



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, May 26, 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**

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

**Commissioners Present:**

Jim McLean, Chair  
Greg Adkins, Vice-Chair  
Stewart Clifton  
Jeff Haynes  
Lillian Blackshear  
Brian Tibbs  
Jessica Farr  
Brenda Diaz  
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  
Brandon Burnette, Planning Manager II  
Jason Swaggart, Planner III  
Lisa Milligan, Planner III  
Andrew Collins, Planner II  
Latisha Birkeland, Planner II  
Patrick Napier, Planner II  
Alex Deus, Planner I  
Karimeh Moukaddem, Planner I  
Anita McCaig, Planner III  
Craig Owensby, Public Information Officer  
Emily Lamb, Legal  
Adams Carroll, MPO Regional Active Mobility Planner

**J. Douglas Sloan III**

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

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

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.**



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# MEETING AGENDA

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## A. CALL TO ORDER

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

## B. ADOPTION OF AGENDA

Mr. Adkins moved and Mr. Haynes seconded the motion to adopt the revised agenda. (10-0)

## C. APPROVAL OF MAY 12, 2016, MINUTES

Mr. Haynes moved and Ms. Blackshear seconded the motion to approve the May 12, 2016 minutes. (10-0)

## D. RECOGNITION OF COUNCILMEMBERS

Councilman Sledge spoke in favor of Item 16 and stated that his intent is to have a community meeting between now and the council public hearing.

Councilman Anthony Davis spoke in favor of Item 3.

Councilmember Haywood spoke in favor of Item 1.

Councilman Scott Davis spoke in favor of Item 14.

Councilman O'Connell spoke in favor of Item 2.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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**6. 2016SP-031-001**  
BURKITT ROAD RETAIL SP

**7. 2016SP-033-001**  
LARAMIE AVENUE SP

**11. 2016S-084-001**  
1122 CHESTER AVENUE

**15. 2016Z-053PR-001**

Mr. Adkins moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (10-0)

Ms. Blackshear recused herself from Item 6.

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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.

**3. 2013SP-030-003**  
PORTER ROAD SP AMENDMENT

**9. 2016S-048-001**  
THE ELKINS PROPERTY PLAT

**10. 2016S-054-001**  
THE ORVILLE EARHEART SUBDIVISION, RESUB LOT 1

**12. 2016Z-007TX-001**

**16. 2016Z-054PR-001**

**17. 1-74P-006**  
HICKORY HOLLOW

**18. 91-71P-001**  
JACKSON SQUARE (KROGER FUEL CENTER)

**19. 2016S-099-001**  
12740 OLD HICKORY BLVD

**20. 2016S-001HM-001**  
213 24TH STREET (HOUSE MOVE)

**21. Certification of Bonus Height Compliance for 201 8th Avenue South**

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

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

Ms. Blackshear recused herself from Items 17 and 19.

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## G. 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

#### 1. 2015CP-000-002

##### **BORDEAUX-WHITES CREEK COMMUNITY PLAN AMENDMENT**

Various Maps, Various Parcel(s)

Council District 01 (Sharon Hurt); 03 (Brenda Haywood)

Staff Reviewer: Anita McCaig

A request to amend the Bordeaux-Whites Creek Community Plan: 2015 Update by changing community character policies for nine of the 11 areas, deferred from the June 22, 2015, Metro Planning Commission hearing to adopt NashvilleNext, and to defer Area 7 and Area 8 until the August 25, 2016, Planning Commission meeting requested by the Metro Planning Department, applicant.

**Staff Recommendation: Reopen the public hearing and approve policies as recommended for nine areas. Defer Area 7 and Area 8 to the August 25, 2016, Planning Commission meeting.**

##### **APPLICANT REQUEST**

**A request to adopt the policies as recommended for nine of the 11 areas, and to defer Area 7 and Area 8 until August 25, 2016, Planning Commission meeting.**

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

A request to amend the Bordeaux-Whites Creek Community Plan: 2015 Update by changing community character policies for properties within nine areas deferred from the June 22, 2015, Metropolitan Planning Commission hearing to adopt NashvilleNext. Defer Area 7 and Area 8 until the August 25, 2016, Planning Commission meeting.

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

##### **CURRENT POLICIES**

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils.

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

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

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

Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network,

block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

### **RECOMMENDED POLICIES**

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

Rural Countryside (T2 RCS) is a new policy category adopted with NashvilleNext, is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RCS areas have an established development pattern of very low density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area's rural landscape. New development in T2 RCS areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/5 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space. *Note: at this time a Conservation Subdivision is not possible through the Rural Subdivision Regulations for properties currently zoned AR2a. The application of a Specific Plan Zoning District would be the process to would be the process to enable a Conservation Subdivision in this policy area.*

Rural Maintenance (T2 RM) is a new policy category adopted with NashvilleNext that combines the previous Rural Neighborhood Maintenance (T2 NM) and Rural Neighborhood Evolving (T2 NE) policies, is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space. *Note: at this time a Conservation Subdivision is not possible through the Rural Subdivision Regulations for properties currently zoned AR2a. The application of a Specific Plan Zoning District would be the process to would be the process to enable a Conservation Subdivision in this policy area.*

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

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

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

### **BACKGROUND**

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

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

(T2 NM) and Rural Neighborhood Evolving (T2 NE) policies have been combined into Rural Maintenance (T2 RM) policy.

NashvilleNext also resulted in the policy that sewer will not be extended into Rural areas due to the community's desire to preserve Nashville's remaining Rural areas and character.

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

At the June 22, 2015, Planning Commission meeting, staff presented policy recommendations for the 11 areas that sought to balance the interests of the community, the interests of property owners, and the preservation of Rural character in Whites Creek. The Commission deferred these 11 areas for further study and consideration. Staff conducted additional analysis of the properties and modified a few of the previous policy recommendations that were in the Static Draft version of NashvilleNext. On July 30, 2015, staff held a workshop with the Metropolitan Planning Commission to review policy recommendations in detail. On May 12, 2016, staff held an additional workshop to review policy recommendations and present property scenarios for each area that illustrated various potential subdivision options for Rural and Suburban policies under the recently adopted changes to the subdivision regulations for land in Rural policies.

Since June 22, 2015, staff has continued to meet with property owners and their representatives as well as the Whites Creek Steering Committee to discuss concerns and ideas, to listen, and to answer questions.

### **COMMUNITY PARTICIPATION**

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

At the NashvilleNext Public Hearing on June 15, 2015, several attendees voiced opinions and concerns about the appropriate policies to apply in these areas, with some supporting applying Rural policies and others desiring Suburban policies. Attendees expressed that:

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

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

On January 7, 2016, staff held a meeting with area councilmembers, property owners and residents to discuss properties in the 11 deferred areas. In the months that followed, the Land Trust for Tennessee met with property owners to discuss land conservation options and ideas. On April 7, 2016, staff held a workshop to discuss revisions to the Subdivision Regulations to incorporate guidance for Rural policy character areas. At the workshop, properties in Whites Creek were used as examples.

### **ANALYSIS**

Properties in the Whites Creek Study Area have been analyzed extensively. After the latest round of analysis, the majority of recommendations in the Static Draft (presented to the Commission in June 2015) have been carried forward. The areas where staff is recommending different policies than the Static Draft are four areas within the Urban Services District in the southern portion of the Whites Creek Study Area. Staff analyzed the locations of properties as to whether they were within the General Services District (GSD) or the Urban Services District (USD), as well as their access to sewer and individual physical characteristics. Properties within the USD are taxed at a higher rate due to the expectation that a higher level of service is to be provided to those properties, including sewer service, which supports higher level. Due to access to infrastructure, such as sewer, and being taxed a higher rate with the expectation of a higher level of development and access to city services, staff adjusted policy recommendations.

In August 2015, staff was also recommending two special policies in an effort to balance competing interests. However, the proposed special policies were causing concern and confusion in the community. In response, staff has withdrawn recommending any special policies beyond the guidance already found in the *Community Character Manual* for these areas.

On April 28, 2016, the Metropolitan Planning Commission disapproved a policy amendment request and recommended disapproval of a rezoning request involving deferred Area 8. The community is currently divided, having both support and opposition for the rezoning proposal and proposed development. The rezoning is making its way through the legislative process at this time. Decisions made about that rezoning proposal have implications for deferred Area 7, directly across Whites Creek

Pike. Due to that, and to lessen confusion regarding the process in the community, staff recommends that policy decisions regarding Area 7 and Area 8 be deferred until the August 25, 2016, Planning Commission meeting.

#### Summary of Policy Recommendations

The following is a summary of staff policy recommendations and analysis. This is the same information that was presented at the May 12, 2016, MPC Work Session.

#### Derby Downs:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); and Rural Maintenance (T2 RM).
- Same recommendation as in the NashvilleNext Static Draft. This area is currently Conservation and Rural policy and is within the General Services District. Sewer is not onsite, but is close by. Due to the location in the General Services District, not currently being served by sewer, and having frontage on Knight Road that has a rural, large lot character, staff recommends that the previously recommended rural policies in the NashvilleNext static draft are still appropriate.

#### Area 0:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); and Rural Maintenance (T2 RM).
- Same recommendation as in the NashvilleNext Static Draft. The majority of this area is currently Conservation and Rural policy and is within the General Services District. Though sewer is partially available to some properties in this area, this area is located within the General Services District where there is not the expectation that infrastructure such as sewer will be extended. Given the location in the General Services District and the existing large lot character of the area, staff finds that the rural policies that were recommended in the NashvilleNext static draft remain appropriate.

#### Area 1:

- Recommended Policies – Conservation (CO); Suburban Neighborhood Maintenance (T3 NM); Suburban Neighborhood Evolving (T3 NE).
- Revised recommendation by staff. This area is location within the Urban Services District, currently has R10 zoning, and adjacent development pattern. Due to this area's location in the Urban Services, where there is access to sewer, the area is already zoned with the expectation that suburban development will take place, staff finds that this area is more appropriate to remain within the T3 Suburban policies. Staff has recommended T3 Neighborhood Maintenance for areas with frontage on existing streets in order to require that any newly subdivided lots are compatible to the surrounding lots. Staff has recommended T3 Neighborhood Evolving for area that is not directly adjacent to existing streets to allow for flexibility in development pattern to work around the Conservation Policy areas.

#### Area 2 and Area 3:

- Recommended Policy – Suburban Neighborhood Maintenance (T3 NM).
- Retain Current Policy due to areas' locations within the Urban Services District, current R10 zoning, and approved subdivisions. Due to this area's location in the USD, where there is access to sewer, the area is already zoned with the expectation that suburban development will take place, staff finds that this area is more appropriate to remain within a T3 Suburban policies. Staff has recommended T3 Neighborhood Maintenance for areas with frontage on existing streets in order to require that any newly subdivided lots are compatible to the surrounding lots. Staff has recommended T3 Neighborhood Evolving for area that is not directly adjacent to existing streets to allow for flexibility in development pattern to work around the Conservation Policy areas.

#### Area 4:

- Recommended Policies – Conservation (CO); Suburban Neighborhood Maintenance (T3 NM).
- Revised recommendation by staff. Retain Current Policy, with the exception of changing District Office Concentration (D OC) policy area to Suburban Neighborhood Maintenance (T3 NM), due to area's location within the Urban Services District and its current residential zoning. Staff has recommended T3 Neighborhood Maintenance for this area in order to require that any newly subdivided lots are compatible to the surrounding lots.

#### Area 5 and Area 6:

- Recommended Policy – Conservation.
- Same as Current Policy and recommendation in the NashvilleNext Static Draft.
- This area is within the floodplain and is not appropriate for any policy other than Conservation to ensure that any development, if possible, is limited.

#### Area 7:

- Defer until the August 25, 2016, Planning Commission meeting.

#### Area 8:

- Defer until the August 25, 2016, Planning Commission meeting.

#### Area 9:

- Recommended Policies – Rural Conservation (T2 CO); Rural Countryside (T2 RCS); Rural Maintenance (T2 RM).



- Same as recommendation in the NashvilleNext Static Draft due to the area's current Conservation and Rural Policy, its location north of Old Hickory Boulevard, and its location in the General Services District. This area does have access to sewer and contains some RS10 and RS15 zoning, however it is located north of Old Hickory Boulevard, is within the General Services District, and is largely constrained by floodplain and steep slopes, therefore staff recommends that Rural Policies be applied so that any development happens under the Rural Subdivision Regulations that will require sensitive lands be classified as primary conservation areas.

#### **STAFF RECOMMENDATION**

Staff recommends reopening the public hearing and approval of the policy recommendations as outlined above for nine areas and deferral of Area 7 and Area 8 to the August 25, 2016, Planning Commission meeting.

Ms. McCaig presented the staff recommendation of reopen the public hearing and approve policies as recommended for nine areas. Defer Area 7 and Area 8 to the August 25, 2016, Planning Commission meeting.

Tom White, 315 Deadrick, spoke in favor of the application.

Jim Lawson, 3969 Lloyd Road, spoke in favor of the application.

Linda Jarrett, 4300 Whites Creek Pike, spoke in favor of the application.

Larry Layton, 6951 Old Hickory Boulevard, spoke in favor of the application.

Janie Layton, 6951 Old Hickory Boulevard, spoke in favor of the application, stating the proposed is a good compromise.

Steve Huff, 501 Cherry Grove Lane, spoke in favor of the application.

Marc Oswald, 4225 Whites Creek Pike, representative for Fontanel spoke in favor of the application. Feels deferral of Areas 7 and 8 will help Fontanel stand on its own merit.

David Huff, 1111 Holly Street spoke in favor of the application.

John Floyd, 1610 Georgetown Lane, spoke in favor of the application.

George Ewing, 4601 Whites Creek Pike, spoke in opposition of the application. Does not believe Areas 7 & 8 should be deferred.

Marsha Murphy, 4462 Stenberg Road, spoke in opposition of the application. This area remains mainly as rural and agricultural. Would take millions of dollars and many years to make public access beneficial.

Zach Dier, 681 Brick Church Pike, spoke in opposition of the application. T2 should be approved for all 11 areas.

Lainie Marsh, 3891 Knight Drive, spoke in opposition of the application.

Angela Williams, 7203 Old Hickory Boulevard, spoke in opposition of the application. All areas should be voted on all at one time.

Gladies Herron, 605 Cherry Grove Lane, spoke in opposition of the application. Deferral should not be done for Areas 7 & 8 and should be adopted as a whole.

Helen Tarleton, 7135 Old Hickory Boulevard, spoke in opposition of the application. Should consider zoning that is in line with Nashville Next.

Councilmember Sharon Hurt stated that T2 is more appropriate for these areas.

Councilmember Brenda Haywood, spoke in support of the application. Compromise has been made and the staff recommendation will be the best for everyone in the long run.

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

Councilmember Burkley Allen asked if the rural subdivision regulations only apply to the T2 area.

Ms. McCaig clarified that yes, T2 must be designated to apply the rural subdivision regulations.

Councilmember Burkley Allen asked if any kind of tree buffer is required or anything to preserve the trees to make those areas feel less dramatically different than other areas.

Mr. Burnette stated that in T3 you can do cluster lot subdivisions in some instances and depending on the surrounding zoning a landscape buffer is required.

Councilmember Burkley Allen asked if you can build R10 in a T2 policy area or is it too dense?

Ms. McCaig stated that you can build based on the zoning. Cluster lot provision comes from the zoning code itself. That's what determines your cluster lot cap.

Councilmember Burkley Allen stated that any new development should be sensitive to the wooded character currently there. Asked if there are any special policies that can be applied to maintain the rural feel?

Mr. Burnette stated that tree density doesn't typically apply to R & RS zoned property.

Mr. Sloan clarified that with the floodplains and steep slopes in the area development can become limited.

Mr. Clifton, spoke in opposition to the application, is concerned about Areas 7 & 8 being deferred to August after the council meeting.

Mr. Sloan clarified that staff is only recommending T3 in areas that are currently in the Urban Services District. Area 8 has pending legislation. If passed we would bring it back to discuss more how to align it with the policy. Area 7 is varied in characters and should have been divided into other areas. Staff would like to defer this area to better analyze.

Ms. Farr stated that staff recommendation is a good compromise and aligns what was supported by the community with Nashville Next. Is concerned about deferring Areas 7 & 8.

Mr. Adkins spoke in favor of the application.

Ms. Blackshear spoke in favor of the application and asked what is the next process of Area 7?

Ms. McCaig stated that more communication with the community, workshops with the Commission and a community meeting would be next.

**Councilmember Allen moved and Ms. Farr seconded the motion to approve policies as recommended for nine areas. Approve NashvilleNext Static draft recommendations for Area 7 and Area 8. (6-2-2) Ms. Blackshear & Mr. Tibbs voted against. Ms. Hagan-Dier and Ms. Diaz recused themselves.**

**The Commission took a 10 minute break.**

#### **Resolution No. RS2016-142**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2015CP-000-002 has Approved policies as recommended for nine areas and Approved NashvilleNext Static draft recommendations of Area 7 and Area 8. (6-2-2)"**

## **DTC Height Modifications**

### **2. 2016DTC-001-001**

#### **134 AND 150 2ND AVENUE S & 151 1ST AVENUE S**

Map 093-06-4, Parcel(s) 076, 083-084

Council District 19 (Freddie O'Connell)

Staff Reviewer: Andrew Collins

A request for a modification to permit a mixed use development of up to, and not to exceed, 40 stories, pursuant to the plans and design submitted, for property located at 151 1st Avenue South, 150 2nd Avenue South and 134 2nd Avenue South (1.75 acres), zoned DTC and within the SoBro subdistrict, requested by Second Avenue Partners LLC, applicant; Belle Meade Investments LLC and Market Street Apartments LTD, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Modification to the overall height standards of the Downtown Code (DTC) to allow a 40 story building, within the SoBro Subdistrict.**

### Modification to overall height

A request for a modification to permit a mixed use development of up to, and not to exceed, 40 stories, pursuant to the plans and design submitted, for property located at 151 1<sup>st</sup> Avenue South, 150 2<sup>nd</sup> Avenue South and 134 2<sup>nd</sup> Avenue South (1.75 acres), zoned Downtown Code (DTC) and within the SoBro subdistrict.

### **Existing Zoning**

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

### **Downtown Community Plan & Policy**

NashvilleNext identifies downtown as a Tier One Center, and as such is called on to accommodate the most growth (residents and jobs) as Nashville grows. This is in keeping with good planning practices to allow for the most density and building height at the key centers in order to avoid a sprawling development pattern throughout the county. During the NashvilleNext community input process Downtown was the area that citizens throughout Nashville chose to receive the most intensity of development and growth. The NashvilleNext adoption included a change to the policy in this location to allow high-rise height to align with the Tier One Center concept. The DTC was subsequently amended to align the zoning entitlements with the policy, allowing high-rise height in this area.

T6 Downtown Neighborhood (T6 DN) is intended to preserve and create diverse Downtown neighborhoods that are compatible with the general character of surrounding historic developments and the envisioned character of new Downtown development, while fostering appropriate transitions from less intense areas of Downtown neighborhoods to the more intense Downtown Core policy area. T6 Downtown Neighborhood Areas contain high density residential and mixed use development. T6 Downtown Neighborhood policy allows high-rise buildings (building 20 stories and greater in height).

**The proposed mixed-use project is a high-rise building, as allowed by the policy. It steps back from and respectfully engages with the historic Seigenthaler pedestrian bridge by providing new public elevators to the bridge.**

Special Policy SPA 09-T6-DN-SOBRO-01, SoBro Neighborhood, is intended to be a high-intensity, mixed use neighborhood emphasizing cultural, entertainment, and residential uses while accommodating some office uses. It encourages SoBro to develop as a distinctive, architecturally eclectic neighborhood with tall buildings with some sheer walls along certain streets, as well as some "stepped back" buildings to create a variety of viewsheds and allow for light and air circulation throughout the neighborhood. Overall, development in SoBro should emphasize a comfortable and lively pedestrian environment for residents and visitors. Special Policy 09-T6-DN-SOBRO-01, SoBro Neighborhood, does *not* have an overall building height limit.

**The proposed mixed-use project is distinctive and architecturally unique, that steps back on its street frontages to allow for more light and air to the street. The two tower massing creates a more unique viewshed compared to a typical rectangular massing. The proposed project includes significant improvements to the pedestrian realm with sidewalks that meet and exceed the MCSP standards.**

### SoBro Neighborhood

The current built pattern of First and Second Avenues is an extension of the historically and culturally significant Second and Broadway Neighborhood to the north. South of Broadway, First and Second Avenues include a collection of notable, low-scaled historic brick buildings that add to the fabric of the neighborhood. These should be preserved and their massing should be utilized as a contextual basis for new and adaptive reuse development in the area.

**The Market Street Apartments are not within a Historic Zoning Overlay, nor listed on or eligible to be listed on the National Register of Historic Places. Moreover, the Metro Historical Commission staff has recommended approval of the requested height modification as proposed. Additionally, the proposed building steps back from the Seigenthaler Pedestrian Bridge, respecting this historic structure while providing a new public access point to it. The scale and massing of the proposed building is consistent with requirements of the policy, including height at the street that meets the context requirements.**

### *Goals for the SoBro Neighborhood*

- Maintain, along both sides of First and Second Avenues, a building height at the street compatible with the portion of the First and Second Avenues north of Broadway. The building heights shall be a minimum of 25 feet at the street, but shall not exceed 105 feet at the street. At 105 feet, the building shall step back a minimum of 15 feet. This area, with the exception of the east side of First Avenue where heights are intended to remain low-rise, may also be considered for additional height in exchange for public benefits provided by the development, such as affordable or attainable housing, so long as the overall intent and goals for the neighborhood are met.

**The project steps back 15' before reaching 105' in height at the street along 2nd Avenue South, and provides an additional 10' of right-of way plus a step-back of 5' along 1<sup>st</sup> Avenue South equating to 15', as recommended by the special policy. This condition with the building set further back on the ground level is preferable as it allows for more light and air to filter to the street level.**

**The proposed project incorporates public benefits including, workforce housing, LEED certification, pervious surfaces, and a new public access to the pedestrian bridge from 1<sup>st</sup> Avenue South, as well as greatly improved streetscapes and sidewalks.**

#### Consistent with Policy?

Yes, the overall height modification request is consistent with the policy and its intent for high intensity mixed-use development. The T6 Downtown Neighborhood policy allows “high-rise” building height, defined as buildings 20 stories or greater. The special policy only addresses height at the street, and does not have an overall height limit. Therefore high-rise buildings are permissible. This is consistent with the built, approved, and under construction buildings in the same policy area, including the Pinnacle Building, 222 2<sup>nd</sup> Avenue South, and the SoBro apartment tower, all high rise buildings over 20 stories. This is also consistent with the DTC zoning which permits high-rise buildings.

The project steps back 15' before reaching 105' in height at the street along 2nd Avenue South, and provides an additional 10' of right-of way plus a step-back of 5' along 1<sup>st</sup> Avenue South equating to 15', as recommended by the special policy. The additional right-of-way along 1<sup>st</sup> Avenue South enhances the pedestrian experience by providing 10' of outdoor dining space in addition to 18' of sidewalk and street tree space. This enhanced streetscape and sidewalk, as well as the enhancements along 2<sup>nd</sup> Avenue, provide improved linkages northward along 1<sup>st</sup> and 2<sup>nd</sup> Avenues as recommended by the special policy. Additionally, the building steps back from the Seigenthaler Pedestrian Bridge, respecting this historic structure. The proposal adds a new pedestrian access to the bridge further activating both it and the street below. The proposed project includes active streetscapes and a lively pedestrian experience, particularly along the 1<sup>st</sup> Avenue frontage that includes dedicated outdoor dining space. The proposed project incorporates workforce housing, as outlined in the special policy which states that additional height may also be considered “in exchange for public benefits provided by the development, such as affordable or attainable housing, so long as the overall intent and goals for the neighborhood are met.” The public benefits provided by the project include, workforce housing, LEED certification, pervious surfaces, and new public access to the pedestrian bridge from 1<sup>st</sup> Avenue South, as well as greatly improved streetscapes and sidewalks.

The Market Street Apartments are not proposed to be preserved as part of the development, as they are not within a Historic Zoning Overlay, nor listed on or eligible to be listed on the National Register of Historic Places. Moreover, the Metro Historical Commission staff has recommended approval of the requested height modification as proposed.

#### **BACKGROUND**

The Overall Height Modification process requires that the Planning Department’s Executive Director first make a determination whether the applicant has made “reasonable efforts to use all appropriate bonuses available in the DTC’s Bonus Height Program.” The Executive Director has determined that reasonable efforts have been made and include the bonuses of LEED Gold, Pervious Surface, Public Parking, and Civil Support Space. In addition, in lieu of the Workforce Housing Bonus, which is subject to change based on inclusionary housing legislation, the applicant has committed to provide workforce housing of 10% of the rental units, if financial incentives are approved.

A community meeting was held by the applicant on May 5<sup>th</sup> to review their proposal with the community, with notices sent out in advance. Additionally, a community meeting was held by the Planning Department on April 13, 2016, regarding an associated plan amendment. This plan amendment was later withdrawn as the existing community plan policy supports the request. The applicant has also met with the Metropolitan Housing and Development Agency Design Review Committee (MDHA DRC) on April 5, 2016, and received favorable feedback. However, the MDHA DRC deferred voting on the project until after the Overall Height Modification process is complete.

After the Executive Director’s determination has been made and a community meeting held, the Planning Commission shall consider the modification request as follows:

- “The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, and improvement of the project’s relationship to surrounding properties.”

#### **Overall Height Modification request:**

- To allow a 40 story building, where 30 stories is the by-right Bonus Height Maximum achievable through the DTC Bonus Height Program provisions.
- Utilizing the DTC Bonuses of LEED, Pervious Surface, Public Parking, and Civil Support Space.
- Committing to provide workforce housing of 10% of the rental units.

#### **ANALYSIS**

The Modification request consists of approximately 10 stories of additional height above the by-right bonus height of 30 stories. The proposed project consists of two towers above a podium base with ground level retail to activate the street. The north tower is 40 stories tall at 415' and is proposed for 280 residential (apartment) units. The south tower is 40 stories tall at 485' and is proposed for 142 residential (condo) units. The condo tower’s stories have taller floor-to floor heights, resulting in a taller overall height than the apartment tower. A 217 room hotel connects the two towers atop a 730 car parking structure. The hotel structure is 227' tall. Above the parking podium, the building steps back from the street frontages. The proposed massing of

two tall towers allows for more light and air to filter to the street level, relative to a 30 story block massing as their bonus height entitlements could allow by-right. As a reference, the Pinnacle building is approximately 29 stories at 432' tall to the top of parapet, with an additional four levels of below grade parking at 41' in depth. A large portion of the Pinnacle building's height is the architectural penthouse that screens the mechanical area on top of the building.

As a best practice, the proposed development is not constructing underground parking due to the floodplain and the site's proximity to the river. Because of this, all five parking levels are proposed to be above grade, necessitating increased height to accommodate the above grade parking. As a reference, the Pinnacle building has four levels of below grade parking, which flooded during the May 2010 flood. If Pinnacle's parking were shifted above grade, the Pinnacle building's height would be approximately 33 stories at 473 feet tall.

In addition, the project's proposed design, with the two 40 story towers, results in a more varied massing than simply building out under the DTC bonus height maximum to 30 stories across the site. It also results in slightly less floor area (40 story proposal: approx. 1,263,610 GSF; 30 story max bonus height build-out: approximately 1,275,030 GSF). Therefore, building out under the existing maximum bonus height entitlements could produce as much, if not more traffic than the proposed 40 story height modification being requested.

The proposed development would provide sidewalk and streetscape improvements that meet and exceed the Major and Collector Street Plan (MCSP) standards. Specifically, on 1<sup>st</sup> Avenue South the project proposes an extra 10' for outdoor dining and gathering areas under canopies/arcaded building structure, in addition to the full 18' streetscape (4' tree zone and 14' sidewalk). The applicant provides the full 18' MCSP streetscape on 2<sup>nd</sup> Avenue South and the required 12' (4' tree zone and 8' sidewalk) on Demonbreun Street.

Along the John Seigenthaler Pedestrian Bridge, the building respectfully interacts with the bridge by stepping back 15' feet after the parking podium. The development also provides a direct pedestrian connection for the public to access the bridge from 1<sup>st</sup> Avenue South via stairs and elevators, creating a direct link to the new Riverfront Park from the pedestrian bridge. At the bridge level, the project proposes a flex event space that can be used for events and public gatherings to activate the building at the bridge level. At the ground level on the bridge side, the project proposes the public access point and publicly accessible pop-up space to be used during events. In addition, the applicant has committed to make improvements to their building wall at this location and to the right-of-way areas to accommodate food trucks and/or pop-up kiosks during special events, as well as including a lit feature wall to help add architectural interest in the evening.

The architecture of the building proposes a variety of materials including glass, and metal to clad the building. The structured parking is fully clad, and combined with punch-outs of glass along the streets, help to add unique design elements to the building facade. Glass at the street level creates a welcoming and friendly environment for pedestrians. The towers include a mix of glass and metal, with balconies and shifts in vertical planes used to add distinguishing elements to the design.

The parking structure is proposed to be accessed along 2<sup>nd</sup> Avenue South only, in order to maximize the pedestrian nature of the 1<sup>st</sup> Avenue South frontage adjacent to the Riverfront Park. It is critical to create an active pedestrian streetscape along 1<sup>st</sup> Avenue, in order to have a project that truly interacts with and builds off of the new Riverfront Park and amphitheater. Adding vehicular access points along 1st Avenue would greatly diminish both the available space for ground floor retail and the pedestrian experience along 1<sup>st</sup> Avenue South.

Loading and hotel/residential valet drop-offs also occur along the 2<sup>nd</sup> Avenue South frontage with the hotel drop-off occurring at the corner of Demonbreun Street and 2<sup>nd</sup> Avenue South. The applicant is proposing landscaping and art to help anchor the corner, with glass to allow passersby's to see into the building. With the only access points along 2<sup>nd</sup> Avenue South, coordination with Public Works on routing traffic during special events that close Broadway will be important. Modifying 2<sup>nd</sup> Avenue South, re-routing traffic, and utilizing traffic management teams are all possible solutions that will need to be considered with the MDHA review and final site plan review processes. Alternatively a curb-cut onto 1<sup>st</sup> Avenue South would be a less desirable solution. The final site plan is a staff review requiring approval from all applicable departments, ensuring compliance with any conditions of this approval, the Downtown Code standards, and with a MDHA approved site plan.

**The project meets the threshold for exceptional design, as required by the DTC:**

**Exceptionally strong streetscape:**

- Streetscape improvements meeting and exceeding the Major and Collector Street Plan. Including 28' streetscape along 1<sup>st</sup> Avenue south (4 tree zone, 14' sidewalk, 10' outdoor dining space).
- New public access point to the pedestrian bridge from 1<sup>st</sup> Avenue South.

**Unique architecture:**

- The proposed design (with the two 40 story towers) results in a more varied and unique architectural massing than simply building out under the DTC bonus height maximum to 30 stories across the site. It also creates better site lines from the Pinnacle building, compared to a 30 story box massing that would fully obstruct eastward views.
- Parking podium design incorporates punch-outs and unique changes in facade planes and materials.
- The building uniquely engages with the pedestrian bridge and street level.
- Architecture incorporates green elements and LEED.

**Improvements of the project's relationship to the surrounding properties:**

- Wide and activated streetscape along 1<sup>st</sup> Avenue that is directly adjacent to the Riverfront Park.
- New public access to the Pedestrian Bridge from 1<sup>st</sup> Avenue South.
- Lit feature wall under the pedestrian bridge to add interest and lighting at night.

**METRO HISTORICAL COMMISSION STAFF RECOMMENDATION****Approve with conditions**

- The project will physically tie into the Shelby Street Bridge which is a Historic Landmark. That connection will need to be reviewed by the MHZC. The Market Street Apartments are mapped as Worthy of Conservation rather than NRE, due to the amount of interior alterations.

**METRO PUBLIC WORKS RECOMMENDATION****Approve with conditions**

- MPW takes no exception to the additional height, but requests continued coordination with the development team on the final design of the access (pedestrian and vehicular) and the pedestrian space and vehicular space within the ROW.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions, finding that the project meets the threshold for exceptional design. Overall height modifications within the DTC may be granted for exceptional design including, but not limited to, unique architecture, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties.

**The project meets the threshold for exceptional design, as required by the DTC:**

**Exceptionally strong streetscape:** Streetscape improvements greatly exceed the Major and Collector Street Plan (MCSP) on 1<sup>st</sup> Avenue South, by providing an 18' sidewalk and street tree zone and 10' of outdoor dining space, activating the street directly across from the park. All other street frontages meet the MCSP standards for enhanced streetscapes. A new public access point to the pedestrian bridge is provided on 1<sup>st</sup> Avenue South as well.

**Unique architecture:** The building uniquely engages with the pedestrian bridge, incorporates LEED design, and the tower massing and podium facade is more varied and unique than a typical rectangular massing.

**Improvements of the project's relationship to the surrounding properties:** The two tower massing allows for views from neighboring buildings compared to what a by-right 30 story single rectangular massing would allow. New public elevators, a lit feature wall under the pedestrian bridge and event space at the bridge level significantly improve the pedestrian experience with the Seigenthaler Bridge. The enhanced streetscape is similar design and complementary to the new Riverfront Park, and improves the street frontages with more active uses and pedestrian activity that link into neighboring properties.

**CONDITIONS**

1. Project must receive MDHA DRC approval prior to final site plan approval and permit sign-off.
2. 10% of the units, in any rental portions of the Project will be affordable to those renters making 100% of the Nashville MHI if a funding source is available from Metro or some other governmental source to reimburse the owner for the difference between the 100% MHI rents and the market rate rents.
3. Applicant shall work with applicable departments to improve the areas under the pedestrian bridge, and to further activate the ground level of their building wall through programming and facade design.
4. Streetscape dimensions proposed shall not be reduced.
5. Bonus Height utilization must be consistent with the bonuses outlined in the Executive Director's determination letter dated April 25, 2016; and must be certified by the Planning Commission before building permits, per the Downtown Code.
6. Metro Historical Commission staff and Public Works conditions shall be addressed with the final site plan.

Mr. Collins presented the staff recommendation of Approve with conditions.

Dean Stratouly, 124 Chestnut Street in Boston, spoke in support of the application. Feels the design is iconic in design, sensitive to the neighborhood and enhances the pedestrian experience. Has worked with staff and accept all conditions.

Devin Patterson, 625 N Michigan Ave in Chicago, spoke in support of the application. The design provides benefits to pedestrians.

Matt Kwasek, 2600 Hillsboro Pike, spoke in support of the application. Pros of the project are an increase in tax revenue, public parking and enhancing the skyline. Con of the project would be increased traffic.

Terry Clements, 3518 Central Avenue, representing Convention and Visitors Bureau, spoke in support of the application stating that the 5 star hotel would be the perfect location and benefit visitors of the city.

Michael Hayes, 4409 Warner Place, spoke in support of the application. The location benefits pedestrians and design will benefit the skyline.

Steve Maxwell, 4427 Sheppard Place, spoke in support of the application. The developer and architect have listened to the concerns of the community and this project would be a great asset to the city.

Todd Rolapp, 150 3<sup>rd</sup> Ave S, Suite 2800, spoke in opposition of the application. The project is inconsistent with the downtown plan and will add to the traffic problems.

Tom White, 315 Deadrick Street, spoke in opposition of the application. Access is on the wrong street and there is no access on 1<sup>st</sup> Ave. Main issues are inconsistent with policy and traffic concerns.

Van East, 620 Post Oaks Circle, spoke in opposition of the application.

Jay (last name unclear) & Sue Palmer, 301 Demonbreun Street, spoke in opposition of the application. Speaking on behalf of the Encore condominiums. Concerns include, traffic, policy, and the process. Feels this proposal disregards Nashville Next.

Elaine Walker, 301 Demonbreun Street, spoke in opposition of the application. Concern is parking and traffic.

Tim Palmer, 301 Demonbreun Street, spoke in opposition of the application stating that the street can't handle extra deliveries and drop-offs that will come with the extra density the building will provide.

John, Farringer, 150 3<sup>rd</sup> Ave S, spoke in opposition of the application.

Phillip Welty, 150 3<sup>rd</sup> Ave S suite 1700, spoke in opposition of the application.

Gary Everton, 515 Main Street, spoke in opposition of the application. Community plan does not allow 40 stories.

Adam McCain, 150 2<sup>nd</sup> Ave S, spoke in opposition of the application.

Christa Cruikshank, 301 Demonbreun Street, spoke in opposition of the application feels community plan is disregarded when developers show up.

Erica Garrison, 4509 Nebraska Avenue, spoke in rebuttal. Density being proposed is exact density that could be built as of right with the bonus height program.

**Chairman McLean closed the Public Hearing.**

Ms. Farr asked why staff did not proceed with the Community Plan amendment versus a modification.

Mr. Collins responded that staff recommended withdrawal of the plan amendment because the proposal for the height modification meets the policy.

Mr. Sloan clarified that the original Community Plan amendment had language in it that stated it was for clarification of the Community Plan.

Ms. Farr asked if the developer made use of all the appropriate bonuses to permit the 30 story maximum.

Mr. Sloan stated that reasonable efforts were made to achieve bonuses.

Mr. Collins stated that the bonuses used by the developer were green construction, pervious surfaces, public parking, civil support space and 10% of units towards Inclusionary Housing.

Ms. Farr asked based on the square footage how many floors would they be eligible to get.

Mr. Collins explained that the developer would be allowed 27 stories. 15 by right, 8 for LEED Gold, 2 for pervious surface, 2 for public parking, and a partial story for civil support space.

Mr. Sloan stated that the Historic Commission has submitted a letter that states that they do not feel this negatively impacts historic structures along Broadway or 2<sup>nd</sup> Avenue.

Ms. Farr had a concern about traffic on 2<sup>nd</sup>.

Mr. Carroll explained that new legislation has been filed to help mitigate lanes and sidewalk closures. The new legislation would require traffic management plans for pedestrian and bike lanes for closures longer than 20 days.

Mr. Tibbs, spoke in support of the application. Understands the concern of traffic but we can't stop development in the city.

Ms. Hagan-Dier, spoke in support of the application.

Mr. Adkins asked why car access is only on 2<sup>nd</sup>.

Mr. Collins explained that the Downtown Code states that access should be considered on your primary streets. Staff believes 1<sup>st</sup> Ave streetside is most important one because of its relationship to the park. Public Works can require access on 1<sup>st</sup> Ave but that decision would be made during the final site plan process.

Mr. Adkins asked the developer if Affordable Housing can be included in the business plan.

Dean Stratouly stated that a study has not been completed to determine if Affordable Housing would be possible.

Mr. Clifton, spoke in support of the application.

Ms. Diaz asked if the policy has changed since Nashville Next was adopted or has staff been able to clarify a different interpretation.

Mr. Collins clarified that the policy has not changed. Staff has determined that the height modification is consistent with policy.

Ms. Diaz, spoke in support of the application. Stated that the traffic issue is greater than this project. The location is great because of the surrounding parks, it is pedestrian friendly and is located near transit.

Councilmember Allen asked what the withdrawal process is of the Community Plan.

Mr. Sloan stated that the staff determines the need for an amendment. After analyzing this project staff determined there was not a need for a policy change.

Councilmember Allen asked to add a condition to the request for the developer to work with MTA to provide access to the easy ride program for occupants.

Ms. Farr, spoke in opposition of the application, concerned that putting the tallest building in Nashville along the river would create a wall.

**Mr. Adkins moved and Mr. Tibbs seconded the motion to approve with conditions, including a condition that the developer work with MTA to provide access to the easy-ride program for occupants (7-1-2) Ms. Farr disapproved and Mr. Haynes and Ms. Blackshear recused themselves.**

**The commission took a 10 minute break.**

**Mr. Clifton left the meeting.**

#### **Resolution No. RS2016-143**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2016DTC-001-001 is **Approved with conditions, including a condition that the developer work with MTA to provide access to the easy-ride program for occupants. (7-1-2)**”**

#### **CONDITIONS**

- 1. Project must receive MDHA DRC approval prior to final site plan approval and permit sign-off.**
- 2. 10% of the units, in any rental portions of the Project will be affordable to those renters making 100% of the Nashville MHI if a funding source is available from Metro or some other governmental source to reimburse the owner for the difference between the 100% MHI rents and the market rate rents.**
- 3. Applicant shall work with applicable departments to improve the areas under the pedestrian bridge, and to further activate the ground level of their building wall through programming and facade design.**
- 4. Streetscape dimensions proposed shall not be reduced.**
- 5. Bonus Height utilization must be consistent with the bonuses outlined in the Executive Director’s determination letter dated April 25, 2016; and must be certified by the Planning Commission before building permits, per the Downtown Code.**
- 6. Metro Historical Commission staff and Public Works conditions shall be addressed with the final site plan.**
- 7. The developer will work with MTA to provide access to the easy-ride program for occupants.**



## **Specific Plans**

### **3. 2013SP-030-003**

#### **PORTER ROAD SP AMENDMENT**

Map 072-15, Parcel(s) 237, 356

Map 072-15-0-W, Parcel(s) 001-022, 900

Council District 07 (Anthony Davis)

Staff Reviewer: Latisha Birkeland

A request to amend the Porter Road Specific Plan District for property located 1509 Porter Road and Porter Road (unnumbered) to add parcel 237 and permit a maximum of 50 residential units and up to 7,400 square feet of commercial use where 28 residential units and up to 6,000 square feet of commercial use were previously approved, approximately 72 feet south of Cahal Avenue, zoned Specific Plan (SP) and One and Two-Family Residential (R6) (0.7 acres), requested by Dale & Associates, applicant; 1509 Porter, The Porter Village Partners, owner.

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

#### **APPLICANT REQUEST**

**Amend the Porter Road SP to add parcel 237 and revise the layout to permit a mixed-use development.**

#### Preliminary SP

A request to amend the Porter Road Specific Plan District for property located at 1509 Porter Road and Porter Road (unnumbered) to add parcel 237 and permit a maximum of 50 residential units and up to 7,400 square feet of commercial use where 28 residential units and up to 6,000 square feet of commercial use were previously approved, approximately 72 feet south of Cahal Avenue, zoned Specific Plan (SP) and One and Two-Family Residential (R6) (2.55 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods

This proposal meets two critical planning goals. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. A six foot sidewalk and a four foot planting strip will be added to provide for a safer pedestrian environment and encourage pedestrian activity. The commercial portion of the proposal will provide for additional community conveniences which will help support the existing neighborhood center.

#### **EAST NASHVILLE COMMUNITY PLAN**

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

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?

Yes. The proposed SP is consistent with the T4 Urban Neighborhood Center policy. The plan provides a mixture of uses including various types of residential, office and commercial uses that will provide services along Porter Road and additional housing options for the area. The plan also fosters a pedestrian friendly environment by providing a sidewalk and planting strip, including street trees, along Porter Road, and an integrated sidewalk network within the development.

**PLAN DETAILS**

History

The Porter Road SP was previously approved in September 2013 for a total of 28 residential units and up to 6,000 square feet of commercial space. The plan proposed two separate mixed-use buildings along Porter Road containing six residential lofts. The remaining 22 residential units were located behind the mixed-use buildings. The Final Site Plan for Phase 1 to permit the 22 residential units was approved in August 2015.

Site Plan

The proposed amendment to the Porter Road SP includes the parcel to the north of the site and revises the layout for the mixed-use portion of the site. Access to the northern parking area will be from the private drive in Phase 1. A type "A" landscape bufferyard will be installed along the northern and eastern property to buffer the new parking area. The 22 residential units in Phase 1 that have received final site plan approval will remain the same. The primary access for both Phase 1 and Phase 2 will be from a private drive from Porter Road.

The proposed amendment includes a revised layout for the mixed-use buildings along Porter Road. The plan includes changes to the footprint of each building, square feet for allowed uses and an increase of residential units. The preliminary SP allowed for a maximum of 6,000 square feet of commercial uses with restaurant uses limited to a maximum of 3,000 square feet. The amendment proposes that non-residential uses shall have a minimum of 2,000 square feet and be limited to a maximum of 7,400 square feet. All restaurant uses shall be limited to a max of 3,000 square feet, unless additional parking has been provided in compliance with Metro zoning Code requirements. The proposed amendment allows a maximum of 28 residential units in Phase 2 and a total of 50 residential units within the SP. At final site plan application, the applicant will be required to identify the total amount of residential units and non-residential square feet. Allowing for a range for non-residential square feet and a maximum of residential units allows for flexibility on the site, but still retains a mixed-use element along Porter Road as shown in the preliminary Specific Plan.

Parking is provided on-site and on-street. The Final SP shall include parking amounts that comply with the Metro Zoning Code standards for properties located within the UZO based on the total amount of residential units and total non-residential square feet. The proposed plan includes the previously approved six foot sidewalk and four foot planting strip along Porter Road.

**ANALYSIS**

The proposed Specific Plan amendment is consistent with the land use policy for the area and is consistent with the approved plan for the Porter Road Specific Plan District. The plan provides for a mixture of uses along Porter Road and will create a pedestrian friendly streetscape.

**FIRE MARSHAL RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approved with conditions

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

**PUBLIC WORKS RECOMMENDATION**

Approved with conditions

- 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 in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design and improvements may vary based on actual field conditions.

**TRAFFIC AND PARKING RECOMMENDATION**

No exceptions taken

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	.14	7.26 D	2 U	20	2	3

\*Based on two-family lots

Maximum Uses in Existing 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)	10.7	-	6,000 SF	295	12	36

Maximum Uses in Existing 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)	10.7	-	28 U	294	18	34

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)	10.7	-	7,400 SF	355	14	40

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 (220)	10.7	-	50 U	427	29	46

Traffic changes between maximum: **R6, SP-MU** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+173	+11	+13

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **SP-MU** district: **3** Elementary **2** Middle **1** High

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

The proposed SP-MU zoning district could generate 5 more students than what is typically generated under the existing RS5 zoning district. Students would attend Rosebank Elementary School, Bailey Middle School, and Stratford High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated March 2016.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses shall be limited to a maximum of 50 residential units. Non-residential uses shall include a minimum of 2,000 square feet and up to a maximum of 7,400 square feet.
2. Restaurant uses are limited to a maximum of 3,000 square feet, unless additional parking is provide in compliance with Metro Zoning Code requirements. Additional floor area for restaurant uses shall be reviewed with final site plan and/ or use and occupancy permits. Additional parking may be permitted offsite, but must be approved by Metro Planning and/or Metro Public Works.
3. All parking requirements shall meet the UZO standards in section 17.20 of the Metro Zoning Code.
4. Elevations shall be required with the Final Site Plan application.

5. Additional floor area for restaurant uses shall be reviewed with final site plan and/or use and occupancy permits.
6. Add the following note to the plan: The final site plan/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.
7. Permitted signs shall be limited to wall mounted signs, projecting signs, awning signs, window signs and hanging signs. Freestanding ground signs, monument signs, portable signs, roof mounted signs, LED signs and billboards shall not be permitted. A signage program shall be included with the final site plan and must be approved by Planning.
8. 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 MUL-A zoning district as of the date of the application request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Commission prior to or with the final site plan application.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. 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. RS2016-144**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-030-003 is **Approved with conditions and disapproved without all conditions. (10-0)**”

**CONDITIONS**

1. **Uses shall be limited to a maximum of 50 residential units. Non-residential uses shall include a minimum of 2,000 square feet and up to a maximum of 7,400 square feet.**
2. **Restaurant uses are limited to a maximum of 3,000 square feet, unless additional parking is provide in compliance with Metro Zoning Code requirements. Additional floor area for restaurant uses shall be reviewed with final site plan and/ or use and occupancy permits. Additional parking may be permitted offsite, but must be approved by Metro Planning and/or Metro Public Works.**
3. **All parking requirements shall meet the UZO standards in section 17.20 of the Metro Zoning Code.**
4. **Elevations shall be required with the Final Site Plan application.**
5. **Additional floor area for restaurant uses shall be reviewed with final site plan and/or use and occupancy permits.**
6. **Add the following note to the plan: The final site plan/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.**
7. **Permitted signs shall be limited to wall mounted signs, projecting signs, awning signs, window signs and hanging signs. Freestanding ground signs, monument signs, portable signs, roof mounted signs, LED signs and billboards shall not be permitted. A signage program shall be included with the final site plan and must be approved by Planning.**
8. **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 MUL-A zoning district as of the date of the application request or application.**
9. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Commission prior to or with the final site plan application.**
10. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
11. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

#### 4. 2016SP-011-001

##### MT PISGAH SP

Map 172, Parcel(s) 041, 174, 255  
Council District 04 (Robert Swope)  
Staff Reviewer: Lisa Milligan

A request to rezone from AR2a and RS15 to SP-R zoning for properties located at Mt. Pisgah Road (unnumbered) and 6000 and 6021 Mt. Pisgah Road, approximately 750 feet west of Christiansted Lane (12.12 acres), to permit 31 single family lots, requested by Batson & Associates, applicant; Charles White, owner.

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

##### APPLICANT REQUEST

**Zone change to permit a residential development with up to 31 units.**

##### Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) and Single-Family Residential (RS15) to Specific Plan-Residential (SP-R) zoning for properties located at Mt. Pisgah Road (unnumbered) and 6000 and 6021 Mt. Pisgah Road, approximately 750 feet west of Christiansted Lane (12.12 acres), to permit 31 single-family lots.

##### 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 6 lots with 1 duplex lot for a total of 7 units.*

Single-Family Residential (RS15) 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 1 lot.*

##### 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

- Creates Walkable Neighborhoods
- Supports Infill Development

The proposed development meets two 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 Mt. Pisgah Road and on internal streets to create a walkable neighborhood.

##### SOUTHEAST 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, T5Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

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

##### Consistent with Policy?

Yes. The proposed development is consistent with the Conservation policy and the T3 Suburban Neighborhood Maintenance policy. The Conservation area consists of a stream and buffer which is being left undisturbed and a small area of steep slopes. The lot located on the slope area will be designated as a critical lot. The T3 Suburban Neighborhood Maintenance policy addresses the development of infill areas within larger policy areas. These areas may be developed with a broader mix of housing types than the rest of the area subject to appropriate design that transitions into the existing area. The lots north of Mt. Pisgah Road increase in size as they move back toward the established residential neighborhood. Also, a buffer is provided to allow for further transition. The developed areas off of Mt. Pisgah Road generally gain access from Mt. Pisgah Road but do not front Mt. Pisgah Road. Therefore, along the corridor, there is no set development pattern. The plan creates a

pedestrian-friendly streetscape by featuring homes that all have rear or side loaded garages. Additionally, the development on both the northern and southern side of Mt. Pisgah Road is centered on large inviting, functional, and accessible open spaces.

#### **PLAN DETAILS**

The site is located 6000 and 6021 Mt. Pisgah Road and Mt. Pisgah Road (unnumbered), east of Christiansted Lane. The project is located on both the north and south side of Mt. Pisgah Road. The site is approximately 12.12 acres in size and is currently in use for residential uses.

##### Site Plan

The plan proposed up to 31 single-family residential lots. The lots range in size from 5,200 square feet to 10,440 square feet. The development is located on both the north and south side of Mt. Pisgah Road. The lots on the north side are served by two vehicular accesses from Mt. Pisgah Road. The lots on the south side are served by two vehicular accesses from Mt. Pisgah Road.

The lots on the north side of Mt. Pisgah Road are oriented around a large central open space. The open space features a series of sidewalks to provide for pedestrian connectivity. Lots 6-13 are rear loaded lots and Lots 1-5 are side loaded with shared driveways. On-street guest parking is provided. A ten foot buffer is proposed along the western and eastern property lines and a 25 foot buffer is proposed along the northern property line. The lots closest to the shared northern property line are of a similar size to the lots in the existing residential development immediately adjacent.

The lots on the south side of Mt. Pisgah Road are oriented toward either Mt. Pisgah Road or common open space. All lots are rear loaded. The proposed open space features a walking trail and gazebos in a park like setting. The open space serves as a buffer between the proposed lots and the adjacent properties to the south of the site.

Architectural standards have been proposed, including prohibited materials, glazing requirements, window orientation, and raised foundations. Sidewalks complying with the Major and Collector Street Plan are proposed along the north and south side of Mt. Pisgah Road. Additionally, internal sidewalks are provided along the streets and connect to open spaces.

#### **ANALYSIS**

Lot sizes within the area vary depending on the development. Parkside has lots that range in size from 6,000 square feet to 9,500 square feet and Christiansted Valley has lots that range from 7,400 square feet to 16,800 square feet. While some of the lots within the proposed development are smaller than existing lots within the area, the lots are separated from existing developments by buffer yards. The proposed development is designed in such a way to orient lots to both Mt. Pisgah Road as well as large functional internal open spaces. All lots are proposed to feature either side loaded garages or rear loaded garages creating an attractive, pedestrian friendly streetscape. The proposed development meets the intent of the Neighborhood Maintenance policy for an infill area and provides appropriate transitions to existing developments.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

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

- Stormwater features is to be designed to meet Metro Stormwater Regulations.
- Runoff from Christiansted Valley is adequately conveyed through the site (within PUDE's).

#### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Preliminary SP only. Public water and 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**

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

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

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

##### **No exception taken**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	11.66	0.5 D	5 U	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.46	2.9 D	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
Single -Family Residential (210)	12.12	-	31 U	297	24	32

Traffic changes between maximum: **AR2a, RS15 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 25 U	+239	+19	+24

**METRO SCHOOL BOARD REPORT**

Projected student generation existing AR2a and RS15 district: 3 Elementary 2 Middle 2 High  
 Projected student generation proposed SP-R district: 4 Elementary 3 Middle 3 High

The proposed SP-R zoning district could generate 3 more students than what is typically generated under the existing AR2a zoning district. Students would attend Shayne Elementary, Oliver Middle School, and Overton High School. Shayne Elementary and Oliver Middle School have been identified as having additional capacity. Overton High School is identified as overcrowded but additional capacity exists in an adjacent cluster. This information is based upon data from the school board last updated March 2016.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted land uses shall be limited to 31 single-family lots.
2. All lots with alley access must utilize the alley for access. No additional access point is allowed for these lots.
3. On the corrected Preliminary SP plan indicate that Lots 1-5 shall feature side entry garages.
4. On the corrected Preliminary SP plan indicate that Lots 2 and 3 shall have a shared driveway.
5. On the corrected Preliminary SP plan indicate that Lots 4 and 5 shall have a shared driveway.
6. On the corrected Preliminary SP plan indicate that Lots 17 through 24 shall orient toward Mt. Pisgah Road.
7. On the corrected Preliminary SP plan indicate that Lots 14-16 and Lots 25 through 31 shall orient toward open space.
8. On the corrected Preliminary SP plan, add a note stating that at the time that the adjacent property to the east is developed, the 10' buffer and construction easement shall be removed to allow lots to derive access from the proposed right-of-way.
9. On the corrected Preliminary SP plan, add a note stating that at the time that the adjacent property to the east is developed, the 52' wide right-of-way shall be extended to the eastern property line and provide a connection.
10. The proposed 10 foot wide open space buffer shall provide a vegetation density consistent with the Standard A-3 landscape buffer yard as specified in Figure 17.24.240A of the Metro Zoning Code.
11. The proposed 25 foot buffer shall provide a vegetation density consistent with the Standard B-1 landscape buffer yard as specified in Figure 17.24.240B of the Metro Zoning Code.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

13. 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.
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.

Ms. Milligan presented the staff recommendation of approve with conditions and disapprove without all conditions.

Charles White, 6220 Mt. Pisgah, spoke in support of the application.

Garry Batson, 5150 Remington Drive, spoke in support of the application.

Johnny Grant, 4007 St. Jules Way, spoke in support of the application. One level homes and presence of HOA are benefit to potential buyers.

Kim Fredrickson, 5637 Cedar Oak Drive, spoke in support of the application.

David McGowan, 5647 Granny White Pike, spoke in support of the application.

Nancy Allen, 6648 Christiansted Lane, spoke in opposition of the application. Concerned about the safety of owners and property values. Lot size within the development is not comparable to surrounding developments. Addition of new homes will affect schools and emergency services.

Joseph Bachus, 6233 Palomar Court, spoke in opposition of the application. Main concern is traffic and safety. A larger lot structure is needed.

Amy Bunt, 6217 Palomar Court, spoke in opposition of the application.

Councilmember Robert Swope spoke in opposition of the application stating that traffic and too much density is the main concern. If density was reduced to the requirements of RS15 the community would be in agreement.

David McGowan, spoke in rebuttal, stated that schools wouldn't be affected because the community is targeting 55 and older buyers. Parking is being offered behind houses and in the garage. Size of lot doesn't affect property values.

**Chariman McLean closed the Public Hearing.**

Mr. Adkins, spoke in support of the application stating that the lot sizes seem small but likes the Planning concepts that are included.

Ms. Blackshear spoke in support of the application.

Ms. Diaz spoke in support of the application.

Councilmember Allen, spoke in support of the application but is concerned about the lack of a community meeting.

Mr. Tibbs, spoke in support of the application.

Ms. Hagan-Dier spoke in support of the application.

Ms. Farr spoke in support of the application.

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



## **Resolution No. RS2016-145**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-011-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

### **CONDITIONS**

1. Permitted land uses shall be limited to 31 single-family lots.
2. All lots with alley access must utilize the alley for access. No additional access point is allowed for these lots.
3. On the corrected Preliminary SP plan indicate that Lots 1-5 shall feature side entry garages.
4. On the corrected Preliminary SP plan indicate that Lots 2 and 3 shall have a shared driveway.
5. On the corrected Preliminary SP plan indicate that Lots 4 and 5 shall have a shared driveway.
6. On the corrected Preliminary SP plan indicate that Lots 17 through 24 shall orient toward Mt. Pisgah Road.
7. On the corrected Preliminary SP plan indicate that Lots 14-16 and Lots 25 through 31 shall orient toward open space.
8. On the corrected Preliminary SP plan, add a note stating that at the time that the adjacent property to the east is developed, the 10' buffer and construction easement shall be removed to allow lots to derive access from the proposed right-of-way.
9. On the corrected Preliminary SP plan, add a note stating that at the time that the adjacent property to the east is developed, the 52' wide right-of-way shall be extended to the eastern property line and provide a connection.
10. The proposed 10 foot wide open space buffer shall provide a vegetation density consistent with the Standard A-3 landscape buffer yard as specified in Figure 17.24.240A of the Metro Zoning Code.
11. The proposed 25 foot buffer shall provide a vegetation density consistent with the Standard B-1 landscape buffer yard as specified in Figure 17.24.240B of the Metro Zoning Code.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
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.

## **5. 2016SP-015-001**

### **HAYLEY HARBOR SP**

Map 068, Parcel(s) 046

Council District 01 (Sharon Hurt)

Staff Reviewer: Latisha Birkeland

A request to rezone from IR to SP-IND zoning for property located at Amy Lynn Drive (unnumbered), approximately 1,100 feet west of Jennie Brown Lane (14.3 acres), to permit all uses under IR zoning except: automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment; and to permit concrete batch plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods, requested by Dale and Associates, applicant; Smyrna Ready Mix, LLC, owner.

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

### **APPLICANT REQUEST**

**Rezone from IR to SP-IND.**

#### Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan-Industrial (SP-IND) zoning for property located at Amy Lynn Drive (unnumbered), approximately 1,100 feet west of Jennie Brown Lane (14.3 acres), to permit all uses under IR zoning except: automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment; and to permit a concrete plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods.

## History

The Haley Harbor SP was initially submitted in December 2015. The SP was scheduled to be considered by the Planning Commission on February 10, 2016. The applicant requested to defer this application to the March 10, 2016, Planning Commission meeting. A public hearing was held and the proposed SP was considered by the Metro Planning Commission on March 10, 2016. The Planning Commission closed the public hearing and deferred the item at its March 10, 2016, meeting to allow for additional time for the applicant to work with the community.

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

## CRITICAL PLANNING GOALS

N/A

## BORDEAUX – WHITES CREEK COMMUNITY PLAN

Conservation (CO) policy 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. Industrial development associated with conservation districts may be appropriate in the floodplain along the Cumberland River, given the unique role that it plays in Nashville and Davidson County's economy as a working river with flood control measures. In such cases, consideration should be given to the surrounding Community Character Policies, and Industrial Policy may be applied in lieu of Conservation Policy.

Occasionally, industrial buildings may be found in floodplain sites along the Cumberland River, which has a higher measure of flood control than other river in Davidson County and has a history of industrial businesses that need to be along the river. This site is already zoned for industrial uses and the proposed SP permits one additional use and removes several uses that are currently allowed.

## ANALYSIS

The property is located at Amy Lynn Drive (unnumbered) on approximately 14.61 acres. The site is one of several parcels currently zoned IR which permits light industrial uses, and is currently being used as open storage.

The proposed SP would allow uses such as a concrete plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods, which is not allowed under the current IR zoning. A concrete plant would permit the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment used in the operation.

The SP has proposed limiting uses that are permitted with conditions in the IR zoning district. Automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment uses would be prohibited on this site. All bulk regulations such as maximum allowable height, FAR, and ISR would be the same under the proposed regulatory SP as it is under the current IR zoning.

At the March 10, 2016 Planning Commission meeting the Planning Commissioners heard comments from the public regarding potential truck traffic to and from this site. There were also concerns about traffic along County Hospital Road, which is located approximately 3 miles southeast of this site. Public Works has evaluated the potential daily trips associated with this zone change. Since the current zoning is industrial and the proposed SP is industrial based, daily trips would be considered the same and no increase is shown.

A 50 foot wide landscape buffer yard shall be located along the western property line. The buffer yard will be an undisturbed area where all existing vegetation shall be maintained to meet the standards of the "D-1" type landscape buffer yard. A greenway conservation easement will be dedicated along the northern property line, adjacent to the railroad.

## FIRE MARSHAL RECOMMENDATION

N/A

**WATER SERVICES RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

Ignore

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- 1) 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.
- 2) Comply with MPW Traffic Engineer

**TRAFFIC & PARKING RECOMMENDATION**

**Conditions if approved**

Prior to FINAL SP approval, a TIS shall be submitted to identify all required roadway improvements to mitigate traffic impact of this project on the area public roads.

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)	14.61	0.6 F	381, 846 SF	1360	115	123

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	14.61	0.6 F	381, 846 SF	1360	115	123

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

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

**METRO SCHOOL BOARD REPORT**

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

**STAFF RECOMMENDATION**

Industrial uses are consistent with the T2 Conservation Policy along the Cumberland River; therefore, staff recommends and approval with conditions and disapproval without all conditions.

**CONDITIONS**

- 1. Uses within this SP shall permit all uses under IR zoning except: automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment; and to permit concrete batch plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods.
- 2. On the final site plan a 50 foot wide type "D" landscape buffer yard shall be shown along the entire western property line and shall be installed and/or maintained prior to Use and Occupancy issuance for the building permit.
- 3. Prior to final SP approval, a TIS shall be submitted to identify all required roadway improvements to mitigate traffic impact of this project on the area public roads.
- 4. A Dedicated Conservation Greenway Public Access Trail Easement Area shall be depicted and labeled along the northern property line with the final site plan and dedicated prior to permit approval.
- 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 IR zoning district as of the date of the applicable request or application.
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.

Ms. Birkeland presented the staff recommendation of approve with conditions and disapprove without all conditions.

Councilmember Hurt asked to open the public hearing to allow community members to speak.

**Chairman McLean opened the Public Hearing.**

Roy Dale, 1657 Stokely Lane, spoke in support of the application.

Tom White, spoke in support of the application stating that the project is consistent with the policy.

Ruby Baker, spoke in support of the application.

Joe Ingle, 5711 Old Hickory Boulevard, spoke in opposition of the application.

Roy Dale, spoke in rebuttal, stating this area is already an industrialized area.

Councilmember Hurt says she will continue to work with the community to make sure they benefit from the project.

**Chairman McLean closed the Public Hearing.**

**Councilmember Allen moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions. (8-0-1) Ms. Blackshear recused herself.**

**Resolution No. RS2016-146**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-015-001 is **Approved with conditions and disapproved without all conditions. (8-0-1)**"

**CONDITIONS**

1. Uses within this SP shall permit all uses under IR zoning except: automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment; and to permit concrete batch plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods.
2. On the final site plan a 50 foot wide type "D" landscape buffer yard shall be shown along the entire western property line and shall be installed and/or maintained prior to Use and Occupancy issuance for the building permit.
3. Prior to final SP approval, a TIS shall be submitted to identify all required roadway improvements to mitigate traffic impact of this project on the area public roads.
4. A Dedicated Conservation Greenway Public Access Trail Easement Area shall be depicted and labeled along the northern property line with the final site plan and dedicated prior to permit approval.
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 IR zoning district as of the date of the applicable request or application.
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.

## 6. 2016SP-031-001

### BURKITT ROAD RETAIL SP

Map 186, Parcel(s) 014  
Council District 31 (Fabian Bedne)  
Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-C zoning for property located at Nolensville Pike (unnumbered), at the southeast corner of Burkitt Road and Nolensville Pike (1.5 acres), to permit a 10,015 square foot commercial development, requested by Southeast Venture LLC, applicant; Magnolia Properties, owners.

**Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016SP-031-001 to the June 9, 2016, Planning Commission meeting. (9-0-1)**

## 7. 2016SP-033-001

### LARAMIE AVENUE SP

Map 091-05, Parcel(s) 234, 276  
Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Latisha Birkeland

A request to rezone from R8 to SP-R zoning for properties located at Laramie Avenue (unnumbered) and Nashua Lane (unnumbered), approximately 245 feet east of Waco Drive (3.07 acres), to permit 30 residential units, requested by Miken Development, LLC, applicant; TSMPC, LLC, owner.

**Staff Recommendation: Defer to the June 9, 2016, Metro Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016SP-033-001 to the June 9, 2016, Planning Commission meeting. (10-0)**

## Zone Changes

## 8. 2016Z-037PR-001

BL2016-199\Hurt  
Map Various, Parcel(s) Various  
Council District 01 (Sharon W. Hurt)  
Staff Reviewer: Lisa Milligan

A request to apply the provisions of the Contextual Overlay District to various properties located along Boyce Court, Buena Vista Pike, Charles Court, Dove Place, Dyer Court, East Fairview Drive, Eve Circle, Flicker Drive, Harold Prewett Drive, Haynes Park Court, Haynes Park Drive, Hummingbird Drive, Kings Lane, Kingview Court, Kingsview Drive, Mallard Drive, Pheasant Drive, Tucker Road, West Hamilton Avenue, and Walters Court (231.8 acres), requested by Councilmember Sharon Hurt, applicant; various property owners.

**Staff Recommendation: Approve.**

### APPLICANT REQUEST

**Apply a Contextual Overlay District.**

#### Zone Change

A request to apply the provisions of the Contextual Overlay District to various properties located along Boyce Court, Buena Vista Pike, Charles Court, Dove Place, Dyer Court, East Fairview Drive, Eve Circle, Flicker Drive, Harold Prewett Drive, Haynes Park Court, Haynes Park Drive, Hummingbird Drive, Kings Lane, Kingview Court, Kingsview Drive, Mallard Drive, Pheasant Drive, Tucker Road, West Hamilton Avenue, and Walters Court (231.8 acres).

#### **History**

The request to apply the provisions of the Contextual Overlay District was originally considered by the Planning Commission on April 28, 2016. A public hearing was held and closed and the applicant requested deferral to the May 12, 2016 Planning Commission meeting to allow additional time to work with the community. At the May 12, 2016 meeting, the applicant requested an additional deferral to the May 26, 2016 meeting. A community meeting is scheduled to be held on May 21, 2016.

#### **Existing Zoning**

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

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.

## **Proposed Zoning**

Contextual Overlay provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

## **CRITICAL PLANNING GOALS**

N/A

### **BORDEAUX-WHITES CREEK 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.

Open Space (OS) is intended to preserve and enhance existing open space in the T2 Rural, T3 Suburban, T4 Urban, T5 Center, and T6 Downtown Transect areas. OS policy includes public parks and may also include private land held in conservation easements by land trusts and private groups or individuals.

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

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

#### Consistent with Policy?

Yes. The Open Space policy areas located within the proposed contextual overlay are properties that were purchased by Metro as flood buyout properties. The Conservation areas are primarily areas located within the floodplain. A small portion of the proposed overlay area is within a T3 Suburban Neighborhood Evolving area but must be included because a complete block face is required for contextual overlays. The majority of the proposed overlay area is within the T3 Suburban Neighborhood Maintenance policy area and the proposed Contextual Overlay is consistent with the policy. The Contextual Overlay would help to preserve the general character of the existing neighborhood with specific standards for new construction that are directly related to the existing residential structures in the area.

## **ANALYSIS**

The Contextual Overlay District provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

The design standards established through the Contextual Overlay include specific standards in regards to street setback, building height, building coverage, access, driveways, garages, and parking areas. Street setbacks, building height, and building coverage are directly tied to the lots abutting on either side of a lot proposed for new construction. Access, driveway, garage and parking design standards are intended to help control new accesses on the public streets as well as the location of garages and parking to lessen the impact of new construction on existing homes. The design standards are already established and cannot be modified.

## **CONTEXTUAL OVERLAY STANDARDS**

A. Street setback. The minimum required street setback shall be the average of the street setback of the two developed lots abutting each side of the lot. When one or more of the abutting lots is vacant, the next developed lot on the same block face shall be used. The minimum provided in 17.12.030A and the maximum provided in 17.12.030C.3 shall not apply. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the minimum required street setback shall be calculated and met for each street.

B. Height.

1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the

abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.

2. The maximum height, including the foundation, of any accessory structure shall not be greater than 27 feet.

3. For the purposes of this section, height shall be measured from grade or, if present, the top of a foundation which shall not exceed three feet above grade, to the roof line.

C. Maximum building coverage. The maximum building coverage (excluding detached garages and other accessory buildings) shall be a maximum of 150% of the average of the building coverage (excluding detached garages and other accessory buildings) of the two abutting lots on each side. When the abutting lot is vacant, the next developed lot shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum building coverage shall be calculated and met for each street.

D. Access and driveways, garages and parking areas.

1. Access and Driveways.

a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.

b. For a corner lot, the driveway shall be located within 30 feet of the rear property line.

c. Driveways are limited to one driveway ramp per public street frontage.

d. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.

2. Garages.

a. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.

b. Attached. The garage door shall face the side or rear property line

#### **STAFF RECOMMENDATION**

Staff recommends approval as the establishment of a contextual overlay is consistent with the policy for the area.

Ms. Milligan presented the staff recommendation of approve.

Councilmember Hurt stated that the community is supportive of the proposal.

**Ms. Hagan-Dier moved and Ms. Farr seconded the motion to approve. (7-0-2) Mr. Tibbs and Councilmember Allen recused themselves.**

#### **Resolution No. RS2016-147**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-037PR-001 is Approved. (7-0-2)"**

### **Subdivision: Final Plats**

#### **9. 2016S-048-001**

##### **THE ELKINS PROPERTY PLAT**

Map 147-07, Parcel(s) 235

Council District 27 (Davette Blalock)

Staff Reviewer: Patrick Napier

A request to create one lot on property located at J. J. Watson Avenue (unnumbered), approximately 285 feet west of Nolensville Pike, zoned R6 (0.30 acres), requested by Galyon Northcutt Surveying, applicant; Stephen D. Elkins, owner.

**Staff Recommendation: Approve with conditions. (Applicant has withdrawn the variance request.)**

##### **APPLICANT REQUEST**

**Create one lot and grant a variance from sidewalk requirements.**

##### Final Plat

A request to create one lot on property located at J. J. Watson Avenue (unnumbered), approximately 285 feet west of Nolensville Pike, zoned One and Two-Family Residential (R6) (0.30 acres).

##### **CRITICAL PLANNING GOALS**

**N/A**

## PLAN DETAILS

The applicant requests final plat approval for a one lot subdivision. This parcel was illegally created by deed rather than by plat. The applicant has submitted a final subdivision plat to be able to obtain a permit from Metro Codes. Creation of this lot requires sidewalk improvements in one of the following forms: Construction of a 4' planting strip and 5' sidewalk along the entire frontage of the lot; payment in lieu of constructing sidewalks on-site; or off-site construction of sidewalks for an equal amount of frontage within the same pedestrian benefit zone. The proposed plan meets Section 3-5, Infill Regulations, however the applicant is seeking a variance from the sidewalk requirements of Section 3-8 of the Subdivision Regulations.

The land use policy for the subject property is Neighborhood Evolving and the proposed subdivision is not subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations.

### Zoning Code

The proposed lot meets the minimum standards of the R6 zoning district.

### Street Frontage

The proposed lot has street frontage on an existing public street.

### Variance request

Section 3-8 of the Subdivision Regulations outlines the requirements for sidewalks. Section 3-8.2 requires that for an infill subdivision, sidewalks shall be required on all streets abutting the property frontage. Section 3-8.2.c provides alternatives for the construction of a sidewalk along the lot frontage, including a payment in-lieu option and an option to construct sidewalks for an equal amount of frontage within the same pedestrian benefit zone. Should the applicant choose to construct a sidewalk along the entire lot frontage, J. J. Watson Avenue is a local street and the standard requirement for sidewalks along a local street is a 4 foot grass strip and 5 foot sidewalk. The applicant has requested a variance from the sidewalk requirement. The applicant has stated that the sidewalk requirement creates a hardship on the property in that the proposed cost of the payment in lieu or the cost of constructing the sidewalk would render the property unreasonably priced in relation to other properties on the street. Additionally, the applicant has stated that no other properties on the street have sidewalks.

### Variance Standards

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a. *The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
- b. *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*
- c. *Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*
- d. *The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*

## ANALYSIS

Staff recommends disapproval of the variance and approval of the plat with conditions. Staff finds that the requested variance does not meet the criteria for granting a variance. A sidewalk variance would be detrimental to public safety in that the provision of sidewalks provides for safe passage of travel for pedestrians. The property is not uniquely situated and the conditions upon which the variance is requested could apply to multiple properties on the same street. There are no physical constraints nor is the property an irregular shape which would result in a particular hardship on the owner if the sidewalk requirement is applied. The variance request is inconsistent with the adopted general plan, which encourages pedestrian connectivity and walkability. There are additional options for the applicant to satisfy the sidewalk requirements. The first option would be to construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department. The second option would be to add a note to the plat requiring construction of the sidewalks prior to the issuance of a building permit. Lastly, the applicant has the option to pay an in-lieu fee of \$9,596.00 instead of constructing the sidewalk. It would be detrimental to establish a precedent of completely removing the requirements of the subdivision regulations as pertains to sidewalks.

## 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, then they should be shown and labeled on the plan with curb and gutter, 4 foot grass strip or as determined by Public Works, and a minimum 5 foot wide sidewalk unobstructed, and a minimum of 20 feet pavement on the street width. Wider sidewalk, grass strip, and pavement width is required where on-street parking occurs or on a street classification greater than local.



- Sidewalks must be shown fully within the right of way. Show the location of all existing above and below ground features within the right-of-way. Any existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
- Construction plans must also 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.

**TRAFFIC AND PARKING RECOMMENDATION**  
**No Exception Taken**

**FIRE MARSHAL RECOMMENDATION**  
**N/A**

**STORMWATER RECOMMENDATION**  
**Approved**

**WATER SERVICES RECOMMENDATION**  
**Approved**

**STAFF RECOMMENDATION**  
 Staff recommends approval with conditions, and withdraw of the variance request.

**CONDITIONS**

1. Sidewalks are required along the J. J. Watson Avenue 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, 96 feet of frontage will require a \$9,596.00 contribution to Pedestrian Benefit Zone 7A.
  - 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. The final plat 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. (Applicant has withdrawn the variance request.) (10-0), Consent Agenda

**Resolution No. RS2016-148**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-048-001 is **Approved with conditions. (Applicant withdrew the variance request.) (10-0)**"

**CONDITIONS**

1. Sidewalks are required along the J. J. Watson Avenue 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, 96 feet of frontage will require a \$9,596.00 contribution to Pedestrian Benefit Zone 7A.
  - 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. The final plat 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.

## 10. 2016S-054-001

### THE ORVILLE EARHEART SUBDIVISION, RESUB LOT 1

Map 110, Part of Parcel(s) 180  
Council District 12 (Steve Glover)  
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create three lots on property located at 4141 Smotherman Lane and Smotherman Lane (unnumbered), approximately 545 feet north of Stewarts Ferry Pike, zoned RS15 (9.46 acres), requested by K & A Land Surveying, applicant; Robert E. Lee, owner.

**Staff Recommendation: Approve with conditions.**

#### APPLICANT REQUEST

**Create 3 lots.**

#### Final Plat

A request for final plat approval to create three lots on property located at 4141 Smotherman Lane and Smotherman Lane (unnumbered), approximately 545 feet north of Stewarts Ferry Pike, zoned Single-Family Residential District (RS15) (9.46 acres).

#### **Existing Zoning**

Single-Family Residential District (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 27 lots.*

#### CRITICAL PLANNING GOALS

N/A

#### PLAN DETAILS

The plan proposes to create three lots from one existing parcel at the corner of Smotherman Lane and Stewarts Ferry Pike. The land use policy for the subject property is T4 Urban Neighborhood Evolving (T4 NE), and the proposed subdivision is not subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations.

The existing right-of-way on Smotherman Lane is 40 feet. The plat will dedicate 5 feet of right-of-way along Smotherman as required by the Major and Collector Street Plan for local streets. Sidewalks are not required along Smotherman Lane because the proposed subdivision is located in the General Services District where the Sidewalk Priority Index (SPI) score is less than 20, as established in the Strategic Plan for Sidewalks and Bikeways.

The subject property is proposed to be subdivided into three lots with the following areas and street frontages:

- Lot 1: 43,130 Sq. Ft., (0.99 Acres), and 116.16 Ft. of frontage;
- Lot 2: 42,784 Sq. Ft., (0.98 Acres), and 116.16 Ft. of frontage;
- Lot 3: 234,779 Sq. Ft., (5.39 Acres), and 577.66 Ft. of frontage;

#### Zoning Code

Proposed lots meet the minimum standards of the RS5 zoning district.

#### Street Frontage

Proposed lots have frontage on a public street.

#### Agency Review

Not all review agencies recommend approval.

#### FIRE MARSHAL RECOMMENDATION

N/A

#### STORMWATER RECOMMENDATION

##### Conditions if approved

- Provide surveyor seal, signature and date.

#### WATER SERVICES RECOMMENDATION

##### Approve with Conditions

- Approval is contingent on construction and completion of Metro Project #'s 16-SL-73. Should the applicant choose to record the plat before completion of these projects, than bonds must be posted with Metro Planning before the plat is recorded.
- No building permits shall be issued to Lots 1 or 2, until the grinder pump maintenance agreements are submitted to, and approved by, Metro Water.

**TRAFFIC AND PARKING RECOMMENDATION**

No exception taken

**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, then they should be shown and labeled on the plan with curb and gutter, 4 foot grass strip or as determined by Public Works, and a minimum 5 foot wide sidewalk unobstructed, and a minimum of 20 feet pavement on the street width. Wider sidewalk, grass strip, and pavement width is required where on-street parking occurs or on a street classification greater than local.
- Sidewalks must be shown fully within the right of way. Show the location of all existing above and below ground features within the right-of-way. Any existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
- Construction plans must also 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.

**STAFF RECOMMENDATION**

Staff finds that this subdivision meets the Subdivision Regulations; therefore, staff recommends approval with conditions.

**CONDITIONS**

1. Show a dedication of 0.5 feet of right-of-way along Stewarts Ferry Pike on the plat prior to recordation.
2. Show a dedication of 5 feet of right-of-way along Smotherman Lane on the plat prior to recordation.
3. Approval is contingent on construction and completion of Metro Project # 16-SL-73. Should the applicant choose to record the plat before completion of this project, then bonds must be posted with Metro Planning before the plat is recorded.
4. No building permits shall be issued to Lots 1 or 2, until the grinder pump maintenance agreements are submitted to, and approved by, Metro Water.

Approve with conditions. (10-0), Consent Agenda

**Resolution No. RS2016-149**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-054-001 is **Approved with conditions. (10-0)**”

**CONDITIONS**

1. Show a dedication of 0.5 feet of right-of-way along Stewarts Ferry Pike on the plat prior to recordation.
2. Show a dedication of 5 feet of right-of-way along Smotherman Lane on the plat prior to recordation.
3. Approval is contingent on construction and completion of Metro Project # 16-SL-73. Should the applicant choose to record the plat before completion of this project, then bonds must be posted with Metro Planning before the plat is recorded.
4. No building permits shall be issued to Lots 1 or 2, until the grinder pump maintenance agreements are submitted to, and approved by, Metro Water.

**11. 2016S-084-001**

**1122 CHESTER AVENUE**

Map 072-14, Parcel(s) 084

Council District 07 (Anthony Davis)

Staff Reviewer: Alex Deus

A request for final plat approval to create two lots on property located at 1122 Chester Avenue, approximately 230 feet west of the Chapel Avenue (0.3 acres), zoned R6, requested by Dale & Associates, applicant; Urban Dwell Homes, owner.

**Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016S-084-001 to the June 9, 2016, Planning Commission meeting. (10-0)**

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## H. 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).

### Community Plan Amendments

#### No Cases on this Agenda

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## I. 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.

### Zoning Text Amendments

#### 12. 2016Z-007TX-001

BL2016-218\Vercher, Hagar

##### **COUNCILMEMBER INITIATED ZONING APPLICATION FEES**

Staff Reviewer: Lisa Milligan

A request to amend Section 17.40 of the Metropolitan Zoning Code, pertaining to the zoning application fees and public hearing notice costs for amendments to the official zoning map initiated by a Councilmember, requested by Councilmember Tanaka Vercher.

**Staff Recommendation: Approve.**

##### **APPLICANT REQUEST**

**Amend Chapter 17.40 of the Metropolitan Code, Zoning Regulations, pertaining to application fees.**

##### **ZONING TEXT AMENDMENT**

A request to amend Section 17.40 of the Metropolitan Zoning Code, pertaining to the zoning application fees and public hearing notice costs for amendments to the official zoning map initiated by a councilmember.

##### **CURRENT TEXT**

In 2014, the Metropolitan Zoning Code was amended concerning application fees and public hearings costs to allow councilmember initiated zone changes.

Currently, if a zone change application does not fall under one of the types described by 17.40.740.C.1-4, councilmembers are limited to only one request per calendar year. Also, the Planning Department is responsible for the costs and preparation of public hearing notices and signs for the one councilmember initiated zoning change per calendar year.

##### **PROPOSED TEXT**

The proposed text amendment would change the number of zone change applications not falling under 17.40.740.C.1-4 for which the application fee may be waived. Also, the proposed text amendment would increase from one to three the number of applications for which the Planning Department would be responsible for the costs and preparation of public hearing signs and notices. Additionally, the text amendment would change the time frame from calendar year to fiscal year to track with the budget.

The proposed text of Section 17.40.720.B is as follows:

##### **17.40.720.B**

The planning department shall have the responsibility for the preparation and mailing of written notices regarding the public hearing for amendments to the official zoning map initiated by a member or members of council that fall within the fee waiver exceptions in Section 17.40.740.C of the Metropolitan Code. The planning department shall also be responsible for all costs associated with the preparation and mailing of such written notices for ~~one~~ three zoning application applications per councilmember applicant each ~~calendar~~ fiscal year. The planning department shall make reasonable efforts to combine public hearing written notices into one mailing to limit postage costs.

The proposed text of Section 17.40.730.D is as follows:

**17.40.730.D**

The planning department shall have the responsibility for the preparation of public notice signs for amendments to the official zoning map initiated by a member or members that fall within the fee waiver exceptions in Section 17.40.740.C of the Metropolitan Code. The planning department shall also be responsible for all costs associated with the preparation of such signs for ~~one~~ three zoning application applications per councilmember applicant each ~~calendar~~ fiscal year.

The proposed text of Section 17.40.740.C is as follows:

**17.40.740 - Generally.**

Standardized fee schedules may be established to partially defray the processing and administration costs associated with each type of application associated with this title. A fee schedule established by this article shall be authorized by passage of a resolution by the council. All application fees shall be paid to the metropolitan government by the applicant at the time of filing. A fee structure established under authority of the preceding code and in effect upon the effective date of the ordinance codified in this title shall remain in effect until superseded by a fee structure established under authority of this title. Fees shall be waived for the following:

- A. Applications initiated by any federal or state agency, any department of the metropolitan government, or the metropolitan development and housing agency;
- B. Any large area rezoning initiated by the planning commission to implement the general plan.
- C. Any rezoning request initiated by a member or members of council for the purpose of:
  - 1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
  - 2. Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district;
  - 3. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, urban zoning overlay district, or contextual overlay district as provided in Chapter 17.36;
  - 4. An amendment to or cancellation of a planned unit development (PUD) district after the planning commission has determined the PUD to be inactive in accordance with Section 17.40.120.H.; or
  - 5. For any other rezoning request initiated by a member of council, provided that each member of council shall be entitled to no more than ~~one~~ three such fee ~~waiver~~ waivers per ~~calendar~~ fiscal year unless the rezoning request is consistent with subsections C.1 through C.4 of this section.

**ANALYSIS**

Planning Staff has analyzed the costs that have been borne by the Planning Department for the preparation of signs and notices for councilmember initiated zone change requests since the Metropolitan Zoning Code was amended in 2014. For FY2015, a total of \$28,591 was spent on the preparation of signs and notices for 13 councilmember initiated zone change requests. So far for FY2016, a total of \$12,969 has been spent on the preparation of signs and notices for 12 councilmember initiated zone change requests. The costs for signs and notices can vary greatly for each request depending on the number of parcels and acreage of the properties included within a zone change request. For FY2015, the Planning Department did not spend the total budgeted amount of \$50,000 for the preparation of signs and notices and FY2016 is on track to also have money remain in the budget. Given this trend, Planning staff has determined that at this time no additional funding is needed for the increase from one to three councilmember requested zone changes for which the Planning Department would be responsible for preparation of signs and notices. However, if there is a significant increase in the number of requests or if several large area zone change requests are made, additional funding may be necessary. This text amendment would provide an opportunity for existing zoning to be reviewed against NashvilleNext.

**STAFF RECOMMENDATION**

Staff recommends approval.

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**ORDINANCE NO. BL2016-218**

**An Ordinance amending Chapter 17.40 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the zoning application fees and public hearing notice costs for amendments to the official zoning map initiated by a member or members of the Metropolitan Council (Proposal No. 2016Z-007TX-001).**

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

Section 1. That Section 17.40.720(B) of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the second sentence thereof in its entirety and in lieu thereof substituting the following:

"The planning department shall also be responsible for all costs associated with the preparation and mailing of such written notices for three zoning applications per councilmember applicant each fiscal year."

Section 2. That Section 17.40.730(D) of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the last sentence thereof in its entirety and in lieu thereof substituting the following:

"The planning department shall also be responsible for all costs associated with the preparation of such signs for three zoning applications per councilmember applicant each fiscal year."

Section 3. That Section 17.40.740(C) of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting subsection C(5) in its entirety and in lieu thereof substituting the following new subsection C(5):

5. For any other rezoning request initiated by a member of council, provided that each member of council shall be entitled to no more than three such fee waivers per fiscal year unless the rezoning request is consistent with subsections C.1 through C.4 of this section.

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

Approve. (10-0), Consent Agenda

### **Resolution No. RS2016-150**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2016Z-007TX-001 is **Approved. (10-0)"**

## **Zone Changes**

### **13a. 2016Z-051PR-001**

BL2016-219\Bedne, K. Johnson & others  
Map 150, Parcel(s) 237  
Council District 29 (Karen Y. Johnson)  
Staff Reviewer: Jason Swaggart

A request to rezone from R10 to RS10 zoning for property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike (7.84 acres), requested by Councilmember Fabian Bedne, applicant; The Ridge at Antioch, LP, owner (also see case number 23-85P-003).

**Staff Recommendation: Disapprove.**

#### **APPLICANT REQUEST**

**Zone change from R10 to RS10.**

#### Zone Change

A request to rezone from One and Two-Family Residential (R10) to Single-Family Residential (RS10) zoning for property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike (7.84 acres).

#### **Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 34 lots with no duplex lots permitted for a total of 34 units. Duplexes are permitted with conditions in the Zoning Code and this lot does not meet the conditions to be duplex eligible. In this case, the density is controlled by the PUD overlay, which permits a maximum of 96 multi-family units on this portion of the PUD.*

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.

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

#### **Proposed Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 34 lots.*

#### **CRITICAL PLANNING GOALS**

N/A

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

While the proposed RS10 zoning is a district that could be supported by the T3 NM policy in certain locations, single-family development, which is the only use permitted under RS10, does not provide a transition, which the policy calls for at this location. The policy calls for higher density uses to be located nearer to centers and corridors which serve as transitions to lower intensity uses further away from centers and corridors. This is also consistent with the Growth and Preservation Map that was adopted through NashvilleNext. It identifies this site as an infill and transition area. Allowing for higher density residential areas in such locations increases the ability to provide consumer services and support transit. The property is adjacent to a Community Center and Mixed Use Corridor policy area. The adjacent properties within the Community Center and Mixed Use Corridor policies are zoned Commercial Limited (CL) and Commercial Services (CS), and abut Murfreesboro Pike which is a major corridor. This site serves as a transition between the more intense uses along Murfreesboro Pike to the single-family development that abuts the eastern boundary of the site.

**FIRE MARSHAL RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

N/A

**WATER SERVICES RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Condition if approved**

Traffic study may be required at time of development.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

Mr. Swaggart presented the staff recommendation of disapprove for items 13a & 13b.

Councilmember Karen Johnson, 2928 Moss Springs Drive, spoke in opposition to the application. Asked that the comments that were provided to the commission be attached to the minutes that are viewed on the web. The current infrastructure does not promote public safety and a traffic study is needed for future development.

David Kleinfelter, 424 Church Street, spoke in opposition of the application. Transition uses are very important in this area and losing future tax credits will penalize Affordable Housing.

Arby Smith, 9800 Maumell Blvd, spoke in opposition of the application. If the property is approved to be downzoned this will send the wrong message to developers.

Jennifer Carlat, 211 Commerce Street, on behalf of the Chamber of Commerce, spoke in opposition of the application. The Chamber is concerned that the request to downzone is mid-development and without the consent of the property owner. Sends the message to developers that property rights can be stripped mid-development.

**Chairman McLean closed the Public Hearing.**

Councilmember Allen offered that Councilmember Johnson be able to speak on item 13b due to the confusion of whether both items 13a & 13b would be heard together.

Councilmember Johnson stated that she would like to cancel the PUD because the developer has not met with the community and final site plan has not been approved.

Councilmember Allen is concerned that the property owner wasn't involved with the downzoning.

Ms. Diaz asked if the developer is targeting income levels or have a certain price range in mind?

Developer stated that the apartments will be around \$500 for a one bedroom and around \$700 for a two bedroom. Household income targeted is \$28,000 for a single household and up to \$40,000 for a family of four.

Ms. Diaz, spoke in support of staff recommendation. Feels the price range targeted is beneficial to the community.

Ms. Blackshear, spoke in support of staff recommendation.

Mr. Haynes, spoke in support of staff recommendation. Feels the development community needs consistency and downzoning the property would not be a good idea.

**Comments for the Record in response to staff report (Page 83-85 Item 13a)  
Councilmember Karen Y. Johnson, District 29  
Planning Commission Meeting of 5/26/16**

**Proposed Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. RS10 would permit a maximum of 34 lots.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM area will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

**Consistent with Policy?**

The staff report acknowledges that RS10 zoning is a district that could be supported by the T3 NM policy. This zoning does provide an appropriate transition as the policy and our NashvilleNext plan of which page 11 states "Create opportunity through abundant housing: Encourage a mix of housing types in centers and along corridors, as well as appropriately scaled homes in transitional areas, with modest additions of new homes in established neighborhoods. The neighborhood adjacent to this parcel is established and is consistent with the Growth and Preservation Map adopted through NashvilleNext. The apartments that currently back up to this small single family residential development with the apartments directly across from this parcel in the same block exceed the appropriate mix that the Nashville Next plan encourages for appropriate scale and transition for housing types. The map identifies this area as a transition area where existing neighborhood character can be considered in approving zoning district RS10 for this parcel. The policy is applied in situations where there is an expressed interest in maintaining community character. The delineation of this policy are established during the community planning process. Density is secondary to the form of development that exists. T3 Suburban Neighborhood Maintenance also is intended to be low to moderate density. Since T3 Suburban Neighborhood Maintenance policy is applied to predominately developed neighborhoods whose character is intended to be maintained, the appropriate density is determined by the existing character of each individual neighborhood in terms of characteristics believed to be stable and sustainable over time.



**Traffic Study**

Since Public Works stated in the staff report that a condition could be a traffic study, the community deems this important for whatever development is ultimately approved for this site due to the inadequate infrastructure and high volume intersection that has a high number of crashes adjacent to this site which creates problems for safe pedestrian activity. The infrastructure does not currently provide a safe pedestrian environment which is a condition required in the approved UDO that this parcel falls within.

**Closing**

I ask that you disapprove staff recommendation as our NashvilleNext plan specifically states this zoning is appropriate for this policy area. Additionally, the plan states that we will create neighborhoods where residents of all incomes can thrive.

(page 37 Nashville Next also states "create and encourage mixed income neighborhoods")  
(Comment #8 from Community Survey states "Provide housing choices throughout the county that are affordable to people with different incomes")

Cities that have been most successful at fostering affordable living utilize a comprehensive equitable development strategy, intentionally creating neighborhoods that seek to improve the quality of life for residents of all incomes.

Page 14 Nashville Next Housing Background Reports used to create our current Nashville Next plan specifically outlines "we should not just approve developments that create concentrated poverty"

Racially and Income Segregated Neighborhoods is not what Nashville should be advancing. THDA and Nashville should be putting Tax Credit Low Income Housing in more vulnerable areas, not where it is already concentrated heavily and overrepresented. This is counter to what our Nashville Next Plan seeks to accomplish for mixed use housing neighborhoods and communities which is why this zone change for this 1985 PUD is appropriate.

***The timeline given in the staff report is also incorrect. Please see corrections below:***

October 2015 inquired about any activity or proposed development planned for the property.  
Received the below email.

----- Forwarded message -----

From: **Logan, Carrie (Planning)** <Carrie.Logan@nashville.gov>

Date: Mon, Oct 19, 2015 at 11:12 AM

Subject: RE: Sale of Property near Forest Pointe Subdivision

To: "Karen Johnson (Council Member)" <johnsonkareny@gmail.com>, Angela Garner <garnera@comcast.net>

Cc: "Hayes, Roseanne (Council Office)" <roseanne.hayes@nashville.gov>, "Abel, Suzanne (Council Office)" <Suzanne.Abel@nashville.gov>

Council Lady Johnson,

According to the Register of Deeds Office, neither of the two parcels that the questioner is referring to have been conveyed recently. The two parcels in question are 15000019900 and 15000023700. Both are owned by DARSINOS, ANTONIO & KATSAITIS, KATHY, and have been since 2012.

No permits have been applied for on either parcel at this time.

Parcel # 199 is zoned as CS and is located within the Murfreesboro Road UDO. Any redevelopment of the site will have to comply with the Design Standards of that UDO, and a final site plan will have to be submitted for review prior to permit issuance. Parcel # 237 is zoned as R10 and is located within a Residential Planned Unit Development Overlay District (PUD). This particular portion of the PUD is approved for 212 multifamily units.

**Carrie Logan, AICP**  
Manager | Land Development  
Metropolitan Nashville Planning Department  
P: [\(615\) 862-7189](tel:6158627189) | F: [\(615\) 880-2450](tel:6158802450)

**From:** Karen Johnson [mailto:[johnsonkareny@gmail.com](mailto:johnsonkareny@gmail.com)]  
**Sent:** Thursday, October 15, 2015 9:36 PM  
**To:** Angela Garner  
**Cc:** Hayes, Roseanne (Council Office); Abel, Suzanne (Council Office); Logan, Carrie (Planning)  
**Subject:** Re: Sale of Property near Forest Pointe Subdivision

I will find out. I have not received any information on any activity in that area. If the property was previously zoned for something I will find out as well. Thanks for letting me know. I have copied Roseanne Hayes and Suzanne Abel with the Metro Council office as well as Carrie Logan with the planning commission to help get information to us faster. Thank you.  
Karen

Karen Y. Johnson | Councilwoman, District 29 | [615.977.6721](tel:6159776721)  
Metropolitan Government of Nashville & Davidson County  
Leadership Nashville Alumnae  
Women In Municipal Government, Board Member  
Regional Director Region 12, (Ark, Tn), NBC-LEO, NLC

**Metropolitan Council Office**  
Metro Historic Courthouse  
One Public Square, Suite 204  
[www.District29community.blogspot.com](http://www.District29community.blogspot.com)  
linkedin: [karenyjohnson](#)  
twitter: [karenyjohnson](#)  
facebook: [karen y. johnson metro council district 29](#)  
<http://www.nashville.gov/Metro-Council/Metro-Council-Members/District-29-Council-Member.aspx>

On Thu, Oct 15, 2015 at 2:28 PM, Angela Garner <[garnera@comcast.net](mailto:garnera@comcast.net)> wrote:

Karen, I live in the Forest Pointe sub-division behind fire station 33 on Murfreesboro Rd. We have had surveys and bulldozers behind our homes and we have not heard if the land has sold. Please give us an update.  
Our families need to know what they face.

Thank you.  
Angela Garner  
604 Forest Pointe Place  
Antioch, Tn. 37013

Application to revise a portion of the Preliminary PUD is submitted on Thursday, February 11, 2016, for review. **(I was not given this information from planning and had no knowledge a plan/application was submitted.)**  
A periodic PUD review is requested by Councilmember Johnson on Thursday, February 18, 2016, via email. **(It was submitted on February 16 and you confirmed with me on February 17 that planning approved but needed the email in a specific format of which was sent by planning on February 18. I immediately updated my request to the format requested and emailed back to planning on February 18.)**  
Staff recommended that the PUD be found active, and the Planning Commission found it active at the May 12, 2016 meeting. **(This decision is being challenged in Chancery Court.)**

The Planning Commission approved the revision to the preliminary PUD at the March 24, 2016 meeting on consent agenda with no input from community or councilmember or commissioners.

Ms. Farr moved and Ms. Hagan-Dier seconded the motion to disapprove. (9-0)

**Resolution No. RS2016-151**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-051PR-001 is **Disapproved. (9-0)**”

**13b. 23-85P-003**

BL2016-219\Bedne, K. Johnson & others  
**FOREST VIEW PARK (CANCELLATION)**  
Map 150, Parcel(s) 237  
Council District 29 (Karen Y. Johnson)  
Staff Reviewer: Jason Swaggart

A request to cancel a portion of a Planned Unit Development Overlay District for property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike zoned R10, and proposed for RS10 and within an Urban Design Overlay (7.84 acres), approved for 96 multi-family residential units, requested by Councilmember Fabian Bedne, applicant; The Ridge at Antioch, LP, owner. (also see case number 2016Z-051PR-001).

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

**Cancel a portion of a PUD.**

Cancel PUD

A request to cancel a portion of a Planned Unit Development Overlay District for property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike, zoned One and Two-Family Residential (R10), and proposed for RS10, and within an Urban Design Overlay (7.84 acres), approved for 96 multi-family residential units.

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 34 lots with no duplex lots permitted for a total of 34 units. Duplexes are permitted with conditions in the Zoning Code and this lot does not meet the conditions to be duplex eligible. In this case, the density is controlled by the PUD overlay, which permits a maximum of 96 multi-family 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. 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.

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

**CRITICAL PLANNING GOALS**

N/A

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

The PUD proposed to be canceled is consistent with the T3 NM policy in this location. T3 NM supports various residential building types depending on the context, including multi-family uses. The policy calls for higher density uses to be located nearer to centers and corridors which serve as transitions to lower intensity uses further away from centers and corridors. This is also consistent with the Growth and Preservation Map that was adopted through NashvilleNext. It identifies this site as an infill and transition area. Allowing for higher intensity residential areas in such locations increase the ability to provide consumer

services and support transit. The property is adjacent to a Community Center and Mixed Use Corridor policy area. The adjacent properties with the Community Center and Mixed Use Corridor policies are zoned Commercial Limited (CL) and Commercial Services (CS), and abut Murfreesboro Pike which is a major corridor. This site serves as a transitional area from the more intense uses supported by the policies and existing zoning along Murfreesboro Pike to the single-family development that abuts the eastern boundary of the site.

#### **PLAN DETAILS**

The Forest View PUD was approved in 1985. The original PUD included a total of 779 residential units, which consisted of 572 multi-family units (112 townhomes, 460 flats), and 207 single-family lots. Portions of the PUD, including this site, have been revised in the past, and 231 single-family lots and 140 multi-family units have been constructed. In 2007, this portion of the PUD was requested to be canceled. The request was disapproved by the Planning Commission. Staff recommended disapproval of the cancellation as the PUD provides an appropriate mixture of residential housing types, and a transition from the commercial area along Murfreesboro Pike to the single-family area to the northeast.

An application to revise the PUD was submitted on February 11, 2016. The Planning Commission approved the revision to the preliminary PUD at the March 24, 2016, meeting. The revision reduced the number of units from 212 to 96 units. On February 18, 2016, Councilmember Johnson requested that the Planning Department perform a periodic review of the PUD. Staff recommended that the PUD be found active, and the Planning Commission found it active at the May 12, 2016, meeting. A request for final site plan approval was submitted on April 28, 2016. The plan is consistent with the approved preliminary plan approved by the Planning Commission in March, and is under review.

#### **ANALYSIS**

Staff recommends disapproval of the PUD cancellation. The proposed PUD is consistent with the T3 NM policy and with the Growth and Preservation Map that was adopted through NashvilleNext. The approved PUD plan provides a transition from the more intense uses supported by the policy and NashvilleNext, and the existing zoning along Murfreesboro Pike to the single-family development that abuts the eastern boundary of the site. The approved PUD plan also provides for additional density which supports the ability to provide consumer services and mass transit consistent with the policy and NashvilleNext. If this request and the associated zone change were approved, then the property would be limited to single-family residential. While single-family could be supported by the policy it is not consistent with the policy at this location. Single-family would not provide the level of density the policy supports, nor would a single-family development provide a transition between the existing commercial zoning along Murfreesboro Pike and the existing single-family development that abuts the eastern property boundary.

Consideration should also take into account that the Planning Commission recently approved a revision to this portion of the PUD. The revision was approved on March 24, 2016. After approval the applicant finalized construction plans based on the approved preliminary, and submitted an application for final site plan approval. That plan is consistent with the approved preliminary plan approved by the Planning Commission in March, and is under technical review.

On February 25, 2016, the Commission considered a similar request. That request was to amend the Carrollton Station PUD to decrease the permitted density from 60 units to 30 units. The Carrollton Station PUD is also in a T3 NM policy area. The Commission recommended that the proposed amendment to reduce the density be disapproved. Prior to the Commission hearing the request, the Commission had approved a revision to the Carrollton Station PUD. That revision was approved by the Commission on July 23, 2015 to permit sixty units. In its deliberation to amend the PUD to reduce the density to 30 units, several commissioners indicated that they did not find that anything had changed since they had previously approved 60 units, and that higher density was more appropriate given the sites location along a corridor.

#### **FIRE MARSHAL RECOMMENDATION**

N/A

#### **STORMWATER RECOMMENDATION**

N/A

#### **WATER SERVICES RECOMMENDATION**

N/A

#### **PUBLIC WORKS RECOMMENDATION**

N/A

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

No exceptions taken

#### **STAFF RECOMMENDATION**

Staff recommends disapproval.

Mr. Swaggart presented the staff recommendation of disapprove for items 13a & 13b.

Councilmember Karen Johnson, 2928 Moss Springs Drive, spoke in opposition to the application. Asked that the comments that were provided to the commission be attached to the minutes that are viewed on the web. The current infrastructure does not promote public safety and a traffic study is needed for future development.

David Kleinfelter, 424 Church Street, spoke in opposition of the application. Transition uses are very important in this area and losing future tax credits will penalize Affordable Housing.

Arby Smith, 9800 Maumell Blvd, spoke in opposition of the application. If the property is approved to be downzoned this will send the wrong message to developers.

Jennifer Carlat, 211 Commerce Street, on behalf of the Chamber of Commerce, spoke in opposition of the application. The Chamber is concerned that the request to downzone is mid development and without the consent of the property owner. Sends the message to developers that property rights can be stripped mid development.

**Chairman McLean closed the Public Hearing.**

Councilmember Allen offered that Councilmember Johnson be able to speak on item 13b due to the confusion of whether both items 13a & 13b would be heard together.

Councilmember Johnson stated that she would like to cancel the PUD because the developer has not met with the community and final site plan has not been approved.

Councilmember Allen is concerned that the property owner wasn't involved with the downzoning.

Ms. Diaz asked if the developer is targeting income levels or have a certain price range in mind?

Developer stated that the apartments will be around \$500 for a one bedroom and around \$700 for a two bedroom. Household income targeted is \$28,000 for a single household and up to \$40,000 for a family of four.

Ms. Diaz, spoke in support of staff recommendation. Feels the price range targeted is beneficial to the community.

Ms. Blackshear, spoke in support of staff recommendation.

Mr. Haynes, spoke in support of staff recommendation. Feels the development community needs consistency and downzoning the property would not be a good idea.

Comments for the Record in response to staff report (Page 89-91 Item 13b)  
Councilmember Karen Y. Johnson, District 29  
Planning Commission Meeting of 5/26/16

**Cancel PUD**

A request to cancel a portion of a Planned Unit Development Overlay District for property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike, zoned One and Two-Family Residential (R10), and proposed for RS10, and within an Urban Design Overlay (7.84 acres), approved for 96 multi-family residential units.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM area will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

**Consistent with Policy?**

The staff report acknowledges that RS10 zoning is a district that could be supported by the T3 NM policy. This zoning does provide an appropriate transition as the policy and our NashvilleNext plan of which page 11 states "Create opportunity through abundant housing: Encourage a mix of housing types in centers and along corridors, as well as appropriately scaled homes in transitional areas, with modest additions of new homes in established neighborhoods. The neighborhood adjacent to this parcel is established and is consistent with the Growth and Preservation Map adopted through NashvilleNext. The apartments that currently back up to this small single family residential development with the apartments directly across from this parcel in the same block exceed the appropriate mix that the Nashville Next plan encourages for appropriate scale and transition for housing types. The map identifies this area as a transition area where existing neighborhood character can be considered in approving zoning district RS10 for this parcel. The policy is applied in situations where there is an expressed interest in maintaining the predominant existing developed condition if that condition is believed to be stable and sustainable over time. The delineation of this policy are established during the community planning process. Density is secondary to the form of development that exists. T3 Suburban Neighborhood Maintenance also is intended to be low to moderate density. Since T3 Suburban Neighborhood Maintenance policy is applied to predominately developed neighborhoods whose character is intended to be maintained, the appropriate density is determined by the existing character of each individual neighborhood in terms of characteristics.

**Plan Details**

The Forest View PUD was approved in 1985.

I ask that you approve the Cancellation of the PUD because the property owner has not met with the community. A final site plan has not been approved. The aggregate of actions were preliminary paperwork to acquire property and were expenses to get an application approved for development.

Consideration should also take into account that good land use planning involves the community and as with other older PUDs the commission has previously expressed that the property owner in other cases were encouraged to work with Council.

It was noted in the staff report that this forest view pud being similar to the Carrolton station pud, however the Forest View PUD should be distinguished from the Carrolton Station PUD because in that situation the number of units were being reduced in the PUD and the argument was that they were vested, whereas this request is cancelling a 1985 PUD that has had no activity and where no vesting has occurred. They are distinct and different.

Carrollton Station PUD dealt with commercial development – not residential development and children were not being added to a school system without proper infrastructure.

In this case, children are being added to a school system, without the proper infrastructure in place.

Which bring me to my next point, our children – Nashville’s children

Volume II of the Nashville Next plan deals with Education and Youth. In the words of Mr. Nelson Mandela, “[t]here can be no keener revelation of a society’s soul than the way in which it treats its children.” Mr. Nelson Mandela’s words are a part of the Nashville Next Plan.

What sort of message would Nashville be sending to its children when large populations of people are placed in one block that is served by one school.

The first goal of the Nashville Next Plan for Education & Youth reads, “[p]ursue a shared, communitywide vision and agenda to provide quality care, education and opportunity to Nashville’s children and youth, considering each child’s learning style, language, culture, special learning needs, and economic status, meeting each child where they are in life with the expectation that the child will succeed.”

How are we as Nashville setting these children up for success if Nashville permits another large unit to be built between two existing complexes?

How are these children being exposed to the rich diversity that Nashville has to offer when we place large complexes in one corridor?

How are the poverty related challenges that Nashville’s children face being addressed if mixed-income neighborhoods are not being balanced?

You as the commissioners are tasked with ensuring that the Nashville Next Plan is followed in its entirety – not just to benefit of the Owner, but to the benefit of the entire Nashville community.

The Education & Youth aspect of the Nashville Next Plan has adopted a quote by Ms. Margaret Mead, “. . . the solution to adult problems tomorrow depends on large measure upon how our children grow up today.”

There are already 2 large tax credit apartment complexes that already serve this block where this PUD is located. Tax credits should not be the determining factor that overrides what the community has envisioned for their area most especially if there has been no opportunity to provide input to ensure appropriate scale according to the Nashville Next plan.

**Ms. Farr moved and Ms. Hagan-Dier seconded the motion to disapprove. (9-0)**

**Resolution No. RS2016-152**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 23-85P-003 is Disapproved. (9-0)”**

## 14. 2016Z-052PR-001

Map Various, Parcel(s) Various  
Council District 05 (Scott Davis)  
Staff Reviewer: Latisha Birkeland

A request to rezone from CN, CS, OR20, RS10, OL and RS5 to RM40-A zoning for various properties located along Kingston Street, Queen Avenue, Duke Street, Prince Avenue and Sultana Avenue (45.67 acres), requested by Councilmember Scott Davis, applicant; various property owners.

**Staff Recommendation: Disapprove.**

### APPLICANT REQUEST

**Zone change from CN, CS, OR20, RS10, OL, and RS5 to RM40-A**

#### Zone Change

A request to rezone from Commercial Neighborhood (CN), Commercial Service (CS), Office/Residential (OR20), Single-Family Residential (RS10), Office Limited (OL), and Single-Family Residential (RS5) to Multi-Family Residential-Alternative (RM40-A) zoning for various properties located along Kingston Street, Queen Avenue, Duke Street, Prince Avenue, East Trinity Lane and Sultana Avenue (45.67 acres).

#### **Existing Zoning**

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 13 units.*

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 5 units.*

Office Limited (OL) is intended for moderate intensity office uses.

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 343 units.*

#### **Proposed Zoning**

Multi-Family Residential-Alternative (RM40-A) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM40-A would permit a maximum of 1,826 units.*

### CRITICAL PLANNING GOALS

N/A

### EAST NASHVILLE COMMUNITY PLAN

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

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

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



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 majority of the area proposed for a zone change to RM40-A is located in the T4 Urban Neighborhood Maintenance policy. The proposed RM40-A zoning is inconsistent with the T4 Urban Neighborhood Maintenance policy. The policy is intended to preserve the general character of the neighborhood by considering the development pattern, building form, land use, etc. The requested RM40-A zoning could change the entire character of the area to multi-family residential, where the majority of the area is single-family residential.

**ANALYSIS**

The site is generally located east of Dickerson Pike, north of Donald Street, west of Overby Road and north of East Trinity Lane. The majority of the site is located within a T4 Urban Neighborhood Maintenance policy. The T4 Neighborhood Maintenance Policy is applied in situations where there is an expressed interest in maintaining the predominate, existing developed condition and that condition is believed to be stable and sustainable over time.

The RM40-A zoning district would allow multi-family residential uses of up to 40 units an acre. RM40-A zoning would permit over 1,800 residential units in this area and could generate significantly more traffic than the existing land uses. Intensifying the zoning for a large area without a development plan does not ensure land uses are balanced or properly transition with the surrounding neighborhood. Additionally, the lots in the area are small and do not lend themselves to larger redevelopment of the area. Lastly, without a proposed redevelopment, staff can not ensure that the infrastructure is appropriately upgraded.

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Conditions if approved**

- A traffic study may be required at the time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	39.39	8.7 D	343 U	3232	250	326

Maximum Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	1.17	4.3 D	5 U	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.27	0.25 F	2,940 SF	164	10	29

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	4.19	0.6 F	109, 509 SF	7205	163	677

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.65	0.8 F	23,651 SF	440	60	106

Maximum Uses in Proposed Zoning District: **RM40-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	45.67	40 U	1,826 U	11190	899	1022

**METRO SCHOOL BOARD REPORT**

Projected student generation existing OR20 district: **4 Elementary 2 Middle 2 High**

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

Projected student generation existing RS5: **74 Elementary 56 Middle 58 High**

Projected student generation proposed RM40-A district: **618 Elementary 268 Middle 221 High**

The proposed RM40-A is expected to generate 908 additional students over what would be generated by the existing zoning. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated March 2016.

**Schools Site Dedication**

Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2,000 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Tom Joy school cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No permit for development of any residential uses on any of the properties shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

**STAFF RECOMMENDATION**

Staff recommends disapproval of the requested zone change as the proposed district is inconsistent with the T4 Neighborhood Maintenance policy that encompasses the majority of the area in the proposed zone change boundary. The policy is intended to preserve the general character of the neighborhood by considering the development pattern, building form, and land use. The proposed RM40-A zoning district would permit over 1,800 residential units in this area. The requested RM40-A zoning could change the entire character of the area to multi-family residential, where the majority of the area is single-family residential and would generate significantly more traffic and students than the existing land uses.

Ms. Birkeland presented the staff recommendation of disapprove.

Mark Scott, 110 Duke Street, spoke in support of the application. Rezoning will help inventory and build houses.

Councilmember Scott Davis, spoke in support of the application, stating that flyers were passed out to inform neighbors of the community meeting that will be held.

Kevin White, 2054 Belmont Circle, spoke in support of the application, feels rezoning would provide consistency to the area.

**Chariman McLean closed the Public Hearing.**

Mr. Adkins stated that it is good to have diverse zoning in the area but feels that RM40-A is a significant change to the area. Any other options available?

Mr. Leeman stated that a policy change is needed and staff is concerned with access issues.

Ms. Farr asked the Councilmember why he chose RM40-A.

Councilmember Davis stated he feels this zoning will provide consistency that can provide density and help developers.

Mr. Adkins asked if the Councilmember would be willing to defer the request to allow staff to attend the community meeting.

Councilmember Davis stated he would be in agreement to a deferral of the request.

**Mr. Adkins moved and Mr. Tibbs seconded the motion to defer to the June 23, 2016, Planning Commission meeting. (9-0)**

**The Metropolitan Planning Commission deferred 2015Z-052PR-001 to the June 23, 2016, Planning Commission meeting. (9-0)**

**15. 2016Z-053PR-001**

Map 091-14, Parcel(s) 139-140, 161  
Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Karimeh Moukaddem

A request to rezone from OR20 and R6 to MUL-A zoning for properties located at 228 Oceola Avenue, 5623 Lenox Avenue and Lenox Avenue (unnumbered), at the southeast corner of Lenox Avenue and Oceola Avenue, (0.55 acres), requested by Fulmer Engineering, LLC, applicant; 5623 Lenox Partners and Angela Stephens, owners.

**Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015Z-053PR-001 to the June 9, 2016, Planning Commission meeting. (10-0)**

**16. 2016Z-054PR-001**

Map 105-14, Parcel(s) 070  
Council District 17 (Colby Sledge)  
Staff Reviewer: Alex Deus

A request to rezone from CS to MUL-A zoning for property located at 2125 8th Avenue South, at the intersection of Prentice Avenue and 8th Avenue South (0.21 acres), requested by Preffer Torode Architecture, applicant; Brenden Donelson, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**  
**Rezone from CS to MUL-A.**

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 2125 8th Avenue South, at the intersection of Prentice Avenue and 8th Avenue South (0.21 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**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 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.

**GREEN HILLS-MIDTOWN COMMUNITY PLAN**

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

Consistent with Policy?

Yes. The proposed zoning district allows for additional uses to be introduced into a primarily commercial and office corridor, which is envisioned to include residential uses. Furthermore, the design standards in the Alternative districts are consistent with the design principles for this policy.

**ANALYSIS**

This site is located at 2125 8<sup>th</sup> Avenue South and is approximately 0.21 acres. This property is currently zoned Commercial Services (CS), which permits commercial uses, and is currently vacant.

In the event this property was to redevelop, the MUL-A zoning district would allow for additional residential uses to be introduced with the existing commercial and office uses. This district also has appropriate design standards consistent with the land use policy that would create walkable neighborhoods through the placement of buildings. The MUL-A district requires a build to zone that would orient future development to address the public realm. Sidewalks would be required and vehicular access would be limited to the existing alley (#672).

**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)	0.21	0.6 F	5,488 SF	273	12	35

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)	0.21	1 F	9,147 SF	429	15	44

Traffic changes between maximum: **CS and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3,659 SF	+156	+13	+9

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CS district  Elementary  Middle  High

Projected student generation proposed MUL-A district  Elementary  Middle  High

The proposed MUL-A district would generate no additional students than what is typically generated under the existing CS district using the Urban Infill Factor. Students would attend Julia Green Elementary, J.T. Moore 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 last updated March 2016.

**STAFF RECOMMENDATION**

Staff recommends approval.

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-153**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-054PR-001 is **Approved. (10-0)**”

**J. PLANNING COMMISSION ACTIONS**

The Planning Commission will make the final decision on the items below.

**Planned Unit Developments**

**17. 1-74P-006**

**HICKORY HOLLOW**

Map 163, Parcel(s) 268

Council District 32 (Jacobia Dowell)

Staff Reviewer: Alex Deus

A request to revise the preliminary plan for a portion of a Planned Unit Development for property located at 5314 Hickory Hollow Parkway, at the southeast corner of Hickory Hollow Parkway and Hickory Hollow Lane (9.34 acres), zoned SCR, to permit a 26,700 square foot expansion to an existing community education facility, requested by Littlejohn Engineering Associates, applicant; Freeland Realty 2, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Permit a 26,700 square foot expansion.**

Revision to the Preliminary PUD

A request to revise the preliminary plan for a portion of a Planned Unit Development for property located at 5314 Hickory Hollow Parkway, at the southeast corner of Hickory Hollow Parkway and Hickory Hollow Lane (9.34 acres), zoned Shopping Center Regional (SCR), to permit a 26,700 square foot expansion to an existing community education facility.

**Existing Zoning**

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

Planned Unit Development Overlay District (PUD) – is an alternative zoning process that allows for the development of land in a well- planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating 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, office, and commercial uses.*

**CRITICAL PLANNING GOALS**

**N/A**

**PLAN DETAILS**

This property is located at 5314 Hickory Hollow Parkway on approximately 9.34 acres. The purpose of this request is to revise a portion of the Hickory Hollow Mall Planned Unit Development (PUD) to permit a 26,800 square foot expansion to the existing

80,000 square feet Knowledge Academy Charter School. This expansion would primarily allow for a gymnasium and other associated uses.

This addition would connect to the 29,930 square feet retail building adjacent to the educational facility. There is also an artificial turf play area that is proposed on the school's southeast façade.

The applicant has provided bike parking and is meeting parking requirements under the Metro Zoning Code. Vehicular access to the site is provided from Hickory Hollow Parkway and Hickory Hollow Lane.

## **ANALYSIS**

This PUD was originally approved in 1974 and includes a large area (approximately 192 acres) on both sides of Bell Road north of Interstate 24. The 1974 Metro Council plan was approved for 1,529,581 square feet of various commercial and office uses and 432 residential units. This PUD was amended in 1989 to permit 1,115,189 square feet of commercial and office uses

In 1978, the layout of this site was revised; also that year, a revision and final site plan was approved to increase the square footage of the existing structures and again revise the layout. In 1984, approval was granted for an ATM to be located in the surface lot and in 1987 a revision to the preliminary and final site plan was approved to add an additional structure and increase the square footage.

Knowledge Academy Charter School was approved by a rehab interior permit (2012-10942) in 2012. The permit approval was for an existing structure in an adjacent parcel within this PUD. In 2015, Knowledge Academy relocated their facility to the current structure also through a rehab interior permit (2015-12202).

This revisions does not deviate significantly from the Council approved plan and the proposed site plan is consistent with the overall concept of the PUD. Staff finds the revisions to be a minor modification as the total floor area of the PUD has not been increased more than ten percent beyond the total floor area last approved by the council.

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, and 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.

#### **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**

##### **No Exception Taken**

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

#### **TRAFFIC & PARKING RECOMMENDATION**

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

- School shall monitor increased school traffic each year and modify arrival and dismissal plan as necessary.

#### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Preliminary P.U.D. Revision only. The required capacity fees must be paid prior to Final Site Plan approval.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

#### **CONDITIONS**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions. (9-0-1), Consent Agenda

#### **Resolution No. RS2016-154**

"BE IT RESOLVED by The Metropolitan Planning Commission that 1-74P-006 is **Approved with conditions. (9-0-1)**"

#### **CONDITIONS**

1. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
2. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

## **18. 91-71P-001**

### **JACKSON SQUARE (KROGER FUEL CENTER)**

Map 064-15, Part of Parcel(s) 009

Council District 11 (Larry Hagar)

Staff Reviewer: Patrick Napier

A request to revise the preliminary plan for a portion of a Planned Unit Development on a portion of property located at 4400 Lebanon Pike, at the corner of Shute Lane and Lebanon Pike (1 acre), to add a fuel center, requested by Perry Engineering, LLC, applicant; Jackson Village, LLC, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Revise a portion of the Planned Unit Development to add a fuel center.**

### Revise PUD

A request to revise the preliminary plan for a portion of the Jackson Square Planned Unit Development located at 4400 Lebanon Pike, zoned Shopping Center Regional (SCR) (8.6 acres), to add a fuel center.

### **Existing Zoning**

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

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provisions 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 provisions of essential utilities and streets.

### **CRITICAL PLANNING GOALS**

N/A

### **PLAN DETAILS**

The site is proposed for the construction of an automobile convenience facility. The PUD was last amended in 2005 to allow the construction of a Wal-Mart. The proposed revision to the PUD would increase the total square footage of the PUD to 370,496 square feet, which does not increase the total floor area of the PUD more than ten percent beyond the total floor area last approved by Council.

#### Site Plan

The plan proposes to add a fuel center with 7 pump stations and a 233 square-foot kiosk. Access to the site will be from an existing access point on Lebanon Pike and two existing internal connections to the east and west. A condition has been added to require a sidewalk along the existing internal drive, to connect the existing sidewalk along Lebanon Road to the parking area.

### **ANALYSIS**

The Jackson Square PUD was last amended in 2005 and the proposed square footage does not increase the total floor area of the PUD more than ten percent beyond the total last approved by Council. Section 17.40.12.F permits the Planning Commission to establish the types of changes that require Metro Council concurrence. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD. Section 17.40.120.F is provided below for review.

#### F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:
  - a. Land area being added or removed from the planned unit development district shall be approved by council according to the provisions of Article III of this chapter (Amendments);
  - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinances shall be authorized by council ordinance;
  - c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
  - d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
  - e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
  - f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of section 17.40.120.H.4.a.

Since the proposed plan is consistent with the overall concept of the Council approved plan, and is consistent with zoning requirements, staff recommends that the revision be approved with conditions.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

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

### **STORMWATER RECOMMENDATION**

**Approved**



**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, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- If sidewalks are required then they are to be brought into compliance with the MCSP along the property frontage and constructed in accordance with MPW standards and specs.

**TRAFFIC & PARKING RECOMMENDATION**

**No Exception Taken**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approved as a Preliminary P.U.D. Revision only, the required capacity fees must be paid prior to Final Site Plan approval.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Show and label a 4' sidewalk along the length of the existing access drive connecting to the existing sidewalk along Lebanon Pike.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

Approve with conditions. (10-0), Consent Agenda

**Resolution No. RS2016-155**

"BE IT RESOLVED by The Metropolitan Planning Commission that 91-71P-001 is **Approved with conditions. (10-0)**"

**CONDITIONS**

1. Show and label a 4' sidewalk along the length of the existing access drive connecting to the existing sidewalk along Lebanon Pike.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Subdivision: Concept Plans**

**19. 2016S-099-001**

**12740 OLD HICKORY BLVD**

Map 175, Parcel(s) 019, 159, 163

Council District 32 (Jacobia Dowell)

Staff Reviewer: Lisa Milligan

A request for concept plan approval to create 112 cluster lots on properties located at 12740 and 12784 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), at the northwest corner of Old Hickory Boulevard and Preserve Boulevard (24.4 acres), zoned Single-Family Residential (RS7.5), requested by Dale & Associates, applicant; Ole South/ Craighead Joint Venture, owner.

**Staff Recommendation: Approve the variance request and approve the concept plan with conditions, including all Public Works and Traffic and Parking conditions.**

**APPLICANT REQUEST**

**Create 112 clustered single-family lots.**

### Concept Plan

A request for concept plan approval to create 112 cluster lots on properties located at 12740 and 12784 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), at the northwest corner of Old Hickory Boulevard and Preserve Boulevard (24.4 acres), zoned Single-Family Residential (RS7.5).

### **Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 141 units.*

### **CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features
- Creates Walkable Neighborhoods

The cluster lot option allows for the creation of open space and the preservation of natural resources. There are two streams located on the site that are preserved and open spaces are being created. The cluster lot option also requires active open space which this plan provides. Sidewalks are proposed along all streets creating a walkable neighborhood and connections are made to existing residential neighborhoods to the north and south of the property.

### **ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

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

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

### **PLAN DETAILS**

The concept plan proposes 112 single-family residential lots. Although the proposed development has frontage on Old Hickory Boulevard, no access is proposed from Old Hickory Boulevard. There are currently four streets that stub into the property, two on the north and two on the south. The development is connecting to all four stub streets. All streets include sidewalks and sidewalks are proposed along Old Hickory Boulevard. A sidewalk connection is provided through open space to connect the north side of the loop street to the south side.

There are two streams located on site and buffers are provided for both. A ten foot B-3 landscape buffer is proposed along the southern property line and all existing trees are proposed to remain. An open space area with amenities including a playground and walking trail is provided along the western edge of the development, which complies with the requirements of the Zoning Code for the cluster lot option. A sidewalk connection is also provided from the street network into the open space.

### **ANALYSIS**

The cluster lot option in the Zoning Code allows for flexibility of design, the creation of open space and the preservation of natural features in Single-Family (RS) and One and Two-Family (R) zoning districts. In exchange, lots are allowed to contain less land area than what is normally required by the base zoning district. The minimum lot area within a cluster subdivision can be reduced down two smaller base zone districts. With this plan, the applicant is proposing to cluster the parcels zoned RS7.5 to RS3.75, although the smallest lots of this plan are generally around 4,300 square feet.

In cluster lot subdivisions a minimum of 15 percent of each phase of the development shall be open space. This concept plan is proposed in one phase and includes 24% open space. Developers are also required to install recreational facilities within a portion of the open space. The applicant has proposed a playground and walking trail within a 2.24 acre open space on the western edge of the development.

The Subdivision Regulations require the use of an interconnected street system to disperse traffic and provide maximum alternatives for access. This application achieves this requirement as it provides a connection to the four streets that currently stub into the development.

The Subdivision Regulations also requires that sidewalks be provided along new subdivision streets. The concept plan provides five foot sidewalks and a 4 foot grass strip on both sides of proposed streets. An eight foot sidewalk and a six foot planting strip have been proposed along Old Hickory Boulevard, consistent with the Major and Collector Street Plan.

Section 3-6.2 of the Subdivision Regulations states that block lengths in residential areas shall not exceed 1,200 feet in length except as the Planning Commission deems necessary to secure efficient use of land or desired features of street networks. The plan creates a block length of 1,350 feet which exceeds the allowance.

### **Variance Request**

The applicant has indicated that Section 3-6.2 creates a hardship in regards to the block length due to the configuration of the property and the existence of a gas pipeline easement through the property. The applicant has indicated that with four stub streets, a gas pipeline easement, and a relatively long and narrow property, creating additional cross streets creates a hardship in that the plan would have to change significantly. The applicant is proposing a pedestrian connection from the north side of the loop street to the south side of the loop street to allow for walkability.

### **Variance Standards**

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a) The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d) The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

Staff recommends approval of the variance request for the maximum length of a block as this requests meets the requirements for a variance stated in the Subdivision Regulations and because the block length section of the Subdivision Regulations allows for some flexibility by the Planning Commission. The proposed development has four existing stub streets to which the plan provides for connections. The location of the existing stub streets along with the existence of a gas pipeline creates a situation that allows for little flexibility of design. With the inclusion of a pedestrian connection between the north side of the loop street and the south side, the neighborhood will be walkable and pedestrian friendly.

### **FIRE MARSHAL RECOMMENDATION**

**N/A**

### **STORMWATER RECOMMENDATION**

**Approve**

### **PUBLIC WORKS RECOMMENDATION**

#### **Conditions if approved**

- Prior to any construction permitting, a permission letter from Colonial Gas to cross the pipeline with a street must be submitted to Public Works.

### **TRAFFIC & PARKING RECOMMENDATION**

#### **Approve with conditions**

In accordance with the TIS findings, the analyses presented in this study indicate that the project will have relatively minor impact on traffic in the study area. The following conditions will be required for development of 12740 Old Hickory subdivision (case 2016-099-001).

- Developer shall dedicate ROW along Old Hickory /Hobson Pike Frontage for construction of a future southbound right turn lane with 100ft of storage and adequate transitions at Preserve Blvd. by others.
- TIS analysis determined that a traffic signal is warranted at the intersection of Old Hickory Boulevard / Hobson Pike / Saddlecreek Way under existing traffic conditions. The developer of the Vaughn Property PUD (2004P-028G -13 Old Hickory Commons) is required to install the traffic signal as a previous condition of approval. The design shall include a protected left turn signal phase for each approach and a right turn overlap signal phase for southbound motorists and submit to metro traffic engineer for approval and construct the traffic signal.
- This traffic signal should be operational prior to the first use and occupancy permit for 12740 Old Hickory subdivision.
- The developer will be required to make a \$10,000 contribution toward unnamed roadway infrastructure improvements in the area in order to mitigate impacts of this subdivision.

### **WATER SERVICES RECOMMENDATION**

#### **Approve with conditions**

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

### **STAFF RECOMMENDATION**

Staff recommends approval of the variance request and approval of the concept plan with conditions.

**CONDITIONS**

1. Add the following note to the plan: The final plat 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.
2. Comply with all Public Works and Traffic and Parking conditions.

Approve the variance request and approve the concept plan with conditions, including all Public Works and Traffic and Parking conditions. (9-0-1), Consent Agenda

**Resolution No. RS2016-156**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-099-001 has **Approved the variance request and approved the concept plan with conditions, including all Public Works and Traffic and Parking conditions. (9-0-1)**”

**CONDITIONS**

1. Add the following note to the plan: The final plat 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.
2. Comply with all Public Works and Traffic and Parking conditions.

**Subdivision: House Moves**

**20. 2016S-001HM-001**

**213 24TH STREET (HOUSE MOVE)**  
Map 053-08, Parcel(s) 027  
Council District 11 (Larry Hagar)  
Staff Reviewer: Jason Swaggart

A request to move a house from 2200 Lakeshore Drive to 213 24th Street, approximately 100 feet south of Dabbs Avenue, zoned RS5 (0.17 acres), requested by Charles Wooden, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Move a house from 2200 Lake Shore Drive to 213 24<sup>th</sup> Street.**

House Move

A request to move a house from 2200 Lakeshore Drive to 213 24th Street, approximately 100 feet south of Dabbs Avenue, zoned Single-Family Residential (RS5) (0.17 acres).

**Existing Zoning**

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

**STATE LAW**

Tennessee State Code (Title 13, Chapter 3, Part 5) regulates the relocation of a residence from one location to another location (house move).

**13-3-502. Requirements for moving single family residence from one foundation to another.**

(a) No single family residence shall be moved from an existing foundation to another foundation located within a developed area of single family residences unless:

(1) The residence to be moved is consistent with the age, value, size and appearance of existing residences within the developed area of single family residences to which the single family residence is to be moved; provided, that the value of the house may be greater than that of the existing residences and the size of the house may be larger than that of the existing residences; and

(2) Approval for the movement of the single family residence to a foundation within a developed area of single family residences has been given by:

(A) The home owners' association of the development where the residence is to be moved, if a home owners' association is in existence;

(B) A neighborhood association where the residence is to be moved that has been in existence for more than one (1) year prior to the date the residence is to be moved, if a neighborhood association is in existence in the area;

- (C) The regional planning commission, if a regional planning commission is in existence in the area where the residence is to be moved, and subdivision (a)(2)(A) or (B) does not apply;
- (D) The municipal planning commission, if a municipal planning commission is in existence in the municipality where the residence is to be moved and subdivision (a)(2)(A), (B) or (C) does not apply; or
- (E) The municipal or county legislative body in the jurisdiction where the residence is to be moved, and subdivision (a)(2)(A), (B), (C) or (D) does not apply.

(b) As used in this section, single family residence does not include manufactured or modular homes as manufactured or modular homes are defined in § 47-9-102, § 55-1-105, or title 68, chapter 1, parts 1-4.

The residence is consistent with:

- (1) The age of existing residences within the developed area of single family residences, if the residence to be moved is within ten (10) years of the average age of the existing structures within the developed area;
- (2) (A) The value of existing residences within the developed area of single family residences, if the valuation of the residence being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided, that nothing in this subdivision (2) shall be construed to prevent the residence from exceeding the value of the existing structures. In establishing the value of existing structures, the value of modular homes located in the developed area shall not be used in arriving at the average appraisal of the existing structures;
- (B) If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that the residence shall appraise at least at the same or greater value once it is moved;
- (C) In obtaining approval from a governing body identified in § 13-3-502, as proof that the value of the residence or appearance of the residence is consistent with the value or appearance of the existing residences, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised value of the residence as determined by the assessor of property, or the fair market value of the residence as determined by an independent appraiser. The proof shall be a rebuttable presumption that the value and appearance of the residence is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented;
- (3) The size of existing residences within the developed area of single family residences, if the size of the residence being moved is at least within one hundred square feet (100 sq. ft.) of the average size of the existing structures within the developed area; provided, that nothing in this subdivision (3) shall be construed to prevent the residence from exceeding the average square footage. In establishing the average size of existing structures, the square footage of modular homes shall not be used in making the calculations; and
- (4) The appearance of existing residences within the developed area of single family residences as determined by the body giving its approval for the single family residence to be moved to the developed area.

**ANALYSIS**

The location the house is to be moved to is 213 24<sup>th</sup> Street. There is not a Home Owner’s Association (HOA) or a Neighborhood Association (NA). Since there is neither a HOA nor a NA, the law requires that the house move be approved by a governmental body, in this case the municipal planning commission.

Staff recommends approval of the request. The law requires that the residence being moved to be consistent with the age, value, size and appearance of surrounding residence within the “developed area”. The lot for which the residence is to be moved is Lot 13, Block 11 Dabbs and Elliott Subdivision. This subdivision constitutes the “developed area” as specified by the law. The house that will be moved is located at 2200 Lakeshore Drive, which is within the same subdivision as the receiving lot, and is located one block away to the northeast. The house is consistent with homes on 24<sup>th</sup> and the surrounding area. Most of the homes appear to be built around the same time. The value of the home to be moved is consistent with surrounding home values, and the size and appearance of the home is similar to surrounding homes.

**FIRE MARSHAL RECOMMENDATION**

**N/A**

**STORMWATER RECOMMENDATION**

**Ignore**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- The new location of the house shall be a minimum of 10 feet from any existing public sewer line.

**PUBLIC WORKS RECOMMENDATION**

**Condition if approved**

- Permit through Codes Administration.

**TRAFFIC AND PARKING RECOMMENDATION**

**Condition if approved**

- Permit through Codes Administration.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. The new location of the house shall be a minimum of 10 feet from any existing public sewer line.

Approve with conditions. (10-0), Consent Agenda

**Resolution No. RS2016-157**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-001HM-001 is **Approved with conditions. (10-0)**”

**CONDITIONS**

1. **The new location of the house shall be a minimum of 10 feet from any existing public sewer line.**

**K. OTHER BUSINESS**

21. Certification of Bonus Height Compliance for 201 8th Avenue South

**MEMORANDUM**

**TO:** MEMBERS OF THE METRO PLANNING COMMISSION  
**FROM:** METRO NASHVILLE PLANNING DEPARTMENT  
**SUBJECT:** CERTIFICATION OF BONUS HEIGHT COMPLIANCE WITHIN THE DOWNTOWN CODE  
**DATE:** MAY 20, 2016

**PROJECT NAME** 201 8<sup>TH</sup> AVENUE SOUTH – JW MARRIOTT HOTEL  
**SUBDISTRICT** SOBRO  
**Parcel(s)** 09310048700  
**Requested by** Smallwood, Reynolds, Stewart, Stewart & Associates, INC., applicant; 8<sup>th</sup> & Demonbreun Hotel LP, owner

**BACKGROUND**

The Downtown Code requires Planning Commission certification of compliance with the provisions of the Bonus Height Program (when those provisions are utilized for a development), before building permits can be issued.

**APPLICANT REQUEST**

Certification of compliance with the Downtown Codes (DTC's) Bonus Height Program (BHP) for JW Marriott hotel development located at 201 8<sup>th</sup> Avenue South, in the SoBro Subdistrict of the DTC. The applicant has utilized the Underground Parking provisions to allow 3 additional stories of bonus height, bringing the total height of the project to 33 stories plus the mechanical penthouse (30 stories by-right, and three stories via the BHP), per the Downtown Code.

**ANALYSIS**

The DTC Bonus Height Program allows bonus height to be permitted if certain public benefit uses are met. The public benefits being provided in exchange for bonus height are:

Underground Parking

- 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.

The Bonus Height Program Chart (BHP) allows up to eight bonus stories for the Underground Parking category at this location. Approximately 180,200 SF of Underground Parking is provided, resulting in a bonus square footage of 180,200 SF (Underground Parking SF x 1). The derived bonus square footage of 180,200 SF and is being used towards three bonus stories totaling approx. 38,352 SF (12,784 SF each). There is also a mechanical penthouse consisting of 3,048 SF, however such mechanical rooms are exempt from the height requirements.

This utilization is compliant with the DTC Bonus Height Program. Per the Downtown Code, the remaining un-used bonus square footage would be eligible for the BHP transfer of development rights, upon the project receiving its final certificate of occupancy.



May 16, 2016

Commission No. 214040.00

Mr. Andrew Collins  
Metropolitan Planning Department  
800 Second Avenue South  
P.O. Box 196300  
Nashville, TN 27219-6300

Re: Nashville Marriott Hotel  
Height Bonus Calculation

Dear Mr. Collins:

The following addresses the height of the proposed Nashville Marriott Hotel, to be located on 8<sup>th</sup> Avenue between Demonbreun and Clarke Place. The Project is a 33 story Hotel with a Mechanical Penthouse on the 34<sup>th</sup> Floor.

We reference the Nashville Downtown Code, Chapter 17.37 of the Metropolitan Nashville and Davidson County Zoning Code, last amended August 18, 2015. Under Section II: Subdistrict Standards, the S0Bro Subdistrict Building Regulations limit new buildings to a height of 30 stories, with additional height available through the Bonus Height Program.

Under Section IV: General Standards, Upper Level Garage Liner and Underground Parking states: "The number of square feet of Bonus Height shall be equal to the number of square feet in Underground Parking."

The Project is providing 180,200 SF of underground parking. We are seeking to add three additional floors (above the 30 story limit) of 12,784 SF per floor; and a Mechanical Penthouse of 3,048 SF at the Roof, the 34<sup>th</sup> Floor.

Underground Parking 180,200 SF  
Additional Floor Area  $(12,784 \times 3) + 3,048 = 41,400$  SF  
 $41,400 < 180,200$

This information was submitted to MDHA and approved on October 5, 2015; a copy of their approval letter is attached.



Mr. Andrew Collins  
May 16, 2016  
Page 2

We hope this clarifies the Height Bonus calculation for the Project. Please let us know if there is anything else we can provide.

Sincerely,

SMALLWOOD, REYNOLDS, STEWART, STEWART & ASSOCIATES, INC.



Deborah L. Booher  
Associate

Enclosure

cc: S. Dillon, Turnberry Associates  
Brad Slayden, Ragan+Smith  
Mike Murphy, SRSSA  
C. File

X:\2014\214040.00-Nashville MXD\IP\General\Building Permit\Letter to Andrew Collins 5.16.16.docx

Joseph B. Cain  
Director of Urban Development

Direct Dial: (615) 252-8404  
Facsimile: (615) 252-8559

October 6, 2015

Will Marth  
105 Broadway, Suite 300  
Nashville, TN 37201

Dear Mr. Marth,


Thank you for submitting your plans for review to MDHA's Art Center Design Review Committee on October 6, 2015. MDHA is pleased to have approved your plans at 201 Demonbruen Street as submitted with the modification on the width along Demonbreun Street. The committee would like for you to come back and show elevations and materials along Demonbreun Street primarily of the fire graded wall against the property line. The committee would also like to see the Art when you come back. Signage is not included to this motion.

Be aware that **your project will be inspected** to ensure compliance with the plans approved by MDHA's Design Review Committee. You must notify MDHA of any intent to deviate from the plans that were approved on October 6, 2015. In applicable cases where approved plans are not adhered to, MDHA will deny a use and occupancy permit for the project and may take legal action to ensure compliance.

We look forward to the implementation of your plans. Please forward this to any other appropriate person(s) associated with this project.

Please contact MDHA's Development Office at any time if we can be of further assistance to you.

Sincerely,



Parker Brown  
Redevelopment District Coordinator

Approve with conditions. (10-0), Consent Agenda

**Resolution No. RS2016-158**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Certification of Bonus Height Compliance for 201 8th Avenue South is **Approved with conditions. (10-0)**"

**CONDITIONS**

**1. Final permit drawings shall include the minimum bonus square footages as described herein, in order to achieve the additional stories of bonus height as proposed.**

22. Historic Zoning Commission Report

23. Board of Parks and Recreation Report

24a. Executive Committee Report

24b. Selection of Greg Adkins as Chairman and Jessica Farr as Vice-Chair of the Planning Commission

Councilmember Allen moved and Ms. Hagan-Dier seconded the motion to elect Greg Adkins as Chairman and Jessica Farr as Vice Chair. (9-0)

**Resolution No. RS2016-159**

“BE IT RESOLVED by The Metropolitan Planning Commission that the selection of Greg Adkins as Chairman and Jessica Farr as Vice-Chair of the Planning Commission is **Approved. (9-0)**”

25. Accept the Director's Report and Approve Administrative Items

Approve. (10-0), Consent Agenda

**Resolution No. RS2016-160**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Director’s Report and Administrative Items are **Approved. (10-0)**”

26. Legislative Update

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**L. MPC CALENDAR OF UPCOMING MATTERS**

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**May 26, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**June 9, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**June 23, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**July 14, 2016**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

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**M. ADJOURNMENT**

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The meeting adjourned at 10:10 p.m.

\_\_\_\_\_  
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: May 26, 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; Adkins; Diaz; Farr; Haynes (possibly); Clifton (possibly); Allen; Hagan-Dier
  - b. Not Attending:
  - c. Leaving Early:
2. Legal Representation – Emily Lamb will be attending

**B. Executive Office**

1. School outreach: worked on curriculum outline in cooperation with Lead Academy and the Civic Design Center; established Project PENCIL relationship, preparing for externship planning meeting next week. Several teachers will attend an APA "Planning in the Schools" webinar here next week.
2. Interviews are starting for the Grants Coordinator position.

**C. GIS/Mapping**

1. Joshua Swiderski started in Mapping on May 16<sup>th</sup>.

**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 05/16/2016**.

<b>APPROVALS</b>	<b># of Applics</b>	<b># of Applics '16</b>
Specific Plans	3	24
PUDs	1	5
UDOs	0	2
Subdivisions	4	58
Mandatory Referrals	5	61
<b>Grand Total</b>	13	150

<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>
11/25/2014 11:34	5/4/2016	APADMIN	2014SP-003-002	1414 ROSEBANK AVENUE (FINAL)	A request for final site plan approval for property located at 1414 Rosebank Avenue, at the northwest corner of Rosecliffe Drive and Rosebank Avenue, zoned SP (3.68 acres), to permit 30 detached residential dwelling units, requested by Civil Site Design Group, PLLC, applicant; Core Development Services, owner.	07 (Anthony Davis)
1/14/2016 10:41	5/10/2016	RECOM APPR	2015SP-041-002	MAXON COTTAGES (FINAL)	A request for final site plan approval for property located at 511 Snyder Avenue and 5800 Maxon Avenue, at the northwest corner of Maxon Avenue and Snyder Avenue, (0.34 acres), to permit up to four detached residential units, requested by Dale & Associates, applicant; GMAT Holdings, G.P., owner.	20 (Mary Carolyn Roberts)
12/3/2015 12:46	5/13/2016	APADMIN	2016SP-007-002	7125 CHARLOTTE PIKE (FINAL)	A request for final site plan approval for property located at 7125 Charlotte Pike, approximately 900 feet south of River Road, zoned SP (3 acres), to permit 38 multi-family residential units, requested by Dewey Engineering, applicant; MidSouth District Church of the Nazarene, owner.	22 (Sheri Weiner)

### 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)
NONE					

### PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
3/3/2016 11:36	5/3/2016 RECOM APPR	98P-007-011	SEVEN SPRINGS WAY (setback amendment for ground sign)	A request for a variance from the Metropolitan Zoning Code for property located within a Planned Unit Development Overlay district at 301 Seven Springs Way, at the corner of Seven Springs Way and Old Hickory Boulevard, zoned OR40, (1.45 acres), to allow a 10' x 8' ground sign to be located within the street setback, requested by RealTracs Solutions, applicant; MRRMLS, Inc., owner.	04 (Robert Swope)

### MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
4/19/2016 14:19	5/3/2016 RECOM APPR	2016M-015EN-001	CRAZY TOWN NASHVILLE AERIAL ENCROACHMENT	A request to allow an encroachment comprised of a 108" x 72" double-faced, illuminated projecting sign encroaching the public right-of-way for property located at 308 Broadway, requested by Sign Me Up, applicant; 306 Broadway, LLC, owner.	19 (Freddie O'Connell)
4/19/2016 16:01	5/5/2016 RECOM APPR	2016M-016EN-001	NP HOSPITALITY AERIAL AND UNDERGROUND ENCROACHMENTS	A request to allow various aerial and underground encroachments comprised of sidewalk improvements including 6 tree grates, 3 light poles, and 2 bike racks; transformer vault access; a total of 11 canopies of various dimensions; a total of 14 accent light fixtures and 2 property identification 30' high by 6' wide flag signs for property located at the southeast corner of Korean Veterans Boulevard and 5th Avenue South, requested by Winford Lindsay Architect, applicant; NP 5th, LLC, owner.	19 (Freddie O'Connell)
5/3/2016 15:42	5/10/2016 RECOM APPR	2016M-023ES-001	BOJANGLES - 420 DONELSON PIKE	A request to abandon 149 linear feet of 8" sanitary sewer and easements and accept one sanitary sewer manhole assembly (MWS Project# 16-SL-43), requested by Metro Water Services, applicant; Donelson Spring LLC, owner.	15 (Jeff Syracuse)
5/4/2016 7:44	5/10/2016 RECOM APPR	2016M-017PR-001	CONVEYANCE OF OLD BEN WEST LIBRARY	A request to authorize the conveyance of the Metropolitan Government's interest in the building and parcel of property located at 225 Polk Avenue, requested by the Metro Legal Department, applicant.	19 (Freddie O'Connell)

### MANDATORY REFERRALS: MPC Approval (cont.)

5/4/2016 13:49	5/12/2016	RECOM APPR	2016M-015PR-001	FARMER'S MARKET PARKING LOT LEASE AGREEMENT	A request to grant the Director of Public Property the authority to enter into a Parking Lot Lease Agreement with Capitol View Joint Venture for a property located at 612 10th Avenue North, requested by the Metro Legal Department.	19 (Freddie O'Connell)
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### 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)
3/14/2016 16:03	5/4/2016	APADMIN	2016S-080-001	THE 39TH & CLIFTON DEVELOPMENT	A request for final plat approval to consolidate two lots into one lot on property located at 3810 39th Avenue North, at the northeast corner of the intersection of 39th Avenue North and Clifton Avenue (1.02 acres), zoned CN, requested by HFR Design Inc., applicant; 39th & Clifton Development LLC, owner.	21 (Ed Kindall)
6/11/2014 12:53	5/4/2016	APADMIN	2014S-142-001	INGLEWOOD PLACE, RESUB LOT 184	A request for final plat approval to create two lots on property located at 1132 McChesney Avenue, at the southwest corner of McChesney Avenue and Katherine Street, zoned RS7.5 (0.47 acres), requested by Byrd Surveying, Inc., applicant; Leonard and Glynn Arnold and Linda Sue Shreeve, owners.	07 (Anthony Davis)
3/29/2016 11:23	5/10/2016	APADMIN	2016S-086-001	FESSLERS COMMERCIAL PARK SECTION 2 RESUB OF LOT 1 AND 3 REVISION 1	A request for final plat approval to abandon the existing 24 foot ingress/egress easement on property located at 506 and 520 Fessler's Lane, at the northeast corner of the intersection of Elm Hill Pike and Fessler's Lane (2.65 acres), zoned CS,IWD and SP-C, requested by Ragan-Smith & Associates, applicant; Luis Alva and Music City Self Storage LLC, owners.	19 (Freddie O'Connell)
4/14/2016 7:54	5/13/2016	RECOM APPR	2016S-008A-001	4326 KENILWOOD DRIVE (setback amendment)	A request to amend a platted setback from 75 feet to 24 feet for property located at 4326 Kenilwood Drive, approximately 905 feet north of Sidco Drive, (1.01 acres), zoned SP, requested by Crunk Engineering, applicant; One Seven, LLC, owner.	16 (Mike Freeman)

## Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
5/12/16	Approved Release	2012B-035-005	LEE CHAPEL AME CHURCH
5/5/16	Approved New	2016B-017-001	HERITAGE HILLS, PHASE 2
5/11/16	Approved Replacement	2014B-046-002	CARRINGTON PLACE, PHASE 3, SECTION 1
5/6/16	Approved Extension	2015B-008-002	MAPLEWOOD MANOR RESUBDIVISION OF LOT 4
5/12/16	Approved Extension/Reduction	2011B-017-005	CAMBRIDGE PARK AT BARNES ROAD, PHASE 1
5/16/16	Approved Extension	2015B-011-002	BURKITT PLACE, PHASE 2D, SECTION 4
5/16/16	Approved Extension/Reduction	2014B-044-003	LOHAVEN
5/11/16	Approved Extension	2015B-010-002	JAMES BURNS, RESUB

### Schedule

- A. **Thursday, May 12, 2016** – [MPC Work Session](#), 2pm, 700 Second Ave South, Howard Office Building, Sonny West Conference Center
- B. **Thursday, May 12, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. **Thursday, May 26, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, June 9, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, June 23, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, July 28, 2016** - [MPC Meeting](#); 4pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- G. **Thursday, August 11, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. **Thursday, August 25, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- I. **Thursday, September 8, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- J. **Thursday, September 22, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- K. **Thursday, October 13, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- L. **Thursday, October 27, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- M. **Thursday, November 10, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- N. **Thursday, November 17, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue