.16	-	1 U	10	1	2

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
Two- Family Residential (210)	0.16	-	2 U	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	+10	+1	+1

**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 additional students from what is typically generated under the existing SP-R zoning district.

**STAFF RECOMMENDATION**

Staff recommends disapproval of the SP as it is not consistent with the T4 Urban Neighborhood Maintenance Policy.

**CONDITIONS (if approved)**

1. Uses within the SP shall be limited to up to two detached residential units.
2. Access shall be from the alley only.
3. 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 and vinyl siding 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. Setbacks shall be contextual and consistent with surrounding properties.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Moukaddem presented the staff recommendation of disapproval.

Roy Dale, 516 Heather Place, spoke in favor of the application,

Councilman Scott Davis spoke in favor of the application.

**Mr. Adkins closed the Public Hearing.**



Ms. Farr spoke in favor of staff recommendation as it is not consistent with the existing street pattern.

Ms. Hagan-Dier spoke in favor of staff recommendation.

Council Lady Allen spoke in favor of staff recommendation.

Ms. Blackshear spoke in favor of staff recommendation and agrees that it is inconsistent with policy.

Mr. Gee noted appreciation for the councilman's spirit, but explained this mid-block location isn't the appropriate place for this.

Mr. Clifton spoke in favor of staff recommendation as it is contrary to policy.

**Mr. Clifton moved and Ms. Blackshear seconded the motion to disapprove. (8-0)**

### **Resolution No. RS2016-7**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-111-001 is Disapproved. (8-0)"**

## **12. 2016SP-001-001**

### **311 CARTER SP**

Map 119-09, Parcel(s) 139

Council District 16 (Mike Freeman)

Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-R zoning for property located at 311 Carter Street, approximately 260 feet west of Foster Avenue (3.5 acres), to permit up to 92 residential units, requested by Dale & Associates, applicant; War Eagle 1, Partnership, GP, owner.

**Staff Recommendation: Defer to the January 28, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016SP-001-001 to the January 28, 2016, Planning Commission meeting. (10-0)**

## **13. 2016SP-002-001**

### **CHURCH OF CHRIST AT JACKSON STREET SIGN SP**

Map 092-04, Part of Parcel(s) 074

Council District 19 (Freddie O'Connell)

Staff Reviewer: Karimeh Moukaddem

A request to rezone from RM20 to SP-C for a portion of property located at 1408 Jackson Street, at the northwest corner of 14th Avenue North and Jackson Street (0.2 acres), to permit a digital sign, requested by Jackson Street Church of Christ; applicant and owner.

**Staff Recommendation: Disapprove.**

### **APPLICANT REQUEST**

**Permit a digital sign.**

#### Preliminary SP

A request to rezone from Multi-Family Residential (RM20) to Specific Plan-Commercial (SP-C) for a portion of property located at 1408 Jackson Street, at the northwest corner of 14<sup>th</sup> Avenue North and Jackson Street (0.2 acres), to permit a digital sign.

#### **Existing Zoning**

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

N/A

**NORTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving Policy (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.

Consistent with Policy?

No. Signage for institutional uses in areas of T4 Urban Neighborhood Evolving Policy should assist motorists, pedestrians, and cyclists in finding their destination in a matter that is not distracting to the overall streetscape. The design and location of the signage should complement and contribute to the envisioned character of the neighborhood. A digital sign featuring four lines of 5.5 inch red

LED letters, as proposed, is distracting to the overall streetscape and not in character with this residential neighborhood.

**ANALYSIS**

This property is located at 1408 Jackson Street and is 1.69 acres. This request is to rezone a portion of the property (approximately 0.2 acres) to SP-C to permit a digital sign. There is currently an existing church on this property and an existing manual copy monument sign. The digital sign as proposed will be approximately 8 feet in height, in the same location as the existing monument sign.

The property is zoned Multi-Family Residential (RM20), which does not permit digital signs. The surrounding properties are also zoned Multi-Family Residential (RM20). Generally, signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means are only permitted in the CS, CA, CF, CC, SCR, IWD, IR, and IG districts if certain conditions are met, such as distance requirements to residential and agricultural zoning districts. LED signs are undesirable in residential areas due to the distracting nature of changing messaging and because light from these bright signs may disturb surrounding homes.

Even in areas zoned for digital signs, a digital sign should be a minimum of 100 feet from residentially zoned property and a further 25 feet from residential properties for every foot of height above four feet added to the sign. If this property were zoned CS, this proposed sign still would not be permitted at this location as a sign of this height would need to be 150 feet from any residentially zoned property. The distance between the proposed sign and residential properties on Jackson Street and 14<sup>th</sup> Avenue North is only 50 feet.

**FIRE MARSHAL RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

Approved

**TRAFFIC AND PARKING RECOMMENDATION**

No exception taken

**WATER SERVICES RECOMMENDATION**

Approved with Conditions

- Approved as a Preliminary SP only, on the following condition:
- 1) The proposed sign will not adversely affect any public water or sewer infrastructure.

**PUBLIC WORKS RECOMMENDATION**

No exception 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.
- Comply with MPW Traffic Engineer

**STAFF RECOMMENDATION**

Staff recommends disapproval as this request is not consistent with the goals of the T4 Urban Neighborhood Evolving Policy, and as it is not appropriate in a residential neighborhood because it would adversely impact the surrounding residential properties.

**Mr. Haynes moved and Mr. Clifton seconded the motion to defer to the February 11, 2016 Planning Commission meeting. (8-0)**

## **14a. 2016SP-003-001**

BL2015-88\O'Connell  
**1419 ROSA L PARKS BOULEVARD SP**  
Map 081-12, Parcel(s) 414  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Alex Deus

A request to rezone from RM9 to SP-R zoning for property located at 1419 Rosa L. Parks Boulevard, at the northwest corner of Taylor Street and Rosa L. Parks Boulevard (1.76 acres), to permit up to 100 multi-family residential units, requested by M.D.H.A., owner. (See Associated PUD cancellation case # 2006P-001-002).

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

### **APPLICANT REQUEST**

**To permit up to 100 multi-family residential units.**

#### Zone Change

A request to rezone from Multi-Family Residential (RM9) to Specific Plan-Residential (SP-R) zoning for property located at 1419 Rosa L. Parks Boulevard, at the northwest corner of Taylor Street and Rosa L. Parks Boulevard (1.76 acres), to permit up to 100 multi-family residential units.

#### **Existing Zoning**

Multi-Family Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *This PUD is approved for residential uses.*

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

#### **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, multi-family.

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods

This request directs development to areas where infrastructure is already existing (i.e. sewer lines, roads) as opposed to areas where there are not adequate public facilities. This reduces the service constraints placed on Metro's resources. The proposed request would also enhance walkability along a corridor through the orientation of buildings and enhancement of the pedestrian network.

#### **NORTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

#### Consistent with Policy?

Yes. This property fronts an arterial-boulevard and is surrounded by T4 urban mixed-use corridor and T4 urban community center policies. An urban form with improved pedestrian facilities is consistent with the policy at this location.

The predominant building type in the general vicinity is multi-family residential. The proposed SP would maintain that building type. Furthermore, the guidance within this policy focuses any future mixture of building types in strategic locations through zoning decisions that place higher-intensity building near to such centers and corridors and uses these more intense building types as land use transitions. As mentioned, this property fronts a corridor and standards within this SP would have future structures step down in height to create an appropriate transition from Rosa L. Parks Boulevard to Delta Avenue.

Additionally, the proposed standards within this SP are consistent with the design principals of the policy.

**ANALYSIS**

This site is located at 1419 Rosa L. Parks Boulevard and is approximately 1.76 acres. This property currently contains an existing maintenance facility. The site is zoned RM9 with a PUD overlay that is approved for the existing structure. The proposed uses within this SP would be limited to 100 multi-family residential units.

The design standards within this SP would create development with an appropriate urban form that is context sensitive to the adjacent development. Future development would have a build to zone that would situate the building to address the public realm. The proposed standards also include a transition in height from four stories along Rosa L. Parks Boulevard to three stories along Delta Avenue. Building facades fronting streets would have a minimum of 50% of ground floor units with a direct pedestrian entrance, with the exception of Taylor Street. There would also be a minimum of 25% glazing. These standards would enhance the public realm and would be in keeping with the site design standards of the policy.

Sidewalks would also be required to be improved to Major and Collector Street standards along Rosa L. Parks Boulevard with an eight foot sidewalk and a five foot planting strip. Along Taylor Street, Delta Avenue and Cheatham Place, sidewalks would be required to be improved to six feet with a four foot planting strip. These standards would create walkable neighborhoods through the enhancement of the pedestrian network.

Vehicular access to this site would be prohibited along Rosa L. Parks Boulevard. Parking would be required to be located either behind or beside of future development. There is also a standard within the proposed SP that requires surface parking to be screened with a knee wall of 18-36 inches and perimeter landscaping.

This proposal requires a minimum of 20% of units to be market rate, which would facilitate mixed income housing. Architectural standards include the prohibition of EIFS, vinyl siding, and untreated wood. Porches shall provide a minimum of six feet in depth and raised foundations of 18"-36" are required along public streets.

**FIRE MARSHAL RECOMMENDATION**

**Approved with Conditions**

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

**STORMWATER RECOMMENDATION**

**Approved**

**METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

**Approved**

- Cheatham Place is eligible for listing in the National Register of Historic Places.

**TRAFFIC & PARKING RECOMMENDATION**

**Conditions if Approved**

- An access study may be required prior to final SP approval.

Maximum Uses in Existing Zoning District: **RM9**

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)	1.76	9 U	15 U	124	12	13

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 (220)	1.76	-	100 U	730	53	73

Traffic changes between maximum: **RM9** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+85 U	+606	+41	+60

**WATER SERVICES RECOMMENDATION**

N/A

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **RM9** district 1 Elementary 0 Middle 0 High

Projected student generation proposed **SP-R** district 0 Elementary 0 Middle 1 High

The proposed SP-R district would generate no more additional students than what is typically generated under the existing RM9 district using the urban infill factor. Students would attend Buena Vista Elementary, John Early Middle School and Pearl- Cohn High School.

The information is based upon data from the school last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses within this SP shall be limited to a maximum of 100 multi-family residential units.
2. Height is limited to four stories on Rosa L Parks Boulevard and three stories on Delta Avenue.
3. Sidewalks along Rosa L. Parks Boulevard are required to be improved to the Major and Collector Street Plan (8' sidewalk and 5' planting strip).
4. Sidewalks on Taylor Street, Delta Avenue and Cheatham Place are required to be improved with a 4' planting strip and a 6' sidewalk.
5. Vehicular access is prohibited on Rosa L. Parks Boulevard.
6. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage, except Taylor Street, and a minimum of 25% glazing.
7. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
8. EIFS, vinyl siding and untreated wood shall be prohibited.
9. Porches shall provide a minimum of six feet of depth.
10. A raised foundation of 18"-36" is required along all public streets.
11. Surface parking shall be screened with a knee wall of 18-36 inches and perimeter landscaping.
12. A minimum of 20% of the proposed units must be market rate units.
13. 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 RM60-A zoning district as of the date of the applicable request or application.
14. With the Final SP, add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
15. 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.

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

Items 14a and 14b were heard and discussed together.

Jim Harbison, 701 S 6<sup>th</sup> Street, asked for approval in order to apply for low income housing tax credits.

Councilman O'Connell spoke in favor of the application.

Juanita (last name unclear), 1403 Arthur Avenue, spoke in favor of the application.

**Mr. Adkins closed the Public Hearing.**

**Mr. Clifton moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions. (9-0)**

## **Resolution No. RS2016-8**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-003-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

### **CONDITIONS**

1. Uses within this SP shall be limited to a maximum of 100 multi-family residential units.
2. Height is limited to four stories on Rosa L Parks Boulevard and three stories on Delta Avenue.
3. Sidewalks along Rosa L. Parks Boulevard are required to be improved to the Major and Collector Street Plan (8' sidewalk and 5' planting strip).
4. Sidewalks on Taylor Street, Delta Avenue and Cheatham Place are required to be improved with a 4' planting strip and a 6' sidewalk.
5. Vehicular access is prohibited on Rosa L. Parks Boulevard.
6. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage, except Taylor Street, and a minimum of 25% glazing.
7. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
8. EIFS, vinyl siding and untreated wood shall be prohibited.
9. Porches shall provide a minimum of six feet of depth.
10. A raised foundation of 18"-36" is required along all public streets.
11. Surface parking shall be screened with a knee wall of 18-36 inches and perimeter landscaping.
12. A minimum of 20% of the proposed units must be market rate units.
13. 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 RM60-A zoning district as of the date of the applicable request or application.
14. With the Final SP, add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
15. 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.

### **14b. 2006P-001-002**

BL2015-89\O'Connell

#### **CHEATHAM PLACE**

Map 081-12, Parcel(s) 414

Council District 19 (Freddie O'Connell)

Staff Reviewer: Alex Deus

A request to cancel a portion of the Cheatham Place Residential Planned Unit Development Overlay District for property located at 1419 Rosa L. Parks Boulevard, at the northwest corner of Rosa L. Parks Boulevard and Taylor Street (1.76 acres), zoned RM9, requested by M.D.H.A., owner. (See Associated Case # 2016SP-003-001).

**Staff Recommendation: Approve subject to the approval of the associated SP. Disapprove if the associated SP is not approved.**

#### **APPLICANT REQUEST**

**Cancel a portion of a PUD.**

#### Cancel PUD

A request to cancel a portion of the Cheatham Place Residential Planned Unit Development Overlay District for property located at 1419 Rosa L. Parks Boulevard, at the northwest corner of Rosa L. Parks Boulevard and Taylor Street (1.76 acres), zoned Multi-Family Residential (RM9).

#### **Existing Zoning**

Multi-Family-Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *This PUD is approved for residential uses.*

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

**CRITICAL PLANNING GOALS**

N/A

**HISTORY**

The Cheatham PUD is considered a “Res-E” residential PUD. The Res-E PUDs were adopted in the early 1970’s as a mechanism to recognize existing public housing developments that were established prior to comprehensive zoning. A master plan has never been adopted for this PUD.

In 2006, BL2006-976 cancelled 0.99 acres of this PUD for property located at 1501 Rosa L. Parks Boulevard.

**REQUEST DETAILS**

This request would cancel 1.76 acres of the approximately 21.87 acre PUD. This portion of the PUD contains a maintenance facility for MDHA. An associated request to rezone this property to an SP would permit up to 100 multi-family residential units.

**ANALYSIS**

If the associated SP is approved, then staff recommends approval of the PUD cancellation. The proposed SP has a higher degree of design standards than the existing PUD.

**FIRE MARSHAL RECOMMENDATION**

N/A

**METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

**Approved**

- Cheatham Place is eligible for listing in the National Register of Historic Places.

**TRAFFIC & PARKING RECOMMENDATION**

**Conditions if Approved**

- An access study may be required prior to final SP approval.

**STORMWATER RECOMMENDATION**

**Approved**

**WATER SERVICES RECOMMENDATION**

**Approved**

**STAFF RECOMMENDATION**

Staff recommends approval subject to the approval of the associated SP. If the associated SP is not approved, then staff recommends disapproval.

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

Items 14a and 14b were heard and discussed together.

Jim Harbison, 701 S 6<sup>th</sup> Street, asked for approval in order to apply for low income housing tax credits.

Councilman O’Connell spoke in favor of the application.

Juanita (last name unclear), 1403 Arthur Avenue, spoke in favor of the application.

**Mr. Adkins closed the Public Hearing.**

**Mr. Clifton moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions. (9-0)**

**Resolution No. RS2016-9**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006P-001-002 is Approved. (9-0)”**

## 15. 2016SP-005-001

### HAMMER MILL SP

Map 082-05, Parcel(s) 159  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Lisa Milligan

A request to rezone from IG to SP-MU zoning for property located at 1400 Adams Street, at the northeast corner of Adams Street and Taylor Street (3.79 acres), to permit a mixed-use development with up to 20,000 square feet of non-residential uses and up to 259 residential dwelling units, requested by Littlejohn, applicant; TriBridge Residential, LLC, owner.

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

### APPLICANT REQUEST

**Permit a mixed-use development with up to 259 residential units and up to 20,000 square feet of non-residential uses.**

#### Preliminary SP

A request to rezone from Industrial General (IG) to Specific Plan – Mixed Use (SP-MU) zoning for property located at 1400 Adams Street, at the northeast corner of Adams Street and Taylor Street (3.79 acres), to permit a mixed-use development with up to 20,000 square feet of non-residential uses and up to 259 residential dwelling units.

#### **Existing Zoning**

Industrial General (IG) is intended for a wide range of intensive manufacturing uses.

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods
- Promotes Compact Building Design

The proposed development meets several critical planning goals. Development in areas with adequate infrastructure is more appropriate than development in areas 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 project proposes development on an infill site. Sidewalks are being provided along Adams Street to create a more pedestrian friendly and walkable area. Also, the mixture of uses on a single-site encourages walking and promotes an active streetscape. The development utilizes structured parking and mixed uses to promote compact building design.

#### **NORTH NASHVILLE COMMUNITY PLAN**

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

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

#### Consistent with Policy?

Yes. The mixture of uses proposed is consistent with the T4 Urban Mixed Use Neighborhood policy. The T4 Urban Mixed Use Neighborhood policy indicates that building heights are generally one to five stories and in limited instances heights may go up to six stories. Consideration of taller heights is based on several factors including the following:

- The proximity to other Community Character Policies and the role of the building in transitioning between policies;
- Planned height of surrounding buildings and the impact on adjacent historic structures;
- The contribution that the building makes to the overall fabric of the Mixed Use Neighborhood in terms of creating pedestrian-friendly streetscapes, plazas and open spaces, public art, innovative stormwater management techniques, etc.;
- Relationship of the height of the building to the width of the street and sidewalks, with wider streets and sidewalks generally corresponding to taller building heights;
- Prominence of the intersection or street segment on which the building is located, with locations along or at intersections of arterial-boulevard streets being favored for taller buildings;



- The capacity of the block structure and right-of-way to accommodate development intensity;
- Proximity to existing or planned transit;
- Use of increased building setbacks and/or building setbacks to mitigate increased building heights;
- Topography; and
- Ability to provide light and air between buildings and in the public realm of streets, sidewalks, internal walkways, multi-use paths, and open spaces.

The plan proposes a six story building with basement. The basement is only visible on the northern boundary, adjacent to the entrance drive. The plan meets the criteria for additional height as outlined in the Community Character Manual. In regards to topography, the site falls from the river to Adams Street with the northwest corner at Adams Street being the lowest point on the site. The building is proposed at five stories on the river side. At the northwest corner of the site the building is proposed at six stories with a basement. At this point, the building is approximately 100 feet from the back edge of the sidewalk. The plan includes sidewalk and street improvements along Adams Streets as well as a pedestrian plaza with landscaping. The building along the southern fire lane is primarily five stories with only the portion along Adams Street reaching six stories. The bulk of the multi-family building is located between 85 and 100 feet from the back edge of the sidewalk along Adams Street. Additionally, the proposed plan is preserving and reusing an important historic building on the site. Given the topography of the site, the location along the river, the proposed sidewalk and street improvements, the proximity to an existing transit line, and the preservation of historic resources, the proposed height is consistent with the policy and meets the criteria for additional height.

**PLAN DETAILS**

The site is located at 1400 Adams Street, at the northeast corner of Adams Street and Taylor Street. The site is approximately 3.79 acres in size and is currently being used for storage. The site also has frontage along the Cumberland River.

Site Plan

The plan proposes up to 259 multi-family residential dwelling units and up to 20,000 square feet of non-residential uses. The non-residential uses are planned for the historic building located at the northwest corner of the property, fronting Adams Street. The multi-family units are proposed to be in one building located behind and to the south of the historic building. The multi-family building will have a small amount of frontage along Adams Street.

There is one principal vehicular entrance from Adams Street located along the northern property line. The entrance provides access to the structure parking. The applicant is proposing the abandonment of the unbuilt portion of Taylor Street along the southern property line of the site. A fire lane is proposed in this location. Additionally, an emergency fire access drive is located on the eastern part of the property, along the Cumberland River. The emergency access drive will be constructed in a manner such that it will appear as open space. Sidewalks and tree wells are being constructed along Adams Street. Internal sidewalks are proposed along the portion of the building fronting the southern fire lane. A 75 foot dedicated conservation greenway public access trail easement has been shown adjacent to the Cumberland River.

The building height varies from five to six stories with a basement. At the southeast corner, adjacent to the Cumberland River, the building is five stories in height. The site falls towards Adams Street with the lowest point being the northwest corner of the site. The portion of the building fronting on Adams Street on the southwest corner is six stories. As the building moves from south to north along Adams Street, the building is six stories with a basement. See below elevations.



Adams Street elevation



Taylor Street fire lane elevation



Northern elevation adjacent to entry drive

The units located along the Taylor Street fire lane are proposed to have stoops and direct access to the sidewalk as are the units immediately adjacent to Adams Street. An internal amenity area, with a pool, is provided in addition to the plaza area along Adams Street and a courtyard area on the Cumberland River side of the building.

**ANALYSIS**

The proposed uses and site layout are consistent with the T4 Urban Mixed Use Neighborhood policy. The proposed development also meets the criteria for additional height within the policy. The topography of the site and the location along the Cumberland River presents a unique location. The multi-family building is sited in a way that the majority of the building is located between 85 feet and 100 feet back from the edge of the sidewalk along Adams Street. A landscaped plaza is proposed along Adams Street and the proposed layout allows for the important historic building to be preserved and reused.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approved**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**PUBLIC WORKS RECOMMENDATION**

**Approved 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
- With the Final SP submittal, indicate on the plans the location of the solid waste and recycling container(s) with the accessible route.
- With the Final SP submittal, indicate on the plans the loading zone location for the retail on Lot 2 and the residential move in on Lot 1. Indicate the freight elevator location. Submit turn templates to indicate the accessibility of the route.

- With the submittal of the Final SP, indicate that the +/-8' sidewalk on Adams and +/-5' sidewalk on Taylor are to be unobstructed, i.e. no power poles, signs, fire hydrants, etc. This may cause utilities to be relocated.
- Taylor St, east of Adams, is to be abandoned prior to the building permit submittal. If the abandonment is not approved by Metro Council then the existing Taylor St ROW will need a permanent turn around, coordinate final design with MPW.

**TRAFFIC AND PARKING RECOMMENDATION**

**Conditions if approved**

In accordance with the TIS findings, developer shall install the following roadway improvements.

- The Site Access at Adams Street should be designed to include a minimum of one entering lane and one exiting lane. Garage access shall provide adequate access driveway width and shy zone to structure and parking spaces and drive aisles shall be designed per metro code. Provide Move-in loading area and commercial loading zones on site per metro code near the retail and restaurant land use.
- Adams Street, which runs along the project frontage, is unimproved public ROW adjacent to the project site. Adams Street should be upgraded to Metro Standard road cross section from Taylor Street to Van Buren Street.
- The existing gates on Adams Street and Taylor Street should be removed to provide public access to the development from both streets.
- The dead end sign on Van Buren Street at the intersection of 2nd Avenue North and Van Buren Street should be removed.
- The existing railroad crossing pavement markings should be refurbished on Van Buren Street and Taylor Street. A missing railroad crossing warning sign should be replaced on Van Buren Street eastbound between 2nd Avenue North and the railroad crossing.
- Traffic control should be provided at the intersection of Van Buren Street and Adams Street once the roadway improvements on Adams Street are implemented. Stop-control is recommended for the eastbound approach of Van Buren Street.
- Traffic control should be provided at the intersection of Taylor Street and Adams Street once the roadway improvements on Adams Street are implemented. Stop-control is recommended for the eastbound approach of Taylor Street and the westbound fire lane approach.
- As shown on the site plan, it is recommended to provide sidewalk on the east side of Adams Street along the project frontage as well as on the north side of Taylor Street filling in the gap to the Cumberland River Greenway in order to provide a continuous path of travel from the site and west to other attractions.
- A marked pedestrian crosswalk is recommended for the north leg of Adams Street at Taylor Street, connecting the two new sidewalks.
- Due to the decrease in LOS for the SB travel on 3rd Ave at Van Buren St in the PM pk.hour with increased delay and significant queueing, additional traffic analysis shall be conducted prior to final SP to determine if intersection traffic control or laneage should be modified.
- If valet service is provided on Adams St frontage the developer shall apply to T&P for approval and an alternate route to return vehicles from the parking garage to the valet area along the Adams St frontage shall be provided if the fire access drive cannot be used.
- The private fire lane drive at Adams St shall be signed no vehicular access unless a turnaround is provided. Fire lane shall also be signed no parking or standing.
- Developer shall apply to T&P for a loading zone on Adams St frontage or provide a loading area on site near the mail room for parcel delivery trucks.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	3.79	0.6 F	99, 055 SF	353	30	32

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 (220)	3.79	-	259 U	1694	131	161

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
Retail (814)	3.79	-	20,000 SF	894	24	70

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,235	+125	+199

**METRO SCHOOL BOARD REPORT**

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

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

The proposed SP-MU zoning district could generate 3 more students than what is typically generated under the existing IG zoning district utilizing the Urban Infill Factor. Students would attend Buena Vista Elementary School, John Early Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions as the plan meets several critical planning goals and is consistent with the land use policy for the area.

**CONDITIONS**

1. Permitted land uses shall be limited to 259 multi-family units on Lot 1 and uses allowed under MUI on Lot 2 in the existing building.
2. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (9-0-1), Consent Agenda

**Resolution No. RS2016-10**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-005-001 is **Approved with conditions and disapproved without all conditions. (9-0-1)**"

**CONDITIONS**

1. Permitted land uses shall be limited to 259 multi-family units on Lot 1 and uses allowed under MUI on Lot 2 in the existing building.
2. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
6. 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.
7. 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.

## 16. 2016SP-006-001

### FRANKLIN PARK CIRCLE HOTEL

Map 160, Parcel(s) 060, 187  
Council District 34 (Angie Henderson)  
Staff Reviewer: Latisha Birkeland

A request to rezone from CS to SP-C zoning for properties located at 5644 and 5648 Franklin Pike Circle, north of Old Hickory Boulevard (0.83 acres), to permit a 6-story hotel of up to 100 rooms, requested by Dale & Associates, applicant; Land Development.com, Inc., owner.

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

#### APPLICANT REQUEST

**Preliminary SP to permit a 6-story hotel development.**

#### Preliminary SP

A request to rezone from Commercial Service (CS) to Specific Plan-Commercial (SP-C) zoning for properties located at 5644 and 5648 Franklin Pike Circle, north of Old Hickory Boulevard (0.83 acres), to permit a 6-story hotel of up to 100 rooms.

#### Existing Zoning

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

#### Proposed Zoning

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

#### CRITICAL PLANNING GOALS

- Supports Infill Development

This area is served by adequate infrastructure including roads, water and sewer. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure because it does not burden Metro with the cost of maintaining new infrastructure. The request provides for an additional hotel option in the area within the surrounding community.

#### SOUTHEAST COMMUNITY PLAN

D Employment Center (D EC) is intended to preserve, create, and enhance concentrations of employment that are often in a campus-like setting. A mixture of office, commercial, and even light industrial uses are present, but are not necessarily vertically mixed. Complementary uses are also present and are encouraged as secondary and supportive to the primary function of D Employment Center areas as places of intense economic activity featuring large numbers of jobs. Daily convenience retail, restaurants, and services for the employees and medium to high density residential are appropriate secondary and supportive uses within the D Employment Center Area. These uses may also be found in mixed use areas close to the D Employment Center area. In general, secondary and supportive uses do not occupy more than about quarter of the land in any given D Employment Center area in order to protect its primary function of providing intense concentrations of jobs.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land 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 area in and whether or not they have already been disturbed.

Consistent with Policy?

Yes, the plan is consistent with the District Employment Center Policy. The policy supports commercial uses, including hotels, as they contribute to an active employment center. The location of the proposed hotel is respectful to the surrounding development pattern in the area and supported by the existing infrastructure facility.

**PLAN DETAILS**

The 0.83 acre site is located on the southernmost point of Franklin Pike Circle, at the northeastern corner of the Old Hickory Boulevard and Franklin Pike intersection. The site is comprised of two properties located at 5644 and 5648 Franklin Pike Circle; the current use of the properties is listed as an auto dealer. The properties north of the site are commercially zoned and include commercial and light manufacturing uses.

Site Plan

The plan proposes a 6-story hotel with a maximum of 100 rooms. The SP plan for the site includes a hotel, bar, a restaurant with an outdoor private courtyard, indoor pool, fitness center and track as permitted uses. The mezzanine level will house a conference facility with support functions. The massing of the building height varies from 66 feet to 78 feet along Old Hickory Boulevard and Franklin Pike; height would be limited to a maximum of 80 feet. The hotel proposes to incorporate glass stone and metal on its exterior facades.

Access to the hotel is provided from Franklin Pike Circle via an access from Franklin Pike. A portion of the Franklin Pike Circle right-of-way has been abandoned and will be used as a private drive to the hotel and parking area. The plan proposes for the hotel to have two floors of underground parking and surface parking to meet the Metro Zoning Code parking requirements.

The plan provides a five foot wide pedestrian walkway and concrete sidewalk to Old Hickory Boulevard along the southern portion of the property. A sidewalk along the western side of the hotel will provide a pedestrian connection extending north to Franklin Pike Circle.

**ANALYSIS**

The plan is consistent with the land use policy and meets one critical planning goal. The plan proposes an additional hotel option within the area which is supported by the D Employment Center Policy. Sidewalks are provided to create a walkable site and provide an important connection to Old Hickory Boulevard, creating a pedestrian-orientated environment also supported by the D Employment Center.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

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

**STORMWATER RECOMMENDATION**

**Approved**

**WATER SERVICES**

**Approved with conditions**

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/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
- Indicate on the Final SP plans, that the dumpster/ recycle must be accessible.
- Prior to the Final SP, coordinate with TDOT to scarify and remove the existing asphalt along the property frontage.
- Prior to the Final SP, coordinate with MPW and Metro Stormwater to make a hard connection to the existing stormwater infrastructure.

**TRAFFIC AND PARKING RECOMMENDATION**

**No exception taken**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.83	0.6 F	21, 692 SF	966	25	74

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	0.83	-	100 Rooms	892	49	54

Traffic changes between maximum: **CS** and **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-74	+24	-20

**METRO SCHOOL BOARD REPORT**

The Metro School Board report was not generated because the proposed zone change would not generate students.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Principle land uses shall be limited to a hotel with up to 100 rooms. The accessory uses that are allowed include restaurant, retail, office, and vehicle rental/leasing to be located inside of the hotel structure with no exterior signage.
2. The maximum height of the building is limited to 6 stories in 80 feet.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. This approval does not include any signs. There shall be no pole or billboard signs, changeable LED, video signs or similar signs allowing automatic changeable messages. All other signs shall meet the MUG-A zoning requirements.
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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. 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. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

Approve with conditions and disapprove without all conditions. (10-0), Consent Agenda

**Resolution No. RS2016-11**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-006-001 is **Approved with conditions and disapproved without all conditions. (10-0)**"

**CONDITIONS**

1. Principle land uses shall be limited to a hotel with up to 100 rooms. The accessory uses that are allowed include restaurant, retail, office, and vehicle rental/leasing to be located inside of the hotel structure with no exterior signage.
2. The maximum height of the building is limited to 6 stories in 80 feet.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. This approval does not include any signs. There shall be no pole or billboard signs, changeable LED, video signs or similar signs allowing automatic changeable messages. All other signs shall meet the MUG-A zoning requirements.
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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. 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. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

## **Zone Changes**

### **17. 2015Z-093PR-001**

Map 087, Parcel(s) 039  
Council District 12 (Steve Glover)  
Staff Reviewer: Alex Deus

A request to rezone from AR2a to RS15 zoning for property located at 900 Old Lebanon Dirt Road, at the northeast corner of Old Lebanon Dirt Road and N. New Hope Road (0.47 acres), requested by John D. McCormick, applicant; The Colson Family Trust, owner.

**Staff Recommendation: Approve.**

#### **APPLICANT REQUEST**

**Rezoning from AR2a to RS15.**

#### Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single Family-Residential (RS15) zoning for property located at 900 Old Lebanon Dirt Road, at the northeast corner of Old Lebanon Dirt Road and N. New Hope Road (0.47 acres).

#### **Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 1 lot for a total of two units.*

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

**N/A**

#### **DONELSON- HERMITAGE COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance (T3 NM) – Intended to preserve the general character of developed suburban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

#### Consistent with Policy?

Yes. This request is consistent with policy as it would reinforce the existing character of the neighborhood which is predominately zoned for single-family uses and includes a large area of adjacent properties also zoned RS15.

#### **ANALYSIS**

This property is located at 900 Old Lebanon Dirt Road and is approximately 0.47 acres. The property is currently vacant. Under the current zoning, permitted uses would include single-family, two family and mobile homes. The proposed zoning would permit only single-family homes.



Allowing this property to develop under the RS15 bulk regulations would bring this property closer to the goals of the policy, as it would reinforce the existing character of the adjacent neighborhood which is zoned RS15.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**PUBLIC WORKS RECOMMENDATION**  
N/A

**TRAFFIC & PARKING RECOMMENDATION**  
Conditions if approved.

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **AR-2A**

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)	0.47	0.5 D	0 U	-	-	-

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Residential (210)	0.47	2.9 D	1 U	10	1	2

Traffic changes between maximum: **AR2A and RS15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	+10	+1	+2

**METRO SCHOOL BOARD REPORT**

Projected student generation existing AR2a district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed RS15 district: 0 Elementary 0 Middle 0 High

The proposed RS15 zoning district would generate no more additional students than what is typically generated under the AR2a district. Students would attend Dodson Elementary, Dupont Tyler Middle School and McGavock High School.

This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval as the request is consistent with policy.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-12**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-093PR-001 is **Approved. (10-0)**”

**18. 2015Z-100PR-001**

Map 071-12, Parcel(s) 080  
 Council District 05 (Scott Davis)  
 Staff Reviewer: Latisha Birkeland

A request to rezone from IWD to RM20-A zoning for property located at 805 Cherokee Avenue, approximately 560 feet east of Jones Avenue (0.29 acres), requested by Councilmember Scott Davis, applicant; Karl & Marika Schoenenberger, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from IWD to RM20-A.**

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at 805 Cherokee Avenue, approximately 560 feet east of Jones Avenue (0.29 acres).

**Existing Zoning**

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

**Proposed Zoning**

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 5 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

This request creates an opportunity for infill development in an area that is served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

**EAST NASHVILLE COMMUNITY PLAN**

T4 Mixed Use Neighborhood (T4 MU) is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

Consistent with Policy?

Yes. The proposed RM20-A district is consistent with T4 Mixed Use Policy. The RM20-A zoning district allows uses that are more consistent with the T4 Mixed Use Neighborhood land use policy. A rezoning to RM20-A would encourage moderate to high density residential development promoted by this policy, and complement the recently zoned RM20-A properties along the same street, to the west and southeast of this property.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Conditions of Approval**

- Traffic study may be required at the time of development

**WATER SERVICES RECOMMENDATION**

No agency review required

**STORMWATER RECOMMENDATION**

No agency review required

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.29	0.8 F	10, 105 SF	36	4	4

Maximum Uses in Proposed Zoning District: **RM-20A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.29	20 U	5 U	34	3	4

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

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

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed RM20-A district: 2 Elementary 1 Middle 1 High

The proposed RM20-A zoning district could generate 4 more student than what is typically generated under the existing IWD zoning district. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. None of the schools have been identified as over-capacity. This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval. The property located at 805 Cherokee Avenue is approximately 0.29 acres. Within the past few years, various properties along Cherokee Avenue have been rezoned to RM20-A. Zone changes such as this request for RM20-A, move the goals of the T4 Mixed Use Policy forward and provides an opportunity for potential infill development for multi-family residential. The RM20-A zoning design standards would contribute to an urban, pedestrian-friendly streetscape conducive of the goals of this policy.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-13**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-100PR-001 is **Approved. (10-0)**”

**19. 2016Z-001PR-001**

Map 091-08, Parcel(s) 180  
 Council District 20 (Mary Carolyn Roberts)  
 Staff Reviewer: Karimeh Moukaddem

A request to rezone from IR to R6 for property located at 4603 Kentucky Avenue, approximately 610 feet east of 48th Avenue North (0.36 acres), requested by GMAT Holdings, LLC, applicant; Mike and Steve Eatherly, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from IR to R6**

Zone Change

A request to rezone from Industrial Restrictive (IR) to One and Two-Family Residential (R6) zoning for property located at 4603 Kentucky Avenue, approximately 600 feet east of 48<sup>th</sup> Avenue North (0.36 acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots. *R6 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Supports a Variety of Transportation Choices

This request creates an opportunity for urban development that reuses brown and gray fields, filling in gaps in areas served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. Bus service is present on Tennessee Avenue, 400 feet north of the site, and this rezoning could support this transportation choice by generating bus riders.

**WEST 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 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 R6 zoning district is consistent with the existing T4 Urban Neighborhood Maintenance Policy in this location, which encourages preserving the general character of the neighborhood. There is a small area of Conservation Policy at the very far southeastern corner of the lot. As this area is mostly in the rear setback of the property, there is a sufficient building envelope. The surrounding area is characterized by a mixture of land uses that includes single-family and two-family residential uses, and the subject property is immediately adjacent to R6 zoning to the west and south.

**ANALYSIS**

Staff recommends approval of this request as the proposed rezoning is consistent with the T4 Urban Neighborhood Maintenance Policy. This rezoning requests offers potential for infill development to occur in a way that would meet policy goals by enhancing placing further residential development in proximity to bus service on Tennessee Avenue. The proposed R6 zoning fits the residential character of the area and is appropriate under the T4 Urban Neighborhood Maintenance Policy. The existing zoning is not consistent with this policy.

**TRAFFIC AND PARKING RECOMMENDATION**

Conditions if Approved

- Traffic study may be required at time of development

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.36	0.6 F	9, 408 SF	34	3	4

Maximum Uses in Proposed 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)	0.36	7.26 D	4 U	39	3	5

\*Based on two two-family lots.

Traffic changes between maximum: IR and R6

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

**METRO SCHOOL BOARD REPORT**

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

The proposed R6 zoning district would generate one additional student from what is typically generated under the existing IR zoning district. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School. This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval of the zone change as the request is consistent with policy and supports critical planning goals.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-14**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-001PR-001 is **Approved. (10-0)**”

**20. 2016Z-002PR-001**

Map 118-08, Parcel(s) 131  
 Council District 17 (Colby Sledge)  
 Staff Reviewer: Karimeh Moukaddem

A request to rezone from IWD to MUL-A zoning for property located at 2420 Cruzen Street, approximately 130 feet north of Newsome Street (0.17 acres), requested by Split River Designs, applicant; Ronald and Anita Sharpe, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from IWD to MUL-A**

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 2420 Cruzen Street, approximately 130 feet north of Newsome Street (0.17 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Supports a Variety of Transportation Choices

This request creates an opportunity for urban development that reuses brown and gray fields, filling in gaps in areas served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. Bus service is present on Nolensville Pike, 1000 feet east of the site, and this rezoning could support this transportation choice by offering mixed uses that could generate bus riders.

**SOUTH NASHVILLE COMMUNITY PLAN**

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

Consistent with Policy?

Yes. The proposed zone change to MUL-A is consistent with the T4 Urban Mixed Use Neighborhood Policy (T4 MU) and is appropriate given the site’s location in an urban area. The rezoning would encourage the mix of uses promoted under this policy, and any redevelopment would be a more pedestrian-oriented streetscape. Permitted uses under MUL-A zoning are residential, retail, restaurant, and office uses. These uses embody the mixed-use development envisioned under this policy.

**ANALYSIS**

This request as the proposed rezoning is consistent with T4 Urban Mixed Use Neighborhood Policy and redevelopment of the site would comply with the pedestrian-friendly standards of the MUL-A district. This rezoning request offers potential for infill development to occur in a way that would meet policy goals by enhancing the walkability of the area and placing a potential residential and mixed use development in proximity to Nolensville Pike, a corridor with bus service. The proposed mixed-use zoning would complement the variety of uses present along this block and the immediate area and encouraged under the T4 Urban Mixed Use Neighborhood Policy. The existing IWD zoning does not offer this potential.

**TRAFFIC AND PARKING RECOMMENDATION**

**Conditions if approved**

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.17	0.8 F	5, 924 SF	22	2	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.17	1.0 F	7,405 SF	355	14	40

Traffic changes between maximum: **IWD and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+333	+12	+38

**METRO SCHOOL BOARD REPORT**

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

The proposed MUL-A zoning district would generate two additional students from what is typically generated under the existing IWD zoning district. None of the schools have been identified as being over capacity by the Metro School Board.

**STAFF RECOMMENDATION**

Staff recommends approval as the requested zone change complies with the policy for the area.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-15**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-002PR-001 is **Approved. (10-0)**”

## 21. 2016Z-004PR-001

Map 081-04, Parcel(s) 203  
Council District 02 (DeCosta Hastings)  
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to MUG-A zoning for property located at 2004 3rd Avenue North, approximately 150 feet north of Dominican Drive (0.19 acres), requested by Taurus McCain, applicant; Arthur Steve Yokley, Sr., owner.

**Staff Recommendation: Approve.**

### APPLICANT REQUEST

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

#### Zone Change

A request to rezone from One and Two-Family Residential (R6) to Mixed Use General – Alternative (MUG-A) zoning for property located at 2004 3rd Avenue North, approximately 150 feet north of Dominican Drive (0.19 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

### CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Range of Housing Choices
- Supports a Variety of Transportation Choices

This area is served by adequate infrastructure including roads, water and sewer. Development in areas with adequate infrastructure is more appropriate than development in areas not served by adequate infrastructure because it does not burden Metro with the cost of maintaining new infrastructure. The proposed MUG-A district permits a mixture of use which would permit opportunity for development to include residential, office and commercial. The additional intensity of development permitted under MUG-A and the permitted mixture of uses also supports mass transit.

### NORTH NASHVILLE COMMUNITY PLAN

D Employment Center (D EC) is intended to preserve, create, and enhance concentrations of employment that are often in a campus-like setting. A mixture of office, commercial, and even light industrial uses are present, but are not necessarily vertically mixed. Complementary uses are also present and are encouraged as secondary and supportive to the primary function of D Employment Center areas as places of intense economic activity featuring large numbers of jobs. Daily convenience retail, restaurants, and services for the employees and medium to high density residential are appropriate secondary and supportive uses within the D Employment Center Area. These uses may also be found in mixed use areas close to the D Employment Center area. In general, secondary and supportive uses do not occupy more than about quarter of the land in any given D Employment Center area in order to protect its primary function of providing intense concentrations of jobs.

#### Consistent with Policy?

Yes. The proposed MUG-A district permits uses supported by the D EC policy. Uses permitted by the MUG-A district include primary uses supported by the policy such as office as well as secondary uses such as residential, retail and restaurant. The existing zoning is an underutilization of the property under the policy. The proposed MUG-A district is also consistent with the adjacent MUG-A zoning, which was recommended for approval at the May 28, 2015, Planning Commission meeting.

### FIRE MARSHAL RECOMMENDATION

N/A

### PUBLIC WORKS RECOMMENDATION

N/A

### TRAFFIC AND PARKING RECOMMENDATION

**Condition if approved**

- Traffic study may be required at time of development.

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 (210)	0.19	7.26 D	2 U	20	2	3

\*Based on two two-family lots.

Maximum Uses in Proposed Zoning District: MUG-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.19	3.0 F	24,892 SF	1103	28	82

Traffic changes between maximum: R6 and MUG-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,083	+26	+79

**STORMWATER RECOMMENDATION**

N/A

**METRO SCHOOL BOARD REPORT**

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

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

The proposed MUG-A would generate one additional student. Students would attend Buena Vista Elementary School, John Early Middle School and Pearl-Cohn High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2015.

**WATER SERVICES RECOMMENDATION**

N/A

**STAFF RECOMMENDATION**

Staff recommends approval.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-16**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-004PR-001 is **Approved. (10-0)**”

**22. 2016Z-005PR-001**

Map 092-09, Parcel(s) 248-250  
Council District 21 (Ed Kindall)  
Staff Reviewer: Lisa Milligan

A request to rezone from R6 and CS to RM20-A zoning for properties located at 410 and 412 36th Avenue North and 36th Avenue North (unnumbered), approximately 160 feet north of Charlotte Avenue (0.41 acres), requested by 3500 Charlotte Pike Partners, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from R6 and CS to RM20-A.**

Zone Change

A request to rezone from One and Two-Family Residential (R6) and Commercial Service (CS) to Multi-Family Residential (RM20-Alternative) zoning for properties located at 410 and 412 36th Avenue North and 36th Avenue North (unnumbered), approximately 160 feet north of Charlotte Avenue (0.41 acres).



**Existing Zoning**

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

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

**Proposed Zoning**

Multi-Family Residential (RM20-Alternative) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 8 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

This request creates an opportunity for infill development in an area that is served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

**WEST NASHVILLE COMMUNITY PLAN**

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

Consistent with Policy?

Yes. The requested rezoning is consistent with the T4 Urban Neighborhood Evolving policy. Immediately to the south and adjacent to the subject property is an area of T4 Urban Mixed Use Corridor policy along Charlotte Avenue. The T4 Urban Neighborhood Evolving policy provides for additional moderate to high density housing to support the corridor.

**ANALYSIS**

The request is consistent with the policy for the area and is appropriate zoning given the location of the property in an urban neighborhood. The existing zoning, specifically the CS zoning, is inconsistent with the policy as the Neighborhood Evolving policy is a residential only policy. The A-district will provide for additional standards in regards to building placement and parking configuration that will assure redevelopment takes place in an appropriate urban form.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

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

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 (210)	0.13	7.26 D	2 U	20	2	3

\*Based on one two-family lot.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.28	0.60 F	7, 318 SF	351	14	40

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family (230)	0.41	20 U	8 U	60	6	7

Traffic changes between maximum: **R6, CS and RM-20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-271	-10	-33

**METRO SCHOOL BOARD REPORT**

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

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

The proposed RM20-A is expected to generate 3 additional students over what would be generated by the existing zoning. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-17**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-005PR-001 is **Approved. (10-0)**”

**23. 2016Z-006PR-001**

Map 080, Part of Parcel(s) 035  
Council District 01 (Loniel Greene, Jr.)  
Staff Reviewer: Lisa Milligan

A request to rezone from AR2a to MUL for a portion of property located at 1010 Camilla Lane, south of County Hospital Road and located within the Bordeaux Redevelopment District (22.98 acres), requested by Dale & Associates, Inc., applicant; Metropolitan Government, owner.

**Staff Recommendation: Defer to the February 11, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016Z-006PR-001 to the February 11, 2016, Planning Commission meeting. (10-0)**

**24. 2016Z-008PR-001**

Map 071-14, Parcel(s) 334-336, 345  
Council District 05 (Scott Davis)  
Staff Reviewer: Alex Deus

A request to rezone from CS to MUG-A for properties located at 18, 20, 22 and 27 Ligon Avenue, east of Whites Creek Pike and located within the Skyline Redevelopment District (0.62 acres), requested by Jeff Kendig, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Rezoning from CS to MUG-A.**

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use General-Alternative (MUG-A) for properties located at 18, 20, 22 and 27 Ligon Avenue, east of Whites Creek Pike and located within the Skyline Redevelopment District (0.62 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development

This request directs development to areas where infrastructure is already existing (i.e. sewer lines, roads) as opposed to where there are not adequate public facilities. This reduces the service constraints placed on Metro’s resources. The proposed request would also enhance walkability along a corridor through the orientation of buildings and enhancement of the sidewalk network.

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Community Center (T4 CC) – Intended to preserve, enhance, and create urban community centers encouraging their development and redevelopment as intense mixed use areas that fit in with the general character of urban neighborhoods. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity. T4 Urban Community Centers are pedestrian friendly areas, generally located at intersections of prominent urban streets.

Consistent with Policy?

Yes. The proposed zoning district would create an intense mixed-use area, as the zoning district allows for a variety of uses. The MUG-A is an appropriate zoning district under the land use policy, and redevelopment would have to comply with the urban, more pedestrian-friendly bulk standards of the MUG-A district.

**ANALYSIS**

This request to rezone includes several properties located along Ligon Avenue. Collectively, these properties total 0.62 acres. Currently, these properties are zoned Commercial Services (CS), which allows for a variety of commercial uses. All but one of these properties is vacant; an auto body shop is located on parcel 336.

In the event these properties were to redevelop, the proposed MUG-A district would permit a mixture of uses including office, residential and commercial. This district also has appropriate design standards consistent with the policy that would create walkable neighborhoods through the use of building placements and enhancement of the sidewalk network. The MUG-A district requires a build to zone that would orient future development to address the public realm. Sidewalks would be built to Major and Collector Street standards along Whites Creek Pike and would be built to local street standards along Ligon Avenue. Parking would be required to be placed along the sides and/or the rear of any future development.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC & PARKING RECOMMENDATION**

**Conditions if Approved**

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.62	0.6 F	16, 204 SF	731	21	61

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.62	3.0 F	81, 021 SF	3480	82	303

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,749	+61	+242

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **CS** district                    0 Elementary     0 Middle     0 High  
 Projected student generation proposed **MUG-A** district            0 Elementary     0 Middle     0 High

The proposed MUG-A district would generate no more additional students than what is typically generated under the existing CS district using the urban infill factor. Students would attend Shwab Elementary, Jere Baxter Middle School and Maplewood High School.

The information is based upon data from the school last updated November 2015.

**STAFF RECOMMENDATION**

Staff recommends approval.

Mr. Deus presented the staff recommendation of approval.

Chairman McLean stepped back in the meeting at 10:30 p.m.

Jeff Kennedy, 1111 McGavock Pike, spoke in favor of the application because it will create new jobs.

Councilman Scott Davis spoke in favor of the application because it meets the policy.

Fred Stephens, 15 Ligon Avenue, spoke in opposition to the application.

Mr. Kennedy explained that he is very invested in the property.

**Mr. Adkins closed the Public Hearing.**

**Mr. Gee moved and Ms. Blackshear seconded the motion to approve. (9-0) Chairman McLean did not vote as he came in late.**

**Resolution No. RS2016-18**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2016Z-008PR-001 is **Approved. (9-0)”**

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## K. PLANNING COMMISSION ACTIONS

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The Planning Commission will make the final decision on the items below.

### **Planned Unit Developments: final site plans**

#### **25. 55-85P-003**

##### **SUMMIT COMMERCIAL PUD**

Map 160, Parcel(s) 163, 224

Council District 04 (Robert Swope)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Summit Commercial Planned Unit Development Overlay District on property located at 791 Old Hickory Boulevard, at the southwest corner of Stonebrook Drive and Old Hickory Boulevard (0.78 acres), zoned CL, to permit a 7,212 square foot Medical Office Building, requested by Crunk Engineering, applicant; Old Hickory Partners, LLC, owner.

**Staff Recommendation: Approve with conditions.**

##### **APPLICANT REQUEST**

**Revise PUD and final site plan.**

##### Revise PUD and final site plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Summit Commercial Planned Unit Development Overlay District on property located at 791 Old Hickory Boulevard, at the southwest corner of Stonebrook Drive and Old Hickory Boulevard (0.78 acres), zoned Commercial Limited (CL), to permit a 7,212 square foot Medical Office Building.

##### **Existing Zoning**

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

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

##### **CRITICAL PLANNING GOALS**

**N/A**

##### **REQUEST DETAILS**

The subject site is located on the south side of Old Hickory Boulevard just east of I-65. This PUD was originally approved by Council in 1985 for a commercial development including uses such as office and restaurants. The subject property is developed and contains a 5,100 square foot restaurant. The property to the west is vacant and the property to the east contains a 7,200 square foot medical office. The adjacent medical office was approved with a PUD revision in 2013.

##### Site Plan

The plan calls for a 7,212 square foot medical office. Parking is provided around the building. A total of 45 spaces are shown on the plan. Access to the site is provided from Stonebrook Drive to the east through the adjacent property.

##### **ANALYSIS**

Staff finds that the proposed revision is consistent with the concept approved by Council. The proposed uses are consistent with the PUD. The plan does not increase the floor area overall floor area over what is permitted in the PUD or make changes to the layout that significantly deviate from the Council approved PUD plan. Since the request does not propose any major changes to the Council approved PUD plan, then staff finds the request can be approved as a minor modification not requiring Council approval.

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, which is provided below for review.

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

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

It is also important to note that while the subject plan is for a medical office, the PUD would permit other uses in the proposed building. Any changes in use would have to be consistent with the uses permitted in the PUD and the minimum number of parking spaces would have to be provided per Code.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

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

**PUBLIC WORKS RECOMMENDATION**

**No Exceptions Taken**

**TRAFFIC & PARKING RECOMMENDATION**

**Conditions if approved**

- 1) Dimension drive aisles and parking spaces. Parking spaces on west side of building should be angled to allow adequate space for backing out of parking space. Mark "do not enter" on pavement behind building where 1 one-way travel begins.

**STORMWATER RECOMMENDATION**

**Approved**

## **WATER SERVICES RECOMMENDATION**

### **Approved with conditions**

1) MWS recommends approval of the latest Final Site Plan revision (stamped received 12/22/15), on the following two conditions:

- a) Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.
- b) All private sewer service lines must be a minimum of 6-inches in size (not 4-inches, as shown on this Final Site Plan). Please update these on the private utility plan submission.

## **STAFF RECOMMENDATION**

Staff recommends that the requested final site plan be approved with conditions as the request is consistent with the overall concept plan approved by Council and is consistent with zoning requirements.

## **CONDITIONS**

1. Dimension drive aisles and parking spaces. Parking spaces on west side of building should be angled to allow adequate space for backing out of parking space. Mark "do not enter" on pavement behind building where 1 one-way travel begins.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. 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.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

Approve with conditions. (10-0), Consent Agenda

### **Resolution No. RS2016-19**

"BE IT RESOLVED by The Metropolitan Planning Commission that 55-85P-003 is **Approved with conditions. (10-0)**"

### **CONDITIONS**

1. Dimension drive aisles and parking spaces. Parking spaces on west side of building should be angled to allow adequate space for backing out of parking space. Mark "do not enter" on pavement behind building where 1 one-way travel begins.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. 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.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

## **Planned Unit Developments**

### **26. 2004P-004-003**

#### **CARROLTON STATION (PERIODIC REVIEW)**

Map 149-13-0-C, Parcel(s) 900  
Council District 28 (Tanaka Vercher)  
Staff Reviewer: Lisa Milligan

A request for a periodic review for a portion of the Carrolton Station Planned Unit Development Overlay District for property located at 308 Carrolton Station Drive, at the intersection of Una Antioch Pike and Payne Road S., zoned MUL and RM6 (21.61 acres) approved for 139 multi-family units, requested by the Councilmember Tanaka Vercher, applicant; Jericho Properties, LLD and O.I.C Carrolton Station Phase 1 Townhomes, owners.

**Staff Recommendation: Find the PUD to be active.**

#### **APPLICANT REQUEST**

**Periodic review of a Planned Unit Development.**

#### Periodic PUD Review

A request for a periodic review for a portion of the Carrolton Station Planned Unit Development Overlay District for property located at 308 Carrolton Station Drive, at the intersection of Una Antioch Pike and Payne Road S., zoned Multi-Family Residential (RM6) (21.61 acres) approved for 139 multi-family units.

#### **Existing Zoning**

Multi-Family Residential (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre.

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

#### **PUD DETAILS**

The Carrolton Station PUD was originally approved in 2004 for a maximum of 16 single-family lots, 139 multi-family units, and 14,000 square feet of commercial uses (BL2004-161). In 2005, a final site plan was approved for 126 multi-family units and eight single-family lots. In July 2015, a revision to the preliminary PUD was approved to allow for 60 multi-family residential units. A final site plan for Phase 1 of the PUD was submitted on October 29, 2015 and was approved on January 6, 2016. The final site plan is consistent with the revised preliminary plan that was approved in July 2015 which reduced the total number of units from 139 multi-family units to 60.

The overall PUD boundary includes 22.66 acres, 21.61 for the multi-family site and a 1.05 acre commercial site zoned MUL. The 1.05 acre MUL zoned site was not subject to the revision and is not included in the PUD review. The property is currently vacant although some site work and infrastructure improvements have taken place. The original developer of the project made site improvements and began construction on at least one building of townhome units in the development. The original developer subsequently went bankrupt and Metro Government filed a lawsuit against the surety company. A bond is still being held by Metro. The surety company has agreed as part of the lawsuit settlement to pay to cover remaining outstanding items. The amount required by each department is currently being determined.

#### **PERIODIC PUD REVIEW**

Section 17.40.120 H of the Metro Zoning Ordinance authorizes the Planning Commission, a councilmember or the property owner of the area to be reviewed to request the Metropolitan Planning Commission to review, any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is "inactive," and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is "inactive" by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

Below is the complete text of Section 17.40.120 H



Periodic Review of Planned Unit Developments.

1. Authorization to Review. The metropolitan planning commission is authorized to review any planned unit development overlay district (PUD), or portion thereof, to determine whether development activity has occurred within six years from the date of the latter of initial enactment, subsequent amendment, or re-approval by the metropolitan council, and, if determined inactive in accordance with subsection 4.a. of this section, to recommend legislation to the council to re-approve, amend or cancel the PUD and make conforming changes to the base zoning if necessary.
  2. Initiation. Review of a PUD or portion thereof to determine inactivity may be initiated by the metropolitan planning commission
    - a. On its own initiative,
    - b. By written request of a member of the metropolitan council, or
    - c. By written request of a property owner within the area of the PUD overlay requested for review.
    - d. Notice of Review. Within five business days of the initiation of a review, the planning commission shall send written notice to the district councilmember(s) for the district(s) in which the PUD is located, to the zoning administrator, and to the owner(s) of property in the portion of the PUD overlay district to be reviewed.
  3. Metropolitan Planning Commission Procedure. Within 90 days from the initiation of its review, the planning commission shall hold a public hearing in accordance with the planning commission's adopted Rules and Procedures to concurrently consider if the PUD or portion thereof should be classified as inactive and, if found inactive, provide a recommendation to the metropolitan council on legislation to re-approve, amend or cancel the PUD and make conforming changes to the base zoning district if necessary.
    - a. Determination of Inactivity. To determine that a PUD or portion thereof is inactive, the planning commission shall establish each of the findings i. through iii. below. The planning commission may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.
      - i. Six or more years have elapsed since the latter of
        - (1) The effective date of the initial enacting ordinance of the PUD,
        - (2) The effective date of any ordinance approving an amendment to the PUD,
        - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or
        - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and
      - ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and
      - iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.
    - b. Recommendation to Metropolitan Council. If the planning commission determines that the PUD or portion thereof under review is inactive, the commission shall recommend legislation to the metropolitan council to re-approve, amend, or cancel the PUD, or portion thereof that is determined to be inactive, including conforming changes to the base zoning district if necessary. In recommending legislation, the planning commission shall:
      - i. Determine whether the existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the metropolitan government.
      - ii. Recommend legislation to re-approve, amend, or cancel the existing overlay district, including as required:
        - (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
        - (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
        - (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.
- Failure of the planning commission to act within 90 days from the initiation of a review shall be considered a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.
- c. When Inactivity Not Established. If the planning commission determines that the PUD or portion thereof under review does not meet the criteria of Section 17.40.120.H.4.a for inactivity, the PUD review is concluded, the limitations of subsection 5 are terminated, and a re-review of the PUD shall not be initiated in the manner of subsection 2 of this section for 12 months following the commission's determination.
  4. Metropolitan Council Consideration. The procedures of Article III of this chapter (Amendments) shall apply to metropolitan council consideration of ordinance(s) to:
    - a. Re-approve the existing PUD master plan and apply the appropriate base zoning district(s), if different from current base zoning,
    - b. Amend the PUD master plan, or
    - c. Cancel the PUD overlay district, including any change(s) to the underlying base zoning district.
    - d. Decline to take action by ordinance. If the metropolitan council does not act to re-approve, amend, or cancel the PUD within six months of receipt of the planning commission's recommended legislation, the property may be developed in accordance with the master development plan last approved by the metropolitan council, or subsequently revised by the planning commission.

5. No grading permit nor any building permit for new building construction shall be issued within the PUD overlay district or portion thereof for which a review has been initiated until the earlier of:
  - a. The metropolitan council's final action to re-approve, amend or cancel the PUD overlay district, or
  - b. Six months following the planning commission's submission of a recommendation to the metropolitan council, or the deadline for that submission should the commission fail to act.

#### Timeline for Planning Commission Action

The Zoning Code requires that, within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. Councilmember Tanaka Vercher requested the periodic review on November 19, 2015. The 90 day period extends to February 16, 2016. If the Planning Commission does not make a determination within 90 days from the initiation of a review, it is considered to be a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.

#### Classification of the PUD (Active or Inactive)

Under 17.40.120 H., the Commission is first required to determine whether the portion of the Carrolton Station PUD requested for periodic review is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

*i. Six or more years have elapsed since the latter of*

- 1) *The effective date of the initial enacting ordinance of the PUD,*
- 2) *The effective date of any ordinance approving an amendment to the PUD,*
- 3) *The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
- 4) *The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the PUD became effective in 2005. No amendments have been approved for the PUD including the subject portion of the PUD that required Metro Council approval since the initial enactment date.

ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and

***Construction activity has taken place within the PUD including the installation of water and sewer lines and streets. An active grading permit is in place for the property.***

iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.

***Off-site improvements have not taken place.***

Section 17.40.120 H.3.a. states that the Commission “*may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.*”

The owner/developer has indicated that the following actions have been taken to develop the portion of the PUD within the last 12 months:

Actions have been ongoing since the owner of the property (The Jericho Group) entered into a contract to purchase the property in August 2013. Specific actions taking place in the last 12 months include:

- February 2015: Surety Company hires a contractor to demolish the previous townhouse building that was constructed as part of the PUD
- March 2015: Contractor removed the slab of the previous townhouse building to make way for new construction
- April 2015: Jericho engages an architect to begin the design of the townhouse units. Jericho engages an engineering firm to begin the design of the revised preliminary PUD.
- June 2015: revised preliminary PUD application package is submitted to Metro Planning for consideration.
- July 2015: A settlement agreement is signed between Jericho, Metro, and the Surety. The settlement is conditioned on approval of the revised preliminary PUD.
- July 2015: Revised preliminary PUD reviewed and approved by Metro Planning Commission.
- September 2015: Jericho engages engineering firm to design Phase 1 of the Final PUD
- October 2015: Final PUD application package submitted to Metro Planning for consideration.
- October 2015: Stormwater Pollution Prevention Plan and Notice of Intent application is submitted to TDEC for consideration.

- December 2015: Jericho pays water and sewer capacity fee to Metro Water Services

The owner has spent in excess of \$75,000 for inspection, cleaning and repair of the existing water and sewer lines on the property. Additionally, the owner has spent approximately \$60,000 revising the preliminary PUD plan and preparing the final PUD plan. A complete list submitted by the owner is included at the end of this report (as Exhibit A) including what took place from 2013 through February 2015.

#### Planning Commission Recommendation to Metro Council

If the Planning Commission determines the PUD to be active, then no further action is required. If the Commission determines the PUD to be inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the *“existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”*

Second, the Commission is to recommend the legislation, and include, as required:

- (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
- (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
- (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

#### **STAFF RECOMMENDATION**

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find the PUD to be active. Section 17.40.120 H.3.a of the Zoning Code requires that the Planning Commission make three findings in regards to if the PUD is active or inactive. The first finding is whether six or more years have elapsed since the effective date of an ordinance enacting the PUD. The initial enacting ordinance for the PUD became effective and no amendments have been approved for the PUD that required Metro Council approval since the initial enactment date. Second, the Planning Commission must make a finding in regards to if construction has taken place within the portion of the PUD under review. Construction has taken place within the portion of the PUD under review including the installation of water and sewer lines and streets. There is also an active grading permit in place for the property. Third, the Planning Commission must make a finding in regards to if right-of-way acquisition or off-site improvements required as a condition of the Council Bill have taken place. No right-of-way acquisition has taken place and no off-site improvements conditioned by the Council Bill have taken place.

Section 17.40.120 H.3.a. states that the Commission *“may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.”* Actions have been ongoing since the owner of the property (The Jericho Group) entered into a contract to purchase the property in August 2013. The owner has spent in excess of \$135,000 including \$75,000 for inspection, cleaning and repair of existing water and sewer lines and \$60,000 revising the preliminary PUD plan and preparing the final PUD plan. Specific actions include submittal of a revised preliminary PUD plan and approval by the Planning Commission as well as submittal of a final PUD plan for Phase 1 and subsequent approval.

Given the actual physical construction of improvements that have taken place on the site and the aggregate of actions by the owner within the past 12 months, staff recommends that the Planning Commission find the PUD to be active.

Ms. Milligan presented the staff recommendation of finding the PUD active.

Ms. Blackshear left the meeting at 10:45 p.m.

Council Lady Vercher spoke in favor of finding the PUD inactive. The PUD was never active because the bill was wrong from the start.

Tom White, 315 Deaderick Street, spoke in favor of finding the PUD active because there has been activity on the site. Townhome units were built on the site for 1.7 million and a final site plan was approved in the past 30 days.

Kevin Gangaware spoke in favor of finding the PUD active; in the last 12 months, construction has occurred, demolition has occurred, water and sewer lines have been installed, and they have an active grading permit.

Overton Thompson, Bass Berry & Simms, stated that the PUD is active from a legal standpoint because they have spent many hours on this project in the last year.

John Taylor, 3100 Old Franklin Road, stated there are other things to consider besides whether it's active or inactive; he does not want a 300 bed prison on this property.

Jerry O'Connor, 2820 Raider Ridge Road, spoke in favor of finding the PUD inactive because this PUD was issued in 2004 and a lot has changed since then.

Council Lady Dowell stated that the PUD is inactive because infrastructure improvements have not happened and the area has changed drastically.

Council Lady Karen Johnson stated the PUD is inactive because there has been no activity in the last 12 months.

Karen Kelley, 632 Franklin Limestone Road, stated the PUD is inactive because she is concerned about the community.

Weldon Kidd, 2474 Una Antioch Pike, stated the PUD is inactive and asked the commission not to add to the congestion of the area.

Clara Cardenas, 509 Barclay Square Court, stated the PUD is inactive and pointed out that Men of Valor didn't show up to the community meeting.

Tyese Hunter, 2433 Evanfield Court, stated the PUD is inactive and expressed safety concerns for the schools and the children.

Marsha Thornton, 712 Oak Creek Drive, stated the PUD is inactive because she hasn't seen any activity.

Joe Fetherling, 4753 Bowfield Drive, stated the PUD is inactive and it isn't good for the community.

Beth Highland, 1847 Isabelle Lane, stated this isn't the best thing for the community and expressed concerns for lack of infrastructure.

Lorinda Hale, 277 Bell Road, stated the PUD is inactive and that a lot has changed since 2004.

Debra Arnold, 4032 Moss Road, stated the PUD is inactive.

Lilly Hamlin, 4864 Payne Road, explained there has been no transparency with the project and that she has not seen any activity.

Councilman Holleman requested that the PUD be found inactive.

Barry Vincent, 371 Dade Drive, stated that the PUD is inactive.

Dimple, 2312 Raider Ridge, stated that she has never seen any activity.

Tom White stated it's very clear that there has been activity on this site.

**Mr. Adkins closed the Public Hearing.**

Ms. Hagan-Dier noted that she empathizes with the neighbors but the commission's legal requirement is to determine active or inactive and she finds the PUD to be active.

Ms. Farr stated that while the neighbors have valid concerns, she doesn't see how the commission could find it inactive.

Chairman McLean stated there is no choice but to find it active.

**Chairman McLean moved and Mr. Clifton seconded the motion to find the PUD to be active. (9-0)**

**Resolution No. RS2016-20**

**"BE IT RESOLVED by The Metropolitan Planning Commission finds that 2004P-004-003 is an active PUD. (9-0)"**

## **Subdivision: Final Plats**

### **27. 2015S-174-001**

#### **WELCH PROPERTY SUBDIVISION, SECTION II**

Map 104-09, Parcel(s) 140, 143  
Council District 24 (Kathleen Murphy)  
Staff Reviewer: Lisa Milligan

A request for final plat approval to create 27 lots and dedicate easements on property located at 3606 and 3622 West End Avenue, approximately 340 feet east of Craighead Avenue, zoned RS7.5 and RM40 (3.98 acres) and partly located within the Richland-West End Neighborhood Conservation District, requested by Ragan-Smith-Associates, applicant; Mike Ford Custom Builders, LLC, owner.

**Staff Recommendation: Defer to the January 28, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015S-174-001 to the January 28, 2016, Planning Commission meeting. (9-0-1)**

### **28. 2016S-010-001**

#### **MONROE HARDING CHILDREN'S HOME**

Map 131-08, Parcel(s) 018  
Council District 25 (Russ Pulley)  
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create one lot on a portion of property located at 1120 Glendale Lane, on the western side of Scenic Drive, zoned R20 (2.25 acres), requested by Cherry Land Surveying, Inc., applicant; Monroe Harding Children's Home, owner.

**Staff Recommendation: Disapprove.**

#### **APPLICANT REQUEST**

**Create 1 lot.**

#### Final Plat

A request for final plat approval to create one lot on a portion of property located at 1120 Glendale Lane, on the western side of Scenic Drive, zoned One and Two-Family Residential (R20) (2.25 acres).

#### **Existing Zoning**

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 1 lot which is not eligible for duplexes, for a total of 1 unit.*

#### **CRITICAL PLANNING GOALS**

**N/A**

#### **PLAN DETAILS**

The request is for final plat approval to create one lot on a portion of property located at 1120 Glendale Lane. Section 3-5.2 of the Subdivision Regulations requires that newly created lots in areas that are previously subdivided and predominately developed must be comparable to surrounding lots in regards to frontage and area. Surrounding parcels are parcels oriented to the same block face on either side of the parcel proposed for subdivision. In this instance there are no surrounding parcels on the same block face. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility.

The applicant requests approval under Section 3-5.2(f) of the Subdivision Regulations, which allows the Planning Commission to grant approval of a subdivision that does not meet the compatibility criteria if the subdivision can provide for harmonious development within the community.

#### Proposed Lot

- Lot 1: 98,242 Square Feet, (2.255 Acres), 371 Feet of frontage;

The proposed lot is currently vacant and is located partially in the floodplain. The proposed lot will be created from a larger parcel of land that is approximately 22 acres. Subdivision Regulations require sidewalks along Scenic Drive for infill development. If the plat is approved, the applicant may construct the sidewalks or contribute the in-lieu fee for sidewalk construction.

## **ANALYSIS**

### Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Suburban Neighborhood Maintenance policy area. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

### Zoning Code

The lot meets the minimum standards of the R20 zoning district.

### Street Frontage

The lot has frontage on a public street.

### Density

The T3 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. In this case, Lot 1 does not have surrounding parcels to compare to for lot frontage. The proposed frontage for Lot 1 is 371 feet.
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. In this case, Lot 1 does not have surrounding parcels to compare lot area. The proposed lot area for Lot 1 is 2.225 acres.
3. Street Setback: No parking shall be permitted within the street setback along Scenic Drive.
4. Lot Orientation: Lot 1 shall be orientated towards Scenic Drive.

### Harmony of Development

The proposed subdivision does not meet the Community Character criteria. However, the Planning Commission may grant approval if it determines that the subdivision provides for harmonious development of the community. Staff finds that the proposed plat does not provide for harmonious development within the community. The proposed lot does not limit parking between the primary structure and the street. Also, the proposed lot does not limit hard surfaces for vehicular access to a 16 foot driveway between the primary structure and the street.

## **FIRE MARSHAL RECOMMENDATION**

**N/A**

## **PUBLIC WORKS RECOMMENDATION**

**No exception taken**

## **STORMWATER RECOMMENDATION**

**Approved**

## **TRAFFIC & PARKING RECOMMENDATION**

**No exception taken**

## **WATER SERVICES RECOMMENDATION**

**Approved**

## **STAFF RECOMMENDATION**

Staff finds that the proposed plat is not harmonious with the surrounding neighborhood based upon the Subdivision Regulation requirements and is recommending disapproval of this request. The intent of the Subdivision Regulations for proposed subdivisions within Neighborhood Maintenance Polices is to consider the established development pattern when considering infill subdivisions.

## **CONDITIONS (if approved)**

1. Sidewalks are required along Scenic Drive frontage of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to the required sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department, 1 additional lot will require a \$35,616.00 contribution to Pedestrian Benefit Zone 4-B.

- d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Planning Department and the Public Works Department, or
  - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. A raised foundation of 18"- 36" is required for all residential structures.
  3. Height is limited to two stories in 35 feet.
  4. Add Note No. 22 "No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway between the primary structure and the street."
  5. Add Note No. 23 "The building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access."

Ms. Birkeland presented the staff recommendation of disapproval.

**Ms. Hagan-Dier left the meeting at 12:11 a.m.**

Mary Baker, 1120 Glendale Drive, spoke in favor of the application.

John Bryant, 1120 Glendale Drive, spoke in favor of the application.

**Mr. Adkins closed the Public Hearing.**

Mr. Haynes stated that he would think they could find this harmonious with the development pattern along the two streets.

Ms. Farr spoke in favor of the application because it is harmonious.

Mr. Clifton stated this seems to be a bend in the road with two names. This makes sense to support.

**Ms. Farr moved and Mr. Haynes seconded the motion to find the subdivision to be harmonious and approve with conditions. (8-0)**

**Resolution No. RS2016-21**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-010-001 is **found to be harmonious and approved with conditions. (8-0)**"

**CONDITIONS**

1. Sidewalks are required along Scenic Drive frontage of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to the required sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department, 1 additional lot will require a \$35,616.00 contribution to Pedestrian Benefit Zone 4-B.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Planning Department and the Public Works Department, or
  - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. A raised foundation of 18"- 36" is required for all residential structures.
3. Height is limited to two stories in 35 feet.
4. Add Note No. 22 "No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway between the primary structure and the street."
5. Add Note No. 23 "The building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access."

## 29. 2016S-016-001

### GREENLAND, RESUB PART OF LOTS 32 & 34

Map 061-12, Parcel(s) 204

Council District 07 (Anthony Davis)

Staff Reviewer: Lisa Milligan

A request for final plat approval to create two lots on property located 1164 Greenland Ave, approximately 730 feet west of Kennedy Avenue, zoned RS10 (1.094 acres), requested by Clint Elliott, applicant; Douglas and Jennifer Johnson, owner.

**Staff Recommendation: Approve with conditions.**

### APPLICANT REQUEST

**Create 2 lots.**

#### Final Plat

A request for final plat approval to create two lots on property located 1164 Greenland Ave, approximately 730 feet west of Kennedy Avenue, zoned Single-Family Residential (RS10) (1.094 acres).

### Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

### CRITICAL PLANNING GOALS

N/A

### PLAN DETAILS

The request is for final plat approval to create 2 lots on property located at 1164 Greenland Avenue. Section 3-5.2 of the Subdivision Regulations requires that newly created lots in areas that are previously subdivided and predominately developed must be comparable to surrounding lots in regards to area and frontage. Neither lot meets the compatibility requirement for frontage. The applicant requests approval under Section 3-5.2(f) of the Subdivision Regulations, under which the Planning Commission may grant approval of a subdivision that does not meet the compatibility criteria, if the subdivision can provide for harmonious development within the community.

The existing lot is 47,620 SF and is proposed to be subdivided into two lots with the following areas and street frontages:

- Lot 1: 23,810 Sq. Ft., (0.547 Acres), and 57.43 Ft. of frontage;
- Lot 2: 23,810 Sq. Ft., (0.547 Acres), and 57.43 Ft. of frontage.

Sidewalks are required and the applicant has included a note on the plan indicating that the sidewalk will be constructed prior to the issuance of building permits.

### ANALYSIS

#### Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Neighborhood Maintenance policy area. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

#### Zoning Code

Both lots meet the minimum standards of the RS10 zoning district.

#### Street Frontage

All lots have frontage on a public street.

#### Density

The T3 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. In this case, the lots must be equal to or greater than 59.5 ft which is the 70% of the average of the surrounding lots. Both lots have 57.43 ft of frontage and, therefore, do not meet the community character for lot frontage.



<b>Lot Frontage Analysis</b>	
Minimum Proposed	57.43'
<b>70% of Average</b>	<b>59.5'</b>
Smallest Surrounding Parcel	50'

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. In this case, the minimum lot area must be at least 23,478 square feet, which 70% of the average of the lot area of the surrounding lots. Both lots meet the requirement for lot size.

<b>Lot Size Analysis</b>	
Minimum Proposed	23,810 SF
<b>70% of Average</b>	<b>23,478 SF</b>
Smallest Surrounding Parcel	19,359 SF

3. Street setback: Per the Zoning Code, the street setback shall be a contextual setback that considers the minimum street of houses on surrounding lots on the same block face.

4. Lot orientation: Both lots are oriented toward Greenland Avenue which is consistent with the existing lot pattern on the street.

Agency Review

Metro Water Services and Metro Stormwater have not recommended approval.

Harmony of Development

The proposed subdivision does not meet the Community Character criteria. However, the Planning Commission may grant approval if it determines that the subdivision provides for the harmonious development of the community. In this case, the applicant has proposed several conditions to attempt to meet this provision: prohibiting parking and driveway width between the structure and the street; limiting height to 2 stories in 35 feet; and requiring a raised foundation of 18" to 36".

**FIRE MARSHAL RECOMMENDATION**

**N/A**

**PUBLIC WORKS RECOMMENDATION**

**Conditions if approved**

- If sidewalks are required by Planning and the applicant chooses to construct rather than pay the in-lieu fee, they should be shown fully within the right-of-way, and labeled on the plan per Public Works standards. This includes curb and gutter, 4' grass strip, 5' sidewalk, or as determined by Public Works, and a minimum of 20 feet of street pavement width. Final construction plans must be submitted that address any related drainage improvements, grading, utility relocation(s), and tree removal. A permit is required from The Department of Public Works prior to commencing any work within the right-of-way.

**STORMWATER RECOMMENDATION**

**Approved**

**TRAFFIC & PARKING RECOMMENDATION**

**No exception taken**

**WATER SERVICES RECOMMENDATION**

**Approved**

**STAFF RECOMMENDATION**

Staff finds that the conditions proposed by the applicant overcome the incompatibility of the proposed lots with regard to lot frontage and provide for the harmonious development of the community and recommends approval with conditions.

**CONDITIONS**

1. Revise Note 16 as follows: No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway between the primary structure and the street.
2. Indicate on the plat the buildings to remain and the buildings to be removed.

3. Show and label the side setback for the existing residence to remain on Lot 2.
4. Add the following note to the plat: The building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

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

**Resolution No. RS2016-22**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-016-001 is **Approved with conditions. (8-0)**”

**CONDITIONS**

1. **Revise Note 16 as follows: No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16’ driveway between the primary structure and the street.**
2. **Indicate on the plat the buildings to remain and the buildings to be removed.**
3. **Show and label the side setback for the existing residence to remain on Lot 2.**
4. **Add the following note to the plat: The building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.**

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## L. OTHER BUSINESS

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### 30. New employee contracts for Debbie Sullivan and Patrick Napier

Approve (10-0), Consent Agenda

**Resolution No. RS2016-23**

“BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contracts for Debbie Sullivan and Patrick Napier are **Approved. (10-0)**”

### 31. Contract between the Greater Regional Council (GNRC) and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for assistance in Communications and Outreach to local government members for FY 2016

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

**Resolution No. RS2016-24**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Contract between the Greater Regional Council (GNRC) and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for assistance in Communications and Outreach to local government members for FY 2016 is **Approved. (7-0)**”

### 32. Contract between the TMA Group and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for administration of an air quality education and outreach program for FY 2016

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

**Resolution No. RS2016-25**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Contract between the TMA Group and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for administration of an air quality education and outreach program for FY 2016 is **Approved. (7-0)**”

33. Contract between the Nashville Civic Design Center (the NCDC) and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for the production of two publications that help communicate best practices for the integration of urban design and transportation planning and production assistance for the MPO's 2040 RTP

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

**Resolution No. RS2016-26**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract between the Nashville Civic Design Center (the NCDC) and the Nashville-Davidson County Metropolitan Planning Commission (the MPC) acting on behalf of the Nashville Area Metropolitan Planning Organization (the MPO) for the production of two publications that help communicate best practices for the integration of urban design and transportation planning and production assistance for the MPO's 2040 RTP is **Approved. (7-0)**"

34. Grant Contract between the State of Tennessee, Department of Transportation and the Metropolitan Government of Nashville and Davidson County on Behalf of the Nashville Area Metropolitan Planning Organization for FTA 5303 Funds to support the costs of preparing long range transportation plans, financially feasible Transportation Improvement Plans, and conducting intermodal transportation planning and technical studies for FY 2016

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

**Resolution No. RS2016-27**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Grant Contract between the State of Tennessee, Department of Transportation and the Metropolitan Government of Nashville and Davidson County on Behalf of the Nashville Area Metropolitan Planning Organization for FTA 5303 Funds to support the costs of preparing long range transportation plans, financially feasible Transportation Improvement Plans, and conducting intermodal transportation planning and technical studies for FY 2016 is **Approved. (7-0)**"

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

Approve (10-0), Consent Agenda

**Resolution No. RS2016-28**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved. (10-0)**"

39. Legislative Update

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## **M. MPC CALENDAR OF UPCOMING MATTERS**

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**January 14, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**January 28, 2015**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**Location change for the following MPC meeting:**

**February 11, 2016**

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

**February 25, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

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**N. ADJOURNMENT**

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The meeting adjourned at 12:27.am.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37219

Date: January 14, 2016  
To: Metropolitan Nashville-Davidson County Planning Commissioners  
From: J. Douglas Sloan III  
Re: Executive Director's Report

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The following items are provided for your information.

**A. Planning Commission Meeting Projected Attendance (6 members are required for a quorum)**

1. Planning Commission Meeting:
  - a. Attending: McLean; Clifton; Farr; Gee; Adkins ; Allen; Blackshear; Hagan-Dier; Dalton; Haynes
2. Legal Representation – Emily Lamb will be attending

**B. Land Development**

1. Land Development has hired two Planner 2s: Patrick Napier and Deborah Sullivan, whose start date is February 1. A Planning Tech position is still open.

**C. Community Plans/Design Studio**

1. The Planning Department has determined that a formal procedure should be established for the Planning Executive Director to determine whether a proposed amendment to any component of the General Plan is a Major, Minor, or Housekeeping Plan Amendment. The proposed procedure would be for the Executive Director to issue a signed memorandum to each applicant for a community plan amendment that would include his or her determination of whether the proposal is a Major, Minor, or Housekeeping plan amendment, the required study area for the proposed amendment, a brief explanation of the reasons for both determinations, and a map of the required plan amendment study area. The applicant would be required to obtain these determinations a minimum of one week prior to submitting the application, since both the application fee and the procedures for reviewing and processing the application are dependent on the determinations. Establishing these procedures for community plan amendments will not require a change in the Planning Commission Rules and Procedures. This change will ensure that applicants are aware of what type of application to file, and if a community meeting is required. The change will also ensure that once an application is filed it can be processed on the deadline for which it is submitted. Please see the attached memorandum for more detailed information on this change.

**Administrative Approved Items and Staff Reviewed Items Recommended for approval by the Metropolitan Planning Commission**

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 01/05/2016**.

<b>APPROVALS</b>	<b># of Applics</b>	<b># of Applics '16</b>
Specific Plans	2	0
PUDs	2	1
UDOs	2	0
Subdivisions	15	0
Mandatory Referrals	12	0
<b>Grand Total</b>	33	1

<b>SPECIFIC PLANS (finals only): MPC Approval</b>						
<b>Finding: Final site plan conforms to the approved development plan.</b>						
<b>Date Submitted</b>	<b>Staff Determination</b>		<b>Case #</b>	<b>Project Name</b>	<b>Project Caption</b>	<b>Council District # (CM Name)</b>
10/1/2015 10:56	12/4/2015	RECOM APPR	2015SP-070-002	10TH & RUSSELL SP (FINAL)	A request for final site plan approval for a portion of property located at 210 S. 10th Street, at the southwest corner of S. 10th Street and Russell Street (0.57 acres), to permit eight residential units, requested by Civil Site Design Group, PLLC, applicant; East Nashville Free Will Baptist Church, Inc., owner.	06 (Brett Withers)
9/9/2015 12:24	12/17/2015	RECOM APPR	2015SP-015-002	SOUTH 12TH & DAVIDSON (FINAL)	A request for final site plan approval for properties located at 120, 1203 and 1205 Davidson Street, at the northeast corner of Davidson Street and South 12th Street, (0.59 acres), to permit six detached residential dwelling units, requested by Dale & Associates, applicant; D221, LLC, owner.	06 (Brett Withers)

**URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval**

**Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
10/28/2015 11:06	12/14/2015	RECOM APPR	2014UD-001-003	CLAYTON AVENUE	A request for final site plan approval for property located at 846 Clayton Avenue, approximately 250 feet east of Craig Avenue and located within the Clayton Avenue Urban Design Overlay, to permit two residential units, requested by Bonner Builders, Inc., applicant and owner.	17 (Colby Sledge)
6/11/2015 8:25	12/17/2015	RECOM APPR	2005UD-006-016	31ST AND LONG BLVD	A request for final site plan approval for property located at 401 Avoca Street, at the northwest corner of the intersection of Long Boulevard and Avoca Street, zoned RM40 and within the 31st Ave. and Long Blvd. Urban Design Overlay district (0.17 acres), to permit a three attached residential units, requested by Dale and Associates, applicant and Design and Development, LLC, owner.	21 (Ed Kindall)

**PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
10/29/2015 10:07	12/7/2015	RECOM APPR	128-78P-002	HERMITAGE BUSINESS CENTER (GRADING ONLY)	A request for final site plan approval for a portion of a Commercial Planned Unit Development for property located at 4001 Lebanon Pike, at the intersection of Lebanon Pike and Old Hickory Boulevard (3.09 acres), zoned SCR, to permit only mass grading, requested by Civil Site Design Group, PLLC, applicant; Richard H. Watts Family Partnership, owner.	14 (Kevin Rhoten)
12/2/2015 14:07	1/5/2016	RECOM APPR	2004P-004-002	CARROLTON STATION (FINAL)	A request for final site plan approval for a portion of properties located at 2625 Una Antioch Pike and 308 Carrolton Station Drive, approximately 580 feet north of Antioch Pike, to permit 14 multi-family residential units and to permit mass grading, requested by Civil Site Design Group, PLLC, applicant; Jericho Properties, LLC, owner.	28 (Tanaka Vercher)

## MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District (CM Name)
11/17/2015 15:30	12/3/2015	RECOM APPR	2015M-059ES-001	1414 ROSEBANK AVENUE SEWER AND WATER	A request to abandon approximately 443 linear feet of sanitary sewer main and easement and to accept 230 linear feet of 8" DIP sanitary sewer main, 616 linear feet of 8" PVC sewer main, 12 sewer manhole assemblies, 918 linear feet of 8" DIP water main, 74 linear feet of 6" water main, and 346 linear feet of 4" water main and 2 new fire hydrant assemblies and the negotiation and acceptance of temporary and permanent easements for property located at 1414 Rosebank Avenue, Metro Water Services Project # 15-SL-1 and 15-WL-1, requested by Metro Water Services, applicant; Core Development Services, owner.	07 (Anthony Davis)
11/20/2015 15:45	12/3/2015	RECOM APPR	2015M-031EN-001	12TH & PORTER AERIAL ENCROACHMENT	A request to allow an aerial encroachment comprised of one 5' x 5' projecting sign encroaching the public right-of-way for property located at 114 12th Avenue N, requested by Joslin and Son Signs, applicant; John and Barbara Ferguson, owners.	19 (Freddie O'Connell)
11/23/2015 10:52	12/3/2015	RECOM APPR	2015M-032EN-001	GL ELLISTON 23 APARTMENTS AERIAL ENCROACHMENT	A request to allow two new aerial encroachment comprised of one 5' x 18' internally illuminated projecting sign and one 3' x 12' flat panel sign encroaching the public right-of-way for property located at 2300 Elliston Place, requested by Connor Group, applicant; GL Elliston 23 Apartments, LLC et al, owners.	21 (Ed Kindall)
12/2/2015 11:24	12/9/2015	RECOM APPR	2016M-001AB-001	GAYLORD DRIVE ABANDONMENT	A request to abandon and quitclaim any interest that Metro has in the portion of Gaylord Drive within the area that the State of Tennessee has approved as surplus property, requested by Metro Public Works, applicant.	15 (Jeff Syracuse)
12/8/2015 11:36	12/15/2015	RECOM APPR	2016M-001ES-001	DAVIDSON BRANCH EQUALIZATION FACILITY	A request to acquire through negotiation, condemnation, or fee simple take temporary and permanent easements to construct the Davidson Branch Equalization Facility for property located at 6924 Charlotte Pike (MWS Project No. 11-SC-111 OAP), requested by Metro Water Services, applicant; Sunrise Motel Inc., owner.	35 (Dave Rosenberg)
12/8/2015 15:50	12/16/2015	RECOM APPR	2016M-001EN-001	401 UNION HOTEL AERIAL ENCROACHMENT	A request to allow two aerial encroachments comprised of one internally illuminated canopy sign encroaching the public right-of-way on 4th Avenue North and one internally illuminated canopy sign encroaching the public right-of-way on Union Street for property located at 401 Union Street, requested by Civil Site Design Group, applicant; 401 Union Hotel, LLC, owners.	19 (Freddie O'Connell)



**MANDATORY REFERRALS: MPC Approval (cont.)**

12/10/2015 11:39	12/17/2015	RECOM APPR	2016M-001PR-001	MLK MAGNET EXPANSION	A request to authorize the Director of Public Property, or his designee, to acquire certain real property by negotiation or condemnation for use in a public project for the Metropolitan Government of Nashville and Davidson County and specifically with relation to the expansion of the Martin Luther King Junior Academic Magnet, for the use and benefit of the Metropolitan Nashville Public Schools, requested by the Metro Finance Department, applicant; Horton Paper Services, Inc., owner.	19 (Freddie O'Connell)
12/10/2015 11:07	12/17/2015	RECOM APPR	2016M-002ES-001	921 31ST AVENUE NORTH EASEMENT ABANDONMENT	A request for the abandonment of the southern 25' portion of the existing 50' wide Public Utility Easement, previously retained via Council Ordinance No. 084-343, for property located at 921 31st Avenue North between Alley No. 1180 and Clare Avenue, requested by Metro Water Services, applicant; Brian Watkins, owner.	21 (Ed Kindall)
11/23/2015 13:15	12/17/2015	RECOM APPR	2015M-024AB-001	ALLEY # 815 RIGHT-OF-WAY AND EASEMENT ABANDONMENT	A request to abandon a portion of Alley #815 Right-of-way and easement (easements and utilities to be abandoned) from Belcourt Avenue northward to Alley #801 and relocate approximately 164 ft west of the original alley on property located at 2102 Belcourt Avenue, requested by Barge Cauthen & Associates, applicant; Belcourt Theatre Inc., owner.	18 (Burkley Allen)
12/8/2015 15:31	12/22/2015	RECOM APPR	2016M-002AB-001	KOREAN VETERANS BOULEVARD RIGHT-OF-WAY ABANDONMENT	A request to abandon a 2,463 square foot portion of Korean Veterans Boulevard (former Franklin Street) right-of-way between 4th Avenue South and Alley #68 behind the existing sidewalk adjacent to parcel 338 on Map 93-10 (easements and utilities to be maintained), requested by The Nashville Symphony Association, applicant and owner.	19 (Freddie O'Connell)
12/14/2015 10:18	12/22/2015	RECOM APPR	2016M-002EN-001	LEGENDS GIFTS AT 325 BROADWAY AERIAL ENCROACHMENT	A request to allow an aerial encroachment comprised of one 12' x 1' 8" projecting sign encroaching the public right-of-way for property located at 325 Broadway, requested by Joslin and Son Signs, applicant; Lufay Anderson Sweet II, owner.	19 (Freddie O'Connell)
12/22/2015 11:19	12/31/2015	RECOM APPR	2016M-003ES-001	M & W LOGISTICS	A request to abandon approximately 140 linear feet of 4" DIP water main and to accept 178 linear feet of 8" DIP water main and fire hydrant, and acceptance of permanent easements for property located at 101 Terminal Court, Metro Water Services Project # 15-WL-128, requested by Metro Water Services, applicant; M & S Realty, owner.	17 (Colby Sledge)

## INSTITUTIONAL OVERLAYS (finals and variances only) : MPC Approval

**Finding: Final site plan conforms to the approved campus master development plan and all other applicable provisions of the code.**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

## SUBDIVISIONS: Administrative Approval

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
7/2/2015 12:01	12/2/2015	APADMIN	2015S-112-001	BEST WESTERN PLUS, BELLE MEADE INN & SUITES CONSOLIDATION PLAT	A request for final plat approval to create one lot on property located at 413 White Bridge Pike and 5600 O'Brien Avenue and O'Brien Avenue (Unnumbered), at the northwest corner of White Bridge Pike and O'Brien Avenue, zoned CS (1.44 acres), requested by Rhodes Engineering, applicant; Jai Balaji, LLC, owner.	20 (Mary Carolyn Roberts)
5/21/2015 13:44	12/3/2015	APADMIN	2015S-085-001	AARONS CRESS SUBDIVISION, RESUB LOTS 119 AND 120	A request for final plat approval to shift lot lines on properties located at 305 and 309 Bournemouth Lane, approximately 350 feet south of Pickett Drive, zoned RS15 (0.46 acres), requested by Wamble & Associates, PLLC, applicant; Timothy and Jennifer Higdon and The LUX Development Group, LLC., owners.	12 (Steve Glover)
9/25/2015 9:55	12/4/2015	APADMIN	2015S-152-001	COLLINS WHEELER AVENUE PROPERTY	A request for final plat approval to shift lot lines on property located at 227 Wheeler Avenue, approximately 575 feet east of Nolensville Pike, zoned RS7.5 (0.54 acres), requested by H & H Land Surveying, Inc., applicant; Eugene Collins owner.	16 (Mike Freeman)
4/30/2015 11:55	12/8/2015	RECOM APPR	2015S-075-001	RESUB. LOTS 36 - 46 PAYNE'S ADDITION TO EDGEFIELD NOW EAST NASHVILLE	A request for final plat approval to create two lots on property located at 210 South 10th Street, on the west side of South 10th Street between Russell Street and Fatherland Street, zoned R8 and within the Edgehill Historic Preservation District and Edgefield Historic District (1.78 acres), requested by Campbell Mcrae & Associates Surveying, Inc., applicant, for Five Point's Fellowship, owner.	06 (Brett Withers)
10/29/2015 11:48	12/8/2015	RECOM APPR	2015S-180-001	ONE CITY NASHVILLE, RESUB OF LOTS 4, 7, 9 & OPEN SPACE	A request for final plat approval to shift lot lines between two lots and an open space located at 7 and 9 City Place and City Boulevard (unnumbered), approximately 460 feet west of 28th Ave North, zoned SP (10.88 acres), requested by Crawford & Cummings, PC, applicant; Nashcam, LP, owner.	21 (Ed Kindall)

## SUBDIVISIONS: Administrative Approval (cont.)

9/28/2015 16:07	12/15/2015	RECOM APPR	2015S-156-001	ONE BELLEVUE PLACE	A request for final plat approval to create six lots on properties located at 7614 A & B, 7616, 7620, 7624, 7632, and 7634 Highway 70 S, approximately 600 feet west of Sawyer Brown Road, zoned MUL and SCR (87.34 acres), requested by Barge, Cauthen & Associates, applicant; Bellevue Development, LLC, owner.	22 (Sheri Weiner)
11/2/2015 13:08	12/15/2015	APADMIN	2016S-004A- 001	WOODARD SUBDIVISION, AMENDMENT TO LOT 3	A request to amend a previously recorded plat to revise the septic field for property located at 5966 Clarksville Pike, at the southwest corner of Clarksville Pike and Eaton's Creek Road, zoned RS40 (1.95 acres), requested by Ronald Floyd, applicant; George Burton, owner.	01 (Loniel Greene, Jr.)
10/1/2015 10:49	12/16/2015	APADMIN	2015S-161-001	RIDGEVIEW UDO PHASE ONE, RESUB LOTS 12- 16, 32-36 & 140- 144	A request for final plat approval to shift lot lines and create one lot on several properties located along Wild Oaks Court Eagle View Blvd, within the Ridgeview Urban Design Overlay, zoned RM9 and MUL (0.79 acres), requested by Dale and Associates, applicant; AF PB2, LLC, owner.	32 (Jacobia Dowell)
11/24/2015 10:53	12/17/2015	APADMIN	2016S-002A- 001	EVERGREEN HEIGHTS, LOT 7	A request to amend the recorded front setback from 60 feet to 50 feet on property located at 4027 Dorcas Court, approximately 300 feet north of Hobbs Road, zoned RS20 (0.88 acres), requested by Patrick Stavely, applicant and owner.	34 (Angie Henderson)
9/30/2015 12:45	12/17/2015	APADMIN	2015S-159-001	Travis Place, Ph. 1A, First Revision	A request for final plat approval to abandon a Public Utility Drainage Easement (PUDE) across two lots on properties located at 8587 & 8591 Beautiful Valley Drive, approximately 90 feet east of McCrory Lane, zoned RS10 (0.45 acres), requested by Crawford & Cummings, applicant; Travis Property Developers, owners.	35 (Dave Rosenberg)
9/30/2015 11:14	12/17/2015	APADMIN	2015S-158-001	SADDLEBACK FARMS, RESUB LOTS 10 & 11	A request for final plat approval to create one lot on properties located at 1932 and 1946 Saddleback Road, approximately 900 feet south of Union Hill Road, zoned AR2a (13.89 acres), requested by Crenshaw Land Surveying, applicant; Z. Darrell Johnson, owner.	03 (Brenda Haywood)
8/26/2015 10:42	12/18/2015	RECOM APPR	2015S-140-001	222 SECOND AVENUE CONSOLIDATION PLAT	A request for final plat approval to consolidate six lots into one lot on properties located at 206, 216 and 222 2nd Avenue South and 201, 209, and 217 1st Avenue South, at the corner of Demonbreun Street and 1st Avenue South and located within the Rutledge Hill Redevelopment District, zoned DTC (1.02 acres), requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; CB Ragland Company, owner.	19 (Freddie O'Connell)

### SUBDIVISIONS: Administrative Approval (cont.)

6/25/2015 15:04	12/21/2015	RECOM APPR	2015S-106-001	LCD LOTS 1 AND 2	A request for final plat approval to create two lots on property located at 7734 Highway 70 S, at the northwest corner of Harpeth Valley Road and Highway 70 S, zoned SP (3.37 acres), requested by Delle Land Surveying, Inc., applicant; Larry's Country Diner, LLC, owner.	22 (Sheri Weiner)
8/27/2015 11:50	12/22/2015	APADMIN	2015S-144-001	MORROW PROPERTIES AT WESTBROOK	A request for final plat approval to create two lots on property located at 5801 Morrow Road, approximately 125 feet east of 59th Avenue North, zoned R6 (0.64 acres), requested by Morrow Properties, LLC, applicant; Jeff Estepp, LLC, owner.	20 (Mary Carolyn Roberts)
12/2/2015 10:34	12/31/2015	APADMIN	2016S-014-001	ST. THOMAS WEST	A request for final plat approval to shift lot lines between properties located at 4304 and 4306 Harding Pike, approximately 500 feet east of Kenner Avenue, zoned CS (3.07 acres), requested by Littlejohn Engineering Associates, Inc., applicant; Suntrust Bank, owner.	24 (Kathleen Murphy)
7/2/2015 12:01	12/2/2015	APADMIN	2015S-112-001	BEST WESTERN PLUS, BELLE MEADE INN & SUITES CONSOLIDATION PLAT	A request for final plat approval to create one lot on property located at 413 White Bridge Pike and 5600 O'Brien Avenue and O'Brien Avenue (Unnumbered), at the northwest corner of White Bridge Pike and O'Brien Avenue, zoned CS (1.44 acres), requested by Rhodes Engineering, applicant; Jai Balaji, LLC, owner.	20 (Mary Carolyn Roberts)

### Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
12/15/15	Approved New	2015B-022-001	VILLAGE 21
12/10/15	Approved Extension	2007B-028-006	CAMBRIDGE FOREST, PHASE 6
12/10/15	Approved Extension	2006B-081-006	CAMBRIDGE FOREST, SECTION 10
12/21/15	Approved New	2015B-048-001	BELLEVUE STATION CONSOLIDATION PLAT
12/8/15	Approved Extension/Reduction	2012B-030-004	WESTPORT BUSINESS PARK, PHASE 1
12/18/15	Approved Replacement	2007B-052-009	HERITAGE HILLS, PHASE 1
12/21/15	Approved New	2015B-052-001	LCD LOTS 1 AND 2
12/15/15	Approved Extension/Reduction	2013B-035-003	VILLAGES OF RIVERWOOD, SECTION 1, PHASE 4E
12/15/15	Approved Extension	2013B-005-004	VILLAGES OF RIVERWOOD, PHASE 3C, SECTION 1
12/15/15	Approved Extension/Reduction	2013B-036-003	VILLAGES OF RIVERWOOD, SECTION 1, PHASE 4D
12/2/15	Approved Extension	2008B-006-004	WEST END SUMMIT
12/15/15	Approved New	2015B-054-00	MORROW PROPERTIES AT WESTBROOK
12/9/15	Approved Extension/Reduction	2006B-029-008	SUMMERFIELD, SECTION 6

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**Schedule**

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- A. Thursday, January 14, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- B. Thursday, January 28, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- C. Thursday, February 11, 2016 - [MPC Meeting](#); 4pm, Metro Southeast, 1417 Murfreesboro Pike, Green Hills Auditorium**
- D. Thursday, February 25, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- E. Thursday, March 10, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- F. Thursday, March 24, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- G. Thursday, April 14, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- H. Thursday, April 28, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- I. Thursday, May 12, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- J. Thursday, May 26, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37219

Date: January 8, 2016  
To: Metropolitan Planning Commission  
From: J. Douglas Sloan III, Esq., Executive Director  
Re: Proposed Clarification of Planning Department Community Plan Amendment Procedures and Application Form and Future Changes to the Planning Commission Rules and Procedures

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The Planning Department has determined that a formal procedure should be established for the Planning Executive Director to determine whether a proposed amendment to any component of the General Plan is a Major, Minor, or Housekeeping Plan Amendment. This change needs to be made in the near term for applications to amend any of the fourteen community plans because of the increase in development activity. In addition, the Department intends to formalize its determination of the study area for each community plan amendment based on factors such as common characteristics an applicant's properties may share with nearby properties in terms of proximity to major centers and corridors or their combined ability to form a transition in development intensity to nearby properties. This change will ensure that applicants are aware of what type of application to file, and if a community meeting is required.

The proposed procedure would be for the Executive Director to issue a signed memorandum to each applicant for a community plan amendment that would include his or her determination of whether the proposal is a Major, Minor, or Housekeeping plan amendment, the required study area for the proposed amendment, a brief explanation of the reasons for both determinations, and a map of the required plan amendment study area. The applicant would be required to obtain these determinations a minimum of one week prior to submitting the application, since both the application fee and the procedures for reviewing and processing the application are dependent on the determinations.

Establishing these procedures for community plan amendments will not require a change in the Planning Commission Rules and Procedures because the Rules and Procedures do not currently contain this level of detail about the community plan amendment application process. Instead, the procedure is outlined on the Community Plan Amendment Application. The signed memorandum and determination of the amendment study area will formalize procedures already in place.

The effective date of the procedure will be March 3, 2016, the filing deadline for the April 14 Planning Commission meeting. In addition, there will be a grace period of two filing deadlines before applications lacking the required written determination will be deemed incomplete. Applicants filing on or after the April 14, 2016 filing deadline must provide a copy of the written determination along with their community plan amendment applications in order for the applications to be accepted as complete. An updated version of the Community Plan Amendment application reflecting the change in procedures will be posted on the Planning Commission website on January 22, 2016 along with an explanation of the change. Prospective applicants will also be notified of the new procedure through the Planning Department's weekly Development Dispatch e-newsletter and posting written notification of the change at the Planning Commission counter in the Development Services Center.