



METROPOLITAN PLANNING COMMISSION MINUTES

September 23, 2021
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:
Greg Adkins, Chair
Jessica Farr, Vice Chair
Jeff Haynes
Lillian Blackshear
Brian Tibbs
Dr. Pearl Sims
Edward Henley
Mina Johnson
Councilmember Kathleen Murphy

Staff Present:
Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Assistant Director
Lisa Milligan, Planning Manager II
Latisha Birkeland, Planner III
Amelia Lewis, Planner II
Dustin Shane, Planner II
Seth Harrison, Planner II
Alex Dickerson, Legal

Commissioners Absent:
Jim Lawson

Lucy Alden Kempf
Secretary and Executive Director, Metro Planning Commission
Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, or emailed to the Planning Department by 3 pm on the Tuesday prior to the meeting. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

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

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

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

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

Legal Notice

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



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries, contact Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

Mr. Tibbs moved and Ms. Blackshear seconded the motion to adopt the agenda. (9-0)

C: APPROVAL OF AUGUST 26, 2021 & SEPTEMBER 09, 2021 MINUTES

Ms. Farr moved and Mr. Henley seconded the motion to approve the August 26, 2021 and the September 9, 2021 minutes. (9-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember O'Connell spoke in favor of Item 20.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2a, 2b, 3, 4a, 4b, 5, 6a, 6b, 7, 8a, 8b, 8c, 9, 10, 11, 12, 13, 14, 15a, 15b

Councilmember Murphy moved and Ms. Farr seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

F: CONSENT AGENDA ITEMS 35, 39

Councilmember Murphy moved and Ms. Johnson seconded the motion to approve the Consent Agenda. (9-0)

Ms. Farr moved and Councilmember Murphy seconded the motion to move Item 20 to the beginning of the items to be heard. (9-0)

G. Informational Presentation on 2nd Avenue Recovery

Mr. Ron Gobbell and Ms. Nora Yoo presented the 2nd Avenue Recovery information.

H. Informational Presentation on 170-176 2nd Avenue N Application

Mr. Dave Johnston presented information on the 170-176 2nd Avenue N application.

I: ITEMS TO BE CONSIDERED

1. 2020Z-013TX-001

BL2020-504/O'Connell

Staff Reviewer: Shawn Shepard

A request to amend Chapters 17.36 and 17.40 of the Metropolitan Code pertaining to creating an Owner Occupied Short Term Rental Overlay district.

Staff Recommendation: Defer to the October 28, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-013TX-001 to the October 28, 2021, Planning Commission meeting. (9-0)

2a. 2021CP-007-003

WEST NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Cory Clark

A request to amend the West Nashville Community Plan by changing from T3 Suburban Neighborhood Evolving Policy to T3 Suburban Mixed Use Corridor Policy for property located at 6111 Cowden Avenue, approximately 200 feet west of Marcia Avenue, zoned R6 (0.29 acres), requested by Barge Cauthen and Associates, applicant; JJZ Realty Partnership G.P., owner (associated case 2021Z-077PR-001).

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

The Metropolitan Planning Commission deferred 2021CP-007-003 to the October 14, 2021, Planning Commission meeting. (9-0)

2b 2021Z-077PR-001
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to OR20 zoning for property located at 6111 Cowden Avenue, at the current terminus of Cowden Avenue (0.29 acres), requested by Barge Cauthen & Associates, applicant; JJZ Realty Partnership, G.P., owner (associated case 2021CP-007-003).

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

The Metropolitan Planning Commission deferred 2021Z-077PR-001 to the October 14, 2021, Planning Commission meeting. (9-0)

3. 2018SP-009-003
SAGE RUN SP (AMENDMENT)
Council District 35 (Dave Rosenberg)
Staff Reviewer: Amelia Lewis

A request to amend a Specific Plan for properties located at 5754 River Road and River Road (unnumbered), approximately 750 feet west of Charlotte Pike, zoned SP (16.47 acres), to add 5.9 acres to the SP and permit 160 multi-family residential units, requested by Dale and Associates, applicant; Sage Run Development, LLC, owner.

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

The Metropolitan Planning Commission deferred 2018SP-009-003 to the October 14, 2021, Planning Commission meeting. (9-0)

4a. 2021SP-009-001
CRESCENT LIONS HEAD
Council District 24 (Kathleen Murphy)
Staff Reviewer: Logan Elliott

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

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

The Metropolitan Planning Commission deferred 2021SP-009-001 to the October 14, 2021, Planning Commission meeting. (9-0)

4b. 78-74P-003
LIONS HEAD VILLAGE (AMENDMENT)
Council District 24 (Kathleen Murphy)
Staff Reviewer: Logan Elliott

A request to amend a portion of a Commercial Planned Unit Development Overlay District on a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place, zoned SCC (3.50 acres), to add multi-family residential as a permitted use and to permit a maximum of 300 multi-family units, requested by Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner (see associated case 2021SP-009-001).

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

The Metropolitan Planning Commission deferred 78-74P-002 to the October 14, 2021, Planning Commission meeting. (9-0)

5. **2021SP-041-001**
CURTIS PROPERTY SP
Council District 02 (Kyonzte Toombs)
Staff Reviewer: Dustin Shane

A request to rezone from R10 to SP zoning for properties located at Lincoln Avenue (unnumbered) and Curtis Street (unnumbered), at the northwest terminus of Curtis Street (31.58 acres), to permit a multi-family residential development, requested by ESP Associates Inc., applicant; Curtis Partners LLC, owner.

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

The Metropolitan Planning Commission deferred 2021SP-041-001 to the October 14, 2021, Planning Commission meeting. (9-0)

- 6a. **2021SP-046-001**
SUMMITT VIEW
Council District 02 (Kyonzte Toombs)
Staff Reviewer: Jason Swaggart

A request to rezone from R8 to SP zoning for properties located at 2111 and 2115 W Summitt Avenue and 2151 Summitt Avenue, approximately 330 feet northeast of Reshna Lane and located within a Commercial Planned Unit Development Overlay District (14.96 acres), to permit up to 112 multi-family residential units and maintain an existing telecommunication facility, requested by Kimley-Horn, applicant; Comcast of Nashville I LLC, owner. (See associated case #27-79P-001).

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

The Metropolitan Planning Commission deferred 2021SP-046-001 to the October 14, 2021, Planning Commission meeting. (9-0)

- 6b. **27-79P-001**
COMMUNICATIONS TOWER PUD (CANCELLATION)
Council District 02 (Kyonzte Toombs)
Staff Reviewer: Jason Swaggart

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

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

The Metropolitan Planning Commission deferred 27-79P-001 to the October 14, 2021, Planning Commission meeting. (9-0)

7. **2021SP-057-001**
MARINA GROVE
Council District 33 (Antoinette Lee)
Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to SP zoning for property located at Hobson Pike (unnumbered), approximately 460 feet northeast of Hamilton Church Road, (5.94 acres), to permit a mixed use development, requested by Civil Design Consultants, LLC, applicant; FAM Properties, LLC, owner.

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

The Metropolitan Planning Commission deferred 2021SP-057-001 to the October 14, 2021, Planning Commission meeting. (9-0)

8a. 2021SP-062-001
4321 OLD HICKORY BLVD
Council District 11 (Larry Hagar)
Staff Reviewer: Dustin Shane

A request to rezone from R15 and R8 to SP zoning for properties located at Old Hickory Blvd (unnumbered) and 4321 Old Hickory Blvd, approximately 470 feet north of Granwood Blvd, (8.52 acres), to permit 78 multi-family residential units, requested by SWS Engineering, Inc., applicant; William L. Butler, owner. (See associated cases 45-86P-003 and 123-84P-001).

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

The Metropolitan Planning Commission deferred 2021SP-062-001 to the October 14, 2021, Planning Commission meeting. (9-0)

8b. 123-84P-001
SOUTH FOR COMMERCIAL PUD (CANCELLATION)
Council District 11 (Larry Hagar)
Staff Reviewer: Dustin Shane

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

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

The Metropolitan Planning Commission deferred 123-84P-001 to the October 14, 2021, Planning Commission meeting. (9-0)

8c. 45-86P-003
GRANWOOD VILLAGE (CANCELLATION)
Council District 11 (Larry Hagar)
Staff Reviewer: Dustin Shane

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

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

The Metropolitan Planning Commission deferred 45-86P-003 to the October 14, 2021, Planning Commission meeting. (9-0)

9. 2021SP-063-001
CHARLOTTE VIEW WEST
Council District 35 (Dave Rosenberg)
Staff Reviewer: Logan Elliott

A request to rezone from R40 to SP zoning for property located at Charlotte Pike (unnumbered), at the corner of Charlotte Pike and Old Charlotte Pike, (1 acre), to permit 57 multi-family residential units, requested by Dale & Associates, applicant; Robert B. Beck, ET UX, owner.

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

The Metropolitan Planning Commission deferred 2021SP-063-001 to the October 14, 2021, Planning Commission meeting. (9-0)

10. 2020Z-119PR-001

BL2020-479/Freddie O'Connell
Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to rezone from MUN, MUN-A, MUL-A, MUG, OR20, CS and CF to MUN-NS, MUN-A-NS, MUL-A-NS, MUG-NS, OR20-NS, CS-NS, and CF-NS zoning for various properties located between Rosa L. Parks Boulevard and 2nd Avenue North, from Hume Street, south to Jefferson Street, and located within the Germantown Historic Preservation District Overlay and the Phillips - Jackson Street Redevelopment District Overlay (68.61 acres), requested by Councilmember Freddie O'Connell, applicant; various owners.

Staff Recommendation: Defer to the October 28, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-119PR-001 to the October 28, 2021, Planning Commission meeting. (9-0)

11. 2021Z-070PR-001

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

A request to rezone from R10 and RS10 to RM15-A-NS zoning for properties located at Hills Lane (unnumbered), at the southwest corner of Old Hickory Boulevard and Hills Lane (9.58 acres), requested by Catalyst Design Group, applicant; Irene G. Patton, Ruth E. Patton, Trilby D. Patton, and Aubrey S. Pratt Sr., owners.

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

The Metropolitan Planning Commission deferred 2021Z-070PR-001 to the October 14, 2021, Planning Commission meeting. (9-0)

**12. 2021S-060-001
SCRUGGS ESTATES**

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

A request for final plat approval to create three lots on property located at Buena Vista Pike (unnumbered), approximately 1,230 feet north of Stokers Lane, zoned R10 (5.63 acres), requested by Daniels and Associates, applicant; Vonda R. Scruggs, owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred Indefinitely 2021S-060-001. (9-0)

**13. 2021S-161-001
RESUBDIVISION OF TRACT 1 PLAN OF BRENTWOOD HALL SECTION 5**

Council District 26 (Courtney Johnston)
Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Defer to the October 28, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-161-001 to the October 28, 2021, Planning Commission meeting. (9-0)

14. 2021S-174-001
PLEASANT COVE CONCEPT PLAN
Council District 13 (Russ Bradford)
Staff Reviewer: Logan Elliott

A request for concept plan approval to create 22 lots on properties located at 1363 Pleasant Hill Road and Island View Court (unnumbered), approximately 780 feet southwest of Bell Road, zoned R15 and R10 (8.7 acres), requested by Dale & Associates, applicant; Platinum Invest LLC, owner.

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

The Metropolitan Planning Commission deferred 2021S-174-001 to the October 14, 2021, Planning Commission meeting. (9-0)

15a. 2021HL-003-001
BL2021-853 and BL2021-889/VanReece
Council District 08 (Nancy VanReece)
Staff Reviewer: Seth Harrison

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

Staff Recommendation: Defer to the October 28, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021HL-003-001 to the October 28, 2021, Planning Commission meeting. (9-0)

15b. 2021NL-003-001
435 OLD HICKORY BOULEVARD
BL2021-854/VanReece
Council District 08 (Nancy VanReece)
Staff Reviewer: Seth Harrison

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

Staff Recommendation: Defer to the October 28, 2021, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021NL-003-001 to the October 28, 2021, Planning Commission meeting. (9-0)

16. 2021Z-012TX-001
BL2021-831/O'Connell, Bradford, Parker
Staff Reviewer: Dustin Shane

A request for an Ordinance amending Sections 6.28.030, 17.04.060, and 17.20.030 of the Metropolitan Code to amend the definition of "Short term rental property (STRP) Not owner-occupied" and to amend parking requirements related to "Short term rental property (STRP) Not owner-occupied" (Proposal No. 2021Z-012TX-001).

Staff Recommendation: Approve amendments to Title 17.

The Metropolitan Planning Commission deferred 2021Z-012TX-001 to the October 28, 2021, Planning Commission meeting. (9-0)

17. 2021Z-016TX-001

BL2021-844/Parker

Staff Reviewer: Amelia Lewis

A request to amend Section 17.40.720 of the Metropolitan Code of Laws to require notice by mail to the address of a property in certain cases, requested by Councilmember Sean Parker, applicant.

Staff Recommendation: Approve the substitute ordinance.

APPLICANT REQUEST

Amend the Zoning Code to include notice requirements for multi-family and mobile home properties.

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would modify Section 17.40.720, Notice by Mail, regarding mail noticing for applications on multi-family properties. The proposed changes are outlined below:

Section 1. That Section 17.40.720 of the Metropolitan Code of Laws is hereby amended by adding the following new subsection D (shown in underline below)

- A. No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within one thousand feet of the subject property have been given notice of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments of the official zoning map involving floodplain or airport overlay districts.
- B. For the revision of existing design guidelines for historic overlays, property owners within one hundred and fifty feet shall be provided written notice.
- C. 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 three zoning applications per councilmember applicant each fiscal year. The planning department shall make reasonable efforts to combine public hearing written notices into one mailing to limit postage costs.
- D. (New Section)
 - 1. For the subject property where the tax records reflect a mailing address that is different than the address of the subject property, then notification shall also be mailed to the address of the property. The following properties shall be exempt from this requirement:
 - a. Properties included in the application of an Overlay District as listed in Chapter 17.36, excluding Planned Unit Development Overlays.
 - b. Properties included in an application to rezone 10 or more parcels filed by a member of the Metropolitan Council in their official capacity.
 - 2. If the subject property is designated as multi-family or mobile home park, in the official tax record, one sign shall be posted by the applicant at each ingress/egress onto the multitenant property. The signage shall comply with the requirements of subsections 17.40.730.B, 17.40.730.C.3, and 17.40.730.D and must be positioned in a manner to best inform the public residing at the multi-tenant property without creating a safety hazard.

BACKGROUND

The requirement for public notices has long been a part of the public hearing process. Legislation to increase the distance required for public notices has been frequent in the last 17 years, with the most recent amendment changing the notice radius from 600 feet to 1,000 feet, which is the current standard in Section 17.40.720.A.

Planning staff has been coordinating with the applicant and Council staff to prepare and file a substitute ordinance, which was introduced on September 7. The substitute ordinance is at the end of this report. The analysis and recommendation in this report have been based on the substitute ordinance.

ANALYSIS

Metro Code Article XV "Public Notification" requires that when an application requiring a public hearing is filed that public notice shall be provided via the newspaper, by mail, and with public notice signs. Planning staff prepares and sends to the applicants the notices and list of property owners within the 1,000 feet as required by Section 17.40.720.A. Planning staff is responsible for the accurate preparation of these notices and distribution to the applicants, where the applicant is responsible for printing and returning the prepared notices to the Planning Department for them to be mailed.

The list of addresses provided to an applicant by Planning Staff is based on addresses provided by the Assessor's Office. Notice is also sent to the property owner. There are times when the mailing address of the property owner of the subject property differs than the address of the property owner itself. The goal of the proposed legislation is to provide noticing to the property address and any tenants that may live on the subject property that otherwise would not have received notice.

The first change, as outlined in the new subsection D.1., would be that when the mailing address and property address of the subject property differ, an additional notice would be required to be sent to the subject property. Exemptions are provided for application of an overlay or applications filed by district councilmembers to rezone 10 or more properties.

The second change is to provide additional signage in instances when the land use of the subject property is designated as multi-family or mobile home park. Each parcel within the county is assigned a land use in accordance with the use of the site. These land uses can include but are not limited to: vacant, commercial, institutional, residential (1 unit), residential (2 or 3 units), residential (4+ units). Multi-family properties are considered as those with three or more dwelling units within a single structure, or three or more units on one lot. As proposed, if the subject property is classified as multi-family or with multiple mobile homes on the site, additional signage would be required at each ingress/egress point on the property. The signage requirements of subsections 17.40 would still apply.

Providing multiple forms of public notice provides opportunities to inform surrounding property owners as decisions made in a public hearing can affect individual properties, properties all along a street, and even a larger scale such as a neighborhood. While the most recently adopted legislation related to noticing focused on expanding the boundaries to include a larger area, this legislation is focusing on a specific instance where individuals at a property may not receive notice of changes on the property. Planning staff is supportive of actions to improve public hearing notices to all residents. The proposed substituted ordinance is an attempt to improve notice for all residents of an area, including non-owner residents of a subject site. By providing additional requirements for notice by mail and signage on properties, the overall goal of improving notices to residents of a subject property is met.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

The Codes Department anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval of the substitute.

SUBSTITUTE ORDINANCE NO. BL2021-844 (as amended)

An Ordinance to amend Section 17.40.720 of the Metropolitan Code of Laws to require notice by mail to the address of a property in certain cases (Proposal No. 2021Z-016TX-001).

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

Section 1. ~~That Section 17.40.720 of the Metropolitan Code of Laws is hereby amended by deleting subsection A in its entirety and replacing it with the following:~~

~~A. ——— No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within one thousand feet of the subject property have been given notice of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. Where the tax records reflect a mailing address for a property owner to be different than the address of the property owned, then notification shall also be mailed to the address of the property itself. If the individual mailing addresses of tenants in any multi-tenant property are not readily available, the applicant shall comply with subsection D. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments of the official zoning map involving floodplain or airport overlay districts.~~

Section 1. That Section 17.40.720 of the Metropolitan Code of Laws is hereby amended by adding the following new subsection D:

D. 1. For the subject property where the tax records reflect a mailing address that is different than the address of the subject property, then notification shall also be mailed to the address of the property. The following properties shall be exempt from this requirement:

a. ~~b.~~ Properties included in the application of an Overlay District as listed in Chapter 17.36, excluding Planned Unit Development Overlays.

b. ~~e.~~ Properties included in an application to rezone 10 or more parcels filed by a member of the Metropolitan Council in their official capacity.

2. If the subject property is designated as multi-family or mobile home park, in the official tax record, one sign shall be posted by the applicant at each ingress/egress onto the multitenant property. The signage shall comply with the requirements of subsections 17.40.730.B, 17.40.730.C.3, and 17.40.730.D and must be positioned in a manner to best inform the public residing at the multi-tenant property without creating a safety hazard.

~~Section 2. That Section 17.40.720 of the Metropolitan Code of Laws is hereby further amended by adding the following new subsection D:~~

~~D. When notice is provided to a multi-tenant property pursuant to subsection A and the individual addresses of tenants in the multi-tenant property are not readily available, signage shall be posted by the applicant in front of the multi-tenant property. The signage shall comply with the requirements of 17.40.730, except that only one such sign shall be required to be posted at the multi-tenant property and must be positioned in a manner to best inform the public residing at the multi-tenant property without creating a safety hazard.~~

Section 32. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Approve the substitute ordinance. Consent Agenda (9-0)

Resolution No. RS2021-241

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-016TX-001 is approved the substitute ordinance. (9-0)

18. 2021Z-017TX-001

BL2021-843/Roberts

Staff Reviewer: Dustin Shane

A request to amend Sections 17.36.110, 17.36.120, and 17.40.550 of the Metropolitan Code of Laws relative to historic signage, requested by Councilmember Mary Carolyn Roberts, applicant.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code to create a Historic Landmark Signage (HS) overlay district.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend the Zoning Code to create a historic overlay district protecting Historic Landmark Signs (HS). The proposed text amendment would modify Section 17.36.110 by adding a section establishing the HS district as a historic overlay district and Section 17.36.120 by defining said district's purpose and parameters, in addition to its relation to allowable sign area calculations. Section 17.40.550 would be modified to include language more inclusive of the diversity of historic overlay districts within the Code and proposed by this amendment.

These proposed changes are shown below with text to be added shown in underline:

Section 1. That Section 17.36.110 of the Metropolitan Code of Laws is hereby amended by adding a new subsection F as follows:

F. Historic Landmark Signage (HS) District. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no signage shall be constructed, altered, repaired, relocated or demolished in whole or in part unless the action complies with the requirements set forth in this title.

Section 2. That Section 17.36.120 of the Metropolitan Code of Laws is hereby amended by adding a new subsection E as follows:

E. Historic Landmark Signage.

1. Signage must meet all of the following criteria to qualify as a Historic Landmark Sign (HS):

- a. Materials, technology, and design. The signage must be representative of excellence in a particular period of construction; and/or must be unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation.
- b. Integrity. The signage must retain the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, and/or art) that have historical significance, or are integral to overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority must be potentially restorable to their historic function and appearance.
- c. Location. The sign shall not be an off-site sign or billboard, as defined in the Zoning Code.
- d. An historic landmark sign must be constructed more than fifty years before the date of application.

2. Sign calculations for a landmark sign:

- a. Where the landmark sign does not identify the business occupying the premises and is not used by an owner or occupant of the premises to advertise a business currently occupying the premises, the landmark sign shall not count against the total allowable sign area for the premises and shall not count against the number of signs allowed for the premises.
- b. Where the landmark sign does identify the business occupying the premises or is used or adaptively reused by an owner or occupant of the premises to advertise a business currently occupying the premises, fifty percent of the square footage of the landmark sign shall count toward the total allowable sign area and shall count against the number of signs allowed for the premises.
- c. Sign calculations shall be determined and confirmed by the Codes Department.

Section 3. That Section 17.40.550 of the Metropolitan Code of Laws is hereby modified as follows:

The zoning administrator shall not issue any zoning, building or demolition permit for the construction, alteration, repair, demolition or relocation of a building or other structure within ~~HP or HL~~ any historic overlay district, or for the construction, demolition, relocation or additions increasing habitable area of a building or other structure within an NC overlay district, without prior approval of the historic zoning commission.

BACKGROUND

The Metro Zoning Code establishes several historic zoning overlay districts for the purpose of preserving the built heritage of Nashville and Davidson County. Preservation provides aesthetic and economic benefits and increases the overall education, pleasure, and welfare of the citizens of the county. These overlay districts generally regulate construction, alteration, repair, relocation, and demolition of all structures within their bounds, which are reflected on the Official Zoning Map. The districts are further defined within the Zoning Code to specify what types of structures they are intended to preserve and any other conditions that apply. Finally, the Zoning Code requires that no zoning permits be issued within these districts without prior approval of the historic zoning commission.

ANALYSIS

The proposed amendments establish the HS overlay district (Section 17.36.110.F) and its parameters (Section 17.36.120.E) and clarify the language concerning which historic districts require prior approval by the historic zoning commission for the issuance of zoning permits (Section 17.40.550).

Currently Section 17.32.145 of the Zoning Code allows exceptions to the sign regulations governing size, placement, spacing, and lighting for landmark, historic, vintage, and replica signs. The proposed amendment applies several of these provisions to all historic landmark signs within an HS overlay district. With the overlay in place, all historic landmark signs—those signs that demonstrate design fidelity to a particular period of construction or feature superior aesthetic quality, creativity, or innovation and are over fifty years old—are allowed to legally exist in their current configuration and location and will only count toward fifty percent of the total square footage of signage allowed on the property when the landmark sign identifies the existing on-site business. Landmark signs not identifying the current business on-site will not count against the total allowable sign area.

The proposed amendments further the cause of historic preservation planning in Nashville. This action recognizes the valuable aesthetic and sentimental contributions made to the built environment by signage. Establishing overlay zones wherein collections of signs can be protected in a comprehensive rather than piecemeal fashion will also strengthen the design integrity and consistency of the visual realm. Owners of such signs will be incentivized to preserve them because of the allowances for extra square footage the amendments include. Finally, the amendment to Section 17.40.550 clarifies that all permits in the existing historic overlay districts (and in the one proposed for adoption with this amendment) require prior approval by the historic zoning commission, thus heading off any confusion surrounding this process. For these reasons planning staff recommends approval of the proposed text amendments.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

The Metro Codes Department will implement this section of the Zoning Code at the time of permit review as is their current practice. The Codes Department anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval of the proposed changes to Title 17.

ORDINANCE NO. BL2021-843

An Ordinance to amend Sections 17.36.110, 17.36.120, and 17.40.550 of the Metropolitan Code of Laws relative to historic signage (Proposal No. 2021Z-017TX-001).

WHEREAS, under Metropolitan Code of Laws § 17.40.410, the Historic Zoning Commission is empowered to recommend the creation of historic overlays; and

WHEREAS, preserving historic signage meets the purpose and intent of an overlay, as outlined in § 17.36.100.
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.36.110 of the Metropolitan Code of Laws is hereby amended by adding a new subsection F as follows:

F. Historic Landmark Signage (HS) District. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no signage shall be constructed, altered, repaired, relocated or demolished in whole or in part unless the action complies with the requirements set forth in this title.

Section 2. That Section 17.36.120 of the Metropolitan Code of Laws is hereby amended by adding a new subsection E as follows:

E. Historic Landmark Signage.

1. Signage must meet all of the following criteria to qualify as a Historic Landmark Sign (HS):

- a. Materials, technology, and design. The signage must be representative of excellence in a particular period of construction; and/or must be unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation.
- b. Integrity. The signage must retain the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, and/or art) that have historical significance, or are integral to overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority must be potentially restorable to their historic function and appearance.
- c. Location. The sign shall not be an off-site sign or billboard, as defined in the Zoning Code.
- d. An historic landmark sign must be constructed more than fifty years before the date of application.

2. Sign calculations for a landmark sign:

- a. Where the landmark sign does not identify the business occupying the premises and is not used by an owner or occupant of the premises to advertise a business currently occupying the premises, the landmark sign shall not count against the total allowable sign area for the premises and shall not count against the number of signs allowed for the premises.
- b. Where the landmark sign does identify the business occupying the premises or is used or adaptively reused by an owner or occupant of the premises to advertise a business currently occupying the premises, fifty percent of the square footage of the landmark sign shall count toward the total allowable sign area and shall count against the number of signs allowed for the premises.
- c. Sign calculations shall be determined and confirmed by the Codes Department.

Section 3. That Section 17.40.550 of the Metropolitan Code of Laws is hereby modified as follows:

The zoning administrator shall not issue any zoning, building or demolition permit for the construction, alteration, repair, demolition or relocation of a building or other structure within ~~HP or HL~~ any historic overlay district, or for the construction, demolition, relocation or additions increasing habitable area of a building or other structure within an NC overlay district, without prior approval of the historic zoning commission.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-242

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-017TX-001 is approved. (9-0)

19. 2017SP-091-003
KENECT NASHVILLE (AMENDMENT)
Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to amend a specific plan on properties located at 808, 812 19th Avenue South and 1815 Division Street, at the southeast corner of Division Street and 19th Avenue South, zoned SP (1.20 acres), to permit Short Term Rental Property (STRP) - not owner occupied as a use, requested by Nelson Mullins Riley & Scarborough LLP, applicant; AP 1815 Division Nashville Property, LLC, owner.

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

The applicant requested to defer to the October 14, 2021 Planning Commission meeting.

Mr. Tibbs moved and Ms. Johnson seconded the motion to defer to the October 14, 2021 Planning Commission meeting. (8-0-1) Ms. Blackshear recused herself from this item.

Resolution No. RS2021-243

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-091-003 is deferred to the October 14, 2021 Planning Commission meeting. (8-0-1)

20. 2021SP-023-001
NORTH EDGEHILL COMMONS
Council District 19 (Freddie O'Connell)
Staff Reviewer: Jason Swaggart

A request to rezone from IWD to SP zoning for properties located at 920 and 1000 Hawkins Street, at the northeast corner of 12th Avenue South and Hawkins street (6.79 acres), to permit a mixed use development, requested by Tuck Hinton Architecture and Design, applicant; Beaman Motor Company, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions with Buildings A and B at 8 stories, unless the Planning Commission determines that Buildings A and B at 9 stories meets the policy at this location.

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 920 and 1000 Hawkins Street, at the northeast corner of 12th Avenue South and Hawkins Street (6.79 acres), to permit a mixed-use development.

Existing Zoning

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

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

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

History

Following the August 26, 2021, Planning Commission meeting, the applicant revised the plan to reduce the heights of buildings along Hawkins Street and increase the height of two of the

buildings adjacent to the Interstate. The revised plans increased the number of residential units, added a minimum requirement for residential units, and increased the required square footage of retail. Staff notes that the applicant has removed the proposed hotel from the revised plans. However, a hotel use is supported by the policy.

SP Plan

The plan includes various mixed-use buildings. All uses of MUG-A are permitted with the exception of the following: alternative financial services, auto repair, auto sales, gas station and short-term rental property – not owner occupied. The plan allows up to 730 multi-family dwelling units and maximum of 400,000 sq. ft. of nonresidential.

The minimum square footage required by the SP for retail is 22,000 square feet and the plan requires a minimum of 400 residential units. The plan includes five buildings. Building A is nine stories (120') and is located along 12th Avenue South at the corner of 12th and Hawkins. Building B is located behind Building A and is adjacent to the interstate. Building B is nine stories (120'). Building C is located along Hawkins Street and is five stories along Hawkins (68') and then eight stories after a 30 foot step back (107'). Building D is located along Hawkins Street and is five stories (68'). Building E is located at the corner of 12th Avenue South and Hawkins Street and is five stories (68').

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

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

GREENHILLS – MIDTOWN COMMUNITY PLAN

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

ANALYSIS

The provision of a mix of neighborhood uses, additional housing, and open spaces as outlined in the plan support the current policy and are essential components of our neighborhoods. This Plan currently includes a maximum of 730 multifamily units and a minimum requirement for 400 units and does not allow STRs. The Plan also includes a 0.8 acre small urban park and a greenway that has been situated to activate uses. These open spaces align with proposed plans for new bicycle and pedestrian connections currently planned for 12th Avenue.

Many neighbors expressed a strong desire for neighborhood services, such as a grocery store. Staff would like to clarify that, while the proposed zoning *does* permit a grocery store as a potential use and requires a minimum of 22,000 square feet of retail, if approved, this rezoning will not automatically guarantee a grocery store on site. (Such a specific use would be negotiated between the land owner and potential tenants in the event this zoning is approved). The existing zoning does support retail, but the size is limited and therefore opportunities for a typical grocery store are limited under the existing zoning. The proposed rezoning is more permissive for such uses, and therefore, is more likely to create an opportunity to support this community goal.

The T4 MU land use policy indicates that heights are generally 3 to 5 stories, but that additional height may be considered in certain circumstances based on location and site characteristics. Overall project design is also taken into account when considering additional height. For this plan, given the location along 12th Avenue, which is a mixed-use arterial and along the interstate, additional height may be considered under the policy. Staff recommends that the Commission review the included visual studies to determine whether the proposed 9 stories on Buildings A and B meets the policy. Staff has previously recommended 8 stories for Buildings A and B and maintains that recommendation, unless the Commission determines otherwise after review of the visual studies. Staff recommends that the Commission consider:

- Adjacency to the Interstate
- Topography
- Adjacent land use areas within the Edgehill neighborhood
- Location on 12th Avenue

Additional Context:

This property is uniquely situated across the interstate from the South Gulch where buildings of 20 stories and above may be permitted. The interstate acts as a dividing point between downtown and the lower intensity residential

neighborhoods to the south. The zoning one block south of the site is one and two family residential (R6) and the overall development pattern includes two- and three-story homes. The zoning pattern along 12th Avenue South, south of the interstate is a mixture of zoning districts including R6, RM20 and RM20-A, CS, MUL-A and SP. Development includes a mixture of single-story commercial buildings, two and three-story condos and one-story homes. The SP on the opposite side of 12th Avenue South permits a mixture of commercial and residential and has a maximum height of five stories.

The site slopes down moving away from 12th Avenue South toward the interstate and from 12th Avenue S east toward 8th Avenue South. Therefore, the topography of the site may diminish the perception of height. The site is near more intense policies north of the interstate.

The heights of the buildings along Hawkins Street have been lowered to five stories while the buildings along the interstate, which sit lower due to topography, step up in height. Staff finds that this transition down towards the neighborhood is generally an appropriate treatment and location for height.

Neighborhood Plan

Additional planning for Edgehill is currently in the Department's work program, and is included in the budget. This planning work could potentially result in updated policies, guidance for Metro assets, urban design standards, mobility recommendations, or other capital projects. The scope of work for the planning study has not been finalized, however, staff hosted a meeting on September 16, 2021, to discuss issues that could be addressed within a scope of work. Staff is evaluating the feedback provided from community leaders with the intent of moving forward with developing a project scope in near future.

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

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (Per Capacity Study Permit # T2021013792).

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- All construction along 12th Ave is to comply with the NDOT 12th Ave Mobility project.
- All BOH operations are to occur within the site, not from the public ROW.
- All vehicular access points are to be from Hawkins St or the newly created private street extension.
- Sidewalk construction along all public streets are to comply with MCSP and NDOT standards and specs.
- Curbside utilization is to be approved by Metro Traffic and Parking Commission.
- Install driveway ramp at driveway connections to public road and install "Now Entering Private Property" signage.
- Comply with NDOT Traffic Engineer conditions of approval.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehouse (150)	6.79	0.8 F	236,618 U	419	40	45

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	6.79	-	730 U	3,977	240	298

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	6.79	-	160,000 SF	1,674	177	177

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	6.79	-	35,000 SF	1,321	33	133

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6,553	+410	+563

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-MU district: **38** Elementary **26** Middle **26** High

The proposed SP-MU zoning district is expected to generate 90 additional students than what is typically generated under the existing IR zoning district. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. Waverly-Belmont Elementary and Hillsboro High School are identified as having additional capacity. J.T. Moore Middle School is identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions with Buildings A and B at 8 stories, unless the Planning Commission determines that Buildings A and B at 9 stories meets the policy at this location.

CONDITIONS

1. Permitted uses shall be limited to the following: a maximum of 730 multi-family residential units with a minimum requirement of 400 units; a maximum of 400,000 square feet of non-residential uses with a minimum requirement of 22,000 square feet of retail. Within the 400,000 square feet of nonresidential square footage, permitted uses shall be per the MUG-A zoning district with the following uses prohibited: Alternative Financial Services; Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Automobile Convenience. Short term-rental properties, owner occupied and short term rental properties, not owner occupied are prohibited within this SP.
2. On the corrected set, update the permitted uses as follows: Within the 400,000 square feet of nonresidential square footage, permitted uses shall be per the MUG-A zoning district with the following uses prohibited: Alternative Financial Services; Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Automobile Convenience. Short term-rental properties, owner occupied and short term rental properties, not owner occupied are prohibited within this SP.
3. On the corrected set, update the FAR note as follows: FAR 3.0 max. Exemptions as noted in 17.12.070.C, D, E, and F of the Zoning Ordinance are permitted.
4. On the corrected set, remove the note referencing screening of parking structures.
5. On the corrected set, add the following note: All parking shall be underground.
6. On the corrected set, add the following note: Facades of buildings A, B, and C along the northern property line adjacent to the pedestrian path shall be designed with glazing and entrances to provide for architectural interest. Blank walls shall be avoided.
7. Final architectural elevations shall be submitted with the initial submittal of the final site plan. Elevations shall comply with all required architectural standards as noted in the plan.
8. On the corrected set, update the material specifications as follows: Building facades shall be constructed of brick, brick veneer, stone, cast stone, glass, and steel, or materials substantially similar in form and function.
9. With the submittal of the final site plan, detailed landscape plans shall be submitted, including for the central open space area.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. 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.
12. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association or Property Owner's Association.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
14. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
15. 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.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Ms. Milligan presented the staff recommendation of approval with conditions and disapproval without all conditions with Buildings A and B at 8 stories unless the Planning Commission determines that Buildings A and B at 9 stories meets the policy at this location.

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

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

Mary McGowan, Kimley-Horn, spoke in favor of the application.

Brenda Morrow spoke in favor of the application.

Elizabeth Moss, 131 Brighton Close, noted that the majority of the neighbors are in favor of this application.

Tim Johnson, 1101 Edgehill, spoke in favor of the application.

Ms. Russell spoke in favor of the application as it will provide more jobs for people in the area.

Paul Jean Parkers, 1209 11th Ave S, spoke in favor of the application.

James Russell, 1208 Horton, spoke in favor of the application as it will be very beneficial to the area.

Ann Massey spoke in favor of the application.

Jen McCarty, 1224 Villa Pl, spoke in favor of the application.

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

Javon Pruitt, 1216 Horton, spoke in favor of the application.

Rob, 904a 15th Ave S, spoke in favor of the application.

Tyson Heller, 1425 14th Ave S, spoke in favor of the application.

Delphine Paige, 1314 Horton Ave, spoke in favor of the application.

Name not given, spoke in favor of the project as well as the nine stories and also requested that Commissioner Sims not vote on this item.

Brian Eckerd, 915 Southside Pl, spoke in opposition to the application due to increased traffic concerns and the height of the development.

Bill Talgen, 1004 Southside Ave, spoke in opposition to the application due to lack of involvement in the community meetings as well as the height of the development.

Diane Talgen, 1004 Southside Ave, spoke in opposition to the application as it does not fit the Community Character Manual of Nashville.

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

Shannon Boshain, 6614 Lee Rd, spoke in opposition to the application.

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

Leon Troy, Archer St, spoke in opposition to the application due to the height of the development.

Chairman Adkins closed the Public Hearing.

Ms. Farr said this is a unique site where higher density makes sense. She also noted that she is very much in favor of affordable housing in this area. She inquired what can be required as far as a grocery store.

Mr. Tibbs spoke in agreement with Ms. Farr's comments, especially having the increased height at the interstate. He also placed emphasis on the grocery store as the community really wants that benefit; would like to see more of a commitment.

Ms. Blackshear spoke in agreement with Ms. Farr and Mr. Tibbs; this is a great project.

Councilmember Murphy stated there should be some type of condition that will require the grocery store. Would be more comfortable if this was eight stories instead of nine.

Ms. Johnson noted that the folks in opposition seem to be closer to the development. She asked if we could condition green space to be publicly accessible as that is a great benefit to the community. She stated she does not see the benefit of nine stories versus eight.

Dr. Sims expressed concerns about this due to the process this has gone through. We must think very carefully about what we are doing with this area. Any promises made for affordable housing, a grocery store, a park, or more jobs cannot be broken. This SP is very troublesome. We need to slow down the process and try to come together to figure this out.

Mr. Haynes said we need to take the grocery store very seriously and asked for clarification on the proposed uses for Blocks A and B. We need urban mixed-use projects and Block E is the appropriate location for the grocery store. Feels that all this can work with eight stories instead of nine.

Mr. Henley explained that he does see a benefit to the ninth floor and discussed adequate parking concerns with the developer.

Mr. Haynes moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions at 9 stories for Buildings A & B conditioned upon a lease being secured for an urban retailer at a minimum of 18,000 square feet in Building E (at the corner of Hawkins and 12th Avenue S). If an urban retailer is not secured, then Buildings A & B will be limited to 8 stories and with the following additional conditions: remove condition 4; modify condition 5 as follows: On the corrected set, add the following note: except for limited areas of structured parking that will be fully lined, all parking shall be located underground; and, The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to issuance of building permits.

Ms. Blackshear moved and Mr. Henley seconded the motion to move Item 20 to the end of the agenda to allow Councilman O'Connell to speak. (9-0)

The vote was taken. (8-1) Dr. Sims voted against.

Resolution No. RS2021-244

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-023-001 is approve with conditions and disapprove without all conditions at 9 stories for Buildings A & B conditioned upon a lease being secured for an urban retailer at a minimum of 18,000 square feet in Building E (at the corner of Hawkins and 12th Avenue S). If an urban retailer is not secured, then Buildings A & B will be limited to 8 stories and with the following additional conditions: remove condition 4; modify condition 5 as follows: On the corrected set, add the following note: except for limited areas of structured parking that will be fully lined, all parking shall be located underground; and, The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to issuance of building permits. (8-1)

CONDITIONS

1. Permitted uses shall be limited to the following: a maximum of 730 multi-family residential units with a minimum requirement of 400 units; a maximum of 400,000 square feet of non-residential uses with a minimum requirement of 22,000 square feet of retail. Within the 400,000 square feet of nonresidential square footage, permitted uses shall be per the MUG-A zoning district with the following uses prohibited: Alternative Financial Services; Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Automobile Convenience. Short term-rental properties, owner occupied and short term rental properties, not owner occupied are prohibited within this SP.
2. On the corrected set, update the permitted uses as follows: Within the 400,000 square feet of nonresidential square footage, permitted uses shall be per the MUG-A zoning district with the following uses prohibited: Alternative Financial Services; Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Automobile Convenience. Short term-rental properties, owner occupied and short term rental properties, not owner occupied are prohibited within this SP.
3. On the corrected set, update the FAR note as follows: FAR 3.0 max. Exemptions as noted in 17.12.070.C, D, E, and F of the Zoning Ordinance are permitted.
4. On the corrected set, remove the note referencing screening of parking structures.
5. On the corrected set, add the following note: All parking shall be underground.
6. On the corrected set, add the following note: Facades of buildings A, B, and C along the northern property line adjacent to the pedestrian path shall be designed with glazing and entrances to provide for architectural interest. Blank walls shall be avoided.
7. Final architectural elevations shall be submitted with the initial submittal of the final site plan. Elevations shall comply with all required architectural standards as noted in the plan.
8. On the corrected set, update the material specifications as follows: Building facades shall be constructed of brick, brick veneer, stone, cast stone, glass, and steel, or materials substantially similar in form and function.
9. With the submittal of the final site plan, detailed landscape plans shall be submitted, including for the central open space area.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. 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.
12. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association or Property Owner's Association.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

14. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
15. 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.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

21. 2021SP-052-001
THE COTTAGES AT CITY HEIGHTS

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

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

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

APPLICANT REQUEST

Preliminary SP to permit 16 multi-family units.

Zone Change

A request to rezone from RS5 to SP zoning for properties located at 724, 726, 728 and 730 27th Avenue North, at the southeast corner of Booker Street and 27th Avenue North (0.83 acres), to permit 16 multi-family residential units.

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 6 units.

Proposed Zoning

Specific Plan-Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing types.

NORTH NASHVILLE COMMUNITY PLAN

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

SITE CONTEXT AND PLAN DETAILS

The approximately 0.83 acre property consists of four existing lots located at the northeast corner of 27th Avenue North and Booker Street. The site is currently vacant with access from an existing alley. Currently, the surrounding parcels all consist of single-family residential uses, but the neighborhood consists of a mixture of vacant, single-family, two-family, and multi-family residential uses. These are also located within the T4 Neighborhood Evolving policy.

Plan Details

The site plan proposes up to 16 multi-family residential units, 14 would be attached units and the remaining 2 units will be detached. Of the 16 units, 6 units will front 27th Avenue North, 6 units will front Booker Street, and the remaining 4 units are oriented to the interior of the site.

Parking is provided with a combination of on-street parking, rear loaded garages, and interior surface parking. Units 1-5 and 8-12 will have rear loaded garages while units 6, 7, and 13-16 will utilize on-street and interior surface parking. Site vehicular access will be provided by an existing alley located off Booker Street. Sidewalks along 27th North Avenue and Booker Street are proposed to be updated to meet the local street standard, with 5 foot sidewalks and 4 foot

planting strips when not located along on-street parking. Sidewalks will extend to each unit fronting 27th Avenue North and Booker Street, and a sidewalk connection is provided along the alley for units 13-16.

The plan includes architectural standards requiring the final site plan to closely resemble the proposed elevations, raised foundations, minimum glazing percentage, minimum porch depths, and prohibited materials, with a max height of 3 stories in 38 feet. Proposed landscaping includes an 8 foot wide Type B landscape buffer along the southern property boundary with a 6 foot privacy fence and screening of parking areas visible from 27th Avenue North and Booker Street.

ANALYSIS

The T4 NE land use policy is intended to create and enhance urban neighborhoods with a diversity of housing types, increase connectivity, and increase density, with consideration of the existing character of the neighborhood. The proposed plan provides a variety of housing types with both attached and detached units, while considering the character of the neighborhood which consists of mostly single-family and two-family residential units. Providing parking in the rear allows for the buildings along 27th Avenue North and Booker Street to effectively screen the parking areas from the roads. The landscape buffer along the southern boundary allows for transitional area to the single-family type developments to the south. As proposed, the sidewalks will enhance the existing sidewalk network by pulling the sidewalk away from the roads and providing planting strips or on-street parking as a buffer for pedestrians. The increase in intensity, variety of housing types, landscape screening and buffering, and sidewalk enhancements are consistent with the policy goals of successful redevelopment of existing neighborhoods by developing a currently vacant site while taking the existing character into account.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. Submittal of an updated availability study is required before the Final SP can be reviewed. Once this study has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study.
- A minimum of 30% W&S Capacity must be paid before issuance of building permits. The applicant must submit for, and receive approval of, a variance for the proposed shared private sewer system. This variance package must contain a Letter of Responsibility, and must match the Final Site Plan/SP plans.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions. A private hauler will be required for waste/recycle disposal onsite. Show new sidewalks along Booker St. tie back to existing along East out parcel.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Refer to NDOT recommendation.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.83	8.712 D	7 U	90	9	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.83	-	16 U	85	5	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+9 U	-5	-4	-

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 1 Elementary 1 Middle 1 High

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

The proposed SP does not anticipate any additional students from the current RS5 zoning. Students would attend Park Avenue Elementary, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 16 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. Submit final elevations with the submittal of the final site plan. Final elevations shall be consistent with elevations included with the preliminary SP.
3. With the final site plan, elevations will be consistent with the elevations included with the Preliminary SP.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Phillip Pearcy, Catalyst Design Group, spoke in favor of the application.

Tonya Moody, 726 26th Ave N, spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Dr. Sims stated that the density seems a bit high.

Mr. Haynes spoke in favor of staff recommendation.

Mr. Henley said the parking seems to be adequate and is in favor of incremental density.

Ms. Johnson said we have to be cognizant of keeping the neighborhood as a neighborhood by adding gentle density, not radical density.

Councilmember Murphy feels that this is beyond incremental density; does not support 16 units.

Ms. Blackshear feels that this might be an example of radical density and would not support 16 units.

Mr. Tibbs suggested a deferral to allow further discussion between the developer and the community.

Ms. Farr moved and Mr. Tibbs seconded the motion to defer to the October 28, 2021 Planning Commission meeting. (9-0)

Ms. Johnson moved and Mr. Haynes seconded the motion to move back to Item 20. (9-0)

Resolution No. RS2021-245

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-052-001 is deferred to the October 28, 2021 Planning Commission meeting. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 16 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. Submit final elevations with the submittal of the final site plan. Final elevations shall be consistent with elevations included with the preliminary SP.
3. With the final site plan, elevations will be consistent with the elevations included with the Preliminary SP.
4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

22. 2021SP-064-001

SKYLINE RIDGE

Council District 08 (Nancy VanReece)

Staff Reviewer: Dustin Shane

A request to rezone from SP to SP zoning for property located at Skyline Ridge Drive (unnumbered), approximately 415 feet east of Dickerson Pike, (24.97 acres), to permit 240 multi-family residential units, requested by Hawkins Partners, applicant; Margaret A. & Ronald C. Toski ET AL, owner.

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

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Specific Plan-Mixed Use (SP-MU) to Specific Plan-Residential (SP-R) zoning for properties located at Skyline Ridge Drive (unnumbered), approximately 415 feet east of Dickerson Pike (24.97 acres), to permit 240 multi-family residential units.

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 and/or commercial uses. *The Skyline Apartments SP permits an assisted living facility on the site.*

Proposed Zoning

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

PARKWOOD – UNION HILL COMMUNITY PLAN

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

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

PLAN DETAILS

The 24.97-acre site is located on the north side of Skyline Ridge Drive, approximately 415 feet east of Dickerson Pike. The site is heavily wooded and steeply sloping. Because of this topography, CO and OS policy encumber the majority of the site with the exception of the southern and western fringes. The site drains down a ravine in the eastern half.

The property is adjacent to single-family residential (RS10)-zoned land to the north, the 808 at Skyline Ridge SP multifamily development to the east, the southern half of the Skyline Apartments SP (which permits multi-family uses) to the south (File No. 2013SP-038-001), and commercially-zoned (CS) parcels to the west containing the Davidson County Farmers Co-op.

The property itself is the northern portion of the Skyline Apartments SP and was slated for a 160-unit assisted living facility. The southern half was approved for over 200 multi-family residential units and does not have vehicular access to Skyline Ridge Drive.

Site Plan

The plan calls for a stacked flats residential development, including a maximum of 240 multi-family units at a density of 9.56 units per acre. Parking will be provided along private drive aisles in 90-degree rows at a ratio of 1.5 spaces per unit, with 364 spaces total (all surface). The proposed residential uses are all permitted within the fallback zoning district of RM20. The proposed maximum height (six stories in 70 feet) exceeds the usual maximum in the T3 NE policy area by two stories. Dense foliage and topography will screen most of the site elements from abutting residential properties to the north, and adequate buffering will be provided to address parking screening requirements. Buildings along Skyline Ridge Drive will address the street with pedestrian entrances and sidewalk connections to the planned public sidewalk.

Two drive entrances will be provided at opposite ends of the site, ensuring proper spacing between curb cuts within the development and with those of other developments along Skyline Ridge Drive. Street trees will be planted along this frontage with parking lot plantings provided throughout the site per Code. Stormwater management features are located within the common areas and within interstitial open space at the lowest points of the site. For development standards not specified in the SP Plan, the property will be subject to the standards of the RM20 zoning district. A mulch walking path will connect to the sidewalk network in the northwestern corner of the site and provide hiking opportunities across the substantial slopes. A primitive trail will link to the improved trail, giving experienced hikers further opportunities to explore the undisturbed portions of the site. Retaining walls will be required at the edges of the developed area because small portions of the slopes will have to be removed to allow the modest level of disturbance proposed.

ANALYSIS

The plan is consistent with the proposed T3 NE and CO policies. The T3 NE policy 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. The proposed development is intended to provide more affordably priced "artist" housing, a goal identified in NashvilleNext. This partially justifies the request for added allowable height. Other mitigating factors include the location of the taller buildings at the bottom of a hill, thereby avoiding the "skylining" effect. The buildings will largely be shielded from view from the north and west. Additionally, part of the request for the added height comes from the fact that much of the site covered by CO policy is being left in a natural state. This is reflected in the overall lower density that is being requested. The T3 NE policy also lists proximity to existing or planned transit routes as a justification for increased height, and a new WeGo bus route is planned within walking distance of the development that will connect future residents with the Dickerson and Gallatin Pike Corridors. The plan enhances the pedestrian realm by providing nature trails and sidewalk connections to the public sidewalk system.

CO policy is intended to preserve environmentally sensitive land features through protection and remediation. The majority of the site is covered by CO policy, which applies to areas of steep slope in excess of 20%. As stated above, the requested additional height allows the developer to largely avoid these areas, meeting both the policy goal to provide more housing choices and to preserve sensitive environmental features.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

- Add Zone 1 stream buffers to eastern 'drainage swale'.
- Add buffer note.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. Submittal of an availability study is required before the Final SP can be reviewed. Once this study has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study. A minimum of 30% Sewer Capacity must be paid before issuance of building permits.
- Water provided by Madison Suburban Utility District.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- SSD/ISD exhibit was not provided for accesses at prelim.
- Prior to final, Stopping Sight Distance (include Intersection Sight Distance-ISD as well, turning out from a stop position), per AASHTO (green book) will be required. Submit exhibit w/ the following: State what's required versus what's available be it existing and proposed grades/elevation-table and plan view of triangle from access, street, etc. (cont.) Based on the required sight triangle legs, Show, in profile view(s), clear line of sight from turning to approaching vehicles with the grades.
- Based on exhibit results, NDOT may require proposed accesses to either be relocated and/or one access to be removed.
- 2018sp-083-002 (808 Skyline Ridge) is widening and paving South portions only on Old Due West Ave. Therefore, on final, call out new paving on North portion along frontage (East property line, up to Dickerson) to 24 ft. pavement width.
- In general, show call outs (ramps, sidewalks, etc.) per NDOT standard details and specs.
- Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with Conditions

- Widen the westbound approach of Dickerson Pike at Skyline Ridge Drive to include a left-turn and right-turn lane. Applicant confirms adequate right-of-way and acknowledges the potential costs associated with this improvement.
- Conduct a signal warrant assessment for the intersection of Dickerson Pike at Skyline Ridge Drive prior to Final SP and/or building permit approvals. Development shall design and install traffic signal if warranted and/or directed by NDOT.
- Coordinate with NDOT to either install a new or relocate the existing rectangular rapid-flashing beacon (RRFB) on Skyline Ridge Drive west of the development.

- Parking to be provided based on review of a parking study with final site plan.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Senior Adult Housing (252)	24.97	-	100 U	377	20	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	24.97	-	240 U	1,306	81	103

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+140 U	+929	+61	+77

METRO SCHOOL BOARD REPORT

Projected student generation existing SP-MU district: 0 Elementary 0 Middle 0 High
 Projected student generation proposed SP-R district: 38 Elementary 24 Middle 24 High

The proposed SP-R zoning is expected to generate 86 more students than the existing SP-MU zoning district. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 240 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Provide deed book and page numbers for adjacent properties
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2021-246

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-064-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 240 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Provide deed book and page numbers for adjacent properties
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

23. 2021COD-004-001

BL2021-897/Sepulveda

Council District 30 (Sandra Sepulveda)

Staff Reviewer: Seth Harrison

A request to apply a Contextual Overlay District to various properties located east of Nolensville Pike, zoned R10, R15, R20, and RS10 (136.48 acres), requested by Councilmember Sandra Sepulveda, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District to various properties located east of Nolensville Pike, zoned One and Two-Family Residential (R10, R15, R20), and Single-Family Residential (RS10) (136.48 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

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

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

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 Overlay

Contextual Overlay District (COD) provides appropriate design standards in a residential area. It can maintain and protect neighborhood form or character. A Contextual Overlay must apply throughout the residential portion of a complete block face and cannot be applied in an adopted historic overlay district.

SOUTHEAST COMMUNITY PLAN

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

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

CO policy at this site recognizes potential streams and stream buffers and pockets of potentially steep slopes.

CONTEXTUAL OVERLAY STANDARDS

Application of the COD would not change the existing entitlements afforded under the base zoning districts.

The standards of the contextual overlay district are listed below. These standards are established in the zoning code and cannot be modified. The design standards are necessary to maintain and reinforce established form or character of residential development in an area.

Setback

- Minimum required setback shall be average of the setback of the 2 developed lots abutting each side of the lot
- Example – abutting lots have setbacks of 50 feet, 55 feet, 40 feet, and 42 feet; average 47 feet, required minimum

Height

- Maximum height, including foundation, shall not be greater than 35 feet or 125% of the structures on the two lots abutting each side, whichever is less
- If 125% of the average is less than 27 feet, a maximum height of 1.5 stories in 27 feet is allowed
- Example – average is 24 feet; max allowed height is 30 feet

Coverage

- Maximum coverage shall be 150% of the average of the coverage of the two abutting lots on each side
- Does not include detached garages or accessory buildings
- Example – average coverage of abutting lots is 2,100 square feet; max coverage of 3,150 allowed

Access, Garages, Parking

- If there is an alley, access shall be from the alley
- On corner lots, access shall be within 30 feet of rear property line
- Driveways are limited to 1 per public street frontage
- Parking, driveways, and all other impervious surfaces in the required setback shall not exceed 12 feet in width
- The front of any detached garage shall be located behind the rear of the primary structure
- The garage door of any attached garage shall face the side or rear property line.

ANALYSIS

The area included in the Overlay includes properties located on either side of Melpar Drive, Cedar Hill Road, Pearson Place, Crosby Lane, Cypress Drive, Yorktown Road, Gillette Road, Packard Drive, and Fairlane Drive east of Raywood Lane. Also included are properties located along the west side of Raywood Lane, north of Fairlane Drive, and properties located on the east side of Raywood Lane, north of Strasser Drive. Properties along the south side of Strasser Drive, west of Raywood Lane, and on either side of Strasser drive east of Raywood Lane are included as well. The properties included are in the Tusculum Fields, Fairlane Park, Locustwood, and various minor subdivisions and have developed primarily with single-story and split-level, post-war, ranch-style residences. There is a predominant development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary.

The proposed Overlay is located within a T3 Suburban Neighborhood Maintenance policy area, which is intended to maintain the general character of developed, suburban residential neighborhoods. Application of the Overlay would help to preserve the existing character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T3 NM policy. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Harrison presented the staff recommendation of approval.

Councilmember Sepulveda spoke in favor of the application.

Tucker Price, 5001 Madeline Dr, spoke in favor of the application.

Andrew Flanagan, 338 Fairlane Dr, spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Mr. Tibbs spoke in favor of staff recommendation.

Councilmember Murphy spoke in favor of staff recommendation.

Ms. Johnson spoke in favor of staff recommendation.

Mr. Henley spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Ms. Farr moved and Councilmember Murphy seconded the motion to approve. (9-0)

Resolution No. RS2021-247

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021COD-004-001 is approved. (9-0)

24. 2017NHC-003-002

BL2021-903 & BL2021-904/Murphy

BOWLING HOUSE NEIGHBORHOOD CONSERVATION OVERLAY

Council District 24 (Kathleen Murphy)

Staff Reviewer: Dustin Shane

A request to amend the Bowling House Neighborhood Conservation Overlay District to include properties located at 4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue, zoned RS7.5 (13.87 acres), requested by Councilmember Kathleen Murphy, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend a Neighborhood Conservation Overlay District.

Neighborhood Conservation Overlay

A request to amend the Bowling House Neighborhood Conservation Overlay District to include properties located at 143 42nd Avenue N, 131 44th Avenue N, 133 44th Avenue N, and properties located on Utah Avenue and Nebraska Avenue between 42nd Avenue N and 45th Avenue N, zoned RS7.5 (13.87 acres), requested by Councilmember Kathleen Murphy, applicant; various owners.

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.

Proposed Overlay

Neighborhood Conservation Overlay District (NHC) is applied to geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development. The Neighborhood Conservation Overlay District is intended to preserve historic structures within the Bowling House Neighborhood through the implementation of development and design guidelines by the Metro Historic Zoning Commission and staff.

WEST NASHVILLE COMMUNITY PLAN

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

REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its September 15, 2021, meeting. Historic Zoning Commission staff recommended approval of this application. Metro Historic Commission Staff provided the following background information:

The request is to expand the Bowling House District. The Bowling House District is a part of the greater Sylvan Park neighborhood that was established as a neighborhood conservation zoning overlay in 2017. (Park & Elkins is another overlay within Sylvan Park that was established in 2013.) The expansion area is similar to the existing overlay in that it is residential buildings constructed primarily between 1900 and 1950. The styles are also similar to the existing district, but the forms differ slightly in that the buildings are all one and one- and one-half story simple cottages and bungalows. The existing portion has three two-story buildings and several that are slightly more "high-style" than the area of expansion.

The expansion area meets criterion 1 as a prime example of the suburban development and growth of Nashville. It meets criterion 3 as an excellent collection of turn-of-the-20th-Century residential buildings. The majority of the historic context is one and one-and-one-half story frame bungalows and cottages.

In 2011, the State Historic Preservation Office deemed the overall neighborhood eligible for listing in the National Register of Historic Places (criterion 5). Due to recent changes, that is not likely the case any longer; however, there are pockets of the neighborhood that would likely still qualify. Based on the historic resource survey completed this year of for the proposed expansion and with a revised survey for the existing district, combined the proposed district would be 56% contributing.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On September 15, 2021, the Metro Historic Zoning Commission reviewed the request and recommended approval of the amendment to the Bowling House Neighborhood Conservation District.

STAFF RECOMMENDATION

Staff recommends approval.

Councilmember Murphy recused herself from this item.

Mr. Shane presented the staff recommendation of approval.

Councilmember Murphy, applicant, spoke in favor of the application.

Adam Wakefield, 4401 Utah Ave, spoke in favor of the application.

Katie Lamb, 4400 Nebraska Ave, spoke in favor of the application.

Linda Luther, 4403 Utah Ave, spoke in favor of the application.

Jennifer Loftis, 4411 Utah Ave, spoke in favor of the application.

Emily Keites, 4409 Nevada Ave, spoke in favor of the application.

Curt Wolfman, 4105 Utah Ave, spoke in opposition to the application.

Jared Hill, 4204 Utah Ave, spoke in opposition to the application.

Sarah Alvaro, 4212 Utah, spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Mr. Haynes spoke in favor of staff recommendation; Councilmember Murphy has committed to continue to work with the neighbors through the council process.

Mr. Henley spoke in favor of staff recommendation.

Ms. Johnson spoke in favor of staff recommendation.

Ms. Blackshear spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

Dr. Sims spoke in favor of staff recommendation.

Dr. Sims moved and Mr. Haynes seconded the motion to approve. (8-0-1) Councilmember Murphy recused herself.

Resolution No. RS2021-248

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017NHC-003-002 is approved. (8-0-1)

25. 2021Z-064PR-001

BL2021-827/Hausser, Rosenberg
Council District 22 (Gloria Hausser); 35 (Dave Rosenberg)
Staff Reviewer: Logan Elliott

A request to rezone from SP to RS80 zoning for properties located at 8733 and 8811 Newsom Station Road, approximately 1700 feet northwest of Coley Davis Road, zoned SP (131.06 acres), requested by Councilmember Dave Rosenberg, applicant; Old Mill Partnership, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from SP to RS80.

Zone Change

A request to rezone from Specific Plan (SP) to Single-Family Residential (RS80) zoning for properties located at 8733 and 8811 Newsom Station Road, approximately 1700 feet northwest of Coley Davis Road (131.06 acres).

Existing Zoning

Specific Plan – Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing types.

Proposed Zoning

Single-Family Residential (RS80) requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre. *RS80 would permit a maximum of 71 units based on acreage alone.*

BELLEVUE COMMUNITY PLAN

Conservation (CO) is intended to preserve and enhance environmentally sensitive land within all Transect Categories except 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.

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.

EXISTING SP DETAILS

Metro Council originally approved the Olde Mill Specific Plan in 2007 for a mixed-residential development including 16 two-family units, 35 townhomes, and 197 single-family lots on 131.06 acres. The single-family lots are broken into four different lot sizes: 86 lots are 31 feet wide, 67 lots are 41 feet wide, 11 lots are 51 feet wide, and 33 lots are 65 feet wide. A community pool is also included in the plan.

The plan proposes two access points. One access point is located along Newsom Station Road. The second access point includes a bridge over the CSX railroad, providing a connection to the west side of Newsom Station Road.

The Planning Commission at its March 25, 2021, meeting found that the existing SP to be inactive and recommended to the Metro Council rezone the subject property.

ANALYSIS

The approximately 131 acre site is partially split by Newsom Station Road with the majority of the property being on the east side of the road. The property is adjacent to the Newsom's Mill Historic Site and has I-40 abutting to the south and the Harpeth River bounding the property to the north and to the east. Newsom Station road is classified as

a Collector Avenue in the Major and Collector Street Plan. The property has large areas within the Floodplain/Floodway.

The proposed zoning district would permit a form and intensity of development that is consistent with the Suburban Neighborhood Maintenance policy. The proposed zoning district would likely cause the property to develop through a subdivision that would be subject to the Subdivision Regulations. These regulations would require the subdivision to preserve and protect the Floodplain/Floodway in an appropriate manner. Staff finds the proposed zoning district consistent with policy and appropriate for this location.

Maximum Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	131.06	-	213 U	2,085	156	210

Maximum Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	131.06	-	35 U	189	12	6

Maximum Uses in Proposed Zoning District: RS80

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)	131.06	0.545 D	71 U	759	55	73

Traffic changes between maximum: SP and RS80

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-177 U	-1,515	-113	-143

METRO SCHOOL BOARD REPORT

Projected student generation existing SP district: 35 Elementary 26 Middle 28 High

Projected student generation proposed RS80 district: 8 Elementary 6 Middle 7 High

The proposed RS80 zoning is expected to generate 68 fewer students than the existing SP zoning. Students would attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. Gower Elementary School and Hillwood High School are identified as having additional capacity. H.G. Hill Middle School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-249

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-064PR-001 is approved. (9-0)

26. 2021Z-072PR-001

Council District 33 (Antoinette Lee)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to RS7.5 zoning for properties located at 3163 and 3165 Anderson Road, at the northern terminus of Hamilton Lane (12.8 acres), requested by Sammy Said and Marian Fangary, applicants and owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to RS7.5.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS7.5) zoning for properties located at 3163 and 3165 Anderson Road, at the northern terminus of Hamilton Lane (12.8 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 6 lots with 1 duplex lots for a total of 7 units.*

Proposed 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 63 units, based on acreage alone.*

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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

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

ANALYSIS

The 12.8 acre site is located on the south side of Anderson Road, west of Wilford Park Drive. The property is currently vacant. Surrounding properties have developed with single-family residential. Property immediately across Anderson Road has been recently recommended for approval as a multi-family Specific Plan.

Surrounding zoning includes AR2a, RS7.5, R8, R10, and RS10. The property immediately to the east is zoned RS7.5 and has been developed as a traditional suburban subdivision. Anderson Road is a collector and the Major and Collector Street Plan includes a future collector traversing this site. Should the property be rezoned and subsequently proposed for subdivision, the proposed collector would be evaluated and required if necessary with the proposed subdivision.

Rezoning this property to RS7.5 would allow for development similar to existing residential developments in the area, consistent with the goals of the policy to create and enhance suburban communities.

FIRE RECOMMENDATION

Approve with conditions

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

Maximum Uses in Existing Zoning District: AR2a

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)	12.80	0.5 D	7 U	90	9	8

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	12.80	5.808 D	74 U	788	57	76

Traffic changes between maximum: **AR2a and RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+698	+48	+68

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 2 Elementary 1 Middle 1 High

Projected student generation proposed RS7.5 district: 16 Elementary 12 Middle 11 High

The proposed RS7.5 zoning district is expected to generate 19 additional students than the existing AR2a zoning district. Students would attend Edison Elementary School, J.F. Kennedy Middle School, and Antioch High School. All schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-250

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-072PR-001 is approved. (9-0)

27. 2021Z-073PR-001

BL2021-859/VanReece

Council District 08 (Nancy VanReece)

Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OG to MUG and MUG-A-NS.

Zone Change

A request to rezone from Office General (OG) to Mixed-Use General (MUG) and Mixed-Use General – Alternative – No Short Term Rentals (MUG-A-NS) zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres).

Existing Zoning

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

Proposed Zoning

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

Mixed Use General - Alternative – No Short Term Rentals (MUG-A-NS) is intended for a moderately high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *The – NS designation prohibits short term rentals (owner occupied and not owner occupied).*

MADISON COMMUNITY PLAN

D Employment Center (D EC) is intended to enhance and create concentrations of employment that are often in a campus-like setting. A mixture of office and commercial uses are present, but are not necessarily vertically mixed. Light industrial uses may also be present in appropriate locations with careful attention paid to building form, site design, and operational performance standards to ensure compatibility with other uses in and adjacent to the D EC area. Secondary and supportive uses such as convenience retail, restaurants, and services for the employees and medium- to high-density residential are also present.

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

UPDATE

The district councilmember held a neighborhood meeting on September 11, 2021, following the first hearing at the Planning Commission. Previous opposition to the item was primarily focused around a perceived lack of information and questions around what could be developed under the proposed zoning district. The community meeting was an opportunity for the councilmember and developer to address the questions and concerns. A request to revise a part of the rezoning request from MUG-A to MUG-A-NS was submitted by the councilmember after this community meeting. A revised analysis section based on this request is below.

ANALYSIS

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

The site would be split zoned between MUG and MUG-A-NS. The portion of the area to be rezoned that is immediately adjacent to the public streets would be within the MUG-A-NS zoning district and the internal portions of the site to be rezoned would be zoned MUG. The proposed zoning districts are consistent with the District Employment Center (D-EC) Policy. D-EC Policy areas can be characterized with having mixture of office and commercial uses to provide centers of employment. While the primary function of D-EC policy areas are places to establish intense economic activity, there are often additional complementary uses. These complementary uses are encouraged as secondary and supportive to the function of the D-EC policy as an economic activity center. Complementary uses include daily convenience retail, restaurants, and services for the employees, and can also include medium to high-density residential. Additional factors for consideration in a rezoning of a site in the D-EC area can include the location of the site, the location in relation to environmentally sensitive features, centers, corridors, and neighborhoods. The site is located at the intersection of two arterial boulevards as classified by the Major and Collector Street Plan (MCSP), near other similar zoning districts, and minimal slopes. The presence of a small area of slopes on the site are indicated by the Conservation Policy on the site.

FIRE RECOMMENDATION

Approve

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

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	8.25	3.0 F	1,078 U	5,873	351	434

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

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

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

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

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

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

METRO SCHOOL BOARD REPORT

The mix of uses could vary and assumption of impact at this point is premature. Students would attend Stratton Elementary School, Madison Middle School, and Hunters Lane High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Ms. Blackshear left the meeting.

Mr. Henley recused himself from this Item.

Ms. Lewis presented the staff recommendation of approval.

Councilmember VanReece spoke in favor of the application.

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

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

Lauren Knotts, 1022 Falls Ave, spoke in favor of the application.

Rickie Perry, Goodpasture Christian School, spoke in favor of the application.

Chairman Adkins closed the Public Hearing.

Ms. Johnson stated that this has great potential but expressed concerns that a straight zone change doesn't give any guarantees to the neighbors.

Mr. Haynes spoke in favor of the application; this is very exciting.

Dr. Sims spoke in favor of staff recommendation.

Ms. Farr spoke in favor of staff recommendation.

Mr. Tibbs moved and Mr. Haynes seconded the motion to approve. (7-0-1) Mr. Henley recused himself from this item.

Resolution No. RS2021-251

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-073PR-001 is approved. (7-0-1)

28. 2021Z-083PR-001

Council District 16 (Ginny Welsch)
 Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to OR20 zoning for property located at 88 Thompson Lane, approximately 130 feet west of Hartford Drive (0.36 acres), requested by Abbas Almosawi, applicant; Abbas Saied Almosawi and Anwar Abaygee, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to OR20-NS

Zone Change

A request to rezone from Single-Family Residential (RS10) to Office/Residential – No Short Term Rentals (OR20-NS) zoning for property located at 88 Thompson Lane, approximately 130 feet west of Hartford Drive (0.36 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum 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 one single-family lots, based solely on a minimum lot size of 10,000 square feet as required by the zoning.*

Proposed Zoning

Office/Residential – NS (OR20-NS) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20-NS would permit a maximum of seven multi-family units based on acreage alone. The -NS designation prohibits Short Term Rental Property (owner occupied and not owner occupied).*

SOUTH NASHVILLE COMMUNITY PLAN

Transition (TR) is intended to enhance and create areas that can serve as transitions between higher-intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small- to medium-sized footprints.

ANALYSIS

The site is located on the north side of Thompson Lane, west of the intersection of Hartford Drive and Thompson Lane. The properties along Thompson Lane have a variety of zoning districts including RS10, OR20, Office Limited (OL), and Specific Plan (SP). The property immediately to the east is zoned OR20, and to the west the property is zoned SP to permit a medical office building. The properties to the north, off of the corridor are primarily zoned RS10.

The policy on the subject site and along this stretch of Thompson Lane is Transition Policy. The intent of the TR policy is to enhance and create areas whose primary purposes are to serve as transitions between higher-intensity uses or major thoroughfares and lower density residential neighborhoods. The proposed OR20-NS zoning district is consistent with the intent of the policy. The predominant uses in TR areas are small-scale offices and moderate to high density residential in various building types. Given the location of the site along a corridor and the proximity to residential development to the north, a variety of use types permitted by the OR20-NS zoning district are consistent with the intent of the TR Policy.

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)	0.36	4.356 D	1 U	15	5	1

Maximum Uses in Proposed Zoning District: **OR20-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.18	0.8 F	6 U	31	3	3

Maximum Uses in Proposed Zoning District: **OR20-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.18	0.8 F	6,273 SF	72	33	8

Traffic changes between maximum: **RS10 and OR20-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+88	+31	+10

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed OR20-NS district: 1 Elementary 0 Middle 0 High

The proposed OR20-NS zoning district is expected to generate one additional student than the existing RS10 zoning district. Students would attend Whitsitt Elementary School, Cameron College Prep Middle School, and Glenclyff High School. Whitsitt Elementary and Glenclyff Highschool are identified as having additional capacity, and Cameron College Prep has been identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-252

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-083PR-001 is approved. (9-0)

29. 2021Z-092PR-001

BL2021-906/ Rosenberg

Council District 35 (Dave Rosenberg)

Staff Reviewer: Seth Harrison

A request to rezone from AR2a to R80 zoning for property located at 7848 McCrory Lane, approximately 385 feet south of Highway 70 (42.24 acres), requested by Councilmember Dave Rosenberg, applicant; McCrory Lane Partners, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to R80.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to One and Two-Family Residential (R80) zoning for property located at 7848 McCrory Lane, approximately 385 feet south of Highway 70 (42.24 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. AR2a would permit a maximum of 21 lots with 5 duplex lots for a total of 26 units.

Proposed Zoning

One and Two-Family Residential (R80) requires a minimum 80,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25 percent duplex lots. R80 would permit a maximum of 24 lots with 6 duplex lots for a total of 30 units.

BELLEVUE COMMUNITY PLAN

T2 Rural Maintenance (T2 RM) is intended to maintain 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.

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

CO policy at this site recognizes potential streams and stream buffers, pockets of potentially steep slopes, and water features.

ANALYSIS

The proposed zone change from an agricultural/residential zoning district to a one and two-family zoning district would be considered consistent with the T2 RM policy, at this location. Although T2 RM includes agricultural based zoning as appropriate zoning classifications, other districts may be appropriate as long as the desired zoning can be shown as consistent with the policy. To determine appropriateness of a zoning district, size of the site, environmental conditions on site, and character of the surrounding area will be considered.

The policy states that lots should generally be a lower density at two units per acre and provide significant open space to maintain existing environmentally sensitive areas and the rural character. The proposed zoning of R80 is the lowest density residential district at 0.58 units per acre, providing only a slight increase than what the existing AR2a zoning would allow, while still allowing for both one and two-family units currently allowed within the existing zoning. Any proposed future subdivisions would be required to follow the rural character requirements located within the subdivision regulations, further preserving the rural character of this site.

Currently the site consists of multiple environmental constraints, labeled as conservation under the policy. These areas consist of a former rock quarry that is now filled with water, slopes of greater than 20% around the site, and floodplains in the southeast. The proposed zoning district of R80 allows fewer uses than AR2a. These uses permitted in AR2a include some medical, transportation, waste management, and recreational uses that would not be permitted in any situation within R80 and would likely be inappropriate on this site. The site is located off McCrory Lane, which is classified as an arterial boulevard in the Major and Collector Street Plan. The property to the north and east, also within the T2 RM policy, is zoned SP to allow a six unit per acre townhome development. With the classification of an arterial boulevard and higher density development to the north, a more intense residential zoning of R80 would be appropriate in this area.

When considering the requested zoning of this site, environmentally sensitive features, potential uses and density, surrounding uses, and location of an arterial boulevard, the rezoning to R80 would be consistent with the T2 RM policy, at this location.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

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

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

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)	42.24	0.5 D	26 U	301	23	28

*Based on two-family lots

Maximum Uses in Proposed Zoning District: R80

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)	42.24	0.545 D	28 U	322	25	30

*Based on two-family lots

Traffic changes between maximum: AR2a and R80

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+21	+2	+2

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 1 Elementary 1 Middle 1 High

Projected student generation proposed R80 district: 1 Elementary 1 Middle 1 High

The proposed R80 zone district is not anticipated to generate any additional students than what could be generated under the existing AR2a zoning. Students would attend Gower Elementary School, Jere H. G. Mills Middle School, and Hillwood High School. H G Hill Middle School is identified as being over capacity. Gower Elementary and Hillwood High School are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Harrison presented the staff recommendation of approval.

Councilmember Rosenberg spoke in favor of the application.

Beth Lewis, 7978 Hwy 100, spoke in favor of the application.

Eric Lewis, 7978 Hwy 100, spoke in favor of the application.

Grace Stranch, 1317c Meridian St, spoke in favor of the application.

Dennis Morris ,8065 Settlers Way, spoke in favor of the application.

Boo Sanders, 105 Spring Ridge Lane, spoke in favor of the application.

Kimberly Richard, 1213 Beautiful Valley Ct, spoke in favor of the application.

Towns Doggen, property owner, spoke in opposition to the application due to lack of communication with the councilmember and misinformation given to the community.

Chairman Adkins closed the Public Hearing.

Ms. Johnson stated that R80 seems to be appropriate zoning for the area considering community character policy.

Councilmember Murphy spoke in favor of staff recommendation as it does meet policy.

Mr. Tibbs spoke in favor of staff recommendation as it does meet policy.

Ms. Farr spoke in favor of staff recommendation as it does meet policy.

Dr. Sims spoke in favor of staff recommendation as it does meet policy.

Mr. Haynes spoke in opposition to staff recommendation due to the property owner's disapproval of the rezone.

Chairman Adkins expressed concerns with rezoning without the property owner's consent.

Ms. Johnson moved and Ms. Farr seconded the motion to approve (3-5) Mr. Henley, Mr. Haynes, Chairman Adkins, Dr. Sims, and Mr. Tibbs voted against. Motion failed.

Mr. Tibbs moved and Mr. Haynes seconded the motion to defer to the October 14, 2021 Planning Commission meeting. (7-1) Ms. Farr voted against.

Resolution No. RS2021-253

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-092PR-001 is deferred to the October 14, 2021 Planning Commission. (7-1)

30. 2021Z-093PR-001

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

A request to rezone from OL to IWD zoning for property located at 2975 Elm Hill Pike, approximately 365 feet east of McCrory Creek Road (1.13 acres), requested by Dale & Associates, applicant; Moreno Family Holding, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OL to IWD.

Zone Change

A request to rezone from Office Limited (OL) to Industrial Warehousing/Distribution (IWD) zoning for property located at 2975 Elm Hill Pike, approximately 365 feet east of McCrory Creek Road (1.13 acres).

Existing Zoning

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

Proposed Zoning

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

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

D Employment Center (D EC) is intended to enhance and create concentrations of employment that are often in a campus-like setting. A mixture of office and commercial uses are present, but are not necessarily vertically mixed. Light industrial uses may also be present in appropriate locations with careful attention paid to building form, site design, and operational performance standards to ensure compatibility with other uses in and adjacent to the D EC area. Secondary and supportive uses such as convenience retail, restaurants, and services for the employees and medium- to high-density residential are also present.

ANALYSIS

The 1.13-acre site is located on the south side of Elm Hill Pike, east of Donelson Pike. The property borders Interstate 40 to the south and is located southeast of the terminus of McCrory Creek Road. The property is developed with an office use. Elm Hill Pike is designated as an arterial-boulevard identified by the Major and Collector Street Plan. Surrounding properties to the east are vacant and properties to the immediate west include a cemetery use. The land use pattern transitions to the west where properties are developed with primarily nonresidential and office uses along the south side of Elm Hill Pike. The Nashville International Airport is located to the southwest.

The D EC policy spans both sides of Elm Hill Pike but is largely concentrated on the north side, bounded by McCrory Creek Road to the west and I-40 to the east. On the south side of Elm Hill Pike, the policy transitions from D EC to T3 CC, Suburban Community Center, policy to the west where properties have developed with commercial and other non-residential uses. The proposed IWD zoning would permit compatible light-industrial and non-industrial uses in an area that includes a mix of uses in proximity to the airport, which spans the south side of I-40 and is within the D I, District Impact, policy, a higher intensity policy area.

Rezoning the site from OL to IWD is consistent with the policy guidance, which supports a range of moderately high intensity office, mixed use, and light industrial uses. The site is located along an arterial boulevard, in proximity to I-40, and is centrally located within a larger industrial policy area, rather than located at the edge of a lower-intensity policy area, where transitions may be appropriate.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.13	0.75F	36,917 SF	404	62	44

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.13	0.8 F	39,378 SF	108	7	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2,461 SF	-296	-55	-37

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-254

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-093PR-001 is approved. (9-0)

31. 2021Z-094PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to R10 zoning for property located at 3408 Hydes Ferry Road, approximately 110 feet south of Ashton Avenue (0.47 acres), requested by Faye P. & James Thomas Riddle, applicants and owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 3408 Hydes Ferry Road, approximately 110 feet south of Ashton Avenue (0.47 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum 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 two single-family lots, based solely on a minimum lot size of 10,000 square feet as required by the zoning. This calculation does not account for infrastructure, road layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations.*

Proposed Zoning

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 two two-family lots, for a total of four units. This calculation is based solely on a minimum lot size of 10,000 square feet as required by the zoning, and does not account for infrastructure, road layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations. Duplex eligibility will be determined by the Metro Codes Department.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

ANALYSIS

The 0.43 acre site is located on the east side of Hydes Ferry Road, north of County Hospital Road. The surrounding properties are primarily zoned RS10 and have been developed with primarily single family uses, some two-family uses, and some vacant properties.

The site is located within the T3 Suburban Neighborhood Evolving (T3-NE) policy area. These policy areas are undeveloped, underdeveloped, or suitable for substantial infill and redevelopment and are anticipated to be developed in suburban residential patterns, but at higher densities and with greater housing variety than classic suburban neighborhoods. The proposed zoning district is consistent with the intent of providing housing diversity consistent with the density envisioned by the policy. Additional factors for rezoning include the size of the site, environmental characteristics on and or near the site, and the character of adjacent Transect and policy areas. The size of the site is nearly half an acre and has no known environmental features. The surrounding properties are also within the T3 NE Policy area, with similar goals and pattern of residential development.

FIRE RECOMMENDATION

Approve with conditions

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

Maximum Uses in Existing Zoning District: **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)	0.47	4.356 D	2 U	28	7	2

Maximum Uses in Proposed Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.47	4.356 D	4 U	54	8	5

*Based on two-family lots

Traffic changes between maximum: **RS10 and R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2	+26	+1	+3

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High
 Projected student generation proposed R10 district: 1 Elementary 0 Middle 0 High

The proposed R10 zoning district is expected to generate one additional student than the existing RS10 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda (9-0)

Resolution No. RS2021-255

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-094PR-001 is approved. (9-0)

32. 2021DTC-017-001

MODERA MCGAVOCK

Council District 19 (Freddie O’Connell)

Staff Reviewer: Jared Islas

A request for an overall height modification on properties located at 1212, 1214, and 1218 McGavock Street, at the corner of McGavock Street and 13th Ave S, zoned DTC (0.79 acres), to add an additional thirteen floors for a total of 29 floors, requested by Mill Creek Residential Trust, applicant; Good Health Management Partnership, owner.

Staff Recommendation: Approve with conditions and defer without all conditions.

APPLICANT REQUEST

Modification of overall height standards of the DTC, Gulch South Subdistrict, to allow twenty-nine stories of building height where ten is permitted by right.

DTC Overall Height Modification

A request for a modification of overall building height on property located at 1212, 1214, and 1218 McGavock Street (0.79 acres), within the Gulch South Subdistrict of the Downtown Code (DTC).

Existing Zoning

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

PROJECT OVERVIEW

The Modera McGavock project proposes a 29-story residential building consisting of approximately 400 apartment units, 16,000 square feet of ground-level retail space, rooftop amenity space, and both underground and above-ground parking for a total of 466 vehicular parking spaces.

The project is located between two towers of significant height and will be prominently visible from the eastbound Broadway and Demonbreun Street gateways into downtown Nashville. The proposed height of the Modera McGavock tower harmonizes the heights of the buildings on either side of it.

PLAN DETAILS

Modera McGavock is located at the northeast corner of 13th Avenue South and McGavock Street. The proposed building has frontages on 13th Avenue South, which is classified as an “Other Street” per the DTC, and McGavock Street, which is classified as a Tertiary Street. Both frontages provide ground floor active uses, and exemplary streetscape and architectural elements.

The 13th Avenue South frontage includes a 12’ deep covered arcade with space for outdoor dining, and public terraces. This provides additional relief from the existing vehicular activity that is associated with 13th Avenue being an on/off ramp for the interstate. The pedestrian entrance for the residential part of the building is off McGavock Street. Vehicular entrances to the site are off the alley located to the north. Service and loading also occur from the alley. Pick-up and drop-off will occur within the parking garage. The positioning of these “back of house” functions creates active streetscapes on 13th Avenue and McGavock that exceed the DTC’s requirements for both streets.

OVERALL HEIGHT MODIFICATION PROCESS

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

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

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

In the Gulch South Subdistrict an additional six stories may be earned, up to a maximum of sixteen stories, through use of the Bonus Height Program.

A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The Upper-Level Garage Liner / Underground Parking bonus is being used to line three levels of above grade parking along 13th Avenue South and McGavock Street and provide an additional three levels of underground parking. Additional bonuses being utilized include Public Parking, and Sustainability (NGBS Silver). Together these have earned the project the six additional levels attainable through the Bonus Height Program. Another nine levels are achieved but exceed the Bonus Height Maximum of 16 stories.

Community Meeting

The applicant held a community meeting on Tuesday, August 31, 2021 at 6:00 P.M. and sent notices to properties within 300 feet. One person from the public attended. A brief presentation was given. Questions and concerns were raised regarding the blasting and construction happening so close to the adjacent Adele's restaurant structure. These were addressed by development team, who also agreed to discuss further in follow-up conversations closer to when work will begin. There were also questions about the width of the alley and how loading/service trucks would be able to maneuver that space. The development team explained that the alley would be widened to 20' and an additional 10' of space would be provided under cantilevered portions of the proposed project.

Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on September 2, 2021 and voted (with none opposed) to conceptually approve the project and approve modifications to the required step-back and minimum floor-to-floor height for various stories. The committee also voted (with none opposed) to recommend approval to modify the overall height to 29 stories.

Exceptional Design

The architecture of the Modera McGavock project provides a unique exterior façade with angled tower walls along 13th Avenue South and McGavock Street. These walls respond to the architectural articulation of the One 22 One building that is currently under construction, and to views of Downtown and Midtown. These walls also provide layering, depth, and opportunities for complimentary balconies. A prominent vertical "spine" at the corner begins at the podium, cuts through the tower, and forms part of the building's crown.

The podium of the building includes three levels of residential liner over double-height, ground floor retail. The materials and height of the podium respond to other podiums and smaller scale buildings in the neighborhood. The covered arcade along 13th Avenue South, and the 16,000 square feet of retail at the ground level provide ample opportunities for pedestrian activity at the site.

All vehicular access, including service and loading, occur from the alley to the North of the building. This creates an uninterrupted sidewalk that wraps around 13th Avenue South and McGavock Street for the building's entire frontage. Speed ramps remove all vehicular circulation from the ground level and allow for maximum ground floor retail depths.

The East elevation addresses the proximity and scale of the neighboring restaurant by wrapping the residential liner façade treatment around the building to hide the upper-level parking garage.

Additionally, the applicant has been working with NDOT to determine any necessary traffic and mobility improvements that need to be made to the surrounding area. Pedestrian crossing improvements at 12th Avenue South and McGavock are being considered. These improvements may be included as conditions of approval on the OHM with the Planning Commission. A Traffic Impact Study is under review by NDOT and may have final recommendations that impact this proposal.

STAFF RECOMMENDATION

The project offers unique qualities and architectural expression in its site design, building massing, and overall aesthetic and staff is recommending approval of the overall height modification with the following conditions and deferral without all conditions.

CONDITIONS

1. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT on any proposed traffic improvements that come out the Traffic and Mobility Study.
3. If implementation of final TIS recommendations has a substantial effect on the building, or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.

5. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.

Approve with conditions and defer without all conditions. Consent Agenda (9-0)

Resolution No. RS2021-256

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021DTC-017-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT on any proposed traffic improvements that come out the Traffic and Mobility Study.
3. If implementation of final TIS recommendations has a substantial effect on the building, or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.

33. 2021S-169-001

SEQUOIA VALLEY (RESERVE PARCEL)

Council District 09 (Tonya Hancock)

Staff Reviewer: Jason Swaggart

A request to amend a previously approved plat to remove the reserve status on property located at 1206 Apache Lane, at the current terminus of Apache Lane, zoned RS10 (0.3 acres), requested by Harold Render, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Remove the reserve status from one parcels.

Final Plat

A request to amend a previously approved plat to remove the reserve status on property located at 1206 Apache Lane, at the current terminus of Apache Lane, zoned Single-Family Residential (RS10) (0.3 acres).

SITE DATA AND CONTEXT

Location: This request consists of one parcel located on the south side of Apache Lane adjacent to the current terminus of Apache Lane.

Street Type: Apache Lane is a local street.

Approximate Acreage: 0.3 acres or 13,068 sq. ft.

Parcel/Site History: Created by plat in 1967 and identified as reserve. The plat does not state why the parcel was placed in reserve.

Zoning History: Single-Family Residential (RS10). The RS10 zoning district has been in place since 1998. The zoning was R10 prior to 1998.

Surrounding land use/ zoning:

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

PROPOSAL DETAILS

Number of lots: 1 lot

Lot sizes: Northern: 0.3 acres or 13,068 sq. ft.

Lot width at street: 90 ft.

Access: Apache Lane.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

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

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

Staff finds that all criteria are met for removing this parcel from reserve. The average lot size along Apache Lane is 0.34 acres in size and the average frontage is 97 feet. In the broader area, there are a range of lot sizes and frontages, including in the new subdivision that will connect through the terminus of Apache Lane. The lot is 90 feet wide and 0.3 acres in size, making it an appropriate transitional lot between the existing lots and the new subdivision.

PLANNING STAFF COMMENTS

Staff finds that the reserve parcels are consistent with the character and meet the standards for removing the reserve status.

COMMENTS FROM OTHER REVIEWING AGENCIES

STORMWATER RECOMMENDATION

Approve

FIRE MARSHAL RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Any Sewer Capacity Fees must be Paid before issuance of building permits.
- Water provided by Madison Suburban Utility District.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions. Consent Agenda (9-0)

Resolution No. RS2021-257

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-169-001 is approved with conditions. (9-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

34. 2021S-171-001

MAPLEWOOD MANOR SUBDIVISION RESUB LOT 23

Council District 08 (Nancy VanReece)

Staff Reviewer: Dustin Shane

A request for final plat approval to create two lots on property located at 920 Virginia Ave, approximately 215 feet west of Burrus Street, zoned RS7.5 (0.59 acres), requested by Smith Land Surveying, LLC, applicant; Ryan Pratt, owner.

Staff Recommendation: Approve with conditions and find that Lots 1 and 2 provide for harmonious development.

APPLICANT REQUEST

Final plat to create two single-family residential lots.

Final Plat

A request for final plat approval to create two lots on property located at 920 Virginia Avenue, approximately 215 feet west of Burrus Street, zoned Single-Family Residential (RS7.5) (0.59 acres).

SITE DATA AND CONTEXT

Location: 215 feet west of Burrus Street on the south side of Virginia Avenue.

Street Type: The site has frontage along Virginia Avenue. The street is classified as a local road.

Approximate Acreage: 0.59 acres or 25,700.4 square feet.

Parcel/Site History: The property (Tax Map 061-11, Parcel 048) is comprised of Lot 23 on the Plan of Maplewood Manor Subdivision, as of record in book 547, page 102, recorded in 1925.

Existing land use and configuration: One parcel. There is an existing clapboard-sided home with an attached garage.

Surrounding land use and zoning:

North: Single-Family Residential (RS7.5)

South: Single-Family Residential (RS7.5)

East: Single-Family Residential (RS7.5)

West: Single-Family Residential (RS7.5)

Zoning: Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. height: 3 stories

Min. street setback: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.45

Zoning History: The zoning is RS7.5. The RS7.5 zoning district was established in 1998. Prior to the RS7.5 zoning, the parcel was zoned R8.

PROPOSAL DETAILS

Number of lots: Two (2)

Lot sizes:

Lot 1: 13,037 sq. ft.

Lot 2: 13,116 sq. ft.

Access: All lots have direct access to Virginia Avenue.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

Volume III of NashvilleNext, the General Plan for Nashville and Davidson County, contains the Community Character Manual (CCM) which establishes land use policies for all properties across the county. The land use policies established in CCM are based on a planning tool called the Transect, which describes a range of development patterns from most to least developed.

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Urban Neighborhood Maintenance (T4 NM) and Conservation (CO) policies. For sites within the T4 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. Staff finds that all general requirements, aside for compatibility, are met.

3-2 Monument Requirements

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed.

3-3 Suitability of the Land

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

3-4 Lot Requirements

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

3-5 Infill Subdivisions

In order to ensure compatibility with the General Plan, the Commission has adopted specific regulations applicable to infill subdivisions, defined as residential lots resulting from a proposed subdivision within the R, R-A, RS, and RS-A zoning districts on an existing street. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals of the General Plan. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

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

- a. *All minimum standards of the zoning code are met.*
All proposed lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
All lots have frontage along Virginia Avenue.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.* The T4 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS7.5 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 - 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*

Lots 1 and 2 do not meet the frontage requirements along Virginia Avenue as they both have less frontage than 70% of the average frontage of surrounding parcels as outlined in the table below:

Lot 1 Frontage	
Proposed Frontage	50 ft.
Smallest Frontage	50 ft.

Lot 2 Frontage	
Proposed Frontage	50 ft.
Smallest Frontage	50 ft.

70% Average	54 ft.
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70% Average	54 ft.
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2. Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.

Lots 1 and 2 meet the lot size requirements along Virginia Avenue as they are both larger than 70% of the average size of surrounding parcels as outlined in the table below:

Lot 1 Area	
Proposed Size	13,037 sf
Smallest Size	9,583 sf
70% Average	11,282 sf

Lot 2 Area	
Proposed Size	13,116 sf
Smallest Size	9,583 sf
70% Average	11,282 sf

3. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used. New homes will be required to meet the contextual setback standards per the Metro Zoning Code.
4. Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.

The orientation of proposed Lots 1 and 2 is consistent with the surrounding parcels along Virginia Avenue.

e. The current standards of all reviewing agencies are met.

All agencies have recommended approval or approval with conditions.

f. If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a). The Planning Commission may want to consider that several parcels along Virginia Avenue feature 50-foot frontage widths. There are four existing 50-foot-wide parcels along the same block face as the subject property. Across the street on the north side of Virginia Avenue, there are thirteen such parcels. Out of the 28 parcels that make up both sides of this segment of Virginia Avenue, sixty percent are 50-foot-wide lots. It would be difficult to argue that two more such lots would be injurious to the character of the area. This existing prevalence of the development pattern contemplated by the proposal could form the basis for a positive judgment by the Planning Commission that the proposed lots provide for harmonious development and are generally consistent with the adopted policy for the area.

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

Not applicable to this case.

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

Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*

Not applicable to this case.

3-5.6 *Reasonable Conditions*

Staff is not proposing any special conditions.

3-6 Blocks

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

3-7 Improvements

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

3-8 Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalk requirements will be reviewed at the time of building permit, pursuant to Section 17.20.120 of the Zoning Code.

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

Virginia Avenue is classified as a local street. No dedications, reservations, or improvements are required.

3-11 Inspections During Construction

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

Not applicable to this case. No new streets are proposed.

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

Not applicable to this case. No new streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public Water is provided to this site by Metro Water. Water has reviewed this plat and has recommended approval.

3-16 Sewerage Facilities

Public sewer is available to this site from Metro Water Services. Water Services has reviewed the plat and found it to be in compliance with all requirements of this section.

3-17 Underground Utilities

Not applicable to this case. Utilities in subdivisions are required to be located underground whenever a new street is proposed. No new streets are proposed.

PLANNING STAFF COMMENTS

The proposed subdivision including all staff conditions meets the standards of the Metro Subdivision Regulations and Metro Zoning Code if the Planning Commission finds Lots 1 and 2 can provide for harmonious development.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- For the latest revised plat uploaded by Planning 8/31/2021, MWS recommends approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions and find that Lots 1 and 2 can provide for harmonious development.

CONDITIONS

1. Add the following note to the plat: A raised foundation of 18" - 36" is required for all residential structures.

RECOMMENDED ACTION

Motion to approve with conditions proposed subdivision Case No. 2021S-171-001 and find that the subdivision can meet the infill requirements per Section 3.5 of the Metro Subdivision Regulations based on the determination that Lots 1 and 2 can provide for harmonious development.

Approve with conditions and find that Lots 1 and 2 provide for harmonious development. Consent Agenda (9-0)

Resolution No. RS2021-258

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-171-001 is approved with conditions and find that Lots 1 and 2 provide for harmonious development. (9-0)

CONDITIONS

1. Add the following note to the plat: A raised foundation of 18" - 36" is required for all residential structures.

J: OTHER BUSINESS

35. New Employee Contract for Dianna Tomlin, Andrea Barbour, and Olivia Ranseen.

Resolution No. RS2021-259

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employee for Dianna Tomlin, Andrea Barbour & Olivia Ranseen is **approved**. (9-0)

36. Historic Zoning Commission Report
37. Board of Parks and Recreation Report
38. Executive Committee Report
39. Accept the Director's Report

Resolution No. RS2021-260

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved**. (9-0)

40. Legislative Update

J: MPC CALENDAR OF UPCOMING EVENTS

October 14, 2021

MPC Meeting

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

October 28, 2021

MPC Meeting

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

November 18, 2021

MPC Meeting

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

December 09, 2021

MPC Meeting

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

K: ADJOURNMENT

The meeting adjourned at 11:45 p.m.