

Metropolitan Planning Commission



Staff Reports

October 28, 2021



Metro Planning Commission Meeting of 10/28/21

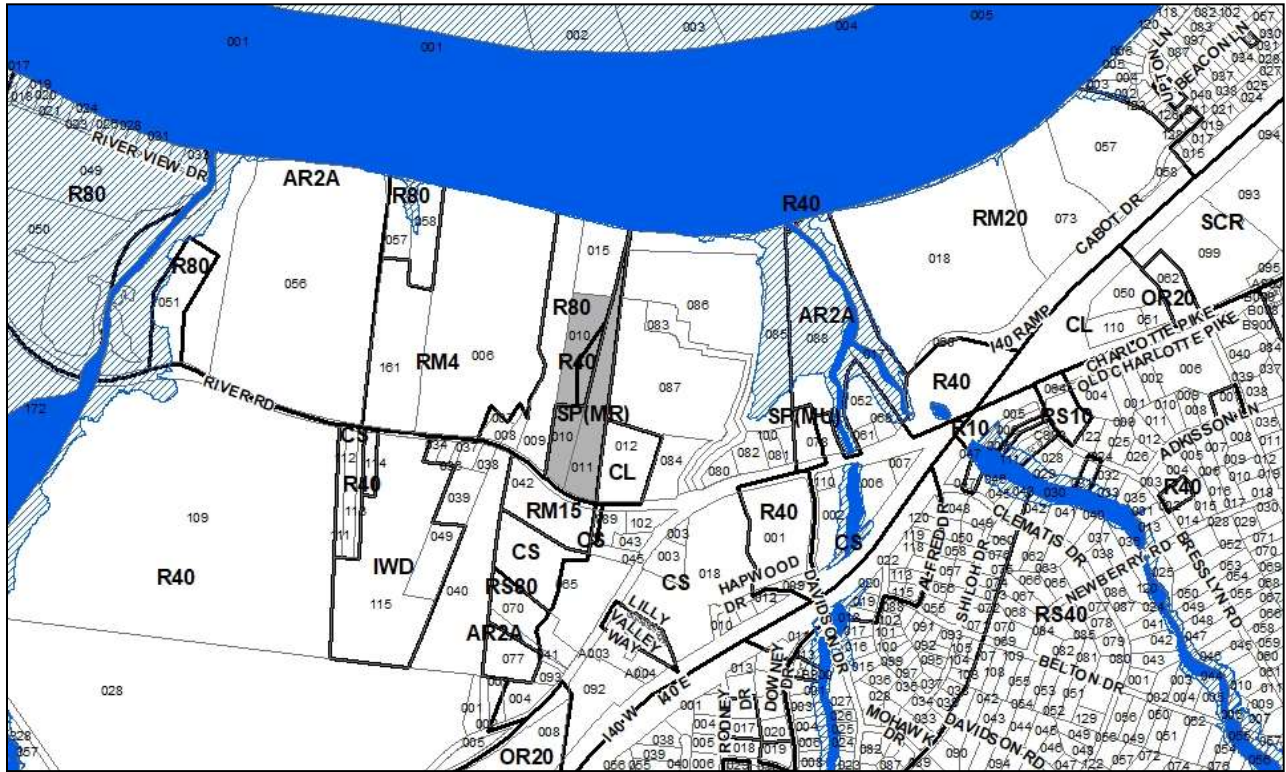
Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure,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



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/28/21



2018SP-009-003

SAGE RUN (AMENDMENT)

Map 102, Parcel(s) 010.01, 010-011

06, Bellevue

35 (Dave Rosenberg)



Metro Planning Commission Meeting of 10/28/21

Item #1	Specific Plan 2018SP-009-003
Project Name	Sage Run (Amendment)
Council District	35 – Rosenberg
School District	09 – Tylor
Requested by	Dale and Associates, applicant; Sage Run Development, LLC, owners.
Deferrals	This item was deferred at the September 23, 2021, and October 14, 2021, Planning Commission meetings. No public hearing was held.
Staff Reviewer	Lewis
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Amend previously approved SP to permit 160 multi-family units.

Preliminary SP

A request to amend a Specific Plan - Residential (SP-R) for properties located at 5754 River Road and River Road (unnumbered), approximately 750 feet west of Charlotte Pike, zoned Specific Plan – Residential (SP-R) (16.47 acres), to add 5.9 acres to the SP and permit 160 multi-family residential units within the entirety of the SP.

STAFF RECOMMENDATION

Staff recommends deferral of the item to the November 18, 2021, Planning Commission meeting.



NO SKETCH



Metro Planning Commission Meeting of 10/28/21

Item #2	Text Amendment 2020Z-013TX-001
Project Name	Owner Occupied Short Term Rental Overlay District
Council Bill No.	BL2020-504
Council District	Countywide
School District	Countywide
Requested by	Councilmember Freddie O'Connell

Deferrals This item was deferred at the January 21, 2021, March 25, 2021, April 22, 2021, June 24, 2021, July 22, 2021, August 26, 2021, and September 23, 2021, Planning Commission meetings. No public hearing was held.

Staff Reviewer	Shepard
Staff Recommendation	<i>Defer to the December 9, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Amend the Zoning Code to create an Owner Occupied Short Term Rental Overlay District.

STAFF RECOMMENDATION

Staff recommends deferral to the December 9, 2021, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2020Z-119PR-001

Various Maps, Various Parcels

08, North Nashville

17 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/28/21

Item #3

Project No.
Council District
School District
Requested by

Zone Change 2020Z-119PR-001
19 – O’Connell
1 – Gentry
Councilmember Freddie O’Connell, applicant; various property owners.

Deferrals

This item was deferred at the October 22, 2020, November 12, 2020, January 21, 2021, March 25, 2021, April 22, 2021, June 24, 2021, July 22, 2021, August 26, 2021, and September 23, 2021, Planning Commission meeting. No public hearing was held.

Staff Reviewer
Staff Recommendation

Elliott
Defer to the December 9, 2021, Planning Commission meeting.

APPLICANT REQUEST

Zone change 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.

Zone Change

A request to rezone from Mixed Use Neighborhood (MUN), Mixed Use Neighborhood - Alternative (MUN-A), Mixed Use Limited - Alternative (MUL-A), Mixed Use General (MUG), Office/Residential (OR20), Commercial Service (CS) and Commercial Core Frame (CF) to Mixed Use Neighborhood - No Short Term Rentals (MUN-NS), Mixed Use Neighborhood - Alternative - No Short Term Rentals (MUN-A-NS), Mixed Use Limited - Alternative - No Short Term Rentals (MUL-A-NS), Mixed Use General - No Short Term Rental (MUG-NS), Office/Residential - No Short Term Rental (OR20-NS), Commercial Service - No Short Term Rental (CS-NS), and Commercial Core Frame - No Short Term Rental (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).

STAFF RECOMMENDATION

Staff recommends deferral to the December 9, 2021, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2021SP-052-001
THE COTTAGES AT CITY HEIGHTS
Map 092-06, Parcel(s) 559-562
08, North Nashville
21 (Brandon Taylor)



Metro Planning Commission Meeting of 10/28/21

Item #4
Project Name Specific Plan 2021SP-052-001
Council District The Cottages at City Heights
School District 21 – Taylor
Requested by 05 - Buggs
Catalyst Design Group, applicant; E 3 Construction Services LLC, owner.

Deferrals This item was deferred from the August 26, 2021 and September 23, 2021, Planning Commission meetings. A public hearing was held at the September 23, 2021, Planning Commission meeting and remains open.

Staff Reviewer Harrison
Staff Recommendation *Defer to the November 18, 2021, Planning Commission meeting.*

APPLICANT REQUEST
Preliminary SP to permit 16 multi-family units.

Zone Change

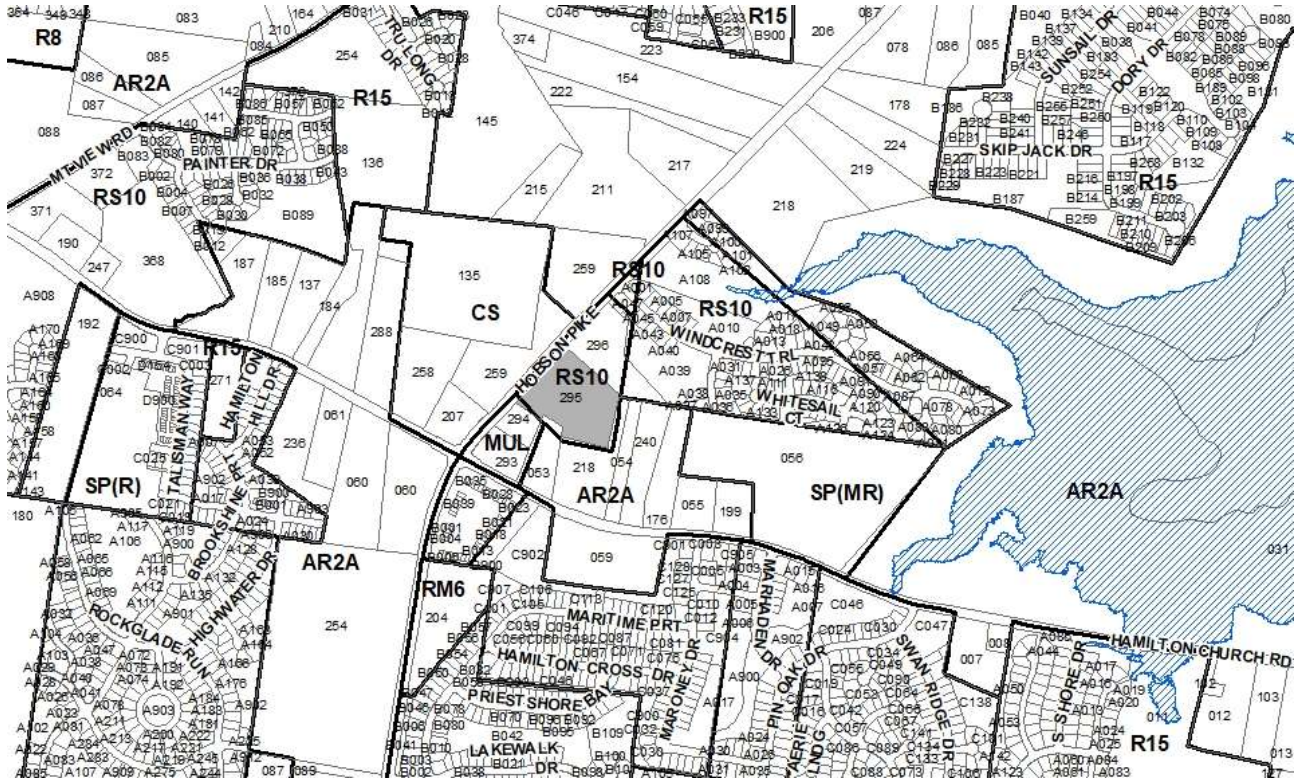
A request to rezone from RS5 to SP zoning for properties located at 724, 726, 728 and 730 27th Avenue North, at the southeast corner of Booker Street and 27th Avenue North (0.83 acres), to permit 16 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2021SP-057-001
MARINA GROVE
Map 164, Parcel(s) 295
13, Antioch – Priest Lake
33 (Antoinette Lee)



Metro Planning Commission Meeting of 10/28/21

Item #5	Specific Plan 2021SP-057-001
Project Name	Marina Grove
Council District	33 – Lee
School District	06 – Bush
Requested by	Civil Design Consultants, LLC, applicant; FAM Properties, LLC, owners.
Deferrals	This item was deferred at the September 23, 2021 and October 14, 2021, Planning Commission meetings. No public hearing was held.
Staff Reviewer	Lewis
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

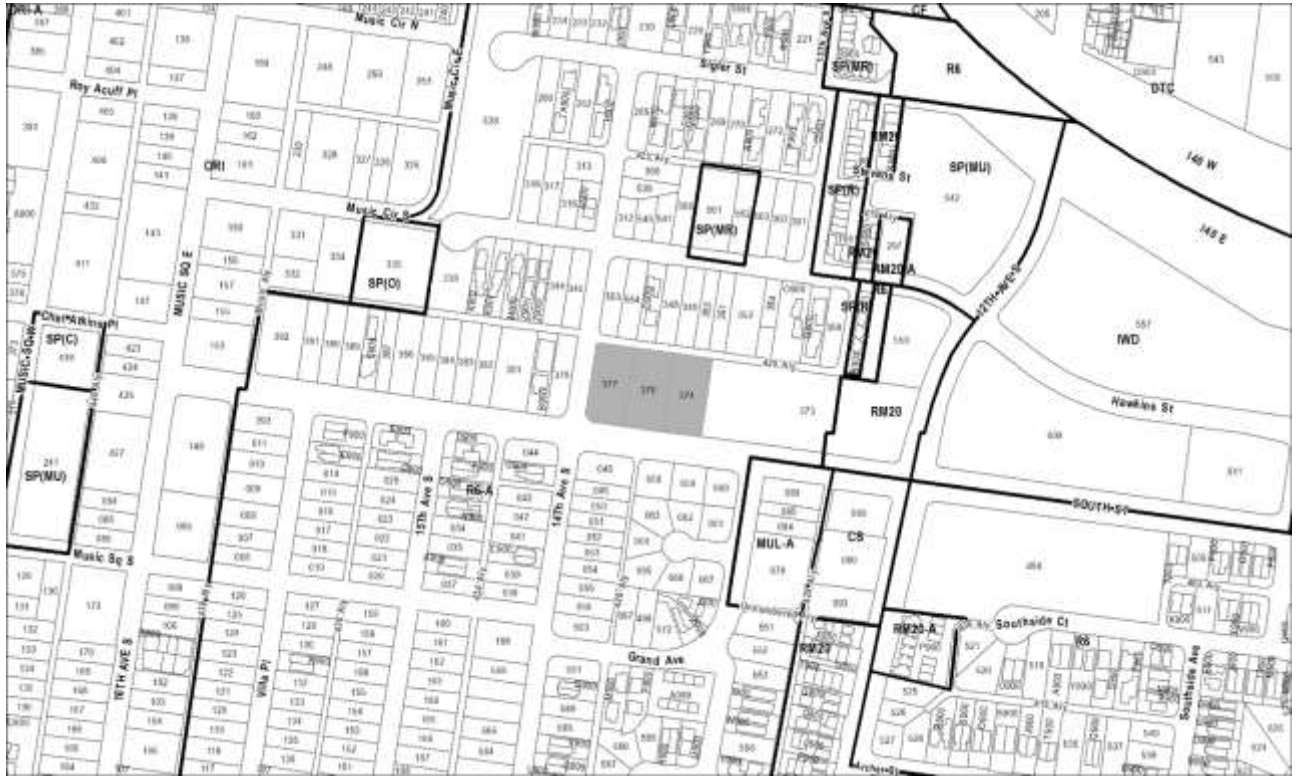
A request to rezone from Single-Family Residential (RS10) to Specific Plan – Mixed Use (SP-MU) zoning for property located at Hobson Pike (unnumbered), approximately 460 feet northeast of Hamilton Church Road, (5.94 acres), to permit a mixed-use development.

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting.



Metro Planning Commission Meeting of 10/28/21



2021SP-068-001
SOUTH STREET NORTH
Map 093-13, Parcel(s) 374, 376-377
10, Green Hills – Midtown
19 (Freddie O’Connell)



Metro Planning Commission Meeting of 10/28/21

Item #6	Specific Plan 2021SP-068-001
Project Name	South Street North
Council District	19 – O’Connell
School District	5 - Buggs
Requested by	Dale and Associates, applicant; Willie Stallworth, Louis Zappulla, and Elouise R. Bird, LLC, owners.
Deferrals	This item was deferred from the October 14, 2021, Planning Commission meeting. No public hearing was held.
Staff Reviewer	Harrison
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit 18 multi-family units.

Zone Change

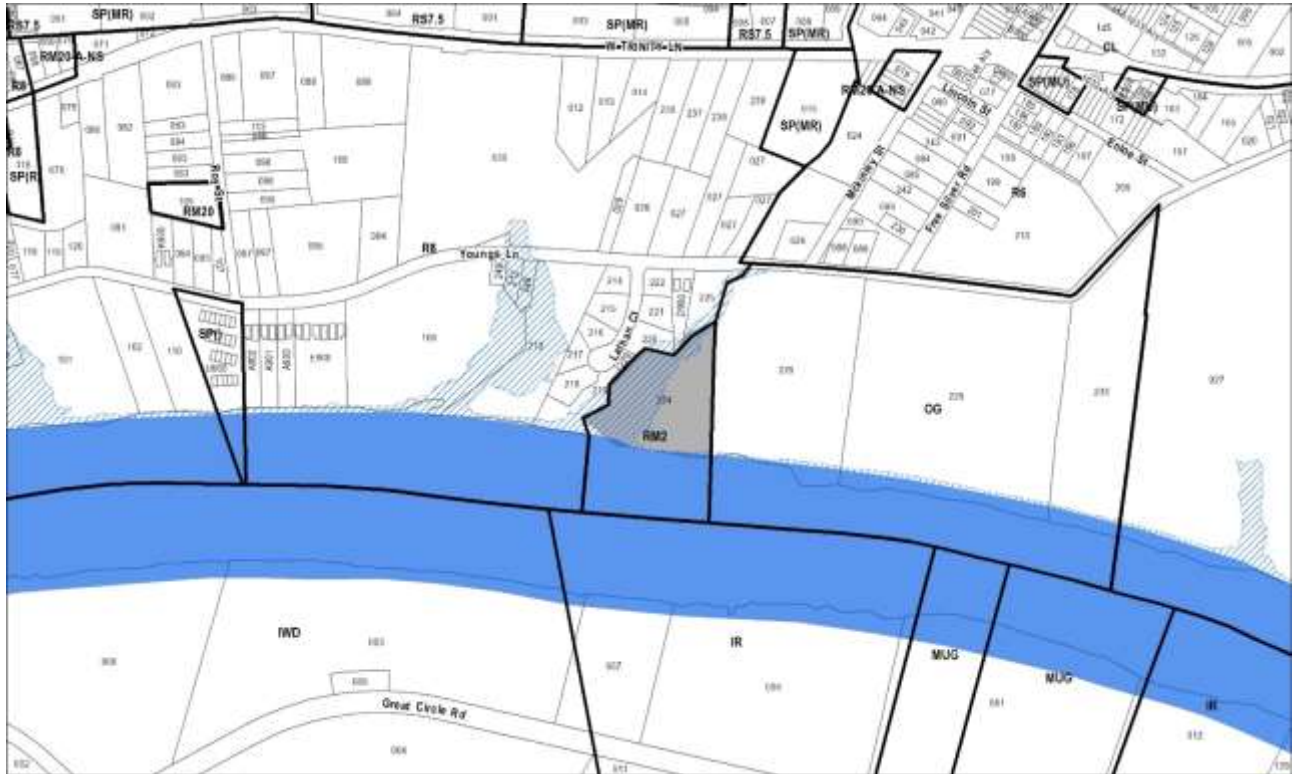
A request to rezone from One and Two-Family Residential (R6-A) to Specific Plan (SP) zoning for properties located at 1306, 1308 and 1316 South Street, at the northeast corner of South Street and 14th Avenue South (1.37 acres), to permit 18 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting.



Metro Planning Commission Meeting of 10/28/21



2021SP-077-001

YOUNGS DEVELOPMENT

Map 070-080, Parcel(s) 224

03, Bordeaux – Whites Creek – Haynes Trinity

02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 10/28/21

Item #7
Project Name Specific Plan 2021SP-077-001
Council District Youngs Development
School District 02 – Toombs
Requested by 01 – Gentry
Williams Engineering LLC, applicant; Joyce Acklen,
owner.

Deferrals This item was deferred from the October 14, 2021,
Planning Commission meeting. No public hearing was
held.

Staff Reviewer Harrison
Staff Recommendation *Defer indefinitely.*

APPLICANT REQUEST

Preliminary SP to permit 22 multi-family units.

Zone Change

A request to rezone from Multi-Family Residential (RM2) to Specific Plan (SP) zoning for property located at 820 Youngs Lane, approximately 200 feet south of Youngs Lane (4.0 acres), to permit 22 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends indefinite deferral of the item.



Metro Planning Commission Meeting of 10/28/21



2021NL-003-001

435 Old Hickory Boulevard
Map 042-12, Parcel(s) 066
04, Madison
08 (Nancy VanReece)



Metro Planning Commission Meeting of 10/28/21

Item #8	Neighborhood Landmark 2021NL-003-001
Project Name	435 Old Hickory Boulevard
Council Bill No.	BL2021-854
Associated Case	2021HL-003-001
Council District	08 – VanReece
School District	03 - Masters
Requested by	Councilmember Nancy VanReece, applicant; Brandon Thornberry, owner.

Deferrals This item was deferred from the August 26, 2021 and September 23, 2021, Planning Commission meetings. No public hearing was held.

Staff Reviewer	Harrison
Staff Recommendation	<i>Defer indefinitely.</i>

APPLICANT REQUEST

Neighborhood Landmark Overlay District (NLOD) to allow the uses of commercial amusement and short-term rental, within an existing single-family residence.

STAFF RECOMMENDATION

Staff recommends the item be deferred indefinitely.



Metro Planning Commission Meeting of 10/28/21



2021Z-077PR-001

Map 103-01, Parcel(s) 036

07, West Nashville

20 (Mary Carolyn Roberts)



Metro Planning Commission Meeting of 10/28/21

Item #9	Zone Change 2021Z-077PR-001
Associated Case No.	2021CP-007-003
Council District	20 – Roberts
School District	09 – Taylor
Requested by	Barge Cauthen & Associates, applicant; JJZ Realty Partnership, G.P., owner.

Deferrals	This item was deferred from the August 26, 2021, September 23, 2021, and October 14, 2021, Planning Commission meetings. No public hearing was held.
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Staff Reviewer	Swaggart
Staff Recommendation	<i>Defer indefinitely.</i>

APPLICANT REQUEST

Zone change from R6 to OR20.

Zone Change

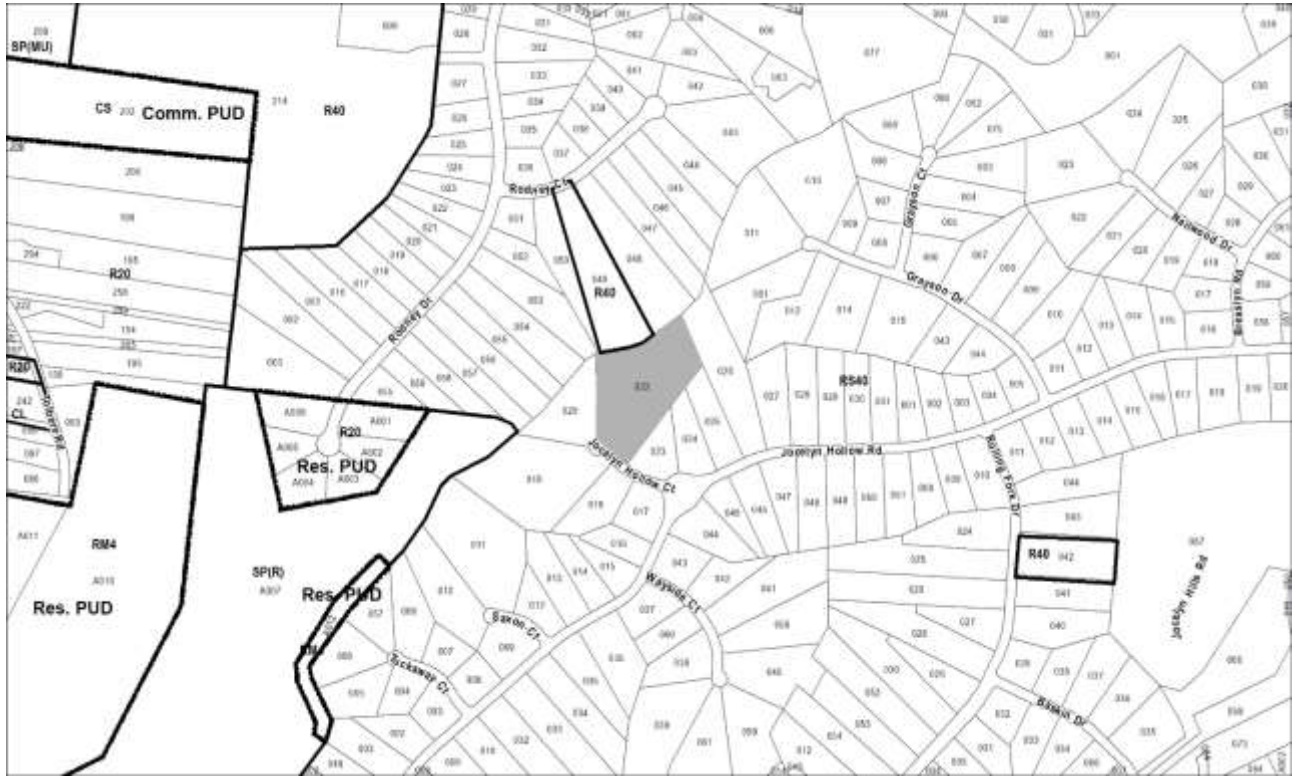
A request to rezone from One and Two-Family Residential (R6) to Office and Residential (OR20) zoning for property located at 6111 Cowden Avenue, at the current terminus of Cowden Avenue (0.29 acres).

STAFF RECOMMENDATION

Staff recommends indefinite deferral.



Metro Planning Commission Meeting of 10/28/21



2021Z-108PR-001

Map 129-01, Parcel(s) 022

07, West Nashville

23 (Thom Druffel)



Metro Planning Commission Meeting of 10/28/21

Item #10
Council District
School District
Requested by

Zone Change 2021Z-108PR-001
23 – Druffel
09 – Taylor
Anastasia Kudrez, applicant and owner.

Staff Reviewer
Staff Recommendation

Harrison
Defer to the November 18, 2021, Planning Commission meeting.

APPLICANT REQUEST

Zone change from RS40 to AR2a.

Zone Change

A request to rezone from RS40 to AR2a zoning for property located at 504 Jocelyn Hollow Court, at the northern terminus of Jocelyn Hollow Court (5.61 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2021S-161-001
RESUB OF TRACT 1 PLAN OF BRENTWOOD HALL SECTION 5
Map 146-16, Parcel 139
12, Southeast
26 (Courtney Johnston)



Metro Planning Commission Meeting of 10/28/21

Item #11

Final Plat 2021S-161-001

Project Name

Resub Of Tract 1 Plan of Brentwood Hall Section 5

Council District

26 – Johnston

School District

02 – Elrod

Requested by

Southern Precision, applicant; 407 Landon LLC, owner.

Deferrals

This item was deferred at the August 26, 2021, and September 23, 2021, Planning Commission meetings. No public hearing was held.

Staff Reviewer

Lewis

Staff Recommendation

Defer indefinitely.

APPLICANT REQUEST

Final plat to create three lots.

Final Plat

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 Single-Family Residential (RS20) (2.67 acres).

STAFF RECOMMENDATION

Staff recommends the item be deferred indefinitely at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2021S-195-001

RESUBDIVISION OF LOT 1 OF RESUB 1 AND 2 HYDE PARK

Map 080-04, Parcel(s) 105

03, Bordeaux – Whites Creek – Haynes Trinity

02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 10/28/21

Item #12	Final Plat 2021S-195-001
Project Name	Resubdivision of Lot 1 of Resub 1 and 2 Hyde Park
Council District	02 – Toombs
School District	01 – Gentry
Requested by	Delle Land Surveying, applicant; XE Development Company LLC, owner.
Staff Reviewer	Harrison
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for final plat approval to create five lots.

Final Plat

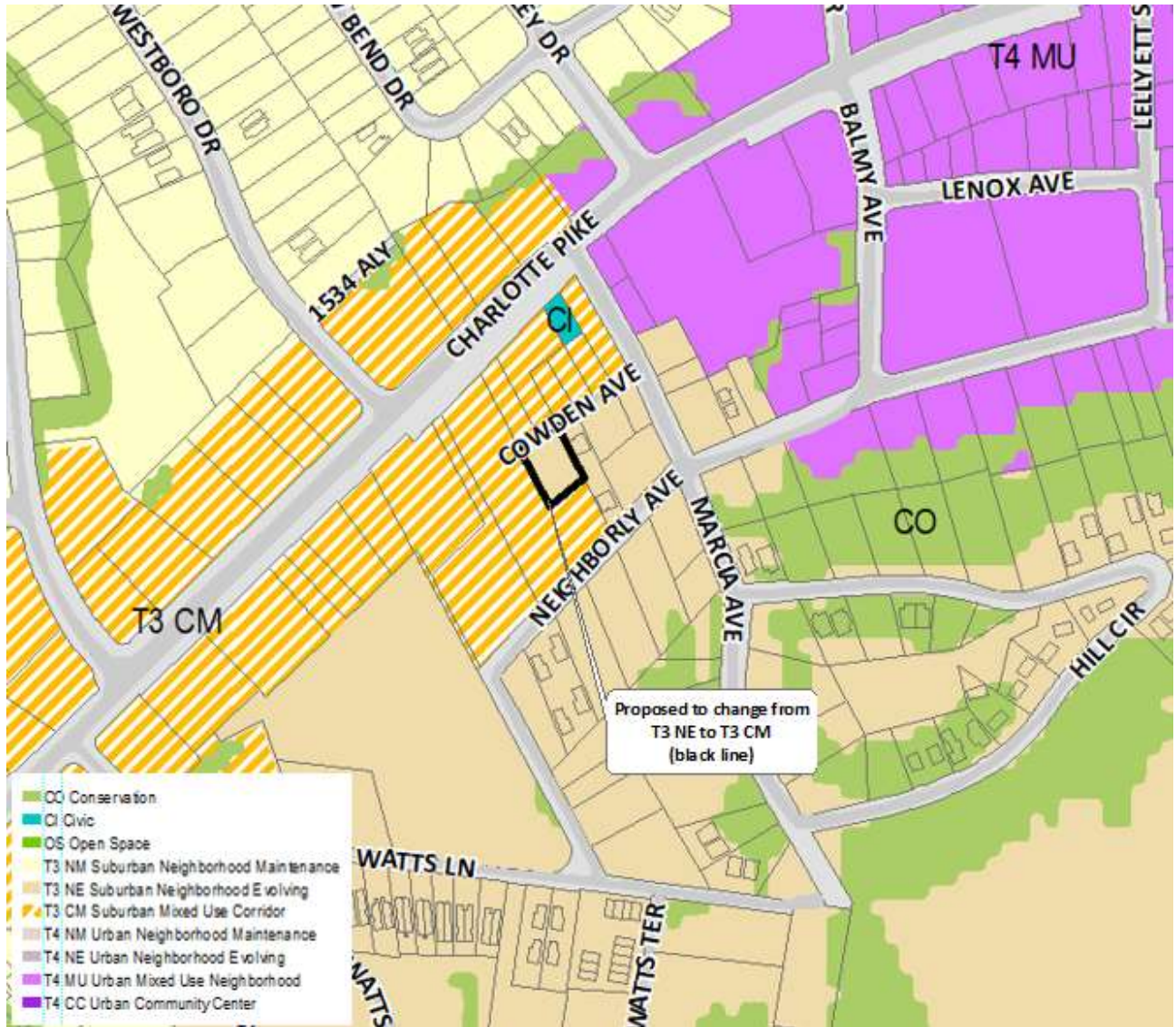
A request for final plat approval to create five lots on property located at 1612 County Hospital Road, at the southern corner of County Hospital Road and Hydes Ferry Road, zoned Commercial Service (CS) (0.66 acres).

RECOMMENDED ACTION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/28/21



2021CP-007-003

WEST NASHVILLE COMMUNITY PLAN AMENDMENT

Map 103-01, Parcel(s) 036

07, West Nashville

20, (Mary Carolyn Roberts)



Metro Planning Commission Meeting of 10/28/21

Item #13

Major Plan Amendment 2021CP-007-003

Project Name

West Nashville Community Plan Amendment

Associated Case

2021Z-077PR-001

Council District

20 – Roberts

School District

09 – Taylor

Requested by

Barge Cauthen & Associates, applicant; JJZ Realty Partnership, GP, owner.

Deferrals

This request was deferred at the August 26, 2021, September 9, 2021, September 23, 2021, and October 14, 2021 Planning Commission meetings. No public hearing was held.

Staff Reviewer

Clark

Staff Recommendation

Defer indefinitely.

APPLICANT REQUEST

Amend West Nashville Community Plan to change the policy.

Major Plan Amendment

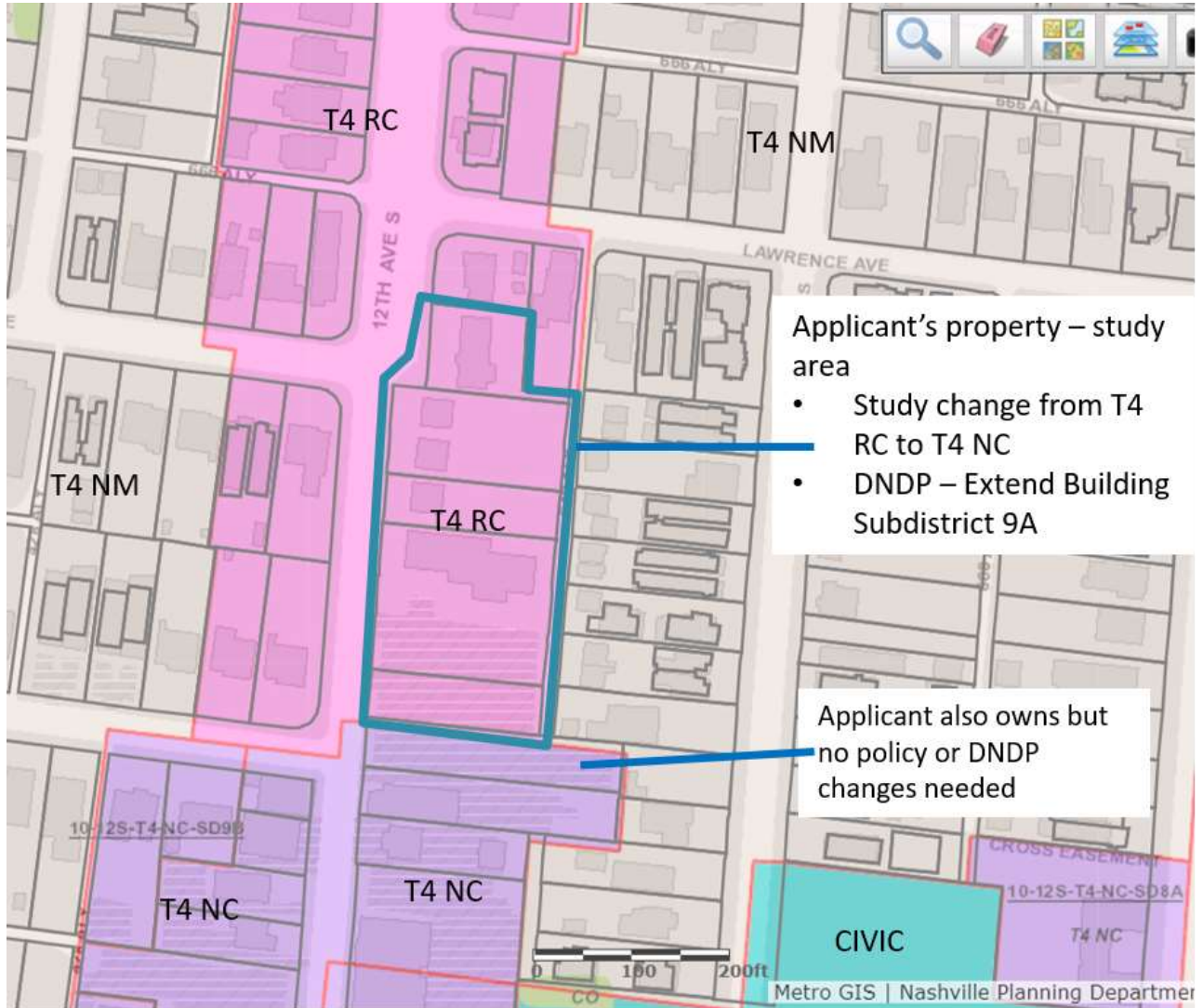
A request to amend the West Nashville Community Plan by changing from T3 Suburban Neighborhood Evolving (T3 NE) policy to T3 Suburban Mixed Use Corridor (T3 CM) policy on property located at 6111 Cowden Avenue (approximately 0.29 acres).

STAFF RECOMMENDATION

Staff recommends indefinite deferral.



Metro Planning Commission Meeting of 10/28/21



2021CP-010-002

GREEN HILLS – MIDTOWN COMMUNITY PLAN AMENDMENT

Map 105-12, Parcel(s) 198, 200-202, 420

10, Green Hills – Midtown

17 (Colby Sledge)



Metro Planning Commission Meeting of 10/28/21

Item #14a	Major Plan Amendment 2021CP-010-002
Project Name	Green Hills-Midtown Community Plan Amendment
Associated Case	2021SP-071-001
Council District	05 – Sledge
School District	08 – Pupo-Walker
Requested by	Barge Cauthen & Associates, applicant; Tabernacle Missionary Baptist Church, owner.
Staff Reviewer	McCaig
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission meeting.</i>

APPLICANT REQUEST

Amend Green Hills–Midtown Community Plan to change the policy and 12th Avenue South Corridor Detailed Neighborhood Design Plan to change the subdistrict designation.

Major Plan Amendment

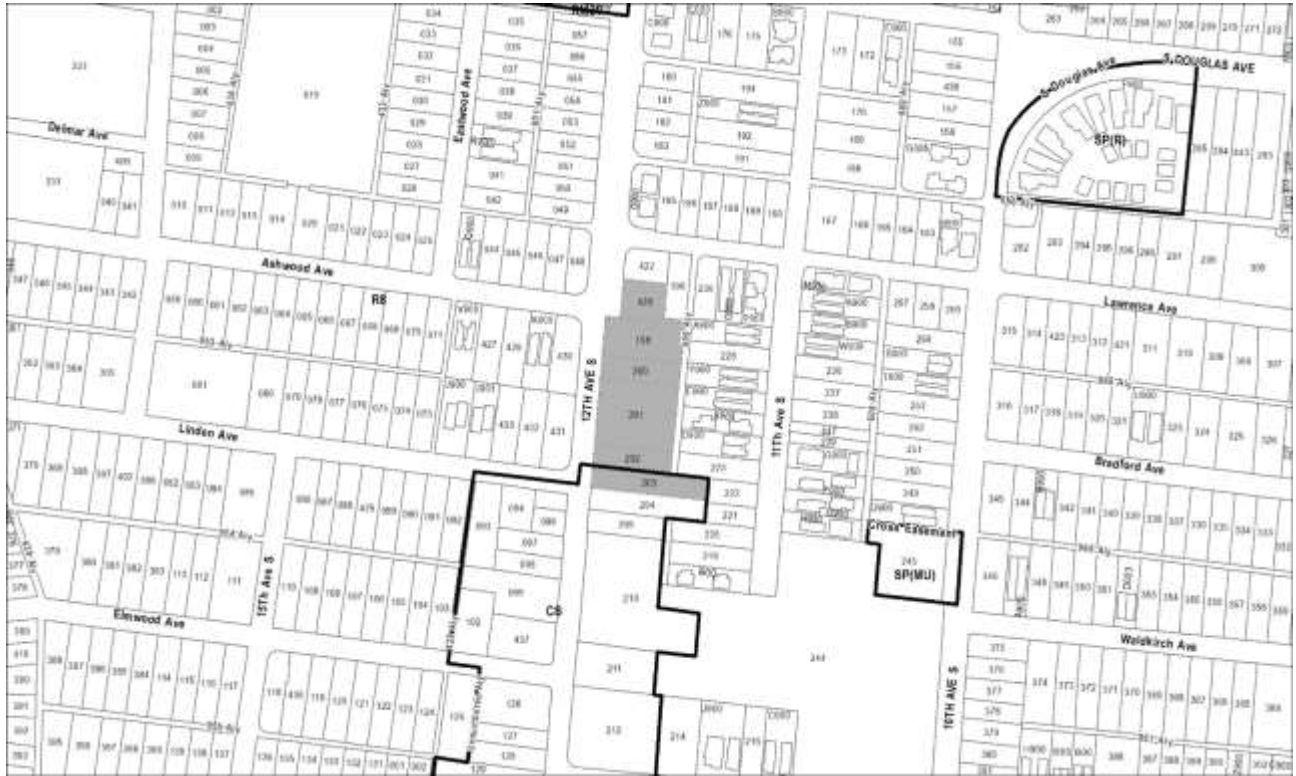
A request to amend the Green Hills–Midtown Community Plan by changing from T4 Urban Residential Corridor (T4 RC) policy to T4 Urban Neighborhood Center (T4 NC) policy and amend the building subdistrict designation in the 12th Avenue South Corridor Detailed Neighborhood Design Plan for properties located at 2206, 2208, 2212, 2214 and 2218 12th Avenue South, approximately 80 feet south of Lawrence Avenue, zoned One and Two-Family Residential (R8) (1.56 acres)

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting.



Metro Planning Commission Meeting of 10/28/21



2021SP-071-001

12TH AVENUE SOUTH

Map 105-13, Parcel(s) 198, 200-203, 420

10, Green Hills – Midtown

17 (Colby Sledge)



Metro Planning Commission Meeting of 10/28/21

Item #14b	Specific Plan 2021SP-071-001
Project Name	12th Avenue South
Associated Case	2021CP-010-002
Council District	17 – Sledge
School District	08 – Pupo-Walker
Requested by	Barge Cauthen and Associates, applicant; Tabernacle Baptist Church, owner.
Staff Reviewer	Shane
Staff Recommendation	<i>Defer to the November 18, 2021, Planning Commission Meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Preliminary SP

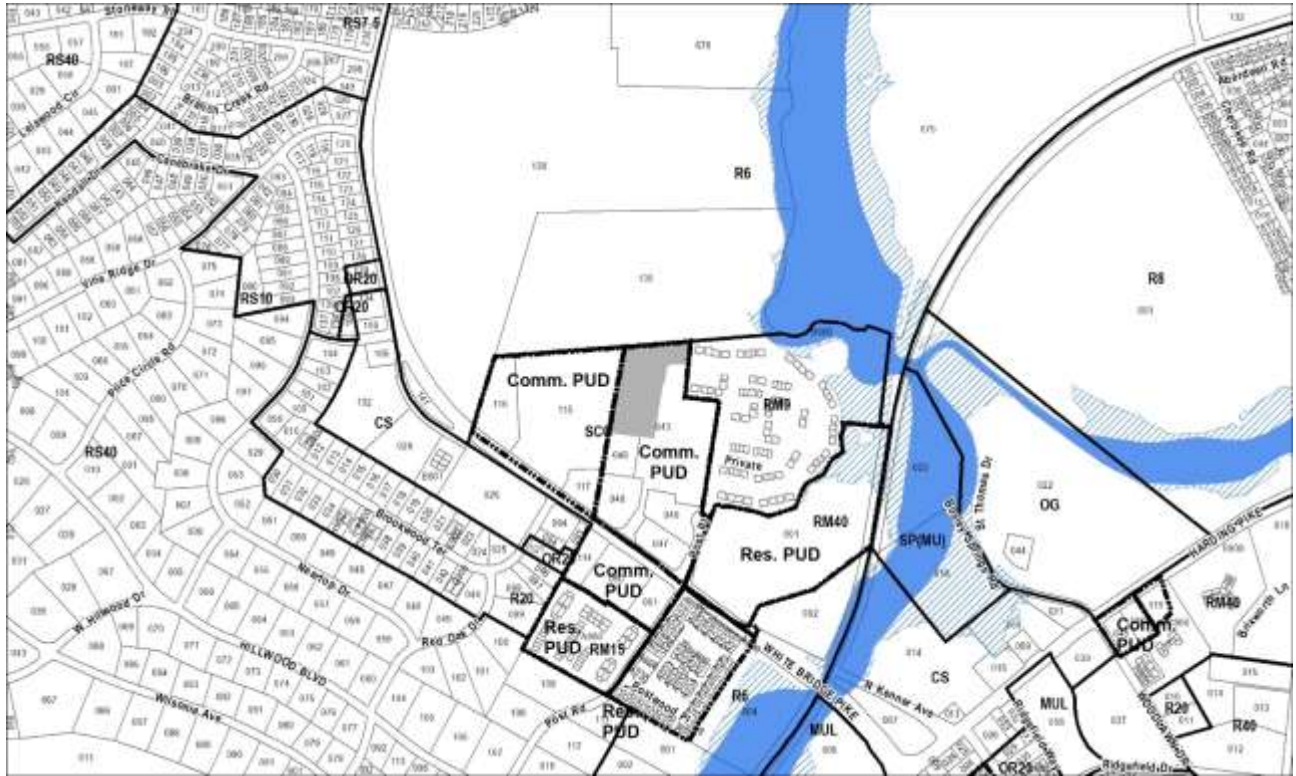
A request to rezone from One and Two-Family Residential (R8) and Commercial Service (CS) to Specific Plan-Mixed Non-Residential (SP-MNR) zoning for properties located at 2206, 2208, 2212, 2214, 2218, and 2220 12th Avenue South, approximately 80 feet south of Lawrence Avenue (1.87 acres), to permit a non-residential mixed-use development.

STAFF RECOMMENDATION

Staff recommends deferral to the November 18, 2021, Planning Commission meeting.



Metro Planning Commission Meeting of 10/28/21



2021SP-009-00

CRESCENT LIONS HEAD

Map 103-15, Part of Parcel(s) 043

07, West Nashville

24 (Kathleen Murphy)



Metro Planning Commission Meeting of 10/28/21

Item #15a	Specific Plan 2021SP-009-001
Project Name	Crescent Lions Head
Associated case	78-74P-003
Council District	24 - Murphy
School District	09 - Tylor
Requested by	Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner.

Deferrals This item was deferred at the August 26, 2021, September 23, 2021, and October 14, 2021, Planning Commission meetings. No public hearing was held.

Staff Reviewer Elliott
Staff Recommendation *Defer to the December 9, 2021, Planning Commission meeting.*

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

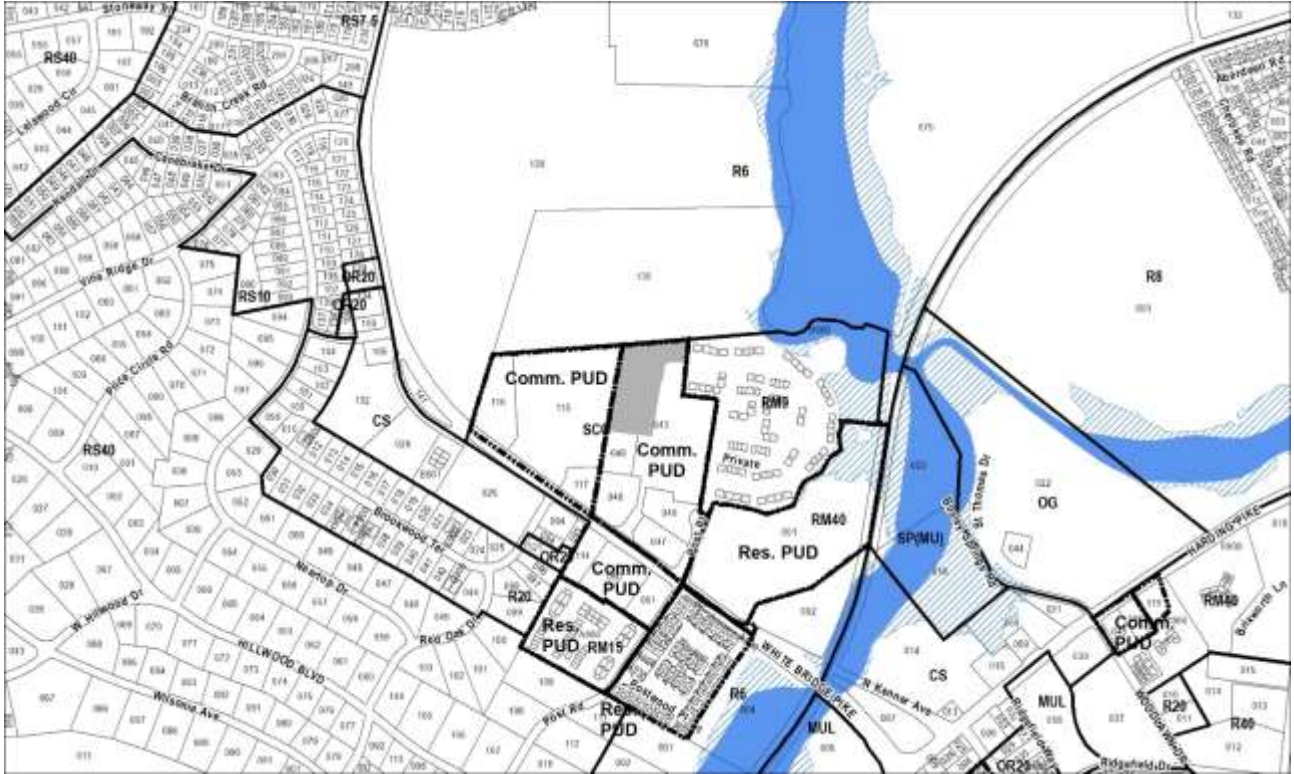
A request to rezone from Shopping Center Community (SCC) to Specific Plan (SP) zoning for a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place and located within a Commercial Planned Unit Development Overlay District (3.50 acres), to permit a mixed use development.

STAFF RECOMMENDATION

Staff recommends deferral to the December 9, 2021, Planning Commission meeting.



Metro Planning Commission Meeting of 10/28/21



78-74P-003

LIONS HEAD VILLAGE (AMENDMENT)

Map 103-15, Parcel(s) 043

07, West Nashville

24 (Kathleen Murphy)



Metro Planning Commission Meeting of 10/28/21

Item #15b
Project Name
Associated case
Council District
School District
Requested by

Planned Unit Development 78-74P-003
Lions Head Village (Amendment)
2021SP-009-001
24 - Murphy
09 - Frogge
Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner.

Deferrals

This item was deferred at the August 26, 2021, September 23, 2021, and October 14, 2021, Planning Commission meeting. No public hearing was held.

Staff Reviewer
Staff Recommendation

Elliott
Defer to the December 9, 2021, Planning Commission meeting.

APPLICANT REQUEST

Amend preliminary plan for a portion of a Planned Unit Development.

Amend Preliminary PUD

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 Shopping Center Community (SCC) (3.50 acres), to add multi-family residential as a permitted use and to permit a maximum of 277 multi-family units.

STAFF RECOMMENDATION

Staff recommends deferral to the December 9, 2021, Planning Commission meeting.



NO SKETCH



Metro Planning Commission Meeting of 10/28/21

Item #16

Project Name

Council Bill No.

Council District

School District

Requested by

Text Amendment 2021Z-018TX-001

Distance Requirements for Bars/Nightclubs

BL2021-922

Countywide

Countywide

Councilmember Brandon Taylor

Staff Reviewer

Lewis

Staff Recommendation

Defer to the November 18, 2021, Planning Commission meeting.

APPLICANT REQUEST

Amend the Zoning Code to include distance requirements for bar/nightclub uses.

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would modify Sections 17.04.060, 17.08.030, and 17.16.070, by implementing a distance requirement for “bar/nightclub” uses. The proposed changes are outlined below with new sections shown in underline, and any sections to be removed shown in strikethrough:

Section 1. That the following definition is added to Section 17.04.060 of the Metropolitan Code in alphabetical order:

“Bar or Nightclub” means any establishment primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services.

Section 2. That the Zoning District Land Use Table in Section 17.08.030 of the Metropolitan Code is hereby amended as shown in Exhibit A.

Section 3. That Section 17.16.070, Subsection G of the Metropolitan Code is hereby deleted in its entirety and replaced with the following:

~~G. Bar or Nightclub. Establishments shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than one establishment per lot.~~

G. Bar or Nightclub.

1. Establishments shall be a minimum of 100 linear feet from the property line of another property upon which a single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education use is located.
2. In the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS zoning districts, Establishments shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than one establishment per lot.



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STAFF RECOMMENDATION

The proposed text amendment has broad reaching implications for both existing and future establishments falling under this classification. Existing uses could become non-conforming, allowing for future expansions and enhanced protections through Tennessee Code Annotated. Future locations could be limited in locations where said uses are appropriate or in such a way as to concentrate the uses.

Since the Council Bill has been filed already, this case could potentially be acted on at Council if it is not deferred prior to the October 28th Planning Commission meeting. Because of these timing considerations, staff would recommend disapproval if the sponsor does not request deferral prior to the October 28th Planning Commission meeting. At this time, the disapproval would be based on lack of information regarding the potential impacts of the ordinance. If disapproved by the Commission, the Council could refer the case back to the Planning Commission at a later date if more information is available. Staff has been working with the Council office to gather information, but at this time we still lack complete information to make a recommendation on the merits of the case.

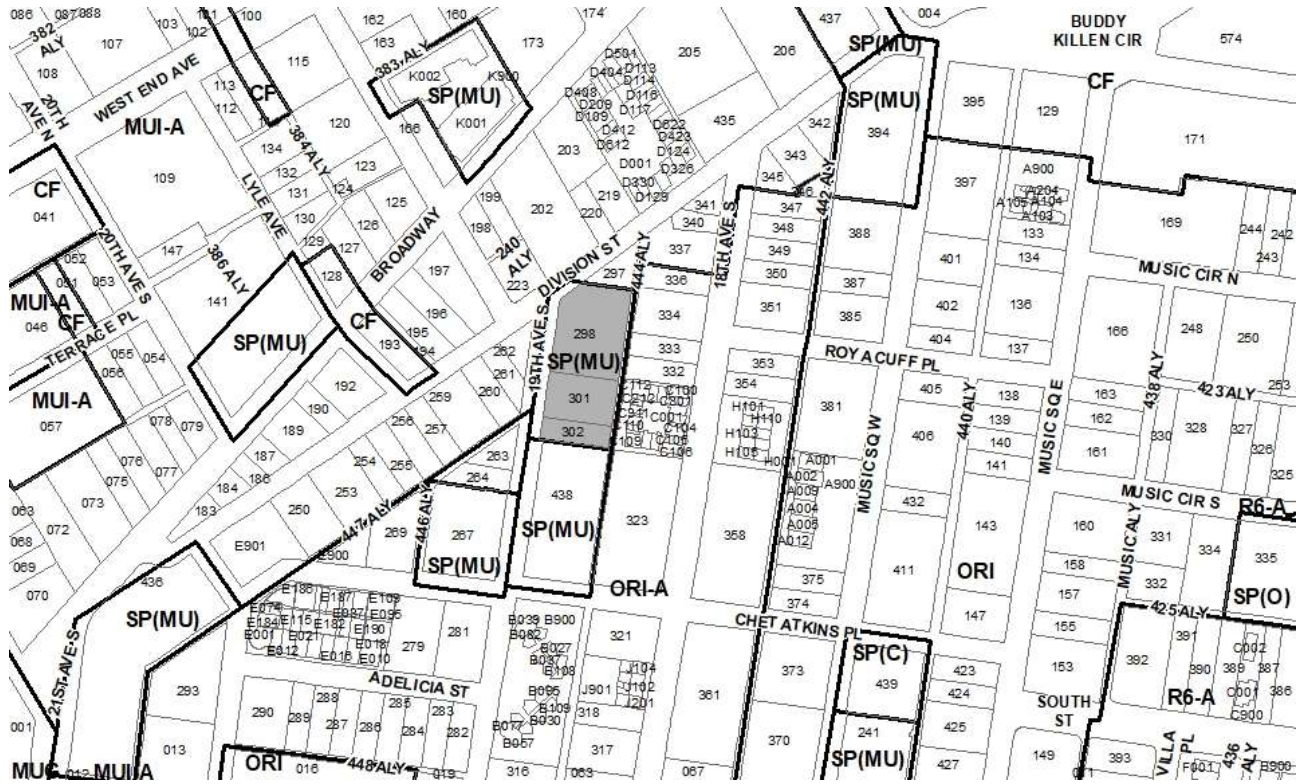
Staff is continuing to analyze the proposal and additional time is needed to complete the work. Staff recommends deferral to the November 18, 2021, Planning Commission meeting and disapproval if it is not deferred prior to the meeting.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/28/21



2017SP-091-003

KENECT NASHVILLE (AMENDMENT)

Map 092-16, Parcel(s) 298, 301-302

10, Green Hills - Midtown

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/28/21

Item #17

Project Name

Council District

School District

Requested by

Specific Plan 2017SP-091-003

Kenect Nashville (Amendment)

19 – O’Connell

08 - Pupo-Walker

Nelson Mullins Riley & Scarborough LLP, applicant; AP 1815 Division Nashville Property, LLC, owner.

Staff Reviewer

Elliott

Staff Recommendation

Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Amend the SP to permit Short Term Rental Property (STRP) - not owner occupied as a land use.

Zone Change

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 Specific Plan (SP) (1.20 acres), to permit non-owner occupied short term rental property as a use in addition to the previously approved uses.

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.

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.

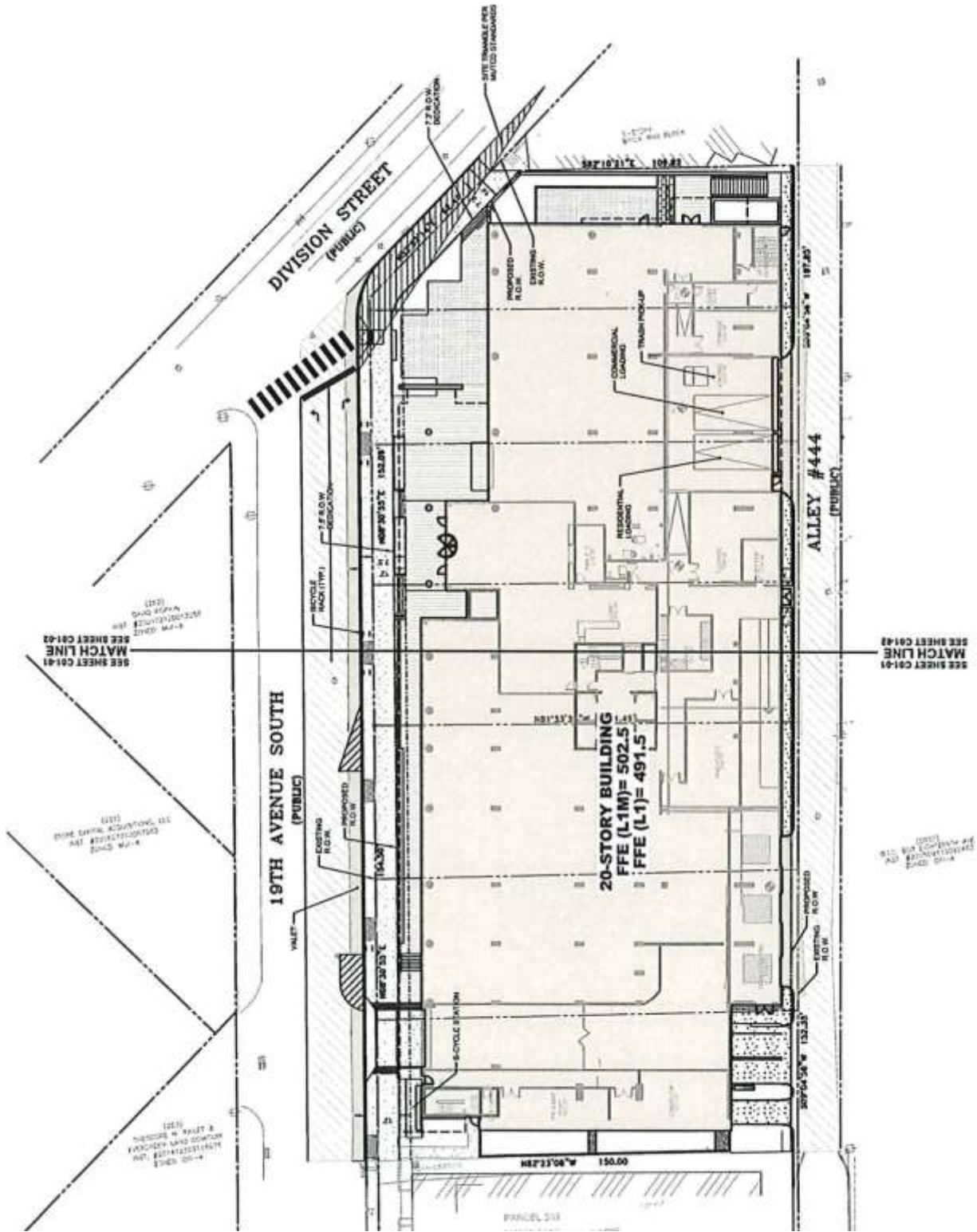
GREEN HILLS - MIDTOWN COMMUNITY PLAN

T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville’s major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

The site is within a special policy area in the Midtown Study, 10-MT-T5-MU-02. The special policy for T5 Center Mixed Use Neighborhood Area 2 includes specific guidance on building form, vehicular and pedestrian connectivity, and intensity. This site is located in an area bounded by Alley #447, east of Division Street, Alley #444, east of 19th Avenue South, and Alley #448, which is



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Proposed Preliminary SP



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north of Grand Avenue. The policy indicates that development in this area should have a lower building heights and masses than along the West End Avenue corridor because of structural constraints to development, with maximum building heights of 20 stories. The policy calls for improvements to vehicular, bicycle and pedestrian infrastructure above and beyond those called for in the Major and Collector Street Plan (MCSP) in order to support building heights exceeding eight stories, given the constrained existing infrastructure in this area. Additionally, the policy provides guidance regarding transitions between more intense development along West End Avenue and lower intensity and historic areas to the east such as Music Row.

EXISTING PLAN DETAILS

As approved, the SP currently permits a maximum of 420 multi-family residential units and a maximum of 24,000 square feet of nonresidential uses. The permitted non-residential uses include Restaurant, Full Service; Restaurant, Take-Out; General Office; and Leasing/Sales Office. The SP includes a Floor Area Ratio of 10.02 and a maximum height of 20 stories in 239 feet. The building has vehicular access taken from 19th Avenue South with the pedestrian entrance also located on 19th Avenue South.

PROPOSED PLAN

The proposed amendment would permit a maximum of 210 of the 420 multi-family residential units to be eligible to be used as Short Term Rental Property (STRP) - not-owner occupied units. The application does not propose any physical modifications to the exiting building.

ANALYSIS

At the time of approval of the current SP, Short Term Rental Property was a specific use listed in the Zoning Code. The SP did not specify that the use was permitted and limited the uses to those noted above. Since the adoption of the current SP, the Zoning Code has been further amended to include uses of Short Term Rental Property-Owner Occupied and Short Term Rental Property – Not Owner Occupied.

This portion of Nashville is intended to be among the most intense in the county outside of the downtown area, and to include both Nashville's major employers as well as residential, commercial and service uses to create lively, mixed use neighborhoods. This portion of Midtown is well served by transit along Broadway and West End. The proposed amendment to this SP is consistent with the intent of the T5 MU policy to create an intense mixed-use district with a diverse mix of residential and non-residential land uses.

FIRE MARSHAL RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- No objection to non-owner occupied short term rental property as a use.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the



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preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

- Submit copy of ROW dedications prior to bldg. permit sign off.
- From previous comments, any signs, street furniture, seating, kiosks, etc. require a Mandatory Referral for Encroachment. The MR must be approved by Metro Council prior to installation.
- A private hauler is required for waste/recycle disposal.

TRAFFIC AND PARKING RECOMMENDATION

Ignore

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 420 multi-family residential units and a maximum of 24,000 square feet of non-residential uses as specified in the SP. A maximum of 210 of the multi-family residential units are permitted to be used as Short Term Rental Property (STRP) - not-owner occupied units.
2. Prior to the issuance of any Short Term Rental permits, an application shall be made with the Traffic & Parking Commission to consider converting on-street parking spaces on 19th Ave South to a rideshare pick-up/drop-off location. The recommendation of the Traffic & Parking Commission shall be completed prior to the issuance of any Short Term Rental permits.
3. The conditions of BL2017-976 apply unless specifically modified through this application.
4. Prior to the issuance of any Short Term Rental permits, the applicant shall satisfy the condition of approval #5 from BL2017-976 concerning the pavement marking and signage plan for bicycle boulevard segments identified in the WalknBike Nashville plan along these streets:
 - 19th Avenue South from Division Street to Grand Avenue
 - Chet Atkins Place/South Street from Broadway to Music Square West
 - Grand Avenue from Music Square West to 21st Avenue South

The applicant shall also coordinate with Metro Planning and Public Works to evaluate the feasibility of installing a bicycle signal at the existing traffic signal at the intersection of 19th Avenue South and Broadway. The pavement marking and signage plan and feasibility evaluation for the signal shall be submitted and approved prior to the issuance of the first Short Term Rental permit.

5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. 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 MUI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance
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

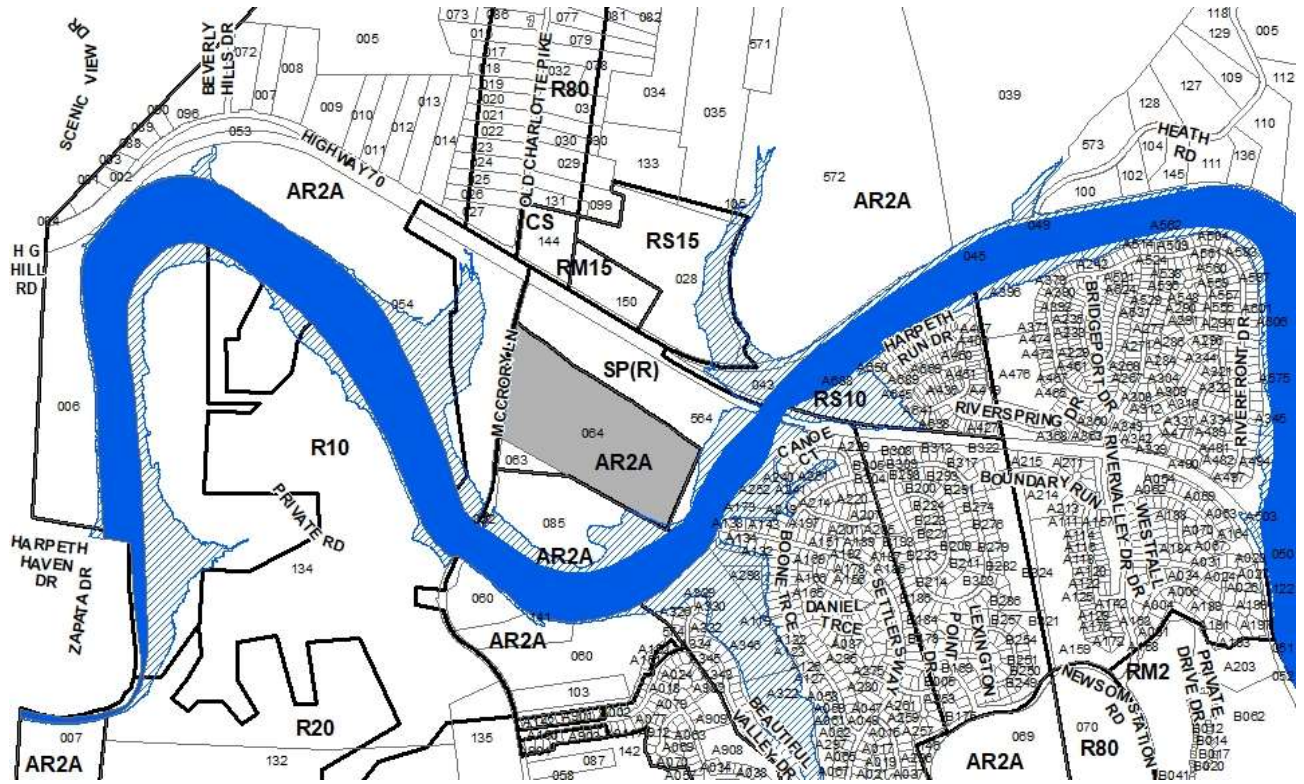


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permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.



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2021Z-092PR-001
Map 126, Parcel(s) 064
06, Bellevue
35 (Dave Rosenberg)



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Item #18**Council Bill No.****Council District****School District****Requested by****Zone Change 2021Z-092PR-001**

BL2021-906

35 – Rosenberg

09 – Tylor

Councilmember Dave Rosenberg, applicant; McCrory Lane Partners, LLC, owner.

Deferrals

This item was deferred from the September 23, 2021 and October 14, 2021, Planning Commission meetings. A public hearing was held at the September 23, 2021, Planning Commission meeting and remains open.

Staff Reviewer

Harrison

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.

HISTORY

This item was previously presented at the September 23, 2021 Planning Commission Meeting and was deferred to allow for the Councilmember to contact the property owner regarding this rezoning.

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



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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.



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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.



NO SKETCH



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Item #19

Project Name

Council Bill No.

Council District

School District

Requested by

Text Amendment 2021Z-003TX-001

Historic Zoning Commission Public Notice

Substitute BL2021-621

Countywide

Countywide

Councilmembers Kathleen Murphy, Burkley Allen, Freddie O’Connell and Russ Bradford, sponsors.

Staff Reviewer

Shane

Staff Recommendation

Approve as substituted.

APPLICANT REQUEST

Amend the Zoning Code to require additional public notice regarding applications for permits from the Historic Zoning Commission.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend the Zoning Code to require written notice regarding applications for permits from the Historic Zoning Commission to all property owners adjacent to the subject property and public notice signs to be installed on the affected properties no later than eleven days prior to the commission meeting. The proposed text amendment would modify Section 17.40.720 by adding a section requiring that notices be mailed for historic zoning commission permits and Section 17.40.730 by adding requirements for sign postings on the affected properties.

These proposed changes are shown below with text to be added shown in underline. The strikethrough text is the language of the original bill (the substitute bill’s language is reflected below):

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

D. Historic Zoning Commission Preservation Permits. No action shall be taken by the historic zoning commission on a preservation permit application under Section 17.40.420 unless, at least ~~twenty-one~~ eleven days prior to consideration of the application by the commission, the permit applicant provides written notice by U.S. Mail of the date, time, and place of the commission meeting to all property owners ~~within one thousand feet of~~ adjacent to the subject property. The applicant shall be responsible for the costs associated with the preparation of the written notices and shall be responsible for the mailing of such written notices.

Section 2. That Section 17.40.730 of the Metropolitan Code is hereby amended by deleting the first ~~sentene~~ paragraph and replacing it with the following:

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals, or to the consideration of a preservation permit application under Section 17.40.420 by the historic zoning commission. Notwithstanding, the following



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provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title. Public notice signs shall be posted in accordance with subsection E of this section on any property subject to consideration of certain preservation permit applications under Section 17.40.420 by the historic zoning commission.

Section 3. That Section 17.40.730 of the Metropolitan Code is further amended by adding the following new subsection E:

E. Historic Zoning Commission Preservation Permits. Public notice signs shall be posted on any property subject to consideration by the historic zoning commission of a preservation permit application which proposes demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The public notice sign shall be installed on affected properties no less than eleven days prior to the consideration by the historic zoning commission. The number and placement of public notice signs shall be posted in accordance with subsection C. The applicant shall be responsible for both the cost of preparation of these public notice signs and the placement of the signs in accordance with this provision.

BACKGROUND

The Metro Zoning Code requires notice by mail to the owner of the subject property and to surrounding property owners in advance of any public hearing. Notice requirements can vary based on whether the hearing concerns amendments to the official zoning map, variances or special exception permits, or revisions to historic overlay design guidelines. The parties responsible for providing notice also vary; in most cases, however, the applicant is responsible for providing notice. Similar requirements hold for sign postings, which must occur by the same deadline as notice mail outs.

A bill was introduced earlier in the year (BL2021-621) which proposed amending the Zoning Code to require notices and sign postings for preservation permits scheduled to be considered by the historic zoning commission. These requirements mirrored those of other application types—notice mailed and signs posted at least twenty-one days prior to the hearing. Coverage for mailed notices extended to all other property owners within one thousand feet of the subject property. After consultation with the historic zoning commission, it was discovered that these noticing requirements would conflict with other legally required processes the commission currently executes. A substitute bill was subsequently proposed and agreed upon by all parties.

ANALYSIS

The proposed amendments establish noticing and sign posting requirements for preservation permit hearings. With the substitute bill, notices must be mailed out and signs posted no later than eleven days prior to any public hearing. Notices are required to be mailed to all property owners adjacent to the subject property. Sign posting specifications refer to the existing standards in Section 17.40.730.C.

Noticing requirements are crucial to driving community involvement in the planning process. The new requirements proposed by the substitute bill represent a consensus between historic zoning commission staff and the public's representatives in the Metro Council. The new requirements will



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advance the public perception and transparency of the historic preservation planning process within Metro Nashville. 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 as noted in the substitute ordinance.

SUBSTITUTE ORDINANCE NO. BL2021-621

An ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).

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

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

D. Historic Zoning Commission Preservation Permits. No action shall be taken by the historic zoning commission on a preservation permit application under Section 17.40.420 unless, at least eleven days prior to consideration of the application by the commission, the permit applicant provides written notice by U.S. Mail of the date, time, and place of the commission meeting to all property owners adjacent to the subject property. The applicant shall be responsible for the costs associated with the preparation of the written notices and shall be responsible for the mailing of such written notices.

Section 2. That Section 17.40.730 of the Metropolitan Code is hereby amended by deleting the first paragraph and replacing it with the following:

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals, Notwithstanding, the following provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title. Public notice signs shall be posted in accordance with subsection E of this section on any property subject to consideration of certain preservation permit applications under Section 17.40.420 by the historic zoning commission.



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Section 3. That Section 17.40.730 of the Metropolitan Code is further amended by adding the following new subsection E:

E. Historic Zoning Commission Preservation Permits. Public notice signs shall be posted on any property subject to consideration by the historic zoning commission of a preservation permit application which proposes demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The public notice sign shall be installed on affected properties no less than eleven days prior to the consideration by the historic zoning commission. The number and placement of public notice signs shall be posted in accordance with subsection C. The applicant shall be responsible for both the cost of preparation of these public notice signs and the placement of the signs in accordance with this provision.

Section 3. Be it further enacted, that this ordinance shall take effect 60 days 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.



SEE NEXT PAGE



NO SKETCH



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Item #20
Project Name
Council Bill No.
Council District
School District
Requested by

Text Amendment 2021Z-011TX-001
FAR Bonus
BL2021-797
Countywide
Countywide
Councilmember Brett Withers

Staff Reviewer
Staff Recommendation

Lewis
Disapprove the substitute ordinance as filed and recommend approval of proposed second substitute.

APPLICANT REQUEST

Amend Title 17 of the Metropolitan Code pertaining to FAR bonuses in mixed-use zoning districts.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend Chapter 17.12, District Bulk Regulations, Section 17.12.070 related to special floor area (FAR) provisions in mixed use and some non-residential districts. The proposed amendment would remove Section B (section to be removed shown in strikethrough) and replacing with a new Section B (shown below in underline). The language below is based on the Substitute that was filed at council:

17.12.070 – Special floor area ratio (FAR) provisions

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

- ~~1. For property located either (a) in the MUI, MUI-NS, MUI-A, ad MUI-A-NS district, or (b) within the urban zoning overlay district in any mixed-use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, or CF-NS district, in any building where at least twenty five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.~~
- ~~2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section to construct ten or more residential units, the following number of residential units shall be restricted for use as affordable housing for a period of at least seven years:
Affordable housing units = 25% × (total residential units – 10)
This provision shall be enforced pursuant to the affordable housing provisions in Section 17.36.090(b)(3).~~

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

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



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2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section, at least 20% of the development shall be dedicated to commercial, medical, or office uses, excluding the hotel/motel and short term rental property – not owner occupied uses. , the following uses shall be prohibited from the development:
 - a. Short Term Rental Property – Owner Occupied
 - b. Short Term Rental Property – Not Owner Occupied

BACKGROUND

The current provision for residential bonuses in this section was tied to the provision of affordable housing. For Metro Code to be compliant with state regulations regarding affordable housing, Metro Legal and Metro Codes have advised the Planning Department to consider revising this portion of the code related to incentives and affordable housing.

ANALYSIS

This analysis is based on the substitute introduced at the Council meeting on October 5th. The substitute does not modify the zoning districts that are eligible for the bonus floor area or the minimum requirement for 25 percent residential in order to meet the standard. It does propose a new subsection 2 which would prohibit short term rental property (STRPs), both owner occupied and not owner occupied in any development using the bonus floor area.

Councilmember Withers held several public meetings related the proposed amendment. Many members of the development community indicated that several of the zoning districts had more limiting standards than others. This is where the existing FAR bonus currently in the code would assist with creating additional residential units in districts with limited FAR values. Typically, with less intense zoning districts the bulk standards are scaled back in proportion to the scale of development intended with each zoning district. For example, the MUN zoning district has a permitted FAR of 0.60, whereas the MUI zoning district has a permitted FAR of 5.00. The intended scale of development within MUN is for smaller, neighborhood scale developments serving the immediate community, as opposed to development in the MUI zoning district that is intended to provide high intensity developments within large scale buildings. To some extent, even with unlimited floor area, a development would be limited by other factors such as maximum height and setbacks, for example.

The intent behind the original FAR bonus was to allow for additional square footage to permit the creation of more attainable housing units which are needed within the core. As proposed the amendment would create a relatively uncontrolled bonus across a significant portion of the county, as limited by the requirement for the property to be in the urban zoning overlay (UZO). The wide range of zoning districts included in the proposed amendment vary in scale, location, uses permitted, and overall goals with each zoning district and as such a broad application of incentives is not likely appropriate.

Proposed Second Substitute

Planning Staff proposes a second substitute below that would modify the zoning districts eligible for the FAR bonus and create a bonus as opposed to an exemption. In order for a property to be eligible for the FAR bonus, a property would need to be located within the UZO and be within the one of the following zoning districts: MUN, MUN-NS, MUN-A, MUN-A-NS, MUL, MUL-NS, MUL-A, and MUL-A-NS. A building in the UZO and within one of the zoning districts as



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identified above, where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, a bonus value of 1.0 may be applied to the permitted FAR of the zoning district. The resulting bonus floor area would be limited to residential uses. The current permitted FAR of the MUN base zoning districts is 0.6 and MUL is 1.0. MUN and MUL zoning districts have the lowest FAR values of the mixed-use district. This is partly intended to keep the scale of development lower than in other districts, such as MUG and MUI, which are intended to be areas with larger developments and more intensity. By permitting a minor increase in the residential FAR of these districts, the intent to increase residential density in our urban mixed use areas at an incremental level is achieved.

For any development using the residential bonus, STRPs are prohibited. The original intent of the FAR bonus was to provide affordable housing. Without being able to specifically require or incentivize affordable housing, increasing the housing stock is an attempt to address housing stock and overall affordability. By prohibiting STRPs in developments utilizing the bonus, the housing stock for residents becomes greater. The proposed second substitute is below.

Section 1. That Section 17.12.070 of the Metropolitan Code is hereby amended by amending Subsection B ~~and adding the following language as a new Subsection B:~~ (new text underlined and deleted text shown in strikethrough):

B. Residential Bonus in the MUN and MUL Zoning Mixed Use, ORI, ORI NS, ORI A, ORI A NS, CF, CF NS Districts.

1. For property located ~~either (a) in the MUI, MUI-NS, MUI-A, and MUI-A-NS district, or (b) within the urban zoning overlay district and within the MUN, MUN-NS, MUN-A, MUN-A-NS, MUL, MUL-NS, MUL-A, and MUL-A-NS zoning any mixed use, ORI, ORI NS, ORI A, ORI A NS, CF, or CF NS district,~~ in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, a bonus value of 1.0 may be applied to the permitted FAR of the zoning district. the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This bonus floor area shall be utilized for residential uses only. This bonus floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.
2. In any development that uses the ~~uncounted~~ floor area bonus benefit in subsection (B)(1) of this section the following uses shall be prohibited from the development:
 - a. Short Term Rental Property – Owner Occupied
 - b. Short Term Rental Property – Not Owner Occupied

Zoning Administrator Recommendation

Codes is supportive of the proposed change with the FAR bonus. It is a good first step to improving the opportunities for affordable housing in Nashville. The addition of restrictions on STRP is needed so that these opportunities are not utilized by STRP uses.

Fiscal Impact Recommendation

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



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STAFF RECOMMENDATION

Staff recommends disapproval of the substitute ordinance, and the approval of the proposed second substitute.



SEE NEXT PAGE



NO SKETCH



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Item #21

Text Amendment 2021Z-012TX-001

Project Name

Short Term Rental Property Parking

Council Bill No.

BL2021-831

Council District

Countywide

School District

Countywide

Requested by

Councilmembers Freddie O’Connell, Russ Bradford, and Sean Parker

Staff Reviewer

Shane

Staff Recommendation

Approve amendments to Title 17.

APPLICANT REQUEST

Amend the Zoning Code’s definition of “Short term rental property (STRP)–Not owner-occupied” and amend parking requirements related to “Short term rental property (STRP)–Not owner-occupied.”

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend the definition of STRP–Not owner-occupied in the Zoning Code and the parking requirements related to STRP–Not owner-occupied. The proposed text amendment modifies Section 6.28.030 (“Hotels and Boardinghouses” within the Metro Code of Ordinances) and Section 17.04.060 (“Definitions” within the Zoning Ordinance) to remove the word “residential” from the definition of STRP–Not owner-occupied. It would also amend Section 17.02.030 to create a minimum parking requirement for the STRP–Not owner-occupied use. Planning is making a recommendation on the changes to Title 17 only.

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

Section 1. That Section 6.28.030.B of the Metropolitan Code is hereby amended as follows:

B. “Short term rental property (STRP)–Not owner-occupied” means a ~~residential~~ dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

Section 2. That Subsection 17.04.060.B of the Metropolitan Code is hereby amended the definition of “Short term rental property - Not owner occupied” as follows:

“Short term rental property (STRP)–Not owner-occupied” means a ~~residential~~ dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

Section 3. That Table 17.20.030 in Section 17.20.030 of the Metropolitan Code is hereby amended by adding the following under “Commercial Land Uses”:

Short Term Rental Property - Not Owner Occupied 1 space per bedroom/sleeping area



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BACKGROUND

The Code of Ordinances, including the Metro Zoning Code (Article 17), identifies two classes of Short term rental property (STRP) uses—Owner-occupied and Not owner-occupied. Metro Nashville’s experience with STRP has confirmed that while Owner-occupied properties do not overly disrupt the character, congestion, and tempo of a neighborhood, not owner-occupied properties have varying effects. STRP–Owner-occupied is allowed in all residential districts excluding NS (“No Short term rental”) districts while STRP–Not owner-occupied is only permitted with conditions in mixed use and commercial districts. Even so, not owner-occupied STRPs are currently only required to provide the same number of parking spaces as a similarly sized non-transient residential unit. Because these STRPs are usually shared by multiple individuals or groups of individuals driving separate vehicles, the lack of an appropriate minimum parking requirement has led to spillover effects for surrounding businesses and residences.

ANALYSIS

The proposed amendments clarify the non-residential nature of not owner-occupied STRPs (Sections 6.28.030.B and 17.04.060.B) and establish an appropriate minimum parking requirement for these uses (Section 17.20.030). The amendments removing the word “residential” from the definition of STRP–not owner-occupied make clear that these uses are considered commercial ventures rather than accessory residential uses. This is a necessary preliminary step to establishing parking minimums for such uses under the “Commercial Land Uses” heading of Table 17.20.030. By defining them in commercial terms, STRP–not owner-occupied uses can be classified as such with regard to parking requirements. The parking requirements proposed mirror those required of hotel/motels: one space per rooming unit (or in this case, one space per bedroom/sleeping area).

The proposed amendments correct an oversight that has impaired Metro’s attempt to control the STRP phenomenon. By adopting these amendments, surrounding businesses and residences will be protected from the externality that results from not owner-occupied STRPs dispersing their parking needs across neighborhoods because of a lack of adequate parking provision on their own sites. The amendment will bring parking requirements more in line with market realities and result in less impact on surrounding sites and city streets. For these reasons planning staff recommends approval of the proposed text amendments to Title 17.

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.



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ORDINANCE NO. BL2021-831

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).

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

Section 1. That Section 6.28.030.B of the Metropolitan Code is hereby amended as follows:

B. “Short term rental property (STRP)-Not owner-occupied” means a ~~residential~~ dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

Section 2. That Subsection 17.04.060.B of the Metropolitan Code is hereby amended the definition of “Short term rental property - Not owner occupied” as follows:

“Short term rental property (STRP)-Not owner-occupied” means a ~~residential~~ dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

Section 3. That Table 17.20.030 in Section 17.20.030 of the Metropolitan Code is hereby amended by adding the following under “Commercial Land Uses”:

Short Term Rental Property - Not Owner Occupied 1 space per bedroom/sleeping area

Section 4. 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.



SEE NEXT PAGE



NO SKETCH



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Item #22	Text Amendment 2021Z-013TX-001
Project Name	Inclusionary Housing
Council Bill No.	BL2021-832
Council District	Countywide
School District	Countywide
Requested by	Councilmember Burkley Allen, Councilmember Freddie O'Connell
Staff Reviewer	Hammer
Staff Recommendation	<i>Approve with a second substitute.</i>

APPLICANT REQUEST

Amend Title 17 of the Metropolitan Code pertaining to inclusionary housing.

BACKGROUND

NashvilleNext, Metro's General Plan adopted in 2015, identifies housing as a key element and affordability as a significant issue for all income levels over the next 25 years. The rising cost of new housing is mostly driven by location, land costs, construction costs and other associated costs and NashvilleNext recommends a four-pronged approach to making housing more equitable: fund it, build it, preserve it, and retain it.

Inclusionary Housing policies typically use requirements or incentives to create new units that are rented at an average median income (AMI) lower than 100% or are sold at below-market value with deed restrictions that expire after several years. After the adoption of NashvilleNext, Metro has amended Title 17 to address affordable housing to complement other existing programs like the Barnes Housing Trust Fund. These amendments to Title 17 have been focused on multi-family housing and have included both requirements and incentives to create new housing units below market rate.

Subsequent changes to Tennessee Code Annotated (TCA) have preempted this section of the code, meaning that the mechanism in present form cannot be utilized by Metro or developers seeking to use the incentives outlined in Title 17. These changes make it unlawful to compel or coerce participation but does not prohibit a local government from creating or implementing a purely voluntary incentive-based program designed to increase the construction or rehabilitation of workforce or affordable units, which may include providing local tax incentives, subsidization, real property, or infrastructure assistance.

A companion bill (BL2021-912) has been filed to change Chapter 2.213 of the Metro Code, which governs Affordable Housing incentive grants, to account for this new mechanism. While this bill is related to BL2021-832, BL2021-912 is not referred to the Planning Commission and is not addressed by this report.



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PROPOSED AMENDMENTS TO TITLE 17

Note: this section below is the *substitute ordinance that was adopted on October 5, 2021 by Council and subsequently referred to Planning for review. The Planning staff is recommending a second substitute to this text and that proposed second substitute is located in the Staff Recommendation section at the end of this report.*

17.40.780 - Purpose and applicability of inclusionary housing provisions.

A. Purpose. The purposes of this Section are to promote the public health, safety and welfare by increasing the production of affordable and work force housing (“Inclusionary Housing”) units to meet existing and anticipated housing and employment needs; mitigating the impacts of increasing housing cost and provide housing affordable to low and moderate income households; providing for a range of housing choices throughout the city to avoid the concentration of poverty; and to provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Inclusionary Housing.

B. Applicability.

1. When a developer voluntarily elects Inclusionary Housing as one of several options available to them to create additional building entitlements for residential rental projects through the Downtown Code's bonus height program, the residential rental units shall be subject to the provisions of this Section as long as all of the subsidies described below from the Metropolitan Government of Nashville and Davidson County are available. The inclusion of affordable or workforce housing in a request for bonus height shall not however become a condition precedent to the acceptability of the other criteria currently available to obtain additional building entitlements in the DTC, as each of the options available to developers to create additional entitlements, including but not limited to bonus height, can independently, standing alone, support the additional entitlements.
2. If the Metropolitan Government ceases to provide adequate funding for the subsidies, the residential rental units shall not be subject to the provisions of this Article until the subsidies are again funded.
3. When a developer voluntarily elects Inclusionary Housing as one of several options available to them to create additional building entitlements through the Downtown Code's (DTC's) bonus height program, the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the bonus height to subsidize the rental of Inclusionary Housing units within the new structure, so that the units shall rent at market value.
4. For residential uses, developments of fewer than five units are exempt.
5. For the purposes of this subsection, the following definitions apply.
 - a. "Development" shall include any residential or mixed-use development at one or more adjoining sites with common ownership or under common control, within a period of five years from the first date of the issuance of a building permit for construction.



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- b. "Significant infrastructure improvements within a site plan" shall include the Metropolitan Government's agreement to pay for more than 10% of the new infrastructure that will be required by an approved site plan.
- c. The "Estimated new tax revenue" is the tax revenue generated by the additional units constructed as a result of the bonus height associated with Inclusionary Housing. This tax revenue shall be determined by the Metro Department of Finance in consultation with the Davidson County Property Assessor's office. This revenue to be used to subsidize housing rentals, shall be determined by the Metropolitan Government prior to the Planning Department's review of a proposed development or site plan subject to this Section.
- d. "Residential floor area" is the net leasable residential floor area.

8. Inclusionary Housing shall not be provided, and no financial incentives shall be granted if the average or rental rate is less than, or within 5% above 100% Area Median Income (AMI) rental rates for Nashville and Davidson County as determined by the US Department of Housing and Urban Development (HUD) and the Inclusionary Housing Plan demonstrates that the census tract average rental rates for comparable units are affordable to a household at 100% AMI.

17.40.790 Requirements for inclusionary housing.

A. Construction. The set aside for Inclusionary Housing shall be at a minimum:

Rental at 60% AMI or less	Rental at Greater than 60% AMI to 80% AMI	Rental at Greater than 80% AMI to 100% AMI (available in the UZO only)
10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area

B. The maximum set aside shall be based on the estimated tax revenue available to provide rental subsidy.

C. The Mayor's Office of Housing or the Planning Director of Housing may approve a mix of AMI levels, provided the mix is equivalent to the set asides above. The mix of AMIs and how their equivalency was determined shall be included in the Inclusionary Housing Plan.

17.40.800 Standards for Construction and Occupancy of Inclusionary Housing.

A. With the building permit application, the owner/developer shall submit an inclusionary housing plan, which documents the following:

1. Number of total residential units provided under the site plan.
2. Whether the development uses public resources or public property.
3. Number of Inclusionary Housing units provided.
4. Income levels of targeted families for Inclusionary Housing units.
5. The proposed market rental rate for each unit.
6. General location of Inclusionary Housing units.
7. Sizes of Inclusionary Housing units.
8. Bedroom counts of Inclusionary Housing units.



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9. Market rental rates for comparable units within the census tract for the project site.
 10. Proposed Master Lease Agreement with the Metropolitan Development and Housing Agency (MDHA), or another entity competitively selected by the Metropolitan Government to administer the provisions of this Article, (the “Administering Agency”). Such Master Lease Agreement shall be subject to the approval of the Mayor’s Office Director of Housing Programs, or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs.
- B. Master lease agreements with the Administering Agency must:
1. Provide a minimum term of 15 years for Inclusionary Housing rental units.
 2. Reassess the market rate for each unit every 5 years during the term of the lease.
 3. Ensure the units are occupied by eligible households.
- C. Exteriors of inclusionary housing units shall not differ materially from the other units in a project.

17.40.810 Enforcement.

- A. Prior to the issuance of the first building permit, all Standards for Construction and Occupancy provided in Section 17.40.800 shall be documented on the building permit plans.
- B. Prior to the issuance of the Use and Occupancy permit, all Standards for Construction and Occupancy provided in Section 17.40.800 shall be satisfied and documentation provided to the Codes Department.
- C. During the subsidized rental period, the Administering Agency shall provide a compliance report to the Mayor’s Office Director of Housing Programs or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs in the form and manner determined by such official with assistance from the Finance Department.
- D. If the compliance report indicates non-compliance with the set aside percentages, the report shall be provided to the council.

17.40.820 Severability.

If any provision of this section or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable.

SUMMARY OF CURRENT CODE, LEGISLATION AND PROPOSED SUBSTITUTE

The legislation as substituted on October 5, 2021, proposed amendments to Section 17.40 of the Zoning Code. Based on feedback and text review, staff proposes a second substitute ordinance. The staff proposed second substitute includes a change recommended by staff in consultation with the filing Councilmember. This change requires MDHA (or the administering agency of the program) to make a preliminary written assessment of their capacity to enter into a Master Lease Agreement.

ANALYSIS OF BL2021-832

The proposed changes to Title 17 replace the preempted program with a new process that allows Metro to create affordable housing by entering into a long-term Master Lease Agreement for a specific number of units with a project that is earning additional entitlements through the Bonus



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Height Program of the Downtown Code. MDHA (or another administering agency as approved by Council) then sublets these units to qualified renters at a below-market rate and uses the increment of property tax revenue derived from the additional entitlements to make up the difference between what the qualified renters pay and what Metro pays the developer per the Master Lease Agreement. This mechanism avoids restrictions within TCA that prohibit incentivizing or leveraging a person or entity to develop, build, sell, or rent housing at below market value. Incentives cannot be tied to renting or selling units at a below market rate. Here are the steps of this new process as outlined by the bill:

1. The Developer applies for the Inclusionary Housing bonus of the Downtown Code's Bonus Height Program.
2. The Finance Director (in consultation with the Davidson County Assessor of Property) provides an estimate of the real property taxes derived from the proposed increase in entitlements proposed.
3. The Planning Commission certifies compliance with the provisions of the Bonus Height Program upon referral and assurance of compliance from applicable departments.
4. The Developer applies for a building permit and submits an Inclusionary Housing Plan including a proposed Master Lease Agreement. This Master Lease Agreement is subject to approval of the Mayor's Office Director of Housing Programs, or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs. The Master Lease must be at least 15 years in length and the market rate for each unit is reassessed every 5 years.
5. The Codes Department may issue a Use & Occupancy permit only when the items in Inclusionary Housing Plan are satisfied and documentation is provided to the Codes Department.

While the mechanism of this bill does create affordable housing units, it also creates new administrative and fiscal challenges. The bill's mechanism relies on the funding of MDHA or the administering agency and is subject to the fiscal pressures of a growing city. There is no earmarking of property tax revenues derived from the increased entitlements to fund the program, meaning that the appropriation of funds is still subject to the availability of appropriations from Metropolitan Council. Although the initial estimate of property tax receipts may give an indication of how much revenue could be applied to a project to subsidize the affordable units, property tax revenue derived from any individual building can be volatile given regular reappraisal processes and adjustments to the mill rate made by the Metropolitan Council. Although the legislation specifies that a Master Lease Agreement must have certain elements, many contents of the agreement are flexible and thereby subject to market conditions and individual negotiations between developers and Metro.

However, given the constraints of the current statewide regulatory framework on inclusionary housing programs, the bill's mechanism does accomplish the objective of providing housing to qualified individuals.

ANALYSIS OF STAFF SECOND SUBSTITUTE

The staff proposed second substitute requires that MDHA (or the administering agency) provide a written affirmation that they have preliminarily assessed the information provided by the applicant and anticipate that they are capable of entering into a Master Lease Agreement as well as correcting subsection numbers.



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ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval with a second substitute.

SECOND SUBSTITUTE ORDINANCE NO. BL2021-832

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County undertook an Inclusionary Housing Feasibility and Market Study (the Study) in 2016; and

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

WHEREAS, the Study found that 46% of renters in the city are cost-burdened; and

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

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

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

WHEREAS, increasing the supply of affordable and workforce housing supports economic growth and is a vital tool in reducing poverty in Davidson County; and

WHEREAS, state law does not prohibit a local government from creating or implementing a purely voluntary incentive-based program designed to increase the construction or rehabilitation of workforce or affordable private residential or commercial rental units, which may include providing local tax incentives, subsidization, real property, or infrastructure assistance, or any other incentive that makes the construction of workforce or affordable housing more economical, so long as the program is not used to incentivize or leverage a person to develop, build, sell, or rent housing at below market value; and

WHEREAS, the program created by this ordinance will use a developer's voluntary election of workforce or affordable housing as one of several options available to them to create additional building entitlements through the Downtown Code's bonus height program, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the bonus height to subsidize the rental of workforce or affordable housing units within the new structure so that the units shall rent at market value, and

WHEREAS, the program created by this ordinance will alternatively use a developer's voluntary



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election to enter into a participation agreement with the Metropolitan Government, such that the Metropolitan Government agrees to pay for significant infrastructure improvements within a site plan, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated within the site plan to subsidize the rental of workforce or affordable housing units within new structures built within the site plan so that the units shall rent at market value; and

WHEREAS, the program created by this ordinance will alternatively use a developer's voluntary election to accept a parcel of real property from the Metropolitan Government, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the structure built on the parcel to subsidize the rental of workforce or affordable housing units within the new structure so that the units shall rent at market value.

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

Section 1. That Section 17.40.780, 17.40.790, 17.40.800, 17.40.810, and 17.40.820 (Inclusionary Housing) of the Metropolitan Code are hereby amended by deleting those sections and substituting the following.

17.40.780 - Purpose and applicability of inclusionary housing provisions.

A. Purpose. The purposes of this Section are to promote the public health, safety and welfare by increasing the production of affordable and work force housing (“Inclusionary Housing”) units to meet existing and anticipated housing and employment needs; mitigating the impacts of increasing housing cost and provide housing affordable to low and moderate income households; providing for a range of housing choices throughout the city to avoid the concentration of poverty; and to provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Inclusionary Housing.

B. Applicability.

1. When a developer voluntarily elects Inclusionary Housing as one of several options available to them to create additional building entitlements for residential rental projects through the Downtown Code's bonus height program, the residential rental units shall be subject to the provisions of this Section as long as all of the subsidies described below from the Metropolitan Government of Nashville and Davidson County are available. The inclusion of affordable or workforce housing in a request for bonus height shall not however become a condition precedent to the acceptability of the other criteria currently available to obtain additional building entitlements in the DTC, as each of the options available to developers to create additional entitlements, including but not limited to bonus height, can independently, standing alone, support the additional entitlements.
2. If the Metropolitan Government ceases to provide adequate funding for the subsidies, the residential rental units shall not be subject to the provisions of this Article until the subsidies are again funded.
3. When a developer voluntarily elects Inclusionary Housing as one of several options available to them to create additional building entitlements through the Downtown Code's (DTC's) bonus height program, the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the bonus height to



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subsidize the rental of Inclusionary Housing units within the new structure, so that the units shall rent at market value.

4. For residential uses, developments of fewer than five units are exempt.
 5. For the purposes of this subsection, the following definitions apply.
 - a. "Development" shall include any residential or mixed-use development at one or more adjoining sites with common ownership or under common control, within a period of five years from the first date of the issuance of a building permit for construction.
 - b. "Significant infrastructure improvements within a site plan" shall include the Metropolitan Government's agreement to pay for more than 10% of the new infrastructure that will be required by an approved site plan.
 - c. The "Estimated new tax revenue" is the tax revenue generated by the additional units constructed as a result of the bonus height associated with Inclusionary Housing. This tax revenue shall be determined by the Metro Department of Finance in consultation with the Davidson County Property Assessor's office. This revenue to be used to subsidize housing rentals, shall be determined by the Metropolitan Government prior to the Planning Department's review of a proposed development or site plan subject to this Section.
 - d. "Residential floor area" is the net leasable residential floor area.
8. 6. Inclusionary Housing shall not be provided, and no financial incentives shall be granted if the average or rental rate is less than, or within 5% above 100% Area Median Income (AMI) rental rates for Nashville and Davidson County as determined by the US Department of Housing and Urban Development (HUD) and the Inclusionary Housing Plan demonstrates that the census tract average rental rates for comparable units are affordable to a household at 100% AMI.

17.40.790 Requirements for inclusionary housing.

A. Construction. The set aside for Inclusionary Housing shall be at a minimum:

Rental at 60% AMI or less	Rental at Greater than 60% AMI to 80% AMI	Rental at Greater than 80% AMI to 100% AMI (available in the UZO only)
10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area

B. The maximum set aside shall be based on the estimated tax revenue available to provide rental subsidy.

C. The Mayor's Office of Housing or the Planning Director of Housing may approve a mix of AMI levels, provided the mix is equivalent to the set asides above. The mix of AMIs and how their equivalency was determined shall be included in the Inclusionary Housing Plan.

17.40.800 Standards for Construction and Occupancy of Inclusionary Housing.

A. With the building permit application, the owner/developer shall submit an inclusionary housing plan, which documents the following:

1. Number of total residential units provided under the site plan.
2. Whether the development uses public resources or public property.
3. Number of Inclusionary Housing units provided.



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4. Income levels of targeted families for Inclusionary Housing units.
 5. The proposed market rental rate for each unit.
 6. General location of Inclusionary Housing units.
 7. Sizes of Inclusionary Housing units.
 8. Bedroom counts of Inclusionary Housing units.
 9. Market rental rates for comparable units within the census tract for the project site.
 10. Proposed Master Lease Agreement with the Metropolitan Development and Housing Agency (MDHA), or another entity competitively selected by the Metropolitan Government to administer the provisions of this Article, (the “Administering Agency”). Such Master Lease Agreement shall be subject to the approval of the Mayor’s Office Director of Housing Programs, or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs.
- B. Master lease agreements with the Administering Agency must:
1. Provide a minimum term of 15 years for Inclusionary Housing rental units.
 2. Reassess the market rate for each unit every 5 years during the term of the lease.
 3. Ensure the units are occupied by eligible households.
- C. Exteriors of inclusionary housing units shall not differ materially from the other units in a project.

17.40.810 Enforcement.

A. Prior to the certification of bonus height by the Planning Commission, MDHA (or the Administering Agency) shall provide the Planning Department with written confirmation that the proposal has been preliminarily reviewed and that MDHA (or the Administering Agency) anticipates being able to enter into a Master Lease Agreement as outlined in this Article.

~~A.B.~~ Prior to the issuance of the first building permit, all Standards for Construction and Occupancy provided in Section 17.40.800 shall be documented on the building permit plans.

~~B. C.~~ Prior to the issuance of the Use and Occupancy permit, all Standards for Construction and Occupancy provided in Section 17.40.800 shall be satisfied and documentation provided to the Codes Department.

~~C. D.~~ During the subsidized rental period, the Administering Agency shall provide a compliance report to the Mayor’s Office Director of Housing Programs or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs in the form and manner determined by such official with assistance from the Finance Department.

~~D. E.~~ If the compliance report indicates non-compliance with the set aside percentages, the report shall be provided to the council.

17.40.820 Severability.

If any provision of this section or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable.

Section 2. That any appropriately filed application that complies with all existing filing requirements and that is filed prior to the effective date of this ordinance shall not be affected by the provisions of this ordinance unless the applicant requests participation.



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Section 3. Be it further enacted, that this ordinance shall take effect immediately upon 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.



NO SKETCH



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Item #23

Text Amendment 2021Z-015TX-001

Project Name

Demolition of Potentially Historic Structures

Council Bill No.

Substitute BL2021-842

Council District

Countywide

School District

Countywide

Requested by

Councilmember Tom Cash

Staff Reviewer

Shane

Staff Recommendation

Approve.

APPLICANT REQUEST

Amend the Zoning Code to remove the ninety-day limit on the moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures, or improvements on land recommended for designation as a historic overlay district.

PROPOSED AMENDMENTS TO TITLE 17 AND CHAPTER 16.28

The proposed bill would amend the Zoning Code to remove the current ninety-day moratorium on demolition and related activities on land recommended for designation as an historic overlay district and replace it with a moratorium period only ending once an overlay district for the property has been approved, rejected, withdrawn, deferred for longer than 90 days, or indefinitely deferred by the Metropolitan Council. The bill also proposes to modify Chapter 16.28 of the Metro Code of Ordinances by requiring that, prior to the issuance of any building permit involving demolition of an historic structure, the contractors and any subcontractors submit signed affidavits attesting that they have reviewed the permit to be approved and understand the limits of the demolition work to be done. Since its initial filing, the bill has been substituted.

The proposed changes as reflected in the substitute are shown below:

Section 1. That Section 16.28.190 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

16.28.190 - Issuance.

If the application for a permit under this chapter and the drawings filed therewith describe work which does not conform to the requirements of this chapter or other pertinent laws or ordinances, the director of codes administration shall not issue a permit, but shall return the drawings to the applicant with their refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefore.

Section 2. That Chapter 16.28 of the Metropolitan Code is hereby amended by creating Section 16.28.195 as follows:

16.28.195 - Issuance of permits for the demolition of historic structures and sites.

A. When the department of codes administration receives an application for a demolition permit for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, or meets the criteria of T.C.A.



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§ 7-51-1201 as determined by the historic zoning commission, but is not included in a historic overlay district, the director of codes administration shall not issue a demolition permit for the structure until the executive director of the historical commission approves the demolition permit. The executive director must take action on the demolition permit within 90 days of the permit application, unless a longer period is agreed upon by the applicant and the executive director. The department of codes administration shall provide notice by email to the district councilmember representing the district in which the historic structure is located within two business days after the application for the demolition permit has been filed.

B. Prior to the issuance of a demolition permit or a building permit where a portion of the structure is proposed to be removed for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, and/or is included in a historic overlay district, the responsible contractor and any subcontractor shall submit signed affidavits that they have reviewed the permit to be approved including any related preservation permit and understand the limits of the demolition work to be done.

C. The following requirements shall be satisfied prior to the issuance of a demolition permit for a residential structure that was originally constructed before 1865:

1. The property owner or the owner's agent applying for a demolition permit for a residential structure that was originally constructed before 1865 shall, with the application for the permit, present to the director of codes administration and the executive director of the Metropolitan Historical Commission at least two reports, each prepared by a qualified historic restoration consultant, stating the following:

a. The name and qualifications of the person making the report.

b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or any fault, defect or condition that might affect the structural integrity or the water-tightness of the building.

c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect the structural integrity of the structure.

d. A valuation from a qualified historic properties real estate appraiser of the building(s) proposed to be demolished.

2. For purposes of subsection C.1., the following definitions shall apply:

a. "Qualified historic restoration consultant" is defined as a professionally licensed architect or general contractor with a specialty in historic buildings, i.e., one who has worked directly



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on the rehabilitation or restoration of historic buildings for a minimum of ten years and/or a minimum of 15 long-term (lasting six months or more) historic building projects. The consultant shall provide a list of qualifying historic projects, detailing their scope, budget, the consultant's scope of involvement, specific historic issues/challenges, date of completion, and client contact information. The MHZC will determine whether the consultant meets these criteria.

b. "Qualified historic properties real estate appraiser" is defined as an individual who has a minimum of five years of professional experience working as a real estate appraiser, specifically including the valuation of historic property, buildings, and their appurtenances. For these purposes, "historic" shall be defined as 100 years old and older. The appraiser shall provide a listing of historic properties evaluated, with accompanying date of service and client contact information. The MHZC will determine whether the consultant meets these established criteria.

3. Upon receipt of the demolition permit application, the metropolitan historic zoning commission shall, at a scheduled public hearing, make the determination as to whether or not the structure meets the criteria of T.C.A. § 7-51-1201. If the historic zoning commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the metropolitan council the opportunity to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.

Section 3. That Section 17.40.430 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

17.40.430 - Moratorium For proposed historic overlay districts.

There shall be a moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as a historic overlay district. The moratorium period shall begin with the filing of an ordinance to designate an historic overlay district and end once the ordinance establishing the overlay district has been approved, rejected, withdrawn, deferred for a total amount of time equaling 90 days, or indefinitely deferred by the Metropolitan Council.

BACKGROUND

The Zoning Code currently allows permits for demolition, relocation, new construction, exterior alterations, additions to structures, or improvements on land recommended for designation as an historic overlay district to be granted only after a ninety-day moratorium period that begins the day the ordinance to designate the historic overlay district is filed. The moratorium is intended to give MHZC and the Metro Council enough time to adequately weigh the merits of an application for historic overlay district designation while preventing affected property owners from rushing to demolish or otherwise irreparably alter potentially contributing structures before the ordinance can be officially passed.

ANALYSIS

The proposed amendments to Title 17 replace the ninety-day moratorium on demolition and related activities that begins when legislation is filed to create an historic overlay district and replaces it



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with a moratorium that only ends when such legislation has been approved, rejected, withdrawn, deferred for a period of time greater than 90 days, or indefinitely deferred by the Metro Council. The review of the application requirements for such designations and the hearings associated with them can routinely take longer than 90 days. This modification to the duration of the moratorium period will remove an unnecessary time constraint on the process of designating historic overlay districts throughout Metropolitan Nashville and Davidson County and facilitate more thorough and deliberate consideration of all such applications. For these reasons, planning staff recommends approval of the proposed text amendments.

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 proposed change to Title 17.

SUBSTITUE ORDINANCE NO. BL2021-842

An ordinance amending Chapter 16.28 and Section 17.40.430 of the Metropolitan Code to amend the regulations of the demolition of potentially historic structures and sites (Proposal No. 2021Z-015TX-001).

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

Section 1. That Section 16.28.190 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

16.28.190 - Issuance.

If the application for a permit under this chapter and the drawings filed therewith describe work which does not conform to the requirements of this chapter or other pertinent laws or ordinances, the director of codes administration shall not issue a permit, but shall return the drawings to the applicant with their refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefore.

Section 2. That Chapter 16.28 of the Metropolitan Code is hereby amended by creating Section 16.28.195 as follows:

16.28.195 - Issuance of permits for the demolition of historic structures and sites.

A. When the department of codes administration receives an application for a demolition permit for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, or meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, but is not included in a historic overlay



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district, the director of codes administration shall not issue a demolition permit for the structure until the executive director of the historical commission approves the demolition permit. The executive director must take action on the demolition permit within 90 days of the permit application, unless a longer period is agreed upon by the applicant and the executive director. The department of codes administration shall provide notice by email to the district councilmember representing the district in which the historic structure is located within two business days after the application for the demolition permit has been filed.

- B. Prior to the issuance of a demolition permit or a building permit where a portion of the structure is proposed to be removed for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, and/or is included in a historic overlay district, the responsible contractor and any subcontractor shall submit signed affidavits that they have reviewed the permit to be approved including any related preservation permit and understand the limits of the demolition work to be done.
- C. The following requirements shall be satisfied prior to the issuance of a demolition permit for a residential structure that was originally constructed before 1865:
 1. The property owner or the owner's agent applying for a demolition permit for a residential structure that was originally constructed before 1865 shall, with the application for the permit, present to the director of codes administration and the executive director of the Metropolitan Historical Commission at least two reports, each prepared by a qualified historic restoration consultant, stating the following:
 - a. The name and qualifications of the person making the report.
 - b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or any fault, defect or condition that might affect the structural integrity or the water-tightness of the building.
 - c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect the structural integrity of the structure.
 - d. A valuation from a qualified historic properties real estate appraiser of the building(s) proposed to be demolished.
 2. For purposes of subsection C.1., the following definitions shall apply:
 - a. "Qualified historic restoration consultant" is defined as a professionally licensed architect or general contractor with a specialty in historic buildings, i.e., one who has worked directly on the rehabilitation or restoration of historic buildings for a minimum of ten years and/or a minimum of 15 long-term (lasting six months or more) historic building projects. The consultant shall provide a list of qualifying historic projects, detailing their scope, budget, the consultant's scope of involvement, specific historic issues/challenges, date of completion, and client contact information. The MHZC will determine whether the consultant meets these criteria.



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- b. "Qualified historic properties real estate appraiser" is defined as an individual who has a minimum of five years of professional experience working as a real estate appraiser, specifically including the valuation of historic property, buildings, and their appurtenances. For these purposes, "historic" shall be defined as 100 years old and older. The appraiser shall provide a listing of historic properties evaluated, with accompanying date of service and client contact information. The MHZC will determine whether the consultant meets these established criteria.
3. Upon receipt of the demolition permit application, the metropolitan historic zoning commission shall, at a scheduled public hearing, make the determination as to whether or not the structure meets the criteria of T.C.A. § 7-51-1201. If the historic zoning commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the metropolitan council the opportunity to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.

Section 3. That Section 17.40.430 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

17.40.430 - Moratorium For proposed historic overlay districts.

There shall be a moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as a historic overlay district. The moratorium period shall begin with the filing of an ordinance to designate an historic overlay district and end once the ordinance establishing the overlay district has been approved, rejected, withdrawn, deferred for a period of time greater than 90 days, or indefinitely deferred by the Metropolitan Council.

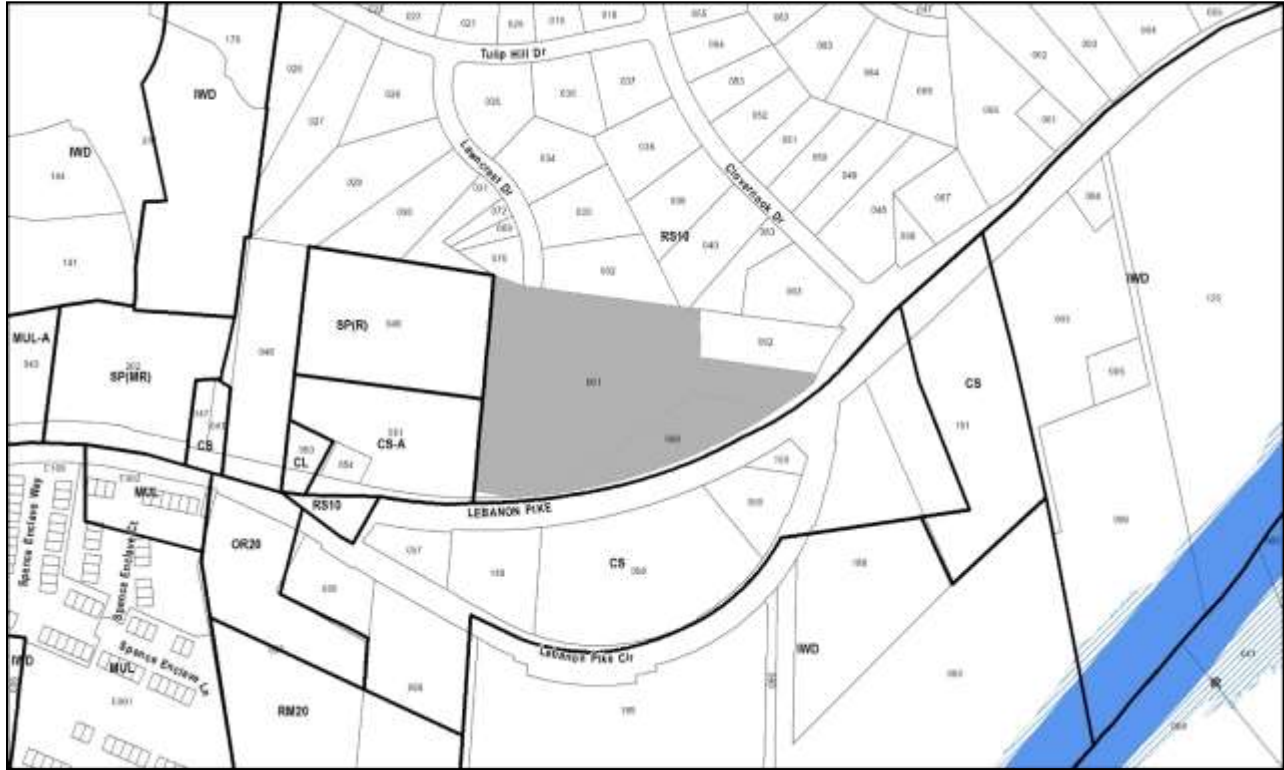
Section 4. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.



SEE NEXT PAGE



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2021SP-076-001

1738 LEBANON PIKE

Map 094, Parcel(s) 060-061

14, Donelson-Hermitage-Old Hickory

15 (Jeff Syracuse)



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Item #24	Specific Plan 2021SP-076-001
Project Name	1738 Lebanon Pike
Council District	15 – Syracuse
School District	04 – Little
Requested by	Catalyst Design Group, applicant; K. Whiteside and Kenneth Adler, owners.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Preliminary SP to permit 52 multi-family residential units.

Preliminary SP

A request to rezone from Single-Family Residential (RS10) to Specific Plan-Residential (SP-R) zoning for properties located at 1736 and 1738 Lebanon Pike, approximately 220 feet southwest of Clovernook Drive, to permit 52 multi-family residential units (7.12 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 26 units, based on the acreage only.*

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The 7.12-acre site is located on the north side of Lebanon Pike, southwest of Clovernook Drive. Lawncrest Drive, an existing local street to the north, terminates at the northern boundary. The vacant site includes a stream that traverses the western portion of the site. Heavy vegetation and steeper slopes are located southwest of the stream, wrapping a portion of the frontage. Steeper slopes are also located near the northeastern corner.

Surrounding land uses are varied and include commercial and industrial properties located on the south side of Lebanon Pike and further to the west, near Spence Lane. Adjacent properties located to the immediate north, along Lawncrest Drive and spanning both sides of Clovernook Drive, have previously developed with single-family and two-family uses.



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Proposed Site Plan



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Site Plan

The plan proposes 52 multi-family residential units, housed in several buildings. Four buildings front Lebanon Pike and the remaining units are housed in several rows behind the street-fronting units, containing approximately three to five units per structure. Access to the site is proposed from Lebanon Pike to a private drive that aligns with Lebanon Pike Circle, an existing street located on the south side of the corridor. The private drive provides access to the attached two-car garages which are located on each unit. Some of the units include basement level parking. There are additional surface parking spaces proposed along the drive.

Pedestrian access is provided directly from Lebanon Pike to the four buildings that front the corridor. Lebanon Pike will be improved per the Major and Collector Street Plan (MCSP) requirements along the eastern portion, including the 12 foot sidewalk and 4 foot planting strip. Improvements along the western portion will be varied due to steeper topography along the frontage, where the required 12 foot sidewalk will be installed without the planting strip. The internal sidewalk network will connect from the corridor to the common areas and to the interior units, extending to the northern boundary for future pedestrian connectivity to the north. Open space is primarily provided on the western portion of the site where the stream and steeper slopes are located, including a common area with amenities near the corridor. Additional areas of open spaces are provided between the centrally located units mid-site, and near the steeper slopes at the northeastern corner. A 20' Type C buffer is indicated along the northern boundary adjacent to the single and two-family residential uses.

The buildings are proposed with maximum heights of 45 feet; for basement units, height is proposed to be measured from the first floor level. Staff is recommending a condition that the maximum height for all buildings be three stories in 45 feet, as measured per the Zoning Ordinance. Conceptual architectural elevations with proposed maximum heights have been incorporated into the preliminary SP. Architectural standards, including materials and glazing, are included in the plan.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

Lebanon Pike Corridor Supplemental Policy Areas

This site is located within the Lebanon Pike Small Area Plan, which includes supplemental policies within the Donelson-Hermitage-Old Hickory Community Plan area. The intent of the supplemental policies is to grow mixed-use neighborhoods along Lebanon Pike, improve connectivity to Donelson, maintain the suburban character of the existing neighborhoods, and balance transportation needs for everyone.

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



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including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. *CO policy at this site recognizes steep slopes, a stream, and associated stream buffer.*

ANALYSIS

The SP is generally consistent with the T4 CM policy and Lebanon Pike Corridor supplemental policies of the Lebanon Pike Small Area Plan. The proposed plan includes development that frames the corridor, consistent with an Urban transect, while generally staying off of the CO policy areas. The rear portion of this site is within a Transition supplemental policy, where the expectation is for higher intensity development along the corridor to transition in height and overall impact to the existing residential neighborhood to the north, located within the T3 NM, Suburban Neighborhood Maintenance, policy. The plan includes a 20' wide Type C buffer spanning the northern property line adjacent to the existing residential neighborhood, where canopy and evergreen trees are identified to be a minimum of 10 feet in height at the time of planting. None of the proposed units are oriented towards the existing residences to the north, consistent with the goal to orient buildings to Lebanon Pike and not to the neighborhood. The interior units front open space and the street-fronting units are oriented towards the corridor. The plan also includes a pedestrian path that spans from the existing terminus of Lawncrest Drive through the western portion of the site to Lebanon Pike, consistent with the goal to enhance pedestrian connectivity in the area. Lebanon Pike is served by existing transit service with multiple MTA stops in proximity to the site, providing additional transit options for future residents.

Building heights are proposed to be a maximum height of 45 feet; for basement units, height is proposed to be measured from the first floor level. Given the lower intensity residential uses located adjacent to this site to the north, staff recommends that the maximum height is 3 stories in 45 feet, measured per the Zoning Ordinance, with no roof decks permitted for Buildings G, J, and K.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approved with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Any proposed disturbance to the Zone 1 Stream Buffer will require a variance from the Stormwater Management Committee.

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.



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NASHVILLE DOT RECOMMENDATION

Approved 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.
- Prior to final approval, the turn-down wall/guardrail design, along Lebanon Pike frontage, will need to be approved by TDOT.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

Parking shall be provided per Code. Tandem parking is not permitted.

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)	7.12	4.356 D	26 U	301	23	28

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	7.12	-	52 U	282	18	23

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+26 U	-19	-5	-5

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 2 Elementary 1 Middle 2 High

Projected student generation proposed SP-R district: 3 Elementary 2 Middle 2 High

The proposed SP-R zoning is expected to generate 2 more students than the existing RS10 zoning district. Students would attend Pennington Elementary School, Two Rivers Middle School, and McGavock High School. 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 52 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. On the corrected copy, add the STRP exclusion to the permitted use language.
3. On the corrected copy, replace Design Standard #2 with the following: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials



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substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

4. On the corrected copy, update the Building Height standard: Maximum building height is 3 stories in 45 feet max; height measured per Metro Zoning Ordinance. No rooftop decks shall be permitted for Buildings G, J, and K.
5. On the corrected copy, update the building elevations to be consistent with the maximum building height of 3 stories in 45 feet, as measured per the Zoning Ordinance.
6. On the corrected copy, correct the FFE typographical error on the western unit of Building C.
7. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance.
8. A Type C landscape buffer shall be provided along the northern property line. Evergreen and canopy trees planted within the buffer shall be a minimum of 10 feet tall at the time of planting. Existing vegetation shall be preserved as much as practicable within the buffer areas.
9. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements, with the exception of the 4-foot planting strip which will not be required along the western portion of the frontage only due to topography.
10. The northern façade of Building G, J, and K fronting Munn Road shall include architectural treatments and glazing per the SP architectural standards.
11. All private drives, access, and open spaces shall include public access easements, which shall be included on the final site plan. Prior to final site plan approval, provide easement documentation.
12. The pedestrian path shall be located in a cross access easement and be designed in a manner to minimize disturbance to existing tree canopy that is identified to be preserved.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
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. 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 RM9-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
17. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
18. 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.
19. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners’ Association.
20. 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



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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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.



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2021SP-079-001

170-176 2ND AVENUE NORTH

Map 093-062 & Map 093-024, Parcel(s) 66 & 19

9, Downtown

19 (Freddie O'Connell)



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Item #25	Specific Plan 2021SP-079-001
Project Name	170-176 2nd Avenue North
Council District	19 – O’Connell
School District	05 – Buggs
Requested by	STG Design Inc., applicant; 176 2 nd Avenue North LLC and 178 2 nd Avenue North LLC, owners.
Staff Reviewer	Shane
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Rezone from DTC to Specific Plan to permit a mixed use development.

Preliminary SP

A request to rezone from Downtown Code (DTC) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 170 and 176 2nd Avenue North, approximately 115 feet southeast of Church Street and located within the 2nd Avenue Historic Preservation District Overlay (0.63 acres), to permit a mixed use development.

Existing Zoning

Downtown Code (DTC) is intended for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. The DTC district seeks the efficient use of land capitalizing on a high level of services, reduced automobile dependence with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape.

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 0.63-acre site is located on the east side of 2nd Avenue North, just south of the intersection with Church Street. The buildings on site were built in the late nineteenth century and were contributing structures to the 2nd Avenue Historic Preservation District. However, they were heavily damaged in the Christmas Day bombing of 2020. An extensive community visioning process followed. The consensus reached by the property owners, Metro departments, and community stakeholders was that a Specific Plan rezoning would be the best tool for achieving the diverse goals of the revitalization effort.

The plan indicates preservation and restoration of the facades, with all new construction meeting the guidelines of the 2nd Avenue Historic Preservation District Overlay. Salvaged historic materials will be used in the rebuilding to the extent possible. The 2nd Avenue Historic Preservation District Overlay allows the heights of the facades at street level to be 65 feet or 5 stories on 2nd Avenue. An additional 15 feet (one story) of height is allowed after a 30-foot setback from 2nd Avenue and after



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a 20-foot setback from 1st Avenue. Rooftop railings are allowed after an additional 8 feet of setback. The SP will add additional height to the reconstructed buildings in line with these guidelines.

The SP proposes a pass-through from 2nd Avenue to 1st Avenue where none existed before. Retail, restaurants, and outdoor dining will line this connection. Though discouraged by the 2nd Avenue Historic Preservation District Overlay (which, strictly applied, would require the structures to be rebuilt as they existed previously so as to provide a continuous street wall), the pedestrian connection was vetted through an extensive public discussion process. The other major result of those conversations was the exclusion of surface parking from the list of permitted uses within the SP.

SPECIFIC PLAN NOTES:

M/SP

- 1ST AVE - T6-M-AB2 (50' CONSTRAINED); DTC SECONDARY
- 2ND AVE - T6-M-AB2-IM (76' CONSTRAINED); DTC PRIMARY

ZONING

- DTC - 2ND AND BROADWAY SUBDISTRICT
- SECOND AVE HP ZONING OVERLAY DESIGN GUIDELINES
- 1. INFILL BUILDINGS SHALL NOT EXCEED A HEIGHT GREATER THAN 65 FEET AT 2ND AVE AND 80 FEET OR 6 STORIES AT STEPBACK
- 2. 30'-0" SETBACK REQUIRED FROM MAIN FACADE (2ND AVE)
- 3. 20'-0" SETBACK FROM FIRST AVE

NOTES

HEIGHT: ADDITIONAL HEIGHT TO MEET ALL 2ND AVE HP ZONING OVERLAYS AND/OR DTC 2ND AND BROADWAY SUBDISTRICT REQUIREMENTS

USES: ALL USES PER THE DTC ARE ALLOWED WITH THE EXCEPTION OF THE FOLLOWING - SURFACE PARKING LOT

EXTERIOR MATERIALS: MEET ALL HISTORIC PRESERVATION (HP) GUIDELINES INCLUDING RE-USING SALVAGED BRICK FROM DEMOLITION AS AVAILABLE.

DEVELOPMENT GUIDELINES:

EXTERIOR

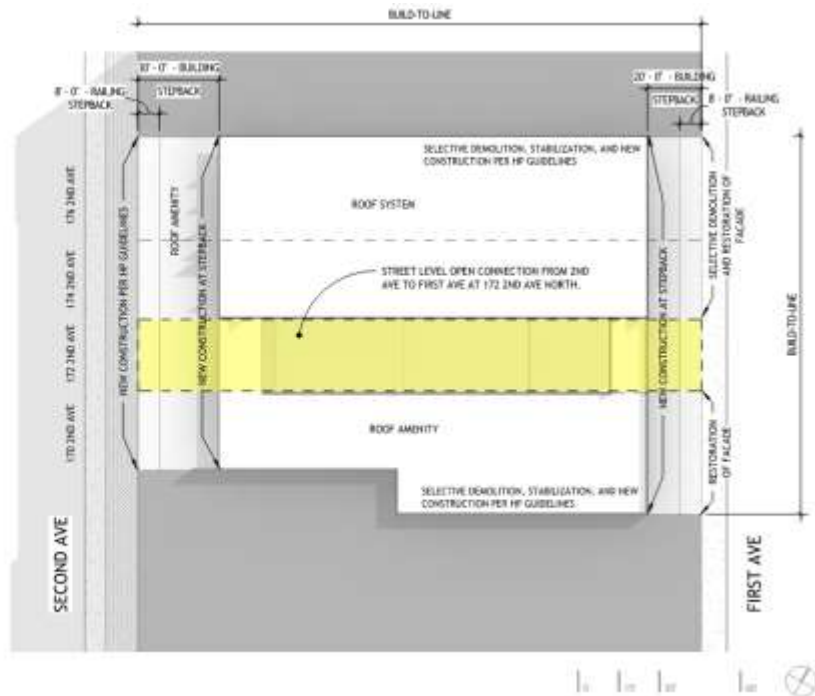
- PRESERVATION AND RESTORATION OF FACADES AND NEW CONSTRUCTION PER HP GUIDELINES (REFER TO SITE PLAN)

INTERIOR

- SELECTIVE DEMOLITION, STABILIZATION, AND NEW CONSTRUCTION PER HP GUIDELINES

STREET LEVEL OPEN CONNECTION

- PROVIDE STREET LEVEL OPEN CONNECTION FROM 2ND AVE TO 1ST AVE FOR PEDESTRIAN ACCESS



Proposed SP plan

DOWNTOWN COMMUNITY PLAN

T6 Second and Broadway (T6 SB) is intended to maintain the historic and cultural prominence of the Second Avenue and Broadway corridors by encouraging the adaptive reuse of historic buildings, creating development that is compatible with the general character of existing buildings on the Second and Broadway corridors, and by maintaining the corridors' ability to move vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

ANALYSIS

The various stakeholders involved decided that an SP was the best tool available for promoting confidence and transparency in the recovery of this important site. The proposed SP allows all parties an opportunity for review and approval at each stage of the rebuilding process. Metro Historic Zoning Commission (MHZC) reviewed and approved the proposed SP at a special called meeting on October 12, 2021, thus ensuring that the historic integrity of the site will be preserved. The community expressed support for SP zoning because it would allow surface parking to be excluded as a possible use—surface parking would be permitted under DTC zoning and would be



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completely inappropriate for this site. The public discussions also yielded the plan to create a pedestrian connection between 1st and 2nd Avenues within the site. The block length on the east side of 2nd Avenue between Church Street and Broadway is over 1,000 feet, which can be taxing for pedestrians to traverse. A cut-through lined with retail and restaurants will tie 2nd Avenue to the riverfront and better knit together this vital downtown neighborhood. The design of the project is innovative but still maintains the historic and cultural character of the neighborhood per the T6 SB and MHZC guidance. The proposal is consistent with the policies and overlays in place and will help transform the lingering effects of that Christmas morning into a testament to the city's resilience.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

Approve immediate stabilization to include repair of the gutters, steel bracing, and the addition of protective mortar to the tops of exposed masonry walls and repairs to the First Avenue façade of 170 with the condition that additional information is provided, finding the proposal to meet section II.

Approve of full and partial demolition, rehabilitation, and the massing of new construction for the proposed Part I of the SP with the conditions that the applicant provide a partial-demo plan and more information is provided regarding details such as new materials, reuse of materials, masonry details, and proportion and rhythm of openings, if the SP is approved by the Planning Commission and Metro Council. More specifically, approval of part I of the SP includes the following:

- Demolition of 172, finding the proposal to meet section V(1)(2);
- Selective demolition and reconstruction of the First Avenue facades for 174 and 176 using existing materials and selective demolition of the side walls of 170 and 174, finding the proposal to meet section III;
- Massing and scale of the rooftop addition, finding that with that condition the proposal meet section III.H; and,
- Massing and scale of new facades for the Second Avenue side using salvaged materials, in-part.

FIRE MARSHAL RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final plans to comply with NDOT standards.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses permitted with the DTC zoning district for the Core Historic subdistrict with the exception of surface parking. Automobile parking shall be prohibited as a standalone use.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or



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Council approval, the property shall be subject to the standards, regulations and requirements of the DTC zoning district and/or Historic Zoning Overlay as of the date of the applicable request or application.

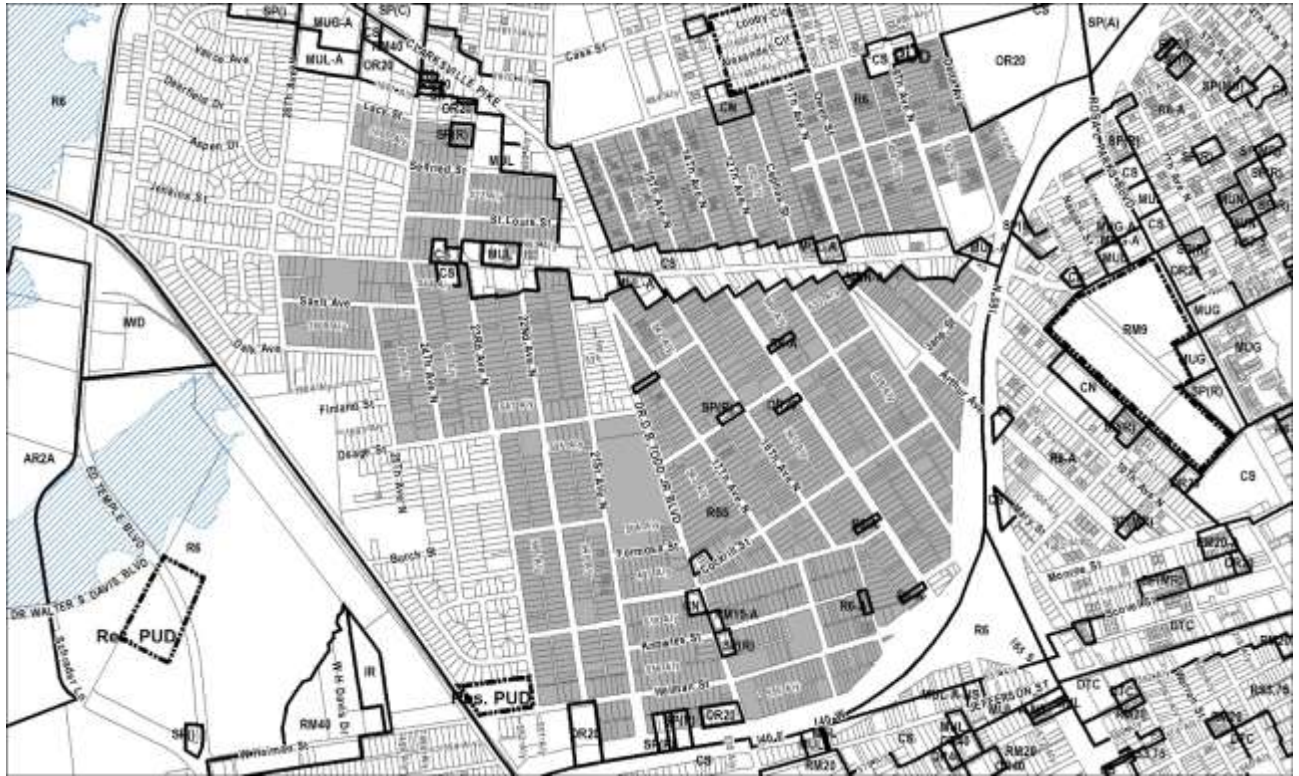
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. 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.
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.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/28/21



2021DDU-001-001
 Various Maps, Various Parcels
 08, North Nashville
 21 (Brandon Taylor)



Metro Planning Commission Meeting of 10/28/21

Item #26**Council Bill No.****Council District****School District****Requested by****DADU Overlay 2021DDU-001-001**

BL2021-953

21 – Taylor

1 – Gentry

Councilmember Brandon Taylor, applicant; various property owners.

Staff Reviewer

Elliott

Staff Recommendation*Approve with a substitute.***APPLICANT REQUEST****Zone change to apply a Detached Accessory Dwelling Unit (DADU) Overlay District**Zone Change

A request to apply a Detached Accessory Dwelling Unit (DADU) Overlay District to various properties located south of Clay Street, west of Interstate 65 and north of Interstate 40, extending westward to 26th Avenue North, zoned Single-Family Residential (RS5), One and Two-Family Residential-Alternative (R6-A), and One and Two-Family Residential (R6), Specific Plan (SP), and Commercial Neighborhood (CN) (296.65 acres), requested by Councilmember Brandon Taylor, applicant; various owners.

Proposed Zoning

Detached Accessory Dwelling Unit (DADU) Overlay would permit a detached, self-sufficient dwelling unit accessory to a principal structure. The overlay would permit DADUs subject to existing standards for detached accessory dwelling units in Section 17.16.030.G of the Zoning Code, which includes requirements for, but not limited to, ownership, lot area, setbacks, bulk and massing, design, and access.

NORTH NASHVILLE COMMUNITY PLAN

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

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 need 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.



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

SITE AND CONTEXT

The approximately 296.65-acre area is located in North Nashville and makes up a majority of the area south of Clay Street, west of Interstate 65 and north of Interstate 40, and east of 26th Avenue North. The area is primarily residential with some vacant and institutional land uses. The area has a development pattern of single-family residential and two-family residential with a gridded street network. The area is generally served by a network of public alleys and many of the streets in this area have sidewalks. The properties north of Buchanan Avenue, south of Clay Street, east of Dr. D.B. Todd Jr. Boulevard, and west of Interstate 65 are designated as Worthy of Conservation by Metro Historic

ANALYSIS

Staff finds the proposed DADU overlay to be consistent with the T4 NE policy guidance to provide greater housing choice and to provide for infill development that provides for an increased housing diversity. The T4 NE policy describes that 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. The proposed DADU overlay has a limited impact to the existing neighborhood character as observed from the street with DADU's being required to be located behind principal structures. Also, Design Standards are included in the Zoning Code that require DADU's to be of similar style, design, and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure. The T4 NE areas are also well served by infrastructure with their proximity to mixed-use corridors, gridded public street network, public alleys, and sidewalks and have the infrastructure to support appropriate infill development.

Staff also finds the proposed DADU overlay to be consistent with the T4 NM policy guidance to maintain the general character of existing urban residential neighborhoods. The proposed DADU overlay will allow for additional density to occur in established neighborhood while still retaining the physical character of the neighborhood. The Design Standards in the Zoning Code for DADU units will ensure that the introduction of additional density does not disrupt the existing development pattern of T4 NM areas. In addition to preserving the development pattern, the ability to expand a property's development potential, while preserving the existing residential structure, will encourage existing property owners to stay in place and expand the development of a property to meet the owner's evolving needs. This will encourage a sustainable environment for property owners who wish to remain in a neighborhood despite economic pressures. The T4 NM areas are also well served by infrastructure with their proximity to mixed-use corridors, gridded public street network, public alleys, and sidewalks and have the infrastructure to support appropriate infill development.

Staff finds the proposed overlay to be consistent with both the T4 NE and T4 NM policy.



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STAFF RECOMMENDATION

Staff recommends approval with a substitute.

The substitute would remove several parcels because they are not zoned R or RS and are not properties where a DADU is a legally permitted use prior to the establishment of the overlay, as required by the DADU overlay zoning code section 17.36.730.

- 08107037400, 1920 12th Avenue North
- 08107037500, 1922 12th Avenue North
- 08107037600, 1233 Clay Street
- 08107037700, 1925 Cephas Street
- 08107037800, 1923 Cephas Street
- 08107037900, 1921 Cephas Street
- 08107040200, 1804 Cephas Street
- 08106037000, 2007 23rd Avenue North



Metro Planning Commission Meeting of 10/28/21



2021HL-003-001

435 OLD HICKORY BOULEVARD HISTORIC LANDMARK OVERLAY

Map 042-12, Parcel(s) 066

04, Madison

08 (Nancy VanReece)



Metro Planning Commission Meeting of 10/28/21

Item #27	Historic Landmark Overlay 2021HL-003-001
Project Name	435 Old Hickory Boulevard Historic Landmark Overlay
Associated Case	2021NL-003-001
Council District	08 – VanReece
School District	03 - Masters
Requested by	Councilmember Nancy VanReece, applicant; Brandon Thornberry, owner.
Deferrals	This item was deferred from the August 26, 2021 and September 23, 2021, Planning Commission meetings. No public hearing was held.
Staff Reviewer	Harrison
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Apply a Historic Landmark Overlay District.

Historic Landmark Overlay

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).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 2 units.*

Proposed Overlay

Historic Landmark Overlay District (HL) is applied to a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County.

MADISON COMMUNITY PLAN

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



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REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its August 18, 2021, meeting. Historic Zoning Commission staff recommended approval of this application. Metro Historic Commission staff provided the following background information:

Background:

The Nichols-Sadler House at 435 Old Hickory Boulevard (West) in Madison is also known by the address of 91 Donna Drive. To remain consistent with the Assessor of Property, this report will use the address “435 Old Hickory Boulevard.” The current acreage of 1.44 acres contains a single-family home, attached carport, detached two-bay garage, and a swimming pool.

According to Property Assessor records, this residence was constructed in 1945. This date seems likely, as the house appears on the 1950 aerial image of the area. According to deeds, Beulah E. “Boots” and Hooper (H.B. or “Penny”) Nichols, Jr., purchased three acres here in November 1944 from J. S. Love. Presumably, the house was constructed for Mr. and Mrs. Nichols. They owned Penny’s Barber Shop and Boot’s Beauty Shop. Mrs. Nichols also owned an antique store in Madison. They sold the property to Tyree B. Harris, III, in June 1950. The property changed ownership another four times in the next eight years, and in March 1958, Elton and Ruth C. Morris sold part of the property to Sidney D. and Dale W. Mason. The Masons then sold the property to Harry H. and Maxine G. Sadler in November 1961.

Harry and Maxine Sadler, and later, Cherie (one of their daughters), owned the property from 1961 until 2017. It’s unclear if they lived there continuously during this time. Harry Sadler (1921-1987) was a well-known businessman in automotive sales. He opened Harry Sadler Motor Company, located on Gallatin Road, in 1950. Governor Frank G. Clement appointed Sadler to the Tennessee Motor Vehicle Commission 1958. After purchasing Ben Polk Chevrolet Company in 1958, Sadler moved the dealership, renamed “Harry Sadler Chevrolet,” from Goodlettsville to Madison in 1959. Sadler sold the Chevrolet dealership in 1977, and later owned Anchor High Marina on Old Hickory Lake in Hendersonville from 1980 to 1982. He was active in politics and numerous civic organizations until his death in 1987.

435 Old Hickory Boulevard has been called “a true Southern Colonial,” and features many characteristics of the Neoclassical style, popular between 1895 and 1955. The north elevation features a side-gabled, two-story central portion dominated by a full-height front porch supported by fluted columns and topped with a cornice-line balustrade. The central portion of the residence is symmetrical. The central bay contains an elaborate entrance containing sidelights, transom, pilasters, and a broken pediment on the first story and a 12:12 double-hung window in the second story. This central bay is flanked by 12:12 double-hung windows on the first and second stories. All windows feature fixed shutters. Exterior chimneys are located on each gable wall with one-story wings flanking the two-story central portion. Originally, the west wing contained a two-bay garage. Around 1985, the garage was enclosed as part of a remodeling project, which also included the addition of a two-bay detached garage and the expansion of the east wing. The red brick exterior was probably painted around this time as well. The 18x38 swimming pool was built in 1992. The rear of west wing features an attached carport covered by a frame deck accessed from the second story, and the rear of the



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central portion has a covered back porch. The carport and porch are supported by fluted columns. The garage and pool are non-contributing features to the property.

The interior includes an elevator, full basement, decorative moldings, hardwood floors, two kitchens, fireplaces and features that appear to have been salvaged from earlier buildings.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On August 18, 2021, the Metro Historic Zoning Commission reviewed the request and recommended approval of the Historic Landmark designation. In addition, they adopted the existing design guidelines for Historic Landmarks to guide changes on the property.

STAFF RECOMMENDATION

The proposed Historic Landmark Overlay District is intended to preserve the historic structures on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and Staff. Staff recommends approval of the Historic Landmark Overlay District.



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2021Z-095PR-001

Map 071-15, Parcel(s) 110

05, East Nashville

05 (Sean Parker)



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Item #28
Council District
School District
Requested by

Zone Change 2021Z-095PR-001
05 – Parker
05 – Buggs
On the Horizon Homes, LLC, applicant; Nathan & Rachel Colberg, owners.

Staff Reviewer
Staff Recommendation

Shane
Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) zoning to One and Two-Family Residential–Alternative (R6–A) zoning for property located at 1315 Joseph Avenue, approximately 60 feet south of Eastmoreland Street (0.15 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 1 unit.*

Proposed Zoning

One and Two-Family Residential–Alternative (R6–A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit 1 duplex lot for a total of 2 units.*

EAST 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.

Highland Heights Study Supplemental Policy

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



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NE, did not change with adoption of the Highland Heights plan. This site is within the R4 Subdistrict of the Building Regulating Plan, which is intended to create and enhance neighborhoods with greater housing choice and improved connectivity, consistent with the goals of the general T4 NE policy. The R4 Subdistrict supports a range of residential uses, including two-family and multi-family residential, at varying intensities depending on the location and context. The R4 Subdistrict also supports a variety of building forms, including house (1 unit), detached accessory dwelling unit, house (2 unit), plex or manor house, house court, and low-rise townhouse.

The Mobility Plan component of the Highland Heights Study, which was incorporated into the Major and Collector Street Plan (MCSP) does not specify any infrastructure improvements such as new street or alley connections adjacent to this site.

ANALYSIS

The application consists of one parcel (Map 071-15, Parcel 110) totaling 0.15 acres in size located on the western side of Joseph Avenue just south of the intersection with Eastmoreland Avenue. The property contains a historic bungalow. Surrounding uses include single-family residential and institutional uses (KIPP Academy across Joseph Avenue to the east), several two-family lots, and commercial properties fronting Dickerson Pike across the alley to the west. R6-A zoning exists directly next door on the property to the north.

The T4 NE policy and R4 Subdistrict of the Highland Heights Study Supplemental Policy encompass this property as well as the properties to the north and south along the west side of Joseph Avenue. KIPP Academy across Joseph Avenue to the east is included in the Civic (CI) policy area. The commercial properties across the alley to the west are under the M2 subdistrict.

The application proposes to rezone the property from RS5 to R6-A. The requested R6-A zoning is supported by the T4 NE policy and the R4 Subdistrict. The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area. The standards for building placement, parking, and access included in the R6-A district would also improve the relationship of development to the street, creating a more walkable neighborhood consistent with the goals of the T4 NE policy and R4 Subdistrict.

The R6-A zoning district is on the lower end of the range of zoning districts supported by T4 NE policy and in the R4 Subdistrict, but is appropriate in this case, given that the west side of Joseph Avenue is still heavily single-family. The stated goal of the R4 Subdistrict is to “create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.” The proposed R6-A zoning district will incorporate additional housing choice into the neighborhood in a manner that provides an appropriate transition from the higher intensity policy areas located along Dickerson Pike across the alley to the west. The R6-A zoning district represents a modest increase in intensity, consistent with the surrounding context and goals of the policy. For these reasons, staff recommends approval of the rezoning.

FIRE RECOMMENDATION

Approve



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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)	0.15	8.730 D	1 U	15	5	1

Maximum Uses in Proposed Zoning District: **R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.15	7.260 D	2 U	28	7	2

*Based on two-family lots

Traffic changes between maximum: **RS5 and R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+13	+2	+1

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 districts: 0 Elementary 0 Middle 0 High

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

The proposed R6-A zoning is not expected to generate any more students than the existing RS5 zoning district. Any additional students would attend Shwab 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.



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2021Z-105PR-001

Map 042-01, Parcel(s) 056-057, 096

04, Madison

08 (Nancy VanReece)



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Item #29
Council District
School District
Requested by

Zone Change 2021Z-105PR-001
08 – VanReece
03 – Masters
XE Development Company, LLC, applicant; Shannon & Amy Eastridge, Wendell E. & Julie M. Darrow, and Pandora Properties, LLC, owners.

Staff Reviewer
Staff Recommendation

Harrison
Approve.

APPLICANT REQUEST

Zone change from RS20 to RM9-NS.

Zone Change

A request to rezone from Single-Family Residential (RS20) to Multi-Family Residential – No Short Term Rentals (RM9-NS) zoning for properties located at 115 and 117 E Campbell Road and 226 Old Amqui Road, approximately 330 feet east of Highland Circle (2.59 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 4 units.*

Proposed Zoning

Multi-Family Residential – No Short Term Rentals (RM9-NS) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *RM9 would permit a maximum of 23 units.*

MADISON COMMUNITY PLAN

T3 Suburban Mixed Use Corridor (T3 CM) is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. T3 CM areas are located along pedestrian friendly, prominent arterial-boulevard and collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive, and comfortable access and travel for all users. T3 CM areas provide high access management and are served by highly connected street networks, sidewalks, and existing or planned mass transit.

Special Policy Area 04-T3-CM-01 – Motor Mile

The site is within the Motor Mile Special Policy Area (SPA). This SPA is intended to maintain the “motor mile” as an economic resource for Madison and Davidson County, allowing the expansion and creation of such uses with design guidelines not found in other areas along Gallatin Pike. The SPA for this site is not applicable when a residential zoning is requested and should utilize the underlying policy of T3 CM.



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ANALYSIS

This 2.59 acre site consists of three properties located on the south side of East Campbell Road and north side of Old Amqui Road. Currently, the site consists of single-family residences with primary access from either East Campbell Road or Old Amqui Road. The surrounding area is zoned RS20, R10, and CS, with a variety of uses ranging from residential to commercial and institutional.

The T3 CM policy on the site calls for higher density than surrounding neighborhood zoning with residential uses located off major intersections. The requested zoning of RM9-NS is the least dense zoning recommended and is used as a transition from the commercial zoning to the west, to the single-family and one and two-family residential zoning districts. With the surrounding residential zoning consisting of lower density, the increase to the denser RM9-NS, and location away from major intersections, Staff has determined the requested zoning of RM9-NS would be consistent with the T3 CM policy.

FIRE RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: **RS20**

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)	2.59	2.178 D	5 U	66	8	6

Maximum Uses in Proposed Zoning District: **RM9-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)	2.59	9 D	23 U	124	8	11

Traffic changes between maximum: **RS20 and RM9-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+18 U	+58	-	+5

METRO SCHOOL BOARD REPORT

Projected student generation existing RS20 districts: 1 Elementary 0 Middle 0 High

Projected student generation proposed RM9-NS district: 4 Elementary 3 Middle 2 High

The proposed RM9-NS zoning is expected to generate 8 additional students than the RS20 zoning. Any additional students would attend Old Center Elementary School, Goodlettsville Middle School, and Hunters Lane High School. Old Center Elementary and Goodlettsville Middle School are identified as being over capacity. Hunters Lane High School is 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.



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2021Z-107PR-001
Map 133-02, Parcel(s) 384-387
11, South Nashville
16 (Ginny Welsch)



Metro Planning Commission Meeting of 10/28/21

Item #30
Council District
School District
Requested by

Zone Change 2021Z-107PR-001
16 – Welsch
7 – Player-Peters
JMR Investments LLC, applicant; Music City Holdings LLC, owner.

Staff Reviewer
Staff Recommendation

Elliott
Disapprove.

APPLICANT REQUEST

Zone change from RS7.5 to R8.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for properties located at 189, 193, 201 and 203 Antioch Pike, approximately 250 feet east of Kinross Avenue (0.9 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 4 units.*

Proposed Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 4 lots with 4 duplex lots for a total of 8 units.*

SOUTH NASHVILLE 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.

SITE

The application includes four parcels comprising approximately 0.90 acres located on the south side of Antioch Pike and adjacent to the Wright Middle School property. This portion of Antioch Pike is classified as a Collector Avenue in the Major and Collector Street Plan. The site is currently vacant and is surrounded by vacant, single-family, two-family, and institutional land uses.

ANALYSIS

Staff finds that the proposed zoning district is not consistent with the T3 NM policy at this location. The intent of the T3 NM policy is to maintain the general character of a developed suburban neighborhood. While the T3 NM policy describes that vacant land interior to the policy may be appropriate for a broader mix of housing types than the remainder of the T3 NM area, staff finds the development pattern potentially permitted by the requested R8 zoning to be too much of a departure



Metro Planning Commission Meeting of 10/28/21

from the existing development pattern of the neighborhood which is primarily single-family residential. The site is not served with an alley and is located interior to the block with the lots immediately east of the site being larger lots with greater setbacks and spacing between buildings. There is a consistent single-family zoning and development in this area. Staff would note that these properties were previously zoned R8 but were rezoned to RS7.5 as part of a large area rezoning.

FIRE RECOMMENDATION

Approve

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)	0.90	5.808 D	4 U	54	8	5

Maximum Uses in Proposed Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.90	5.445 D	8 U	102	11	3

*Based on two-family lots

Traffic changes between maximum: **RS7.5 and R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4 U	+48	+3	+2

METRO SCHOOL BOARD REPORT

Projected student generation existing **RS7.5** district: 0 Elementary 0 Middle 0 High

Projected student generation proposed **R8** district: 1 Elementary 1 Middle 1 High

The proposed R8 zoning is expected to generate 3 additional students than the existing RS7.5 zoning. Students would attend Glencliff Elementary School, Wright Middle School, and Glencliff 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

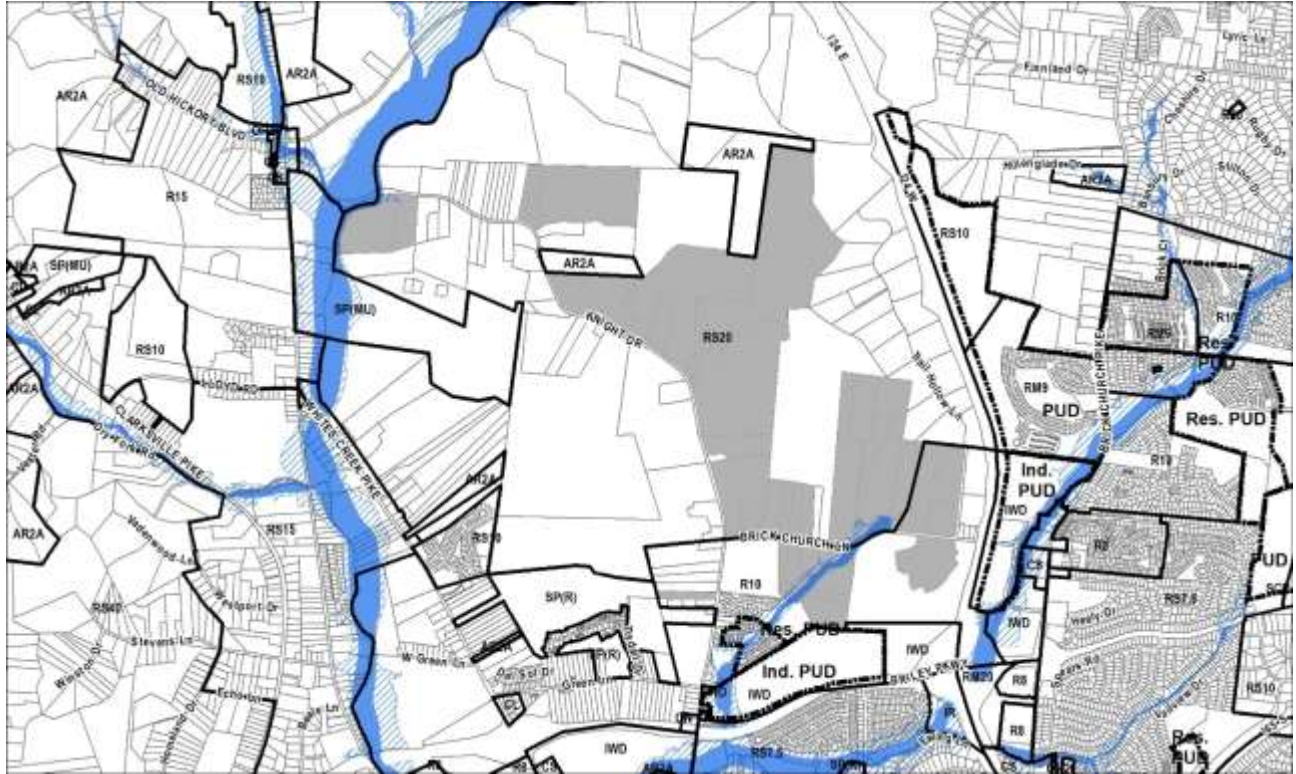
Staff recommends disapproval.



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2021Z-110PR-001

Map 040, Parcel(s) 086-087, 092, 096, 114, 167

Map 049, Parcel(s) 147, 234-237, 243.01, 239-244, 247, 249, 265, 283, 285, 294, 358, 359, 363, 378-380

Map 050, Parcel(s) 001-002, 019, 095, 149, 155, 156, 158

03, Bordeaux - Whites Creek - Haynes Trinity

03 (Jennifer Gamble)



Metro Planning Commission Meeting of 10/28/21

Item #31	Zone Change 2021Z-110PR-001
Council Bill No.	BL2021-944
Council District	03 – Gamble
School District	1 – Gentry
Requested by	Councilmember Jennifer Gamble, applicant; various owners.
Staff Reviewer	Elliott
Staff Recommendation	<i>Approve a substitute.</i>

APPLICANT REQUEST

Zone change from RS20 and R10 to RS40 and RS80.

Zone Change

A request to rezone from Single-Family Residential (RS20) and One and Two-Family Residential (R10) to Single-Family Residential (RS40 and RS80) zoning for various properties located along Brick Church Lane and Knight Drive from Interstate 24, west towards Whites Creek Pike (655.7 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

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.

Proposed Zoning

Single-Family Residential (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

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.

BORDEAUX - WHITES CREEK - HAYNES TRINITY NASHVILLE 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.



Metro Planning Commission Meeting of 10/28/21

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.

T2 Rural Countryside (T2 RCS) 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 RCS areas have an established development pattern of very low-density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area's rural landscape.

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.

The Conservation policy here recognizes various environmental features such as large contiguous areas with significant slopes, floodway/floodplain, and problem soils as well as wetlands and streams.

SITE

The application includes multiple parcels comprising approximately 655.7 acres located in the Whites Creek area. The parcels front onto Knight Drive, Brick Church Lane, and Trail Hollow Lane. Both Knight Drive and Brick Church Lane are classified as Collector Avenues in the Major and Collector Street Plan with Trail Hollow Lane being a local street. The area is primarily developed with a mixture of single-family residences and vacant land uses with a few two-family land uses in the area. The subject parcels have a variety of environmental features including large contiguous areas of steep slope and multiple streams.

ANALYSIS

The subject parcels are primarily within the T2 RM, T2 RCS, and CO policy and staff finds the proposed zoning districts to be consistent with the guidance provided for these policies. The T2 RM policy identifies the appropriate density as generally being one unit per two acres and T2 RCS identifies one unit per five acres as being appropriate. This application proposes a density and development pattern that is consistent with the T2 RM policies intent to provide one unit per two acres. The proposed density and development pattern is more consistent with the guidance of the T2 RCS policy than what the existing zoning could potentially permit. It is important to note that the existing zoning of the parcels within the T2 RM and T2 RCS policy areas is not consistent with policy guidance. The proposed RS40 zoning is limited to the parcels that do not have enough area to meet the minimum lot size requirements of the RS80 zoning.

The proposed zoning for the areas within T3 NE is not explicitly listed in the Community Character Manual as being appropriate within T3 NE policy areas. Context is important in determining the



Metro Planning Commission Meeting of 10/28/21

appropriate development pattern of T3 NE areas and staff finds the proposed neighborhood-initiated zoning to be appropriate for this area at this time. Other areas of T3 NE in this general area have more intense zoning than proposed, which is also appropriate within T3 NE.

As a result of the numerous environmental features, the site has significant contiguous areas of Conservation Policy. Conservation Policy intends to maintain sensitive environmental land features in a natural state and to remediate features that have been disturbed. In general, the more environmentally sensitive the site is, the lower the acceptable density or intensity of development is. Staff finds that the proposed zoning districts are more consistent with the intent of the Conservation Policy than the existing zoning.

FIRE RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Ignore

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One & Two-Family Residential* (210)	110.93	4.356 D	512 U	4,672	368	487

*Based on two-family lots

Maximum Uses in Existing Zoning District: **RS20**

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)	544.77	2.178 D	1,008 U	8,712	720	933

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	3.45	1.089 D	2 U	13	7	2

Maximum Uses in Proposed 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)	652.25	0.545 D	288 U	2,752	209	281

Traffic changes between maximum: **R10, RS20 and RS40, RS80**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-1,229 U	-10,604	-872	-1,137



Metro Planning Commission Meeting of 10/28/21

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 76 Elementary 54 Middle 68 High

Projected student generation existing RS20 district: 149 Elementary 106 Middle 134 High

Projected student generation proposed RS80 district: 43 Elementary 30 Middle 38 High

Projected student generation proposed RS40 district: 0 Elementary 0 Middle 0 High

The proposed RS80 and RS40 zoning is expected to generate 476 fewer students than the existing R10 and RS20 zoning. Students would attend Alex Green Elementary School, Brick Church College Preparatory 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

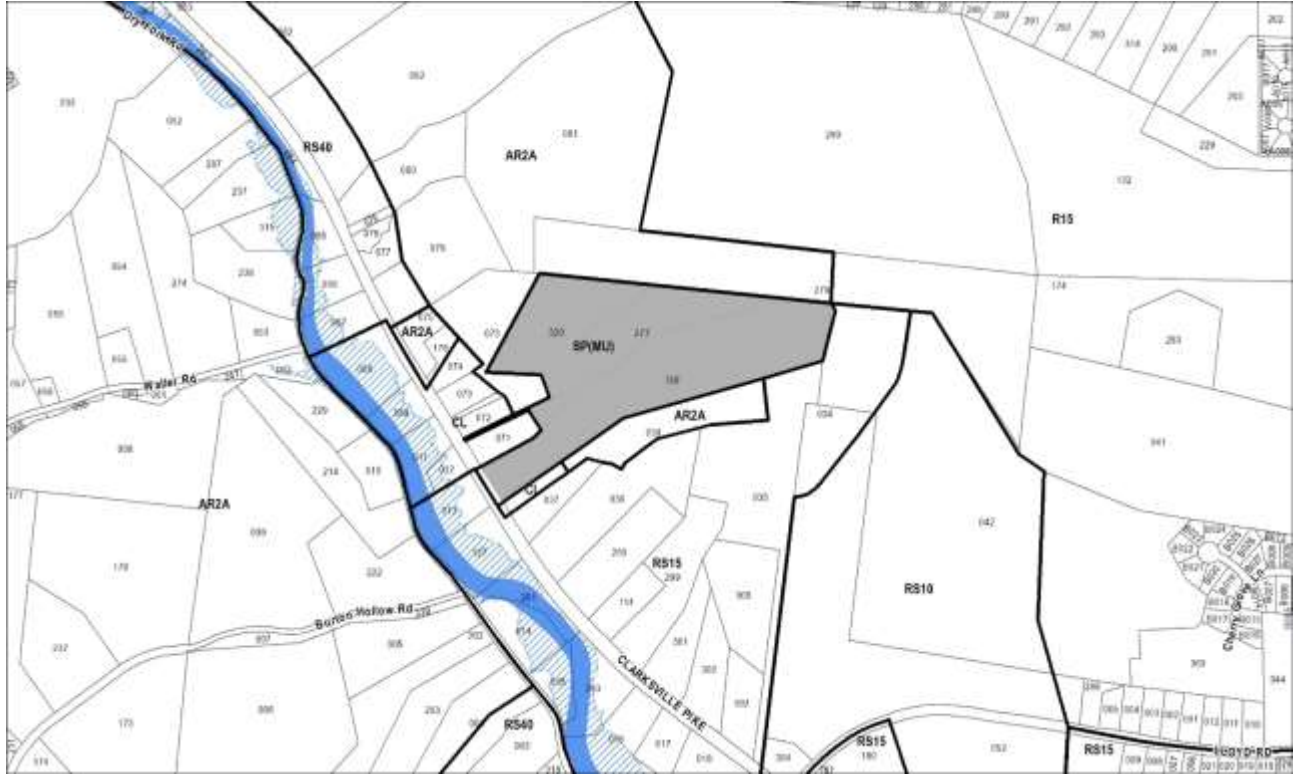
Staff recommends approval with a substitute to remove parcel number 04900028300, 3717 Knight Drive, from the scope of the rezoning application at the request of the property owner.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/28/21



2021Z-111PR-001

Map 039, Parcel(s) 277, 320

Map 048, Parcel(s) 159

03, Bordeaux – Whites Creek – Haynes Trinity

03 (Jennifer Gamble)



Metro Planning Commission Meeting of 10/28/21

Item #32
Council District
School District
Requested by

Zone Change 2021Z-111PR-001
03 – Gamble
01 - Gentry
Councilmember Jennifer Gamble, applicant; Wilmore Properties, LLC, owner.

Staff Reviewer
Staff Recommendation

Lewis
Approve.

APPLICANT REQUEST

Zone change from SP-MU to AR2a.

Zone Change

A request to rezone from Specific Plan – Mixed Use (SP-MU) to Agricultural/Residential (AR2a) property located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,400 feet northwest of Lloyd Road (32.15 acres).

Existing Zoning

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

Proposed 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 13 lots with three duplex lots for a total of 16 units based solely on a minimum lot size of 2 acres 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.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

T2 Rural Countryside (T2 RCS) 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 RCS areas have an established development pattern of very low-density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area’s rural landscape.

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.



Metro Planning Commission Meeting of 10/28/21

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

ANALYSIS

At the June 24, 2021, Planning Commission meeting the Commission found the existing SP on the site to be inactive and advised council to rezone. In the staff report by Planning for the periodic review potential zoning districts were outlined, including AR2a.

Metro Council approved the preliminary plan for the Cove at White’s Creek Specific Plan in 2010 for a mixed-use development with 215 multi-family units, 7,500 square feet of commercial use, and 7,500 square feet of office use. With the request for the SP, a policy change was also requested and approved on the site to change the policy to Suburban Neighborhood Evolving (T3 NE) and Conservation (CO). In 2015, with the adoption of the Bordeaux – Whites Creek – Haynes Trinity Community Plan, the policies on the site were changed to the current policies on the site: CO, T2 RM, and T2 RCS.

With an inactivity review, the staff is required to review the SP to determine if the approved plan is consistent with the current policy on the site. The Planning Commission determined that the SP was not consistent with the existing rural policies on the site. The proposed AR2a zoning on the site is consistent with the intent of the rural policies on the site.

FIRE RECOMMENDATION

Approve

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)	32.15	-	215 U	2,103	157	211

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
Retail (820)	32.15	-	7,500 SF	283	7	29

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
Office (710)	32.15	-	7.500 SF	86	34	10



Metro Planning Commission Meeting of 10/28/21

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	32.15	0.5 D	20 U	237	19	22

*Based on two-family lots

Traffic changes between maximum: **SP and AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-2,235	-179	-228

METRO SCHOOL BOARD REPORT

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

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

The proposed AR2a zoning district is expected to generate three additional students than the existing zoning districts. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn 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.



Metro Planning Commission Meeting of 10/28/21



50-83P-001

THIRD NATIONAL BANK TOWER COMMERCIAL PUD (CANCELLATION)

Map 093-06-1, Parcel(s) 049

09, Downtown

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/28/21

Item # 33
Project Name

Planned Unit Development 50-83P-001
Third National Bank Tower Commercial PUD
(Cancellation)

Council District
School District
Requested by

19 – O’Connell
05 – Buggs
Gresham Smith, applicant; EQ Office, owner.

Staff Reviewer
Staff Recommendation

Shane
Approve.

APPLICANT REQUEST

Cancel a Planned Unit Development.

Cancel Commercial PUD

A request to cancel a Commercial Planned Unit Development Overlay District (PUD) for property located at 424 Church Street, at the northeast corner of Representative John Lewis Way North and Church Street, zoned Downtown Code (DTC) and within the Capitol Mall Redevelopment District Overlay (0.83 acres).

Existing Zoning

Downtown Code (DTC) is intended for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. The DTC district seeks the efficient use of land capitalizing on a high level of services, reduced automobile dependence with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The PUD controls uses on the property. This PUD permits a high-rise office building with ground-floor retail and a pedestrian plaza.*

Capitol Mall Redevelopment District was established in 1978 to provide for the redevelopment of much of the core area of downtown south of Union Avenue wherein deleterious land uses, dilapidation, obsolescence, and the subdivision and ownership of land were precluding the orderly assemblage and necessary changes in the use of land. The redevelopment district established a plan for creating a mixed-use and pedestrian-oriented neighborhood and empowered the Metropolitan Development and Housing Agency (MDHA) under Tennessee Code Annotated, Sections 13-20-101, et Seq., to acquire property and engage in the necessary redevelopment activities to accomplish this goal.



Metro Planning Commission Meeting of 10/28/21

DOWNTOWN COMMUNITY PLAN

T6 Downtown Core (T6 DC) is intended to maintain and enhance the “core” of Downtown such that it will remain the commercial, civic, and entertainment center of Nashville and Middle Tennessee. T6 DC is intended to have the highest intensity of development in the County. Offices are the predominant type of development, although the T6 DC contains a diverse array of land uses including retail, entertainment, institutional uses, government services, and higher density residential. The highest intensity development is in the central portion of the Core (north of Broadway), with less intensive uses locating in the surrounding “frame” area of T6 DC, in the SoBro neighborhood.

Core Neighborhood Supplemental Policy (09-T6-DN-CORE-01)

This site is within the Core Neighborhood Supplemental Policy which envisions the area as mixed-use with an emphasis on offices in high-rise buildings. It also includes guidance for building heights and historic façade preservation for the many historically significant structures in the neighborhood. Transfer of development rights is suggested as a tool to help ease the tension between historic preservation and the intense development pressure faced by the neighborhood.

ANALYSIS

This PUD (File No. 50-83P-001) was originally approved in 1984 and consisted of a 30-story office tower with retail and restaurant uses on the ground floor and a publicly accessible pedestrian plaza along Church Street and Rep. John Lewis Way. The zoning governing the site in 1984 did not permit a tower with the desired height and square footage (510,000 square feet), so a PUD was approved following a redesign of the initial proposal that included the publicly accessible pedestrian plaza now in existence.

With the adoption of the Downtown Code (DTC), a PUD is no longer needed to protect the site’s design and layout as the DTC standards would allow by right a substantially similar development. The applicant proposes the cancellation of this PUD to clean up the regulatory redundancy and clear the way for a potential redesign and further activation of the plaza into a more vibrant component of the downtown fabric. Cancellation would therefore remove an unnecessary layer of regulation and facilitate a design update more consistent with NashvilleNext.

STAFF RECOMMENDATION

Staff recommends approval.



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Metro Planning Commission Meeting of 10/28/21



2021DTC-022-001
PRINTERS AND BANKERS ALLEY
Map 93-02-3, Parcels 154, 163
9, Downtown
19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/28/21

Item #34

DTC Overall Height Modification

2021DTC-022-001

Project Name

Printers & Bankers Alley

Council District

19 – O’Connell

School District

05– Buggs

Requested by

STG Design, applicant; Lineberry Properties, LLC and 217 Third Owners, LLC, owners.

Staff Reviewer

Yoo

Staff Recommendation

Approve with conditions or defer without all conditions.

APPLICANT REQUEST

Modification of overall height standards of the Downtown Code (DTC), Core Historic Subdistrict, to allow for a new residential building of 16 stories on the north side of Bankers Alley, where six stories of building height are permitted by right.

DTC Overall Height Modification

A request for a modification of overall building height on property located at 215 and 217 3rd Avenue North, within the Core Historic Subdistrict of the Downtown Code (DTC).

Existing Zoning

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

PROJECT OVERVIEW

The project proposes a 6-story residential building and a 16-story residential building consisting of approximately 300 residential units total, 13,545 square feet of ground floor retail and restaurant space, and automated underground parking with a total of 48 vehicular parking spaces. The properties are currently used as an unlined, unglazed three-story parking structure, and a surface parking lot. The existing Printers and Bankers Alleys are width-constrained and are currently multi-functional, serving as pedestrian throughways as well as service areas for deliveries and loading, along with trash storage and pick-up for the large volumes of refuse being generated by surrounding entertainment and hotel uses.



Metro Planning Commission Meeting of 10/28/21

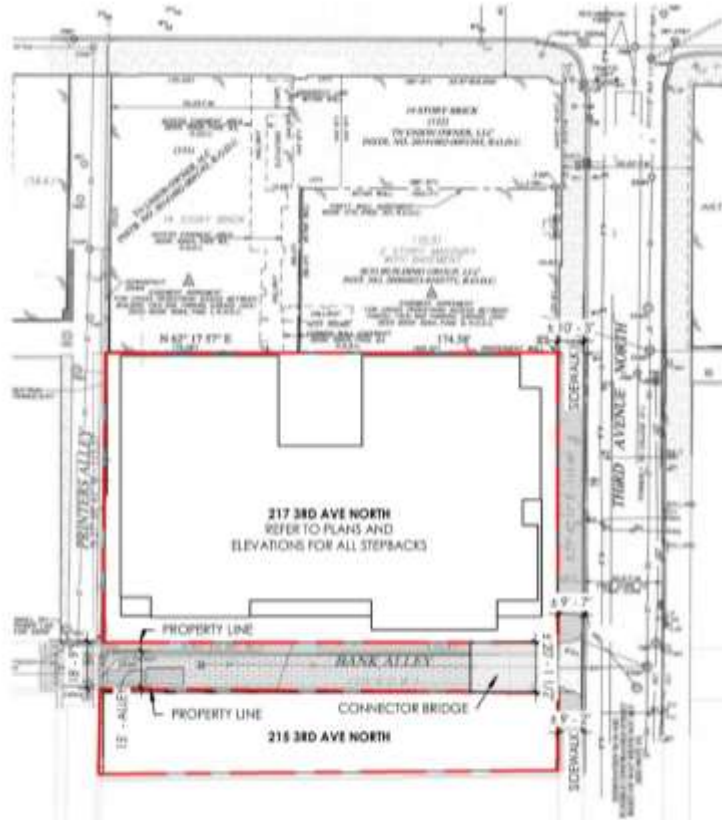


Figure 1: Site Plan

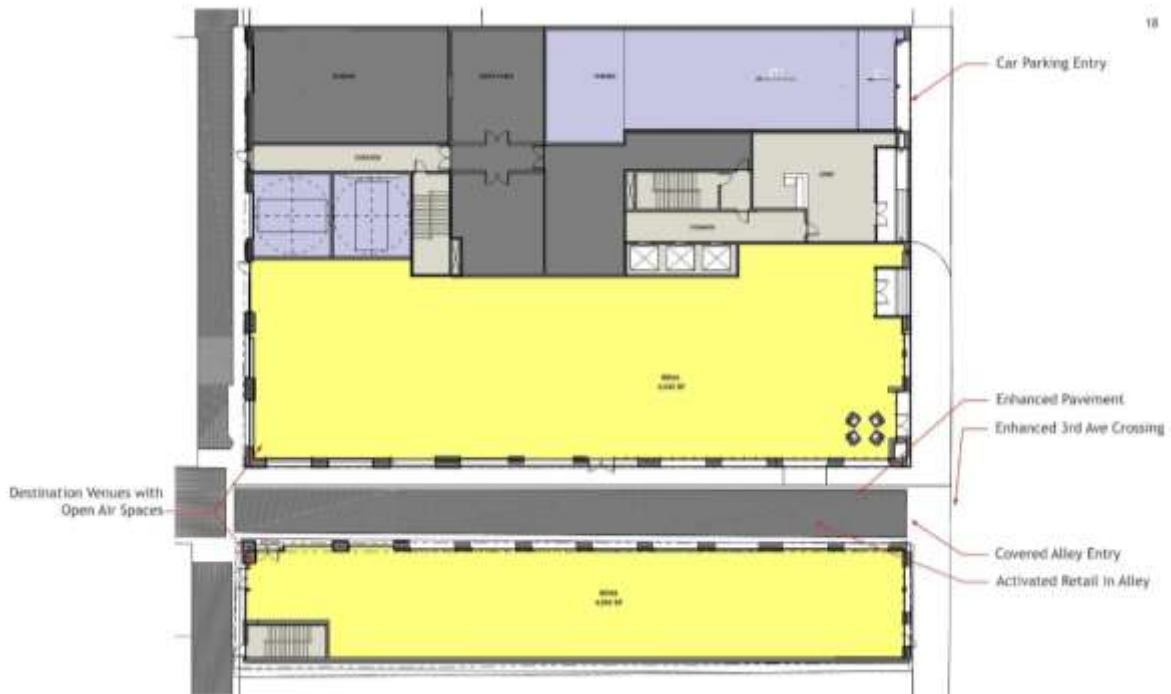


Figure 2: Ground Floor Plan



Metro Planning Commission Meeting of 10/28/21

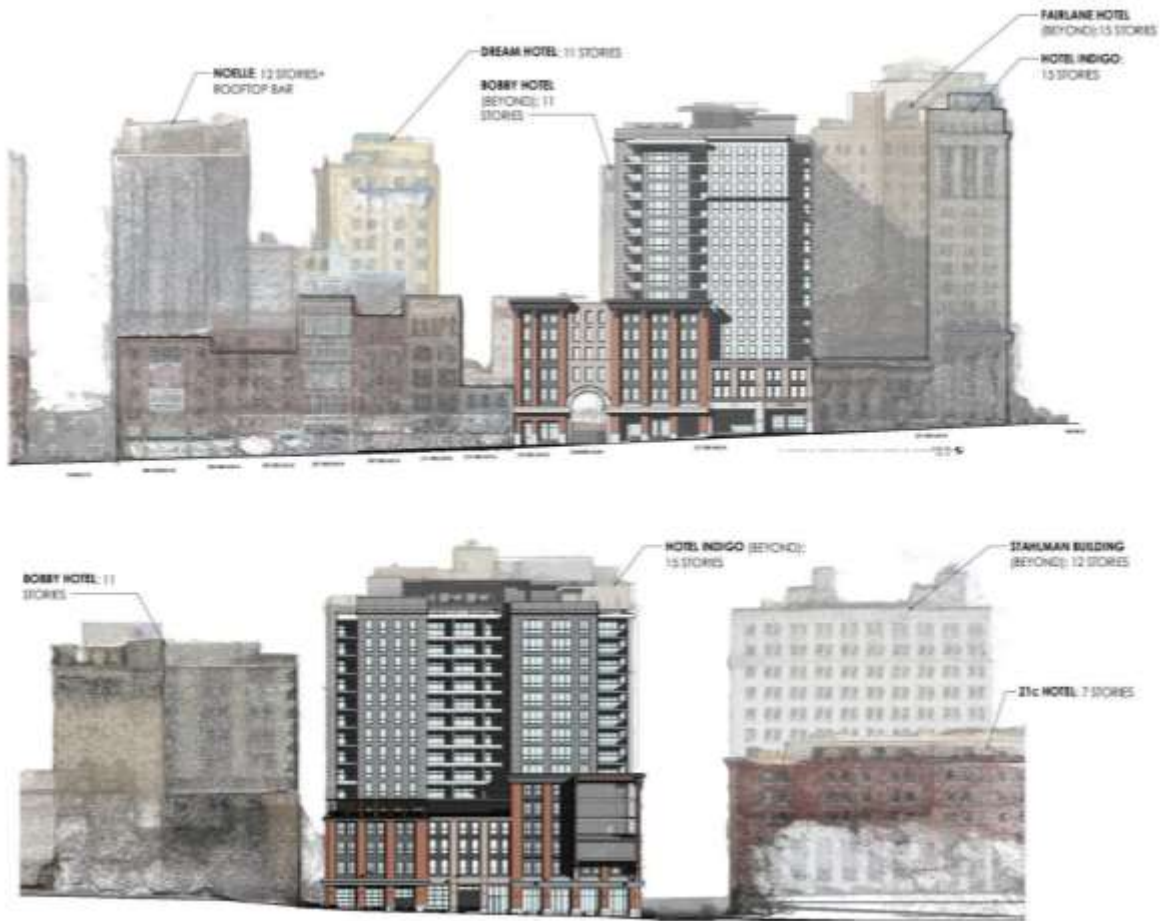


Figure 3: Context Elevations



Figure 4: Renderings looking East down Bankers Alley (left) + looking North on 3rd Avenue (right)



Metro Planning Commission Meeting of 10/28/21

PLAN DETAILS

The project is located at 215 and 217 3rd Avenue North, the two properties flanking Bankers Alley between 3rd Avenue North and Printers Alley, and has frontages on each of these three rights-of-way. The parking garage entry is located on 3rd Avenue North, and the loading area is located off of Printers Alley. The project proposes to activate the Bankers and Printers Alley frontages with ground floor uses including restaurants and retail that will be open to the public.

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 Core Historic Subdistrict, an additional four stories may be earned, up to a maximum of 10 stories, through use of the Bonus Height Program. A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. Efforts include fulfilling requirements of the NGBS Green Building for Multi-Family (silver certification or higher), Public Parking, Upper Level Garage Liner, and Underground Parking bonuses.

Community Meeting

The applicant and design team held a virtual community meeting on September 30, 2021, via Zoom and sent notices to properties within 300 feet, per OHM notification guidelines. Approximately 24 participants were in attendance, inclusive of the applicant team. A number of adjacent residents expressed that they liked aspects of the design but expressed concerns about coordinating site logistics and maintaining vehicular access on both Printers and Bankers Alleys. This meeting was recorded and uploaded to the Metro Nashville YouTube page for viewing.

MDHA Design Review Committee Meeting

The applicant team presented an informational overview of the project to the MDHA Design Review Committee (DRC) on Tuesday, October 5. The applicant then returned to present the project again on Tuesday, October 19. The Committee voted (with none opposed) to grant the project concept-level approval before it proceeds to Planning Commission for the OHM request, with the understanding that the applicant will return to the MDHA DRC when the design has been further developed, for a vote on final approval.



Metro Planning Commission Meeting of 10/28/21



Figure 5: Rendering of Bankers Alley looking toward Printers Alley

Unique Architecture

- The proposed material palette of brick at the street elevations, as well as the use of the bridging archway over Bankers Alley, effectively connect both parcels while also holding the historic building height datum line along 3rd Avenue and Bankers Alley.

Enhanced Streetscape

- The activation of the ground floor frontages along Bankers Alley and portions of 3rd Avenue with retail and restaurant space will improve and enliven the pedestrian streetscape in this area, and further strengthen the pedestrian connections from Printers Alley to historic Second Avenue.
- This portion of Bankers Alley, when open to pedestrian use, will be an activated public realm that facilitates connection between the Arcade and the eastern portion of Bankers Alley, per the Living Alley Concept Plan (HPI + Nashville Downtown Partnership, 2014).

Improvement of Project's Relationship to Surrounding Properties

- The project's proposed coordination of trash and loading logistics for the neighbors along Printers Alley would help facilitate efficient and effective use of Printers and Bankers Alleys for necessary vehicular traffic.

STAFF RECOMMENDATION

The project offers activated street frontages within the historic core of downtown, through the building massing and façade articulation where none exist today. The project's emphasis on residential use supports the goal of a vibrant urban neighborhood in the downtown core. The project's proposed connection and framing of Bankers Alley as an activated pedestrian space will enhance walkability within the existing Downtown pedestrian streetscape.



Metro Planning Commission Meeting of 10/28/21

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

CONDITIONS

1. The project shall obtain a NGBS silver certification, or equivalent, as described within the LEED section of the DTC.
2. All bonus height actions identified in this application, including any that require a deed or restrictive covenant, must be approved prior to building permit approval.
3. Prior to Final Site Plan approval, the applicant shall work with neighboring property owners to coordinate access, loading, and trash management on Printers and Bankers Alleys. The proposal shall be made part of the Final Site plan and approved by Metro Water Services, Metro Planning and any other necessary Metro agency, in coordination with the Downtown Partnership.
4. The applicant shall coordinate a traffic scoping and TIS study with NDOT, as well as implementation of related recommendations.
5. The applicant shall demonstrate that the proposed loading area in Printers Alley can accommodate required turning radii.
6. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 3rd Avenue South.
7. The proposed residential use shall not be converted to short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal prior to issuance of a Use and Occupancy Letter.



Metro Planning Commission Meeting of 10/28/21



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

September 1, 2021

Attn: David Johnston, AIA
STG Design
211 Union Street
Nashville, TN 37201

Re: Determination on DTC Bonus Height Program Efforts for 215 and 217 3rd Avenue North

Mr. Johnston:

This letter serves as a determination to proceed with the Overall Height Modification process and does not indicate project approval or support.

The project site is within the Core Historic Subdistrict of the Downtown Code, where 6 stories are permitted by-right and up to 10 stories are permitted through use of available bonuses in the Bonus Height Program.

The proposed development is a 16-story residential building with ground floor retail and restaurant uses on 3rd Avenue, Bankers Alley, and Printers Alley. The proposed development has exhausted all efforts to use bonuses available in the Downtown Code's Bonus Height Program. Submitted exhibits demonstrate use of Upper-Level Garage Liners and Underground Parking.

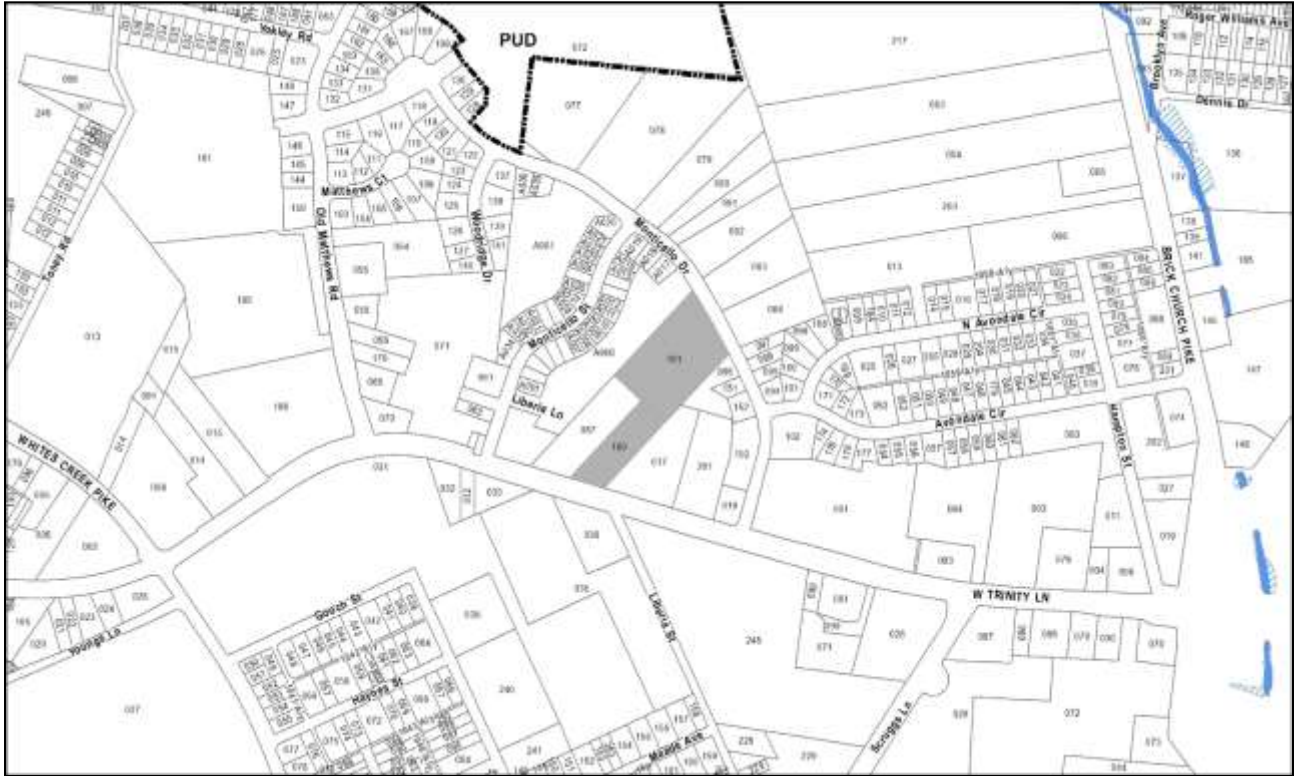
The applicant has made reasonable efforts to accomplish the intent of the Bonus Height Program and may proceed with next steps, as outlined in the Overall Height Modification process. This letter does not waive this project from requirements of other departments and agencies. Deviations from commitments made as outlined herein may result in a reconsidering of these efforts and project.

Sincerely,

Lucy Kempf
Executive Director
Metro Nashville Planning Department



Metro Planning Commission Meeting of 10/28/21



2021S-186-001
TRINITY MONTICELLO HOMES
Map 071-01, Parcel(s) 180-181
03, Bordeaux-Whites Creek-Haynes Trinity
02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 10/28/21

Item #35	Final Plat 2021S-186-001
Project Name	Trinity Monticello Homes
Council District	2 – Toombs
School District	1 – Gentry
Requested by	BA Land Professionals, applicant; 4021 CP GP, owner.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Request for final plat approval to create five lots.

Final Plat

A request for final plat approval to create five lots on properties located at 411 W. Trinity Lane and Monticello Drive (unnumbered), approximately 315 feet east of Monticello Street, zoned Commercial Limited (CL) and Single-Family Residential (RS7.5) (3.63 acres).

SITE DATA AND CONTEXT

Location: The site is located on the north side of W. Trinity Lane and the south side of Monticello Drive, west of Old Matthews Road.

Street type: The site has frontage on Monticello Drive and W. Trinity Lane. Monticello Drive is a collector-avenue identified by the Major and Collector Street Plan (MCSP) with an existing right-of-way width of 50 feet. West Trinity Lane is an arterial-boulevard identified by the MCSP with an existing right-of-way width of 90 feet.

Approximate Acreage: 3.63 acres or approximately 157,953 square feet.

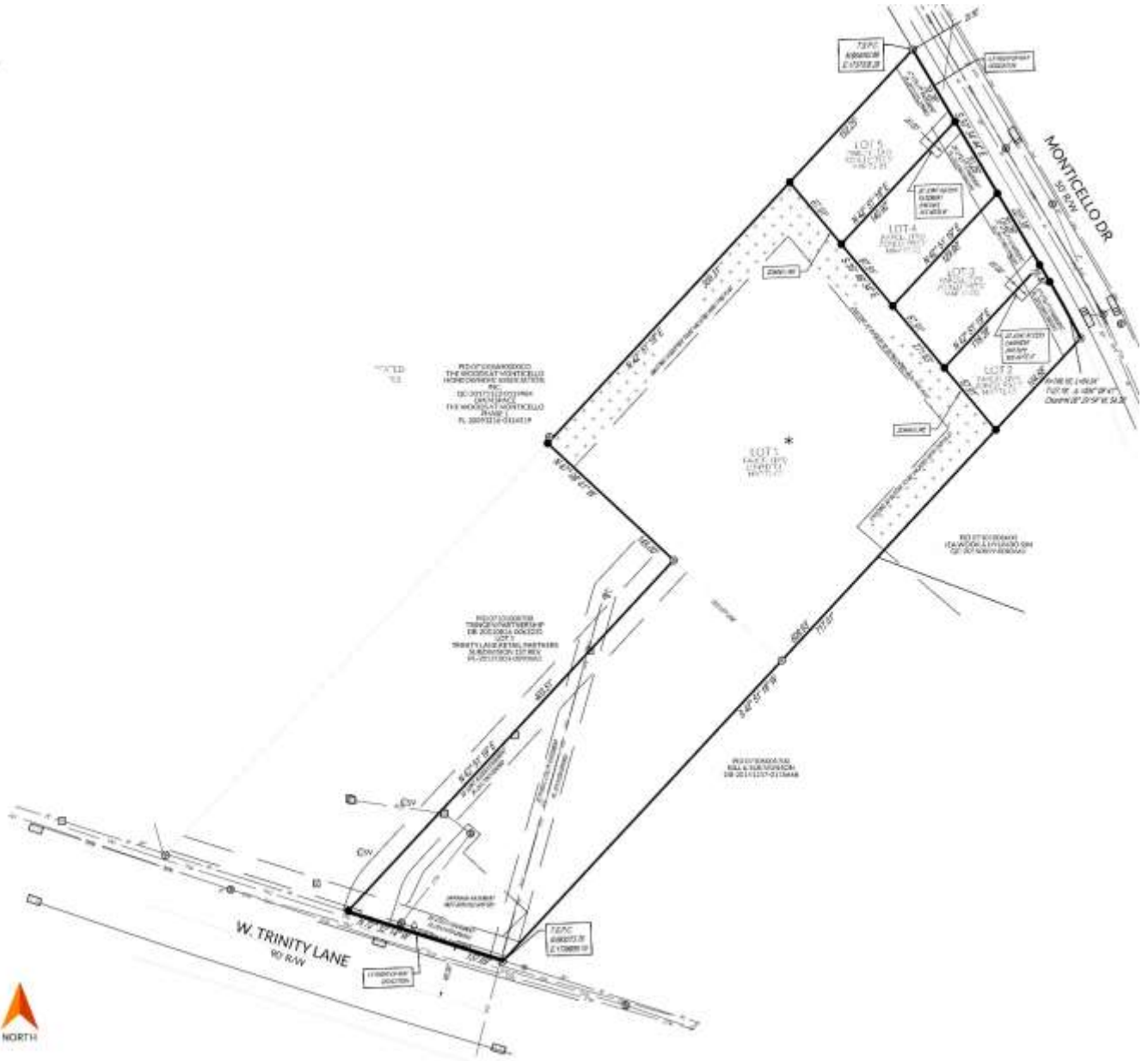
Parcel/Site History: This site comprises two lots that were platted in 2012.

Zoning History: The northern portion near Monticello Drive has been zoned RS7.5 since 1998. The remaining portion to the south and along W. Trinity Lane was rezoned from RS7.5 to CL in 2008.

Existing land use and configuration: The northern parcel is vacant and has frontage along Monticello Drive. The southern parcel is mostly vacant except for a shared drive located along the western boundary and a fenced drainage area located along W. Trinity Lane. There are also overhead lines present.



Metro Planning Commission Meeting of 10/28/21





Metro Planning Commission Meeting of 10/28/21

Surrounding land use and zoning:

- North: Vacant and Single-Family Residential (RS7.5)
- South: Vacant and Institutional (CL and RS5)
- East: Vacant, Institutional, and Commercial (CL and RS7.5)
- West: Commercial and Single-Family Residential (CL and RS7.5)

Zoning:

Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. building coverage: 0.45

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 40'

Commercial Limited (CL)

Min. lot size: None

Max. FAR: 0.60

Max. ISR: 0.90

Min. rear setback: 20'

Min. side setback: None required

Max. height: 30' at setback line

Slope of height control plane (V to H): 1.5 to 1

Min. street setback: 15'

PROPOSAL DETAILS

Number of lots: 5

Lot sizes: Lot 1 is located in the CL zoning district and is located along W. Trinity Lane. Lots 2, 3, 4, and 5 are located in the RS7.5 zoning district and are located along Monticello Drive. Lot 1 is approximately 2.82 acres (122,728 square feet); Lot 2 is 0.17 acres (7,549 square feet); Lot 3 is 0.19 acres (8,347 square feet); Lot 4 is 0.21 acres (9,110 square feet), and Lot 5 is 0.23 acres (9,872 square feet).

Access: Access to lots 2 through 5 is provided from Monticello Drive via proposed shared access easements which are indicated on the plat. One shared access easement is provided per every two lots. Vehicular access will be limited to the shared access easements. Access to Lot 1 is provided from W. Trinity Lane. An existing shared access easement is located along the western boundary of Lot 1, shared with the adjacent parcel 07101008700. Along Monticello Drive, the half of standard right-of-way required for the existing collector street is 25.5 feet. Along W. Trinity Lane, the half of standard right-of-way required for the arterial-boulevard is 46.5 feet. Areas of right-of-way dedication are proposed along the frontage of both streets to comply with the requirements.

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



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character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is located within the Urban Neighborhood Maintenance (T4 NM) policy, the Urban Community Center (T4 CC) policy, and the CO (Conservation) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T4 Urban transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. Staff finds that all standards are met.

3-2 Monument Requirements

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

3-3 Suitability of the Land

Based on available data, Lot 1 contains a pocket of steeper slopes near the eastern boundary, as identified on Metro's topographical maps. This site does not contain FEMA floodway or floodplain, steep slopes, 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 lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS7.5 and CL zoning at the time of building permit. The proposed lots either have frontage on W. Trinity Lane or Monticello Drive, which are both existing public streets.

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.

Lots 2, 3, 4, and 5 are considered residential infill lots and are reviewed against the following criteria of Section 3-5.2. Lot 1 is not a residential infill lot.

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



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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.*
Complies. Lots 2, 3, 4, and 5 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.*
Complies. All lots front Monticello Drive or W. Trinity Lane, which are both public streets.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS7.5 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
All lots meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 60 feet. The frontage width for Lot 2 is 70.9 feet and the frontage width for Lots 3, 4, and 5 is 70.26 feet.
 2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
All lots meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.15 acres, or 6,534 square feet. Lot 2 is 0.17 acres (7,549 square feet); Lot 3 is 0.19 acres (8,347 square feet); Lot 4 is 0.21 acres (9,110 square feet), and Lot 5 is 0.23 acres (9,872 square feet).
 3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes on Lots 2, 3, 4, and 5 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.*
Lots 2, 3, 4, and 5 are oriented to Monticello Drive, consistent with surrounding lots.
- e. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions.



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

3-5.5 Infill Subdivision Frontage

Not applicable to this case.

3-5.6 Reasonable Conditions

Not applicable to this case.

3-6 Blocks

Not applicable to this case. This proposal is for a subdivision along existing streets. 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 along two existing streets. 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 a subdivision located along existing streets. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

Monticello Drive is classified by the MCSP as a collector-avenue with 51' of required right-of-way. Approximately 0.5' of right-of-way dedication is proposed along Monticello Drive to meet the 25.5' half of standard right-of-way requirement. West Trinity Lane is classified by the MCSP as an arterial-boulevard with 93' of required right-of-way. Approximately 1.5 feet of right-of-way dedication is proposed along W. Trinity Lane to meet the 46.5' half of standard right-of-way requirement.

3-11 Inspections During Construction

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

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

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



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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations. Future development will be required to meet the standards of the Metro Zoning Code in regards to setbacks, sidewalks, etc. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

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.
- Joint use access should be 20' wide, 10' one each property.

TRAFFIC AND PARKING RECOMMENDATION

Approve



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WATER SERVICES RECOMMENDATION

Approve with conditions

- As our previous comments have been addressed on the latest plat revision, MWS recommends approved with conditions, A minimum of 30% of capacity fees must be paid before issuance of building permits.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Add the plat name “Trinity Monticello Homes” to the plat.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

RECOMMENDED ACTION

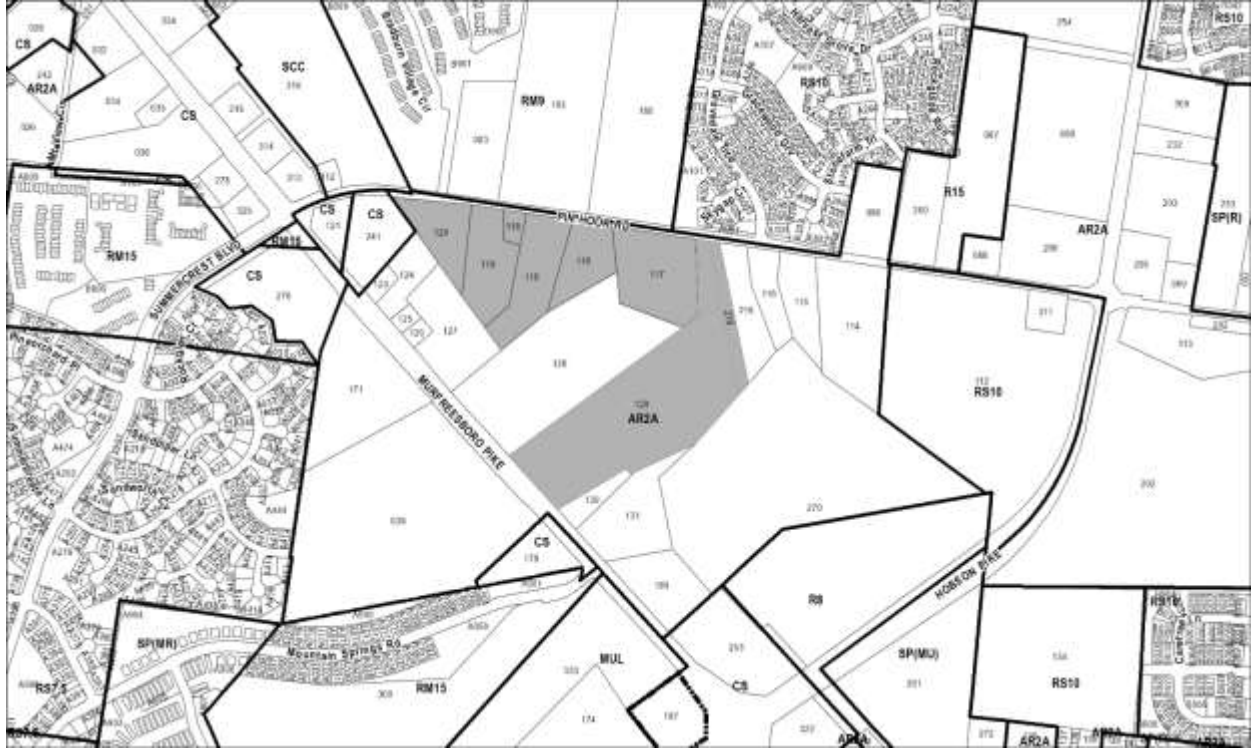
Motion to approve proposed subdivision Case No. 2021S-186-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



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2013UD-002-034

MURFREESBORO PIKE UDO (KIPP HIGH SCHOOL)

Map 164, Parcel(s), 117, 118, 118.01, 119.01, 119.00, 120.00, 129, 210

13, Antioch/Priest Lake

33 (Antoinette Lee)



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Item #36
Project Name

UDO Modification 2013UD-002-034
Murfreesboro Pike UDO (KIPP HIGH SCHOOL)

Council District
School District
Requested by

33 - Lee
6 – Bush
Jeff Hooper, applicant; Henry Mayi, owner.

Staff Reviewer
Staff Recommendation

Ventura
Approve modification of façade width along Pin Hook Road, the façade requirement along Murfreesboro Pike, and number of pedestrian access points and disapprove without all conditions

APPLICANT REQUEST

A request for a minor modification to the required façade width along Pin Hook Road, a major modification to remove the requirement for a façade along Murfreesboro Pike, and the major modification for a reduction of required number of pedestrian access points.

UDO Modifications

The request for modifications to the Murfreesboro Pike Urban Design Overlay standards for properties enclosed by Pin Hook Road to the North and Murfreesboro Pike to the South, zoned Agricultural Districts (AR2a), (31.75 acres), to permit a reduction of the required façade width along Pin Hook Road, the removal of the requirement for a façade along Murfreesboro Pike, and the reduction of required number of pedestrian access points along Pin Hook Road and Murfreesboro Pike.

EXISTING ZONING

Agricultural Districts (AR2a) is the underlying base zoning and is intended for natural conservation, and designated as unsuitable for urban scale development, allowing very low-density residential development and services needed for the community.

Murfreesboro Pike Urban Design Overlay (UDO) is an overlay intended to foster suburban development that is pedestrian friendly while enhancing its context with new buildings and spaces that are developed along Murfreesboro Pike.

PLAN DETAILS

The proposed approximately 72,750 square foot educational building is proposed on a site comprised of 8 different parcels along Pin Hook Road. The site is situated approximately 500 feet due East from the intersection of Murfreesboro Pike and Pin Hook Road, where a shopping center is located. The proposed consolidated site is situated behind two churches along Murfreesboro Pike and surrounded to the north and east by residential developments.



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Figure 1. Proposed site plan.

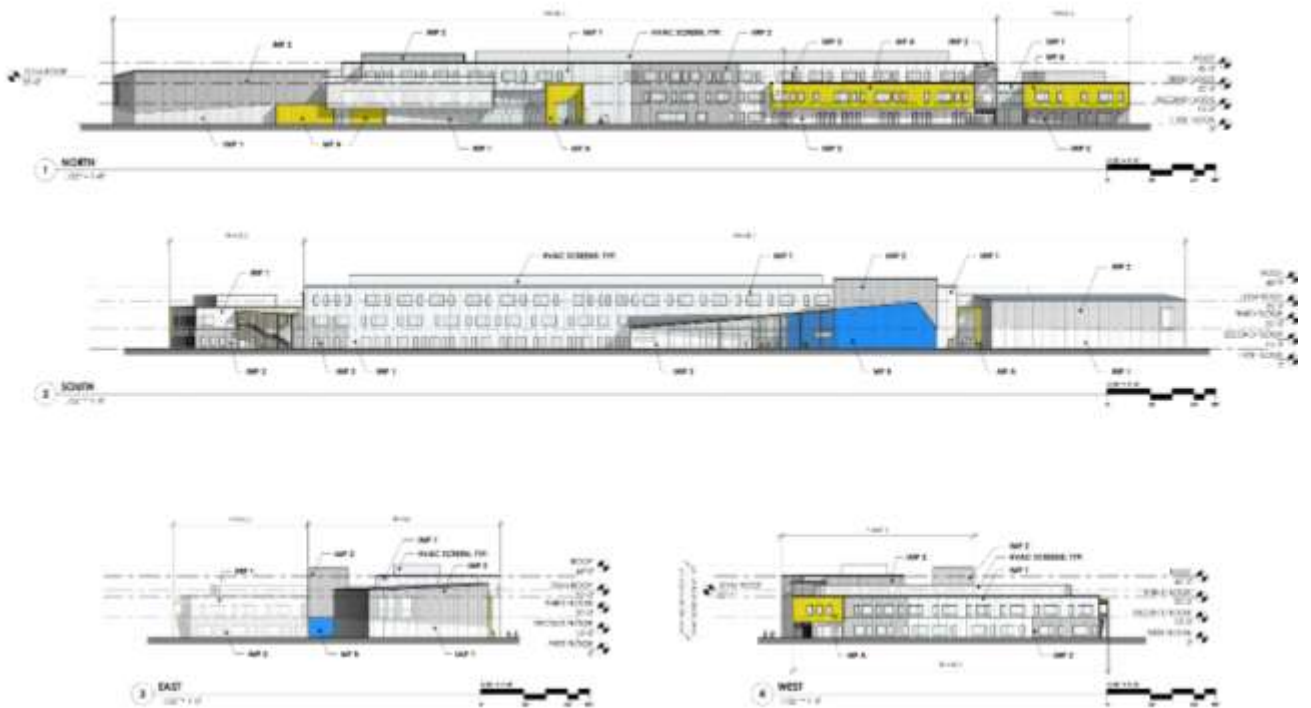


Figure 2. Proposed exterior elevations.



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MODIFICATION REQUEST DETAILS

1) UDO Requirement: A minimum of 45% of the lot frontage must be occupied by building. The required façade length is 813 feet.

Modification Request: The proposed façade length is in the range of 700-750 feet, an 8-14% reduction from the required façade length.

2) UDO Requirement: Façade width standard shall only apply to the predominant street frontage, in this instance Murfreesboro Pike, and no minimum is required along a secondary frontage.

Modification Request: No façade will be built along Murfreesboro Pike.

3) UDO Requirement: Buildings fronting a public street shall have a minimum of (1) pedestrian entrance along the street for every 150 feet of frontage. This standard would require (12) pedestrian access points along Pin Hook Road and (2) pedestrian access points along Murfreesboro Pike.

Modification Request: Proposing (3) pedestrian access points along Pin Hook Road for the civic building and (1) pedestrian access point along Murfreesboro Pike if there is a future building façade.

ANALYSIS

1) Façade Width Along Pin Hook Road

The intent of the UDO's façade width requirement is to frame the street with buildings and activity at a setback that is suburban in nature. The requirement is intended to give passersby an opportunity to engage with the street and the building. With the nature of the irregularly shaped parcels and the length of frontage along Pin Hook Road, the 813 feet façade width requirement results in a long building which creates functional concerns for an educational building. The building proposed shows the façade width at 732 feet, illustrating the intent to meet the 45% requirement.

2) Façade Requirement along Murfreesboro Pike

The intent of the façade requirement along a predominant street frontage, in this instance Murfreesboro Pike, is to ensure people engage and may access a building and its services directly. It also focuses on developing consistently along Murfreesboro Pike. The street frontage on Murfreesboro Pike is approximately 390 feet and this southern portion of parcel 129 is comprised of power (TVA), gas (Colonial Pipeline) transmission lines and associated easement which is located approximately 300 feet from Murfreesboro Pike ROW. The area between the ROW and the easements creates a division in the parcel and relatively small developable area for an educational building, as shown in Figure 3.



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Figure 3. Enlarged area between the ROW and easements on southern portion of parcel 129.

3) Number of Pedestrian Access Points

The intent of requiring one pedestrian entrance along the street for every 150 feet of frontage is to ensure there are adequate and convenient points for pedestrians to cross and access the building. The northern portion of the property is a triangular shape, with the hypotenuse at Pink Hook Road. This condition creates a vast amount of frontage and therefore requires many access points. The 12 required pedestrian access points appear to be excessive in this instance since these parcels would comprise a civic building on a single site. The number and spacing of access points shown meets the intent of this standard along Pin Hook Road and the requirement for a future building façade along Murfreesboro Pike.

STAFF RECOMMENDATION

Due to the configuration of the subject property and the nature of the proposed use, staff recommends approval of the modification to the façade width requirement, the removal of the required façade along Murfreesboro Pike, and the number of pedestrian access points of the Urban Design Overlay for Murfreesboro Pike.

CONDITIONS

1. Approval of these major modifications is specific to these plans. If site layout, building design, etc. change prior to building permits, and major modifications remain necessary, the major modifications may need to be reconsidered by the Metro Planning Commission.
2. Pin Hook Road is a collector avenue and access to Murfreesboro Pike will be required for a high school by Title 17.61.040.A4. This must be addressed at the final site plan submittal.
3. A final site plan for this property must follow all other zoning requirements, as well as the Major and Collector Street Plan and the recommendations of the TIS conducted for this proposal.