



METROPOLITAN PLANNING COMMISSION

MINUTES

December 09, 2021
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Jessica Farr, Vice Chair
Lillian Blackshear
Edward Henley
Dr. Pearl Sims
Mina Johnson
Jeff Haynes
Jim Lawson
Brian Tibbs
Councilmember Brett Withers

Staff Present:

Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Assistant Director
Lisa Milligan, Planning Manager II
Greg Claxton, Planning Manager I
Amelia Lewis, Planner II
Seth Harrison, Planner II
Nora Yoo, Planner III
Alex Dickerson, Legal

Commissioners Absent:

Greg Adkins, Chair

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300

Fax: (615) 862-7130

E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

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

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

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

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

Legal Notice

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



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:06 p.m.

B: ADOPTION OF AGENDA

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

C: APPROVAL OF NOVEMBER 18, 2021 MINUTES

Mr. Lawson moved and Mr. Tibbs seconded the motion to approve the minutes. (9-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Druffel spoke in favor of Item 25.

Councilmember Evans spoke in favor of Items 23a and 23b. Ms. Evans advised that a resident will be speaking on concerns regarding Item 40.

Councilmember Rosenberg said that Stephens Valley is up tonight and the staff recommendation was to approve with conditions. He wanted to share that there was a community meeting and there was no opposition expressed.

Councilmember Rosenberg said, regarding redistricting, he would like to see the census block in his district included in District 35.

Councilmember Styles asked for support of Amendment 4 regarding redistricting District 32.

Councilmember Gamble spoke in favor of Proposal C for the redistricting map for District 3.

Councilmember Benedict stated District 7 has had a lot of changes and District 8 has been moved to the southeast. She said what will be seen tonight from Mr. Claxton will incorporate a lot of community feedback from those changes and looked forward to seeing the final map.

Councilmember Porterfield thanked the Commission for indefinitely deferring the PUD cancelation in Item 26 for District 29.

Councilmember Porterfield spoke in favor of the current proposal regarding redistricting.

Councilmember Parker said he was hoping to see in Proposal C the return of East Hill and Renraw to District 5. He also asked to include the East Bank study area and River North project area in the East Nashville Council districts.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2a, 2b, 3, 4, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 24, 26, 28, 29, 33, 36

Ms. Blackshear recused herself from Item 7.

Mr. Tibbs moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

F: CONSENT AGENDA ITEMS 43, 47

Ms. Blackshear recused herself from Item 32.

Mr. Withers moved and Mr. Lawson seconded the motion to approve the Consent Agenda. (9-0)

Tentative Consent Item: Items noted below as On Consent: Tentative will be read aloud at the beginning of the meeting by a member of the Planning Staff to determine if there is opposition present. If there is opposition

present, the items will be heard by the Planning Commission in the order in which they are listed on the agenda. If no opposition is present, the item will be placed on the consent agenda.

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

G. 2020 Redistricting Plan

Approval of the 2020 Census Redistricting Plan for the Metropolitan Council and Board of Education.

Staff will present the proposed Redistricting Plans. The Planning Commission action will serve as a recommendation to the Metropolitan Council.

Mr. Claxton acknowledged this was a large team effort. He said, in addition to the Advanced Planning and Research Division, other divisions within Planning helped; including, Community Plans, Design Studio and Mapping. Also, there has been extensive support from ITS, Legal Department and Elections Commission.

Mr. Claxton presented the 2020 Redistricting Plan with the proposed new district lines for Metro Council and the School Board.

Mr. Tibbs asked Ms. Kempf to clarify the process.

Ms. Kempf advised there is Proposal C and 5 amendments on which the Commission will make recommendations, which would then go up to Council for consideration. She stated the ultimate decision is with Council to approve or not, but Council is not allowed, by Charter rules, to amend what the Commission has sent to them. If Council does not accept the Commission's recommendation, then there will be a referendum.

Councilmember Gamble spoke in favor of Amendment 2 and spoke in opposition to Amendment 5. She said the majority of the sentiment she has received from the community is happy with Plan C and would like to get that approved.

Councilmember Benedict spoke in favor of Proposal C.

Councilmember Styles said, in terms of District 32, she is so appreciative of the amendment to put Century Farms back and asked to consider Amendment 4.

Councilmember Parker spoke in support of Amendment 2.

Brenda Haywood, Deputy Mayor of Community Engagement and former Councilmember of District 3, spoke in favor of Plan C.

Vice Chair Farr closed the public hearing.

Councilmember Withers appreciated and spoke in favor of draft map C. He wholeheartedly supported Amendment 1. Mr. Withers spoke in favor of Amendments 2, 3 and 4. He stated he will side with the staff recommendation regarding Amendment 5 of Proposal C.

Ms. Johnson stated that, as a larger picture, she thinks Proposal C is good, and then amendments can be tweaked to make them much better. She also stated she is very comfortable with the current proposal for the School Board districts but has some hesitancy with council districts and Amendments 3 and 5.

Ms. Blackshear asked about the letter the Commissioners received from Senator Gilmore.

Ms. Kempf advised that a letter was received from Senator Gilmore expressing concern that they ensure that equity is foremost in their minds and don't do anything to diminish the ability of African Americans, or other minorities within the community, to elect representatives of their choice. Ms. Kempf reached out to Senator Gilmore, through a number of ways, to seek clarity on whether there were specific concerns, but has not yet received a response.

Councilmember Gamble stated she has been in contact with Senator Gilmore and forwarded the information of support of Proposal C to her. She does not know what were Senator Gilmore's specific concerns addressed in the letter.

Ms. Blackshear stated she is appreciative of all the work that has been done and is interested in hearing other Commissioners' thoughts.

Mr. Tibbs said he appreciated Councilmember Withers' in-depth information and for reaching out to other Councilmembers. He wanted to make sure the letter from Senator Gilmore was addressed in the best way. He stated he was in support of what has been done.

Mr. Lawson stated he found all the staff recommendations acceptable and what has been laid out is very good. He's heard the pros and cons, but the pros are a lot stronger.

Mr. Haynes stated the amendments make sense and is in support of Proposal C and Amendments 1, 2, 3 and 4.

Dr. Sims said most court cases come out of the standard deviations and asked if they were over 10% and do any of these amendments get us anywhere closer to 10%?

Mr. Claxton said several of the districts are close to the thresholds. All of the amendments, individually or taken together, result in compliant districts.

Dr. Sims also asked about the outreach on this.

Mr. Claxton responded that they had primarily evening meetings, virtual events, drop-in hours at the office and extensive online outreach, as well as fielding phone calls and emails. He also stated they met the Disability Act.

Mr. Henley appreciated the Councilmembers' input. He stated he doesn't have any significant reservations on the amendments and does not have anything contrary to the staff recommendations.

Vice Chair Farr asked to revisit Amendment 5 and asked who currently has that triangle.

Mr. Claxton answered, District 3.

Vice Chair Farr said that the comments received are overwhelmingly in support of keeping that with the rest of Whites Creek and takes that seriously. She stated she felt very good about the rest of Proposal C and Amendments 1 through 4, but wanted to make sure they had a chance to look more at Amendment 5.

Ms. Blackshear moved and Mr. Haynes seconded the motion to approve Proposal C for the School Board Districts. (9-0)

Mr. Lawson moved and Mr. Tibbs seconded the motion to approve Amendment 1 of Proposal C for the Council Districts. (9-0)

Mr. Haynes moved and Mr. Withers seconded the motion to approve Amendment 2 of Proposal C for the Council Districts. (9-0)

Mr. Haynes moved and Mr. Lawson seconded the motion to approve Amendment 3 of Proposal C for the Council Districts. (9-0)

Ms. Blackshear moved and Ms. Johnson seconded the motion to approve Amendment 4 of Proposal C for the Council Districts. (9-0)

Ms. Blackshear moved and Dr. Sims seconded the motion to disapprove Amendment 5 of Proposal C for the Council Districts. (9-0)

Mr. Haynes moved and Mr. Lawson seconded the motion to approve Proposal C for the Council Districts. (9-0)

Resolution No. RS2021-321

"BE IT RESOLVED by The Metropolitan Planning Commission that the 2020 Redistricting Plan is approved. (9-0)

Vice Chair Farr called for a ten minute break.

H: ITEMS TO BE CONSIDERED

1a. 2019CP-008-003

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 21 (Brandon Taylor)

Staff Reviewer: Anna Grider

A request to amend the North Nashville Community Plan by changing from T4 Urban Neighborhood Maintenance Policy to T4 Urban Mixed Use Corridor Policy for properties located at 1701, 1703, 1705, 1712 and 1714 9th Avenue North and 9th Avenue North (unnumbered), approximately 130 feet east of Delta Avenue, zoned CS and RS5 (0.54 acres), requested by Fulmer Engineering, applicant; various property owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019CP-008-003 to the January 13, 2022, Planning Commission meeting. (9-0)

1b. 2021SP-059-001

9TH AND BUCHANAN

Council District 21 (Brandon Taylor)

Staff Reviewer: Seth Harrison

A request to rezone from CS and RS5 to SP zoning for properties located at 1701, 1703, 1705, 1707, 1709, and 1711 9th Ave N and 901 Buchanan Street, approximately 360 feet east of 10th Ave N, (1.08 acres), to permit a mixed use development, requested by Fulmer Lucas Engineering, applicant; 901 Buchanan Partners, LLC, JFM 1705 9th Avenue North, LLC & ETAL, 9th & Goal Partners, and Jimmy Antawan Dennis & Santez Boykin, owners. (See associated case 2019CP-008-003).

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-059-001 to the January 13, 2022, Planning Commission meeting. (9-0)

2a. 2020CP-003-002

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN AMENDMENT

Council District 03 (Jennifer Gamble)

Staff Reviewer: Anita McCaig

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing from T2 Rural Agriculture Policy to T3 Suburban Community Center Policy for properties located at 7417 and 7425 Old Hickory Boulevard and a portion of properties located at 7395, 7412, 7435 and 7450 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 2,330 feet east of Lickton Pike, zoned CL, CS, SP and R15 (26.48 acres), requested by Dale and Associates, applicant; Anchor Property Holdings LLC, Forrest Bulter, Ellis P. Jakes Revocable Living Trust, L & W Tenway LLC, Little Creek G.P., and TKM Real Estate LLC, owners (see associated case #2020SP-022-001).

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020CP-003-002 to the January 13, 2022, Planning Commission meeting. (9-0)

2b. 2020SP-022-001
HICKORY HIGHLANDS AT LITTLE CREEK
Council District 03 (Jennifer Gamble)
Staff Reviewer: Logan Elliott

A request to rezone from R15 to SP zoning for properties located at 7395 Old Hickory Boulevard, approximately 1,850 feet east of Lickton Pike (69.3 acres), to permit warehouse and transportation uses, requested by Dale and Associates, applicant; TKM Real Estate LLC, owner (see associated case# 2020CP-003-002).

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-022-001 to the January 13, 2022, Planning Commission meeting. (9-0)

3. 2020Z-013TX-001
BL2020-504/Freddie O'Connell
Staff Reviewer: Shawn Shepard

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

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-013TX-001 to the January 13, 2022, Planning Commission meeting. (9-0)

4. 2018SP-009-003
SAGE RUN SP (AMENDMENT)
Council District 35 (Dave Rosenberg)
Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2018SP-009-003 to the January 13, 2022, Planning Commission meeting. (9-0)

5a. 2021SP-009-001
CRESCENT LIONS HEAD
Council District 24 (Kathleen Murphy)
Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred 2021SP-009-001 indefinitely. (9-0)

5b. 78-74P-003

LIONS HEAD VILLAGE (AMENDMENT)

Council District 24 (Kathleen Murphy)

Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred 78-74P-003 indefinitely. (9-0)

6. 2021SP-057-001

MARINA GROVE

Council District 33 (Antoinette Lee)

Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-057-001 to the January 13, 2022, Planning Commission meeting. (9-0)

7. 2021SP-072-001

4319 SAUNDERSVILLE ROAD

Council District 11 (Larry Hagar)

Staff Reviewer: Dustin Shane

A request to rezone from R20 to SP zoning for properties located at 4319 Saundersville Road and Woodside Drive (unnumbered), approximately 240 feet east of Woodside Drive (7.5 acres), to permit 49 multi-family residential units, requested by Dale and Associates, applicant; Guerrier Development, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-072-001 to the January 13, 2022, Planning Commission meeting. (8-0-1)

- 8. 2021SP-081-001**
OLIVERI MIXED-USE
Council District 33 (Antoinette Lee)
Staff Reviewer: Dustin Shane

A request to rezone from AR2a to SP zoning for property located at 4154 Murfreesboro Pike, approximately 350 feet southeast of Parks Retreat Drive and located within the Murfreesboro Pike Urban Design Overlay District (4.09 acres), to permit a mixed use development, requested by Anderson, Delk, Epps and Associates, applicant; Oliveri LLC, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-081-001 to the January 13, 2022, Planning Commission meeting. (9-0)

- 9. 2021SP-095-001**
2600 DICKERSON PIKE
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Seth Harrison

A request to rezone from CS and IWD to SP zoning for properties located at 2405 Plum Street, 2600 and 2604 Dickerson Pike, Plum Street (unnumbered), and Dickerson Pike (unnumbered), at the northwest corner of Rock Street and Dickerson Pike (5.22 acres), to permit a multi-family residential development, requested by Kimley-Horn, applicant; Bobbie Sue Hastings, C.A. Henry and C.L. Hughes, owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-095-001 to the January 13, 2022, Planning Commission meeting. (9-0)

- 10. 2021SP-096-001**
1301 2ND AVENUE NORTH
Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to rezone from IR to SP zoning for property located at 1301 2nd Avenue North, at the northwest corner of Monroe Street and 2nd Avenue North and located within the Germantown Historic Preservation District Overlay (0.38 acres), to permit hotel and retail uses, requested by Smith Gee Studio, applicant; Germantown Hospitality LLC, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-096-001 to the January 13, 2022, Planning Commission meeting. (9-0)

11. 2020Z-119PR-001

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

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

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020Z-119PR-001 to the January 13, 2022, Planning Commission meeting. (9-0)

12. 2021S-238-001

BOLES PROPERTY
Council District 33 (Antoinette Lee)
Staff Reviewer: Logan Elliott

A request for concept plan approval to create 23 cluster lots on properties located at 6110 South Mount Juliet Road, South Mount Juliet Road (unnumbered) and Couchville Pike (unnumbered), approximately 2,400 feet north of Couchville Pike, zoned RS80 (76.39 acres), requested by Civil Site Design Group, applicant; Paul M. Boles and Jaclyn R. Boles, owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-238-001 to the January 13, 2022, Planning Commission meeting. (9-0)

13. 2021S-240-001

RESUBDIVISION OF LOT 5 - CRAIGHEAD LANDS
Council District 08 (Nancy VanReece)
Staff Reviewer: Seth Harrison

A request for final plat approval to create two lots on property located at 211 Walton Lane, approximately 240 feet east of Walton Oak Drive, zoned R10 (0.83 acres), requested by Campbell, McRae and Associates, applicant; Jesse N. Whittington and Kristen M. Whittington, owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-240-001 to the January 13, 2022, Planning Commission meeting. (9-0)

14. 2021S-218-001

RIVERSIDE DRIVE - SECTION TWO

Council District 06 (Brett Withers)

Staff Reviewer: Seth Harrison

A request for concept plan approval to create eight lots on property located at Riverside Drive (unnumbered), approximately 900 feet south of Barclay Drive, zoned R10 (4.44 acres), requested by Chandler Surveying, applicant; Janet Devasher Kolb, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 8 lots.

Concept Plan

A request for concept plan approval to create eight lots on property located at Riverside Drive (unnumbered), approximately 900 feet south of Barclay Drive, zoned One and Two-Family Residential (R10) (4.44 acres)

SITE DATA AND CONTEXT

Location: The site is located at the west side of Riverside Drive, west of the intersection of Fortland Drive and Riverside Drive.

Street Type: The site has frontage onto Riverside Drive and Riverside Drive is classified as a Collector Avenue in the Major and Collector Street Plan.

Approximate Acreage: The proposed area for subdivision is 4.44 acres or 193,406 square feet.

Parcel/Site History: This site is comprised of one parcel which was created in 2000. The site currently vacant.

Zoning History: The parcel has been zoned R10 since 1974 (O73-650).

Existing land use and configuration: The site is currently vacant with access only from Riverside Drive.

Surrounding land use and zoning:

North: Single-Family Residential (R10)

South: Single-Family Residential (R10)

East: Single-Family Residential (R10)

West: One and Two-Family Residential (R6)

Zoning: Single-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. height: 3 stories

Min. street setback for properties on Riverside Drive: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.40

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

Number of lots: 8 single-family

Lot sizes: Lot sizes range from 0.23 acres (10,200 square feet) to 2.85 acres (124,190 square feet).

Access: The lots have frontage onto Riverside Drive and the site draws access from Riverside Drive.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T3 Suburban Neighborhood Maintenance (T3 NM) policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

Staff finds that all standards are met.

3-2 Monument Requirements

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

3-3 Suitability of the Land

There are no sensitive environmental features on the site including steep slopes, problem soils, or streams.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size 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 R10 zoning at the time of building permit. All proposed lots have frontage on Riverside Drive.

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.

Section 3-5.2 requires lots to meet compatibility with the existing lots along Riverside Drive. There are a total of 8 lots required to meet compatibility as stated in the Regulations. With this being located with T3 NM, compatibility is determined by both lot frontage and lot area of existing lots along the same block face. The required minimum lot frontage is about 58 feet and the minimum lot area is 9,130 square feet. Lots 1-8 have a minimum lot frontage of 70 feet and minimum lot area of 10,200 square feet. As proposed, the plan meets the requirement.

3-6 Blocks

Not Applicable for this case.

3-7 Improvements

Construction plans for any required public or private improvements (stormwater facilities, water and sewer, public roads, etc.) will be reviewed with the final site plan.

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

Not Applicable for this case. No new streets proposed.

3-9 Requirements for Streets

Not Applicable for this case. No new streets proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

Not applicable to this case. The proposal does not include ROW dedication.

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after issuance of a building permit approved by Metro Codes and all other reviewing agencies.

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

Public Works reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

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

Not applicable to this case. The proposal does not include private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public Water is provided to this site by Metro. These conditions are listed in the recommendations from all agencies section below.

3-16 Sewerage Facilities

Metro Water Services has reviewed this proposed concept plan for sewer and has recommended 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 subdivision regulations and zoning code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Dimension right-of-way and dimension the distance to the centerline of pavement.
- New driveway connections or access points will require a permit from the Nashville Department of Transportation. Adequate sight distance must be provided per AASHTO for new driveway connections.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan 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. (See Capacity Permit #'s T2021039188 and T202139195).

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2021S-218-001 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.

Approve with conditions. (9-0)

Resolution No. RS2021-322

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-218-001 is approved with conditions. (9-0)

15. 2021S-227-001

RESUBDIVISION PLAT LOT 364 PLAN OF D.T. MCGAVOK

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create two lots on property located at 1720 17th Avenue North, at the southeast corner of Century Street and 17th Avenue North, zoned RS5 (0.38 acres), requested by WT-Smith Surveying, applicant; Frank Beasley, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021S-227-001 to the January 13, 2022, Planning Commission meeting. (9-0)

16. 2021Z-018TX-001

BL2021-922/Brandon Taylor

Staff Reviewer: Amelia Lewis

A request to amend Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-018TX-001 to the January 13, 2022, Planning Commission meeting. (9-0)

17. 2022Z-001TX-001

BL2021-1022/Brett Withers

Staff Reviewer: Hazel Ventura

A request to amend the Metropolitan Code, Zoning Regulations related to materials in Corridor Design and Residential Accessory overlays.

Staff Recommendation: Approve changes to Title 17.

APPLICANT REQUEST

Amend the Zoning Code pertaining to façade materials.

BACKGROUND

The state law of Section 68-120-101 and Section 68-120-101(b) was adopted on September 1st, 2021, prohibiting the discrimination against or in favor of particular construction materials or construction techniques. The language

prohibiting specific materials was found in Article XIV Corridor Design Overlay, and Article XV Residential Accessory Structure Overlay.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Chapter 17.36 of the Zoning Code by adding a definitions subsection to chapter 17.36 with the following (new text is shown in underline):

Chapter 17.36.020 A – Definitions

The following definitions apply within Overlay Districts:

“Concrete masonry unit” means standardized building block composed of Portland cement, aggregates, and water. Commonly referred to as “CMU”.

“Fiber cement products” means manufactured thin sections of hydraulic cementitious matrices and discrete nonasbestos fibers. These products may be commonly referred to by a trade or brand name: Hardie Board.

The proposed bill would amend Chapter 17.36 of the Zoning Code by partially deleting Subsection 17.36.540.C. 3. and substituting with the following (deleted text is shown in strike-thru; new text is shown in underline):

~~3. Primary facades shall be at least seventy-five percent brick, brick veneer, stone, cast stone, and/or architecturally treated concrete masonry units. At least seventy-five percent of the primary façade shall be clad in material(s) selected from the following list: brick, brick veneer, stone, cast stone, and/or architecturally treated concrete masonry units, fiber cement products, and/or material(s) substantially similar in form and function.~~

~~i. Concrete masonry units, if unclad and visible to the exterior, shall be split-face or otherwise treated with texture or visual interest. Concrete masonry units shall be split-face or otherwise treated with texture or visual interest.~~

~~ii. The remaining twenty-five percent of the facade may be any material except exposed untreated concrete masonry units. Material changes shall occur along horizontal lines, not vertical lines.~~

~~iii. Material changes shall occur along horizontal lines, not vertical lines.~~

The proposed bill would amend Chapter 17.36 of the Zoning Code by deleting Subsection 17.36.540.C.4. in its partially and substituting with the following (deleted text is shown in strike-thru; new text is shown in underline):

~~4. All other building facades, including those facing interior property lines, rear property lines, loading lanes, etc. - are not primary facades, and have no requirements regarding building materials. therefore alternative materials not listed in 17.36.540.C.3 may be used. If used on non-primary facades, concrete masonry units shall be split-face or otherwise treated with texture or visual interest.~~

The proposed bill would amend Chapter 17.36 of the Zoning Code by deleting Subsections 17.36.590.E and substituting with the following (deleted text is shown in strike-thru; new text is shown in underline):

~~E. Materials. Accessory structures greater than one hundred fifty square feet in gross floor area must be constructed in a like manner to the principal building in terms of roof style and building materials. Metal, plastic, vinyl, and concrete masonry units are prohibited as primary siding materials for accessory structures greater than one hundred fifty square feet in gross floor area except where the material is the primary material on the principal structure.~~
Alternative materials that are not metal, plastic, vinyl, or concrete masonry units may be used as primary siding materials for accessory structures greater than one hundred fifty square feet in gross floor area. Metal, plastic, vinyl, or concrete masonry units may be used if that same material is the primary material on the principal structure.

ANALYSIS

Generally, the proposed updates will bring various sections of Title 17 into compliance with state legislation in a manner that best preserves the original intent of the Corridor Design Overlay and Residential Accessory Structure Overlay. While the state legislation creates restrictions on how to regulate materials, it allows for municipalities to regulate materials where alternative materials are allowed. This bill also better defines two building materials to clarify the applicability of provisions within Title 17.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval.

Approve changes to Title 17. (9-0)

Resolution No. RS2021-323

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-001TX-001 is approved changes to Title 17. (9-0)

**18. 2015SP-013-004
STEPHENS VALLEY (AMENDMENT)**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Amelia Lewis

A request to amend the Stephens Valley Specific Plan for property located at 441 Union Bridge Road, at the southeast corner of Union Bridge Road and Pasquo Road, zoned SP (23.48 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Natchez Associates L.P., owner.

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

APPLICANT REQUEST

Amend previously approved SP to increase residential units and non-residential square footage.

Preliminary SP

A request to amend the Stephens Valley Specific Plan for property located at 441 Union Bridge Road, at the southeast corner of Union Bridge Road and Pasquo Road, zoned Specific Plan (SP) (23.48 acres) to permit a mixed use development.

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.

BELLEVUE COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5-minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

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

PLAN DETAILS

The 23.5-acre site is located at the southeast corner of Pasquo Road and Union Bridge Road. The site has frontage along both streets. The southern property line abuts Stephens Valley Boulevard, which is located along the county line between Davidson County and Williamson County.

The surrounding properties to the north are zoned Single-Family Residential (RS20) and are within a Planned Unit Development Overlay (PUD). These properties have been established with single-family residential uses on lots ranging from 8,000 square feet to 12,000 square feet. The properties to the west, across Pasquo Road, are zoned Agricultural/Residential (AR2a), and are vacant, single-family residential, and one parcel has been developed with a religious institution. The properties to the south of the site in Williamson County are developed with single-family residential uses.

The preliminary SP was approved in 2015 under case number 2015SP-013-001 (BL2015-1101). The preliminary plan included three non-contiguous areas along Stephens Valley Boulevard. Areas 1 and 2 are located partially within both counties. The proposed amendment would modify the entitlements in the Davidson County portion of Area 1. Areas 2 and 3 would not be amended with this proposal. In Area 1, the preliminary SP approved 243 residential units, a maximum of 88,000 square feet of non-residential uses. Within the 88,000 square feet, a maximum of 45,000 square feet of retail was permitted. The preliminary SP approved a variety of non-residential uses in mixed use buildings and a range of housing types including detached single-family lots, attached townhomes, and stacked flat buildings. The previously approved plan approved a new roundabout intersection at the northern corner of the property and two public streets, the create a t shape within the site.

Site Plan

The proposed amendment would increase the maximum number of residential units an additional 100 to 343 and the maximum non-residential square footage to 103,000 square feet, with up to 52,500 square feet of the 103,000 being able to be retail. The permitted non-residential uses are largely consistent with the previously approved plan with several new uses added including event space, recreation center, and rehearsal hall.

The proposed site plan includes two primary roads through the site, retaining the roundabout and t intersection. The proposed roads, Meriwether Boulevard and Mercantile Road are shown on the plan as private. It is a condition of approval that Meriwether Boulevard and Mercantile Road be re-classified and re-designed as public roads as the original SP approval intended.

The non-residential and mixed-use structures are located along Meriwether Boulevard. This creates a linear corridor through the site. The proposed residential units include attached townhomes, manor homes, and stacked flats. These units are oriented towards the public roads, pocket parks, and pedestrian paseos. All buildings are limited to 3 stories and 48 feet in height with the exception of units oriented towards pedestrian paseos in which the height will be regulated by a proportion of the vertical façade. This requirement is a condition of approval.

Two vehicular entrances are located on Pasquo Road and one on Union Bridge Road. The proposed roundabout provides vehicular access on the northern portion of the site. There have been two previously approved Final SP plans and final plats related to the infrastructure for the proposed roundabout and construction along Union Bridge Road. A final plat for the roundabout, 2020S-204-001, has not been recorded. A condition of approval is that this plat is recorded prior to the approval of the Final SP as this is a critical piece of infrastructure. This plat also includes the sidewalks and planting strips across the site frontage for a portion of Union Bridge Road, Meriwether Road, and Pasquo Road. Pasquo Road is classified as a local road in the Major and Collector Street Plan (MCSP) which includes 50 feet of right-of-way, a five foot wide sidewalk and a four foot wide planting strip. Union Bridge Road is a collector road with a right-of-way of 55 feet, an eight foot wide sidewalk and a six foot wide planting strip. At the intersection of Union Bridge Road and Stephens Valley Boulevard, a portion of the right-of-way was platted by 2017S-197-001, including a 10 foot wide proposed asphalt trail with a varying grass strip along the frontage. A condition of approval is that continuous sidewalks are provided along all street frontages, including along Stephens Valley Boulevard in Williamson County.

Parking per the Urban Zoning Overlay (UZO) is proposed within the development, although the property is not within the UZO. Staff finds that this proposal is not appropriate given increase in proposed development and the location on the edge of the county. Conditions of approval by NDOT and Planning have been included to require parking per Metro Code. An additional condition to provide bicycle parking is included in staff's recommendation.

ANALYSIS

Staff finds that the plan with the conditions included in this report is consistent with the Suburban Neighborhood Center (T3 NC) Policy. The following analysis includes excerpts from the T3 NC policy guide, shown in italics below.

- *A mix of building types is expected with preference given to mixed use buildings. These buildings use land efficiently and contribute to the vitality and function of the center by providing opportunities to live, work, and shop.*

- Moderate to high levels of connectivity with well connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space.
- Step down in height as they move closer to adjacent lower-intensity areas. This may require different heights within an individual structure and/or more varied building types including courtyard flats, quads, triplexes, detached accessory dwellings, etc.
- Ability to provide light and air between buildings and in the public realm of streets, sidewalks, internal walkways, multi-use paths, and open spaces
- Relationship of the height of the building to the width of the street and sidewalks, with wider streets and sidewalks generally corresponding to taller building heights

As the commission will note, the staff report is heavily conditioned to better align the proposed amendment with the overall goals of the policy above. The overall goals for connectivity are met by re-establishing the roads as public roads and recording the infrastructure plats associated with the project. The introduction of smaller open spaces is a part of this plan; however, the amended document did not include orientation or architectural standards for how the proposed units would interact with these open spaces. Conditions for enhanced orientation and architectural standards including height control are included.

The grounding principle for the T3 NC policy is a mix of uses and providing non-residential services to the surrounding area. The proposed plan maintains the mixed-use intent of the policy. A wide range of non-residential uses are included in the list of permitted uses for the area. Additionally, the proposed site plan includes a wider range of housing types from the previously approved plan. Large surface parking areas have been broken up by the introduction of pedestrian paseos and garage parking. With the conditions of approval, height controls are introduced to reduce the effects of having 3 story buildings across the entirety of the site.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building details provided for review.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

- Water provided by HVUD.

HARPETH VALLEY UTILITY SERVICE DISTRICT

- A letter provided by HVUD dated July 14, 2021, indicates that this site can be serviced.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Roadways interior to Area 1, shall be public and shall conform to the requirements and specifications of Nashville Department of Transportation (NDOT). Coordinate with NDOT and Planning Dept., prior to Final SP design and submission, for detailed specifics on the roadway layout. No storm water infiltration is permitted within the ROW without an approved Mandatory Referral for Encroachment.
- Parking shall be provided per the requirements set forth by Metro Zoning Code 17.20 within the SP. Head-in parking shall not be permitted on public streets. Parallel parking, in compliance with Metro Zoning Code, may be permitted within the SP in accordance with the standards and specs of NDOT.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Parking shall be per Code, UZO reductions not supported.
- Coordinate further with NDOT on shared parking study.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	56.84	-	243 U	1,323	81	104

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)	56.84	-	45,000 SF	1,699	42	171

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
Restaurant (932)	56.84	-	43,000 SF	4,824	427	420

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	56.84	-	343 U	1,868	115	144

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	56.84	-	52,500 SF	1,982	50	200

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
Restaurant (932)	56.84	-	52,500 SF	5,665	502	493

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,669	+117	+142

METRO SCHOOL BOARD REPORT

Projected student generation existing SP-R district: **12** Elementary **7** Middle **7** High
 Projected student generation proposed SP-R district: **16** Elementary **10** Middle **9** High

The proposed SP-R zoning is expected to generate nine more students than the existing SP zoning district. Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood 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 conditions.

CONDITIONS

1. Permitted uses within Area 1 shall be limited to 343 multi-family units and a maximum of 103,000 square footage of non-residential uses as indicated on the plan. Up to 52,000 square feet of the 103,000 square feet of non-residential uses may be general retail. Short term rental property, owner occupied short term rental properties, not-owner occupied are prohibited.
2. No changes are approved to Areas 2 and 3 as shown in the original SP approval.
3. All conditions of BL2015-1101 as applicable remain in effect.
4. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Update the corrected set to reflect the following: Meriwether Boulevard and Mercantile Road, the primary roadways interior to Area 1, shall be public and shall conform to the requirements and specifications of Nashville Department of Transportation. Coordinate with NDOT and Planning Dept prior to Final SP design and submission, for detailed specifics on the roadway layout. No storm water infiltration is permitted within the ROW without an approved Mandatory Referral for Encroachment.
6. On the corrected set, on page 11, notes 8 and 10 under Public Works shall be removed.
7. On the corrected set, the bulk regulations for Area 1 should be updated to reflect the maximum ISR per phase or total development if developed under one phase shall be limited to 0.80.
8. On the corrected set, remove note 5 on page 20 under Roadway Notes.
9. All street sections as shown in the submittal, including those on page 20, 21, and 22, are not final and will be determined at the Final SP with coordination from Planning and NDOT.
10. On the corrected set, remove all references to parking complying with Urban Zoning Overlay (UZO) standards.
11. On page 6, under bulk regulations and parking, the note shall be corrected to the following: Parking shall be provided per the requirements set forth by Metro Zoning Code 17.20 within the SP. Head-in parking shall not be permitted on public streets. Parallel parking, in compliance with Metro Zoning Code, may be permitted within the SP in accordance with the standards and specs of NDOT. Parking reductions for Area 1 may be allowed per parking study and Metro review and approval of parking reduction.
12. On the corrected set, remove Materials Not Permitted Section on page 23.
13. On the corrected set, add the following under architectural standards: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
14. Add the following note to the Architectural Standards on the corrected set: Units oriented towards Pedestrian Paseos shall not exceed 1.0H:1.25V proportion. (Horizontal distance measured between primary building facades to vertical height as defined by SP.)
15. Add the following note to the Architectural Standards on the corrected set: All facades facing public streets, private drives, common open spaces, and passageways shall be designed consistent with front elevation materials, massing, & architectural intent.
16. With the final site plan, surface parking around the stand alone building at the northern corner of the roundabout, on the north side of Union Bridge Road, shall be heavily screened.
17. Sidewalks shall be provided along all street frontages.
18. Any existing plat having received approval by Planning shall be recorded prior to the approval of the Final SP. Previously granted approvals are subject to the expirations as outlined in the approval letters.
19. At the time of Final SP, if intended to be a phased development, a phasing plan shall be provided.
20. At the time of Final SP, elevations shall be submitted exhibiting consistency with those provided at the preliminary SP stage and with architectural standards included in the plan.
21. 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 MUN-A zoning district as of the date of the applicable request or application.
22. With the final site plan, Bicycle parking shall be provided per the volume identified in Table 17.20.135 of the Metro Code.
23. 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.
24. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
25. 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.
26. Comply with all conditions and requirements of Metro reviewing agencies.
27. 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.

Dr. Sims recused herself from Item 18.

Ms. Lewis presented the staff recommendation to approve with conditions and disapprove without all conditions.

Hunter Gee spoke in favor of the application.

Douglas Johner, 8495 Poplar Creek Road, spoke in opposition to the application.

Vice Chair Farr closed the public hearing.

Mr. Lawson spoke in favor of the application.

Mr. Tibbs spoke in favor of the application.

Ms. Blackshear asked for clarification of the staff analysis consistent with policy.

Ms. Johnson spoke in favor of the application.

Mr. Withers spoke in favor of the application.

Mr. Henley spoke in favor of the application.

Mr. Haynes spoke in favor of the application.

Mr. Haynes moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions including amended condition 7. (8-0-1) Dr. Sims recused herself

Resolution No. RS2021-324

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-013-004 is approved with conditions and disapproved without all conditions. (8-0-1)

CONDITIONS

1. Permitted uses within Area 1 shall be limited to 343 multi-family units and a maximum of 103,000 square footage of non-residential uses as indicated on the plan. Up to 52,000 square feet of the 103,000 square feet of non-residential uses may be general retail. Short term rental property, owner occupied short term rental properties, not-owner occupied are prohibited.
2. No changes are approved to Areas 2 and 3 as shown in the original SP approval.
3. All conditions of BL2015-1101 as applicable remain in effect.
4. A corrected copy of the Preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Update the corrected set to reflect the following: Meriwether Boulevard and Mercantile Road, the primary roadways interior to Area 1, shall be public and shall conform to the requirements and specifications of Nashville Department of Transportation. Coordinate with NDOT and Planning Dept prior to Final SP design and submission, for detailed specifics on the roadway layout. No storm water infiltration is permitted within the ROW without an approved Mandatory Referral for Encroachment.
6. On the corrected set, on page 11, notes 8 and 10 under Public Works shall be removed.
7. On the corrected set, the bulk regulations for Area 1 should be updated to reflect the maximum ISR per phase or total development if developed under one phase shall be limited to 0.80.
8. On the corrected set, remove note 5 on page 20 under Roadway Notes.
9. All street sections as shown in the submittal, including those on page 20, 21, and 22, are not final and will be determined at the Final SP with coordination from Planning and NDOT.
10. On the corrected set, remove all references to parking complying with Urban Zoning Overlay (UZO) standards.
11. On page 6, under bulk regulations and parking, the note shall be corrected to the following: Parking shall be provided per the requirements set forth by Metro Zoning Code 17.20 within the SP. Head-in parking shall not be permitted on public streets. Parallel parking, in compliance with Metro Zoning Code, may be permitted within the SP

in accordance with the standards and specs of NDOT. Parking reductions for Area 1 may be allowed per parking study and Metro review and approval of parking reduction.

12. On the corrected set, remove Materials Not Permitted Section on page 23.
13. On the corrected set, add the following under architectural standards: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
14. Add the following note to the Architectural Standards on the corrected set: Units oriented towards Pedestrian Paseos shall not exceed 1.0H:1.25V proportion. (Horizontal distance measured between primary building facades to vertical height as defined by SP.)
15. Add the following note to the Architectural Standards on the corrected set: All facades facing public streets, private drives, common open spaces, and passageways shall be designed consistent with front elevation materials, massing, & architectural intent.
16. With the final site plan, surface parking around the stand alone building at the northern corner of the roundabout, on the north side of Union Bridge Road, shall be heavily screened.
17. Sidewalks shall be provided along all street frontages.
18. Any existing plat having received approval by Planning shall be recorded prior to the approval of the Final SP. Previously granted approvals are subject to the expirations as outlined in the approval letters.
19. At the time of Final SP, if intended to be a phased development, a phasing plan shall be provided.
20. At the time of Final SP, elevations shall be submitted exhibiting consistency with those provided at the preliminary SP stage and with architectural standards included in the plan.
21. 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 MUN-A zoning district as of the date of the applicable request or application.
22. With the final site plan, Bicycle parking shall be provided per the volume identified in Table 17.20.135 of the Metro Code.
23. 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.
24. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
25. 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.
26. Comply with all conditions and requirements of Metro reviewing agencies.
27. 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.

**19. 2021SP-067-001
WESTSIDE RETREAT**

Council District 22 (Gloria Hausser)
Staff Reviewer: Logan Elliott

A request to rezone from R15 to SP zoning for properties located at 7545 Charlotte Pike and a portion of property located at 7533 Charlotte Pike, approximately 450 feet northeast of Woodland Way (2.7 acres), to permit 20 multi-family residential units, requested by Dale and Associates, applicant; Bruce Little and Yvonne Brown, owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-067-001 to the January 13, 2022, Planning Commission meeting. (9-0)

20. 2021SP-068-001

SOUTH STREET NORTH

Council District 19 (Freddie O'Connell)

Staff Reviewer: Seth Harrison

A request to rezone from R6-A to SP zoning for property located at 1306 South Street, approximately 200 feet east of 14th Avenue South (0.46 acres), to permit 6 multi-family residential units, requested by Dale and Associates and Elouise Curcio, applicants; Elouise R. Bird LLC, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-068-001 to the January 13, 2022, Planning Commission meeting. (9-0)

21. 2021SP-080-001

COTHERN PROPERTY

Council District 31 (John Rutherford)

Staff Reviewer: Amelia Lewis

A request to rezone from AR2a to SP zoning for property located at 1465 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), to permit 291 single family residential units, requested by Anderson, Delk, Epps and Associates, applicant; Cameron Properties, owner.

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

APPLICANT REQUEST

Preliminary SP to permit a residential development totaling 290 units.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning for property located at 1465 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), to permit 290 single family residential units.

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 40 lots with 10 duplex lots for a total of 50 units.*

Proposed Zoning

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

SOUTHEAST COMMUNITY PLAN

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

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

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

SITE

The subject site comprises the entirety of a single parcel that contains approximately 81.34 acres. The site is located on the north side of Old Hickory Boulevard and south of Bell Road. This portion of Old Hickory Boulevard is classified as a Collector Avenue in the Major and Collector Street Plan. The Major and Collector Street Plan also plans for a Collector Avenue to run north/south across this site, making a connection between Old Hickory Boulevard and Bell Road. The site currently contains a single-family residence and is surrounded by other single family, two-family, and vacant land uses. The site has several streams and areas of steep slope as defined in the Metro Zoning Code.

PLAN DETAILS

The application proposes 290 single-family residential units dispersed throughout the portions of the site that are suitable for development. The plan proposes to draw access from Old Hickory Boulevard and provides the planned north/south Collector Avenue across the site, completing the planned connection between Old Hickory Boulevard and Bell Road. The plan includes two stub streets, one at the southeastern corner and the other at the western property boundary, with the intent of creating future connectivity and access opportunities. In addition to the Collector Avenue, the site includes two public local streets and several public alleys, as well as private drives and private alleys. The plans include cross sections for each of the different road sections.

The plan includes a mixture of five different unit types that include front loaded detached, rear loaded detached of various lot sizes, and front loaded attached. All units are either oriented to streets or to open space. Various amenity features are identified within the open space areas including picnic benches, benches, trails, and tot lots. Each unit includes two on-site parking spaces and additional surface parking is dispersed throughout the site. The plans limit the maximum building height of the units to 2.5 stories in 30 feet as measured by the Zoning Code. The plans also indicate that the building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function.

ANALYSIS

The application proposes a form and intensity that is consistent with the T3 NE policy and is appropriate given the surrounding development pattern. The T3 NE policy describes that development should be suburban in its pattern, but at a higher density and with greater housing variety than classic suburban neighborhoods. The Collector Avenue that is proposed is consistent with the Major and Collector Street Plan and this infrastructure improvement supports additional intensity on the site. The plan appropriately orients units to streets or open space. The open spaces are dispersed throughout the site and often include amenity features. The proposed site plan is also sensitive to the topography of the property and there is a limited number of critical lots considering the topography challenges of the site.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. With final: Include proposed public roadway construction drawings(profiles, grades, drainage) (cont.) Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.

Show 'Now Entering Private Drive' signage where applicable off public roads. Note: A private hauler will be required for waste/recycle disposal.

- On final:
 - a. Remove mid-block ped crossing on proposed road 'A'.
 - b. To help w/ traffic calming along road 'A' consider the following: curb extensions-'necking', additional medians and/or a pull-off mail kiosk (w/ bulb-in parking for open space, mail).
 - c. Remove private drive 'I' access ramp off Road 'A'. Reference planning comment, in regards to drive I and metro fire requirements.
 - d. Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Approved with Conditions for preliminary SP only.
- 1.) The LTL from Old Hickory Blvd. to the site access will be constructed in Phase 1, along with the planned collector Road C.
- 2.) Parking for the attached townhomes will not have tandem parking if garages are provided, per 17.20.060.F.3.

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
One and Two-Family Residential* (210)	81.38	0.5 D	42 U	468	35	44

Based on two-family lots

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
Single-Family Residential (210)	81.38	-	291 U	2,775	211	284

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+249 U	+2,307	+176	+240

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 6 Elementary 5 Middle 6 High

Projected student generation proposed SP district: 36 Elementary 30 Middle 33 High

The proposed SP zoning is expected to generate 82 additional students than the existing AR2a zoning. Students would attend Henry Maxwell Elementary School, Marshall Middle School, and Cane Ridge High School. Cane Ridge High School is identified as being overcapacity. Henry Maxwell Elementary School and Marshall Middle 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 with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 290 single-family residential units. Short term rental property, owner occupied and short term rental property, not-owner occupied shall be prohibited.

2. All lots that front onto a common open space shall have a pedestrian connection from the front of each residential unit to a sidewalk.
3. If the Possible WQ/Detention Areas adjacent to lots 70-74, 145-153, and 208-214 are not provided with the final site plan application, then open space shall be provided in these areas to satisfy the frontage requirements of the Subdivision Regulations for newly created lots.
4. Drive "I" shall be removed from the final site plan unless required by the Fire Marshal or another Metro reviewing agency.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
7. The following design standards shall be added to the plan:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway), provide a porch or covered stoop and a minimum of 15% glazing.
 - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers.
 - c. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
 - d. Porches, if provided, shall provide a minimum of six feet of depth.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. 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 RS3.75 zoning district as of the date of the applicable request or application.
11. 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.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2021-325

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-080-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 290 single-family residential units. Short term rental property, owner occupied and short term rental property, not-owner occupied shall be prohibited.
2. All lots that front onto a common open space shall have a pedestrian connection from the front of each residential unit to a sidewalk.
3. If the Possible WQ/Detention Areas adjacent to lots 70-74, 145-153, and 208-214 are not provided with the final site plan application, then open space shall be provided in these areas to satisfy the frontage requirements of the Subdivision Regulations for newly created lots.
4. Drive "I" shall be removed from the final site plan unless required by the Fire Marshal or another Metro reviewing agency.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
7. The following design standards shall be added to the plan:
 - b. Building façades fronting a street shall provide a minimum of one principal entrance (doorway), provide a porch or covered stoop and a minimum of 15% glazing.
 - c. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers.

- d. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
- e. Porches, if provided, shall provide a minimum of six feet of depth.
- 8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
- 9. Comply with all conditions and requirements of Metro reviewing agencies.
- 10. 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 RS3.75 zoning district as of the date of the applicable request or application.
- 11. 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.
- 12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

22. 2021SP-082-001

THE PRESERVE - LOT 2

Council District 15 (Jeff Syracuse)

Staff Reviewer: Dustin Shane

A request to rezone from IWD to SP zoning for property located at 911 Perimeter Court, approximately 240 feet southeast of Perimeter Place Drive (5.57 acres), to permit 196 multi-family residential units, requested by Barge Cauthen and Associates, applicant; Corporate Investors Partnership V LLC, owner.

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

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Industrial Warehousing/Distribution (IWD) to Specific Plan–Residential (SP-R) zoning for property located at 911 Perimeter Court, approximately 240 feet southeast of Perimeter Place Drive (5.57 acres), to permit 196 multi-family residential units.

Existing Zoning

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

Proposed Zoning

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

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

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

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

PLAN DETAILS

Existing Site

The 5.57-acre site is located on the east side of Perimeter Court, approximately 240 feet southeast of Perimeter Place Drive. The site is covered in scrubby brush and steeply sloping. Because of this topography, CO policy encumbers the northern half of the site. The site drains down into a ravine located in this heavily sloping northern half.

The property is adjacent to offices, a business center, a warehouse, a daycare, and vacant commercial land approved for a hotel. The hotel use was approved under SP zoning (BL2019-105) but is scheduled for a Public Hearing on December 7th at Council to be rezoned back to IWD (BL2021-1009); all other uses are zoned IWD. D EC policy governs all the abutting parcels.

Site Plan

The plan calls for a stacked flats residential development, including a maximum of 196 multi-family units at a density of 35 units per acre. Parking will be provided along private drive aisles and underneath buildings in podium-style parking areas in 90-degree rows at a ratio of 1.3 spaces per unit, with 270 spaces total (in excess of the 244 required based on bedroom counts). The proposed maximum height (six stories in 72'1") is well within the 1 to 20 story range of D EC areas. Buffer yards are not required because of the surrounding industrial zoning, but the Code-required parking lot screening will be installed, and the dense foliage in the drainage area in the northern half will remain undisturbed. The parking lot entry areas will be landscaped with additional plantings.

Two drive entrances will be provided along Perimeter Court, with proper spacing between curb cuts within the development and with those of other planned developments along Perimeter Court. Street trees will be planted along this frontage and sidewalks will be constructed along the entire length of the property. Stormwater management features are located within the common areas and within interstitial open space at the lowest points of the site, mostly along the Perimeter Court frontage. For development standards not specified in the SP Plan, the property will be subject to the standards of the ORI zoning district. Retaining walls will be required at the edges of the developed area because portions of the slopes will have to be removed to allow the proposed level of disturbance. The parking areas under the buildings will require slope disturbance, but the design minimizes this with shorter retaining walls and split levels. Aesthetically pleasing native grasses and creeping groundcover will be installed between the buildings and the stream buffer to further absorb runoff from the slope disturbance.

ANALYSIS

The plan is consistent with the existing D EC and CO policies. The D EC policy is intended to maintain, create, and enhance districts where a mixture of office, commercial, and sometimes light industrial uses are predominant. Residential in such settings is a secondary and supportive use, not a primary one. However, the surrounding parcels are fast approaching build-out with various commercial and industrial uses. The strategic placement of multi-family in this employment-centered area could support and bolster the area's commercial viability and growth. The policy points out that these secondary and supportive uses should be accessible by the general public and conveniently located relative to the existing businesses to help sustain them. The easy cul-de-sac and sidewalk access the site enjoys allows it to meet these criteria. The site is part of a transition area from a third-tier center and has some level of access to transit, with the Route 18 (Airport) running along Elm Hill Pike to the north.

CO policy is intended to preserve environmentally sensitive land features through protection and remediation. The northern half of the site is covered by CO policy, which applies to areas of steep slope in excess of 20%. As stated above, the split-level design, podium style parking, and enhanced stream buffering allow the developer to minimize disturbance as much as possible. Significant disruption of the existing steep slopes is proposed, but this is somewhat inevitable given the shape of the site and its limited access points. A grading plan currently approved for this site (unrelated to this plan) entails much more intense slope disturbance. The site plan proposed here represents an improvement over that plan and a good balance of meeting both the policy goal of providing more housing choices and that of preserving sensitive environmental

Staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Add Buffer Note to plans: (The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)

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.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. For NDOT reference on Perimeter Place access;
 - Submit stopping sight distance, per AASHTO(green book). Submit exhibit w/ the following: State what's required versus what's available be it existing and proposed grades/elevation-Show, in profile view(s), clear line of sight from turning to approaching vehicles with the grades.
 - Submit retaining wall plans with final. Note: Distance off public ROW (sidewalks), should equal retaining wall height, or average height if varying along length of wall.

TRAFFIC AND PARKING RECOMMENDATION

Approve with Conditions

- Paint and stripe perimeter court with; 1 shared through left turn lane, 1 NB right turn lane (100' of storage), and 1 SB receiving lane.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	5.57	0.8 F	194,103 SF	352	33	37

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)	5.57	-	196 U	1,066	66	85

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+714	+33	+45

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 22 Elementary 15 Middle 11 High

The proposed SP-R zoning is expected to generate 48 more students than the existing SP-R zoning district. Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 196 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Provide documentation showing relationship of Michael Baron to Corporate Investors Partnership V, LLC.
3. On the corrected plan set, correct the statement that "Code required parking is 196 parking spaces." Required ratio is 1 space per bedroom up to 2 bedrooms, which results in a requirement of 244 spaces.
4. On the corrected plan set, show a topography map and label steep slopes 20-25% and 25% and above.
5. The following design standards shall be added to the plan:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 20% glazing.
 - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers. Upper floor windows and other features shall be aligned with those of the ground floor.
 - c. Vertically orient materials, design elements and architectural details to emphasize the proportion of height to width.
 - d. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
6. 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.
7. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. 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 ORI zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. 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.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2021-326

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-082-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 196 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Provide documentation showing relationship of Michael Baron to Corporate Investors Partnership V, LLC.
3. On the corrected plan set, correct the statement that "Code required parking is 196 parking spaces." Required ratio is 1 space per bedroom up to 2 bedrooms, which results in a requirement of 244 spaces.
4. On the corrected plan set, show a topography map and label steep slopes 20-25% and 25% and above.
5. The following design standards shall be added to the plan:
 - f. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 20% glazing.
 - g. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers. Upper floor windows and other features shall be aligned with those of the ground floor.
 - h. Vertically orient materials, design elements and architectural details to emphasize the proportion of height to width.

- i. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
6. 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.
7. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. 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 ORI zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. 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.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

23a. 2021SP-085-001
5772 OLD HICKORY BOULEVARD

Council District 12 (Erin Evans)
 Staff Reviewer: Amelia Lewis

A request to rezone from CS to SP zoning for property located at 5772 Old Hickory Boulevard, approximately 300 feet south of Central Pike (2.58 acres), and located within a Commercial Planned Unit Development Overlay District, to permit a multi-family development, requested by Fulmer Lucas Engineering, applicant; Kshama Hotel LLC, owner (see associated case 6-74P-002).

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

APPLICANT REQUEST

Preliminary SP to permit 152 multi-family residential units.

Preliminary SP

A request to rezone from Commercial Service (CS) to Specific Plan – Residential (SP-R) zoning for property located at 5772 Old Hickory Boulevard, approximately 300 feet south of Central Pike (2.58 acres), and located within a Commercial Planned Unit Development Overlay District (PUD), to permit a multi-family development.

Existing Zoning

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

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of 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.

Proposed Zoning

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

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

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

SITE CONTEXT AND PLAN DETAILS

The 2.58 acre site is located east of Old Hickory Boulevard and south of Central Pike. The site does not have frontage along a public street but is accessed via a private drive from Old Hickory Boulevard. The site has been developed with a two and three story hotel located at the north east portion of the site. The southwest portion of the site has been developed with surface parking. The southern property line abutting the Interstate 40 off ramp is heavily vegetated.

The surrounding properties are also zoned CS and located within the same commercial PUD. The surrounding parcels have a variety of non-residential uses including hotel, self storage, restaurants, check cashing, and other commercial uses.

Site Plan

The plan proposes to convert the existing hotel structure into a multi-family structure. The development would be limited to 152 studio apartments.

Vehicular access into the site would not change with the proposal. There are existing drives with shared access easements in place from Old Hickory Boulevard to the west and Central Pike to the north which provide vehicular access into the site. As the property owner does not own adjacent properties, there is no way to provide an enhanced pedestrian connection from either road to the site. Overall, limited modifications to the existing structure are proposed. The existing port cochere at the northwest corner of the building will be enclosed, a small extension of the structure at the northwest portion of the structure will be expanded for tenant mailboxes, and the area at the northwest corner once used as a pool will be converted to a dog park. Proposed vehicular parking meets metro code at 152 spaces and the proposed plan brings the parking lot into compliance with landscaping requirements.

ANALYSIS

The proposed SP is consistent with the intent of the Suburban Community Center (T3 CC) Policy. The proposed use and enhanced site features are consistent with the policy. While the policy is generally aimed at providing mixed development types along corridors, the site is located off of the corridors and is suitable for a residential only development to support the surrounding non-residential uses. The proposed development retains the height of the structure with one to three stories being identified as appropriate within the policy. Surface parking surrounds the structure, with improved landscape islands throughout. No further disturbance to the stream buffer and steep slope areas are proposed with the proposed plan. An improved amenity area enhances the renovation of the structure from a hotel to a multi-family development.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building details provided. Additional reviews required prior to construction permits.

STORMWATER RECOMMENDATION
Approve

WATER SERVICES RECOMMENDATION
Approve with conditions

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

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. Note: A private hauler is required for site waste/recycle disposal.
- Show recorded shared access easement(s) on final.
- Show new commercial drive, per ST-324, off Old Hickory Blvd. Show standard section detail sheet.

TRAFFIC AND PARKING RECOMMENDATION
Approve with conditions

- Current use of the site: Hotel 150 units, generates 1,266 daily, 70 AM peak hour, and 86 PM peak hour trips.
- Proposed use of the site: Multi-family complex with 152 units, will generate 1,108 daily, 71 AM peak hour, and 86 PM peak hour trips.
- The proposed complex will have a negligible traffic impact compared to the existing hotel. Therefore a traffic study is not required for the development of the complex

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	2.58	-	150 R	1,267	70	86

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)	2.58	-	152 U	827	51	66

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-440	-19	-20

METRO SCHOOL BOARD REPORT

Projected student generation existing CS district: 0 Elementary 0 Middle 0 High
 Projected student generation proposed SP-R district: 26 Elementary 20 Middle 18 High

The proposed SP-R zoning is expected to generate 64 more students than the existing CS zoning. Students would attend Dodson Elementary School, Dupont Tyler Middle School, and McGavock High School. All schools were identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

- 1. Permitted uses shall be limited to a maximum of 152 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, revise landscaping note to: Landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance.
- 4. On the corrected copy, provide a B-3 landscaping buffer on the southern and eastern property lines.
- 5. 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.
- 6. With the final SP, a sidewalk providing a pedestrian connection to Old Hickory Boulevard may be required, to be determined by Planning Staff.
- 7. Comply with all conditions and requirements of Metro reviewing agencies.
- 8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
- 9. 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 RM40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- 10. 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.
- 11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
- 12. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners' Association.
- 13. 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.
- 14. 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.

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

Resolution No. RS2021-327

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-085-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

- 1. Permitted uses shall be limited to a maximum of 152 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, revise landscaping note to: Landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance.
- 4. On the corrected copy, provide a B-3 landscaping buffer on the southern and eastern property lines.
- 5. 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.
- 6. With the final SP, a sidewalk providing a pedestrian connection to Old Hickory Boulevard may be required, to be determined by Planning Staff.
- 7. Comply with all conditions and requirements of Metro reviewing agencies.
- 8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
- 9. 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 RM40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

10. 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.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners' Association.
13. 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.
14. 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.

23b. 6-74P-002

PRIEST LAKE COMMERCIAL PUD (CANCELLATION)

Council District 12 (Erin Evans)

Staff Reviewer: Dustin Shane

A request to cancel a portion of a Planned Unit Development Overlay District on property located at 5772 Old Hickory Boulevard, approximately 250 feet south of Central Pike, zoned CS (2.58 acres), requested by Fulmer Lucas Engineering, applicant; Kshama Hotel LLC, owner (see associated case 2021SP-085-001).

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

APPLICANT REQUEST

Cancel PUD.

PUD Cancellation

A request to cancel a portion of a Planned Unit Development Overlay District (PUD) on property located at 5772 Old Hickory Boulevard, approximately 250 feet south of Central Pike, zoned Commercial Service (CS) (2.58 acres).

Existing Zoning

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. *In this case, the Planned Unit Development Overlay District (PUD) only allows for a hotel use on this site. If the overlay did not apply, then CS would permit a wide range of non-residential uses.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of 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.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

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

ANALYSIS

The existing PUD was approved in 1972 for general retail uses including a 100 unit hotel on the site. In 1973 Planning Commission approved an amendment to permit 150 hotel units. Today the overall PUD has a mix of commercial uses including self-service storage, restaurants, offices, and another hotel. Hotel is a permitted use within the underlying zoning district. Without the cancelation of the PUD, any change in use beyond the current hotel on this site or proposed development would require action by the Planning Commission and Council. Staff is recommending approval of the cancelation subject to the approval of the associated SP.

FIRE MARSHAL RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC & PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

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

Approve. (9-0)

Resolution No. RS2021-328

"BE IT RESOLVED by The Metropolitan Planning Commission that 6-74P-002 is approved. (9-0)

24. 2021SP-088-001

0 TUGGLE AVENUE

Council District 16 (Ginny Welsch)

Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to SP zoning for property located at Tuggle Avenue (unnumbered), at the eastern terminus of Morton Avenue (1.64 acres), to permit 8 multi-family residential units, requested by Dale and Associates, applicant; Mitchell Whitson, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-088-001 to the January 13, 2022, Planning Commission meeting. (9-0)

25. 2022SP-001-001

JOCEYLN HOLLOW COURT SP

Council District

Staff Reviewer: Seth Harrison

A request to rezone from Single-Family Residential (RS40) to Specific Plan (SP) zoning for property located at 504 Jocelyn Hollow Court, at the northern terminus of Jocelyn Hollow Court (5.61 acres), to permit a mix of uses.

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

APPLICANT REQUEST

Zone change from RS40 to SP.

Zone Change

A request to rezone from Single-Family Residential (RS40) to Specific Plan (SP) zoning for property located at 504 Jocelyn Hollow Court, at the northern terminus of Jocelyn Hollow Court (5.61 acres), to permit a mix of uses.

Existing 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. *RS40 would permit a maximum of 5 units.*

Proposed Zoning

Specific Plan-Mixed Use (SP) 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.

WEST 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.

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

The 5.61 acre site is located at the terminus of Jocelyn Hollow Court at the northeast side of the cul-de-sac. Currently the site includes a single-family residence and multiple accessory structures to the rear, with access only from Jocelyn Hollow Court, a local street as defined in the Major and Collector Street Plan (MCSP). The surrounding area is zoned RS40 and R40, with primary uses of single-family and vacant properties.

This site is comprised of two policies, T3 NM and CO. The area included in the T3 NM policy represents only a small portion located within the northernmost area of the site. The policy for this site is primarily CO, due to the existing slopes on much of the site. The property is comprised of mostly 20%+ slopes, with only the existing structures and northern portion of the site outside of these sensitive slopes. CO policy calls for uses and zoning to preserve existing environmentally sensitive features. When determining appropriate zoning within CO, desired uses and potential site changes should be analyzed, such as traffic generation, existing infrastructure, and effect on adjacent properties. The proposed SP includes one additional use other than what is currently allowed, the use of wildlife rehabilitation, which would not alter any slopes, proposes no new construction, will utilize existing structures, and prohibit access to general public. Staff finds based on the desired use, preservation of existing slopes, and minimal impact on existing infrastructure, the proposed zoning of SP to be consistent with the policy goals of CO.

FIRE MARSHAL RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses in Residential Single Family 40 (RS40) and Wildlife Rehabilitation. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2021-329

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-001-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to all uses in Residential Single Family 40 (RS40) and Wildlife Rehabilitation. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. 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.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

26. 89P-031-002
SMITH SPRINGS COMMERCIAL PUD (CANCELLATION)

Council District 29 (Delishia Porterfield)
Staff Reviewer: Jason Swaggart

A request to cancel a portion of a Planned Unit Development Overlay District for a portion of property located at 2804 Smith Springs Road, approximately 360 feet east of Clearlake Drive West, zoned AR2a (6.4 acres), requested by Eponymous LLC, applicant and owner.

Staff Recommendation: Defer indefinitely.

27. 2021Z-109PR-001

Council District 11 (Larry Hagar)
Staff Reviewer: Abbie Rickoff

A request to rezone from CS to MUN-A-NS zoning for properties located at 207 and 209 Bridgeway Avenue, approximately 150 feet east of Keeton Avenue (0.66 acres), requested by Johnny Ellis Attorney at Law, applicant; The Rannoch Investment II Revocable Trust and Jonathan Runion, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST
Zone change from CS to MUN-A-NS

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) zoning for properties located at 207 and 209 Bridgeway Avenue, approximately 150 feet east of Keeton Avenue (0.66 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) is intended for a low intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

SITE AND CONTEXT

The site includes two parcels comprised of 0.66 acres, located on the south side of Bridgeway Avenue, east of Keeton Avenue. Rayon Drive is located to the south and connects to Bridgeway Avenue in two locations, on either side of Keeton Avenue. The parcels were previously developed with offices and a residential building at the rear of the larger parcel. Surrounding land uses along Bridgeway Avenue include scattered commercial, industrial, and residential uses. There is also a moderate concentration of vacant parcels along the block face, including adjacent properties to the east and west. The development pattern south of this site, along Rayon Drive, is primarily residential uses with commercial at the corner of Rayon Drive and Bridgeway Avenue.

ANALYSIS

The site is located along Bridgeway Avenue, a collector-avenue designed by the Major and Collector Street Plan (MCSP) in the Suburban Neighborhood Center policy (T3 NC), which is intended to enhance and create suburban neighborhood centers in proximity to residential neighborhoods. The intent of the policy is to encourage mixed use development that can serve area residents and is compatible with the surrounding suburban residential character. The proposed MUN-A-NS district is consistent with the goals of the T3 NC policy, as it would permit a mixture of uses in an area that is intended to evolve into a suburban center. Uses permitted by MUN-A-NS will contribute to the surrounding residential area at an appropriate scale, and the Alternative district standards will provide building placement and design standards intended to enhance the pedestrian realm.

FIRE MARSHAL RECOMMENDATION
Approve

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.66	0.6 F	17,250 SF	651	16	66

Maximum Uses in Proposed Zoning District: MUN-A-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 3-10 (221)	0.34	0.6 F	9 U	47	3	5

Maximum Uses in Proposed Zoning District: MUN-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.16	0.6 F	4,182 SF	158	3	16

Maximum Uses in Proposed Zoning District: MUN-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.16	0.6 F	4,182 SF	469	42	41

Traffic changes between maximum: CS and MUN-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+23	+32	-4

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Dupont Elementary School, Dupont Hadley Hill 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.

Approve. (9-0)

Resolution No. RS2021-330

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-109PR-001 is approved. (9-0)

28. 2021Z-114PR-001

Council District 06 (Brett Withers)
Staff Reviewer: Dustin Shane

A request to rezone from CS and IR to MUG-A zoning for properties located at 501 and 515 Crutcher Street, at the northeast corner of Crutcher Street and South 5th Street (6.82 acres), requested by Dale and Associates, applicant; Terry C. Reeves and W. Lipscomb Davis III, owners.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-114PR-001 to the January 13, 2022, Planning Commission meeting. (9-0)

29. 2021Z-118PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Abbie Rickoff

A request to rezone from R8 to RM40-A-NS zoning for property located at 2122 Buena Vista Pike, approximately 350 feet northeast of Resha Lane (1.68 acres), requested by Benesch, applicant; James Reese, owner.

Staff Recommendation: Defer to the January 13, 2022 Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-118PR-001 to the January 13, 2022, Planning Commission meeting. (9-0)

30. 2021Z-124PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Jason Swaggart

A request to rezone from R8 to RM15-NS zoning for properties located at 2137, 2139, and 2139 B Buena Vista Pike, approximately 130 feet southwest of Cliff Drive (0.31 acres), requested by Crunk Engineering LLC, applicant; Clark Zuker, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R8 to RM15-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Multi-Family Residential – No Short Term Rentals (RM15-NS) zoning for properties located at 2137, 2139, and 2139 B Buena Vista Pike, approximately 130 feet southwest of Cliff Drive (0.31 acres).

Existing Zoning

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

Multi-Family Residential No Short Term Rentals (RM15-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. *RM15-NS would permit a maximum of five residential units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan portion of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

ANALYSIS

The approximately 1.64-acre subject site has dual frontage and is located between Buena Vista Pike and Goodrich Avenue. Goodrich is currently unimproved; however, there is a SP located at the terminus of Goodrich Avenue and Goodrich will be improved to Cliff Drive with the development of the SP. There are two new attached homes on the property that front Buena Vista Pike. The abutting property to the north is zoned for commercial and includes a small convenience store. The other surrounding properties are zoned for residential. The proposed RM15-NS zoning district is consistent with the T4 NE land use policy. The zoning would also allow for units to face Goodrich Avenue instead of the property backing Goodrich Avenue. Homes fronting Goodrich Avenue is more desirable as it provides for a better street scape. The supplemental policy does not identify any needed roadway improvements for the site.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.31	5.445 D	2 U	28	7	2

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM15-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.31	15 D	5 U	26	1	3

Traffic changes between maximum: **R8 and RM15-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	-2	-6	+1

Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High
Projected student generation proposed RM15-NS district: 1 Elementary 0 Middle 0 High

The proposed RM15-NS zoning is expected to generate one additional student than the existing R8 zoning. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2021-331

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-124PR-001 is approved. (9-0)

31. 2021Z-125PR-001

Council District 16 (Ginny Welsch)

Staff Reviewer: Logan Elliott

A request to rezone from SP to MUL-A-NS zoning for properties located at Whitsett Road (unnumbered), approximately 400 feet east of Millers Court (1.99 acres), requested by Vulfpeck GP, applicant; B & E Irrigation and Landscaping LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from SP to MUL-A-NS

Zone Change

A request to rezone from Specific Plan (SP) to Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) zoning for properties located at Whitsett Road (unnumbered), approximately 400 feet east of Millers Court (1.99 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

SOUTH NASHVILLE COMMUNITY PLAN

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

EXISTING SP

The existing SP was reviewed by the MPC at the May 28, 2015, meeting and received a recommendation of approval to permit a 2,800 square foot office and 5,000 square foot warehouse building. A single access point was proposed and the project was served with surface parking wrapping the two proposed buildings. This approved plan was never constructed and the site is currently vacant.

ANALYSIS

The subject property is a single 2-acre parcel that is located on the south side of Whitsett Road, a local street. A stream exists at the north-west corner of the property adjacent to Whitsett Road and the property is otherwise vacant. The area consists of an assortment of industrial, single-family residential, multi-family residential, and institutional land uses.

The proposed MUL-A zoning is consistent with the T4 MU policy as it provides for a mixture of uses consistent with the policy guidance. The development standards required for MUL-A are also consistent with the goals of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.99	-	2,800 SF	33	29	4

Maximum Uses in Proposed Zoning District: **MUL-A-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 3-10 (221)	0.99	1.0 F	43 U	233	15	20

Maximum Uses in Proposed Zoning District: **MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.50	1.0 F	21,780 SF	822	21	83

Maximum Uses in Proposed Zoning District: **MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.50	1.0 F	21,780 SF	2,443	216	213

Traffic changes between maximum: **SP and MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,465	+223	+312

Projected student generation existing SP-IND district: 0 Elementary 0 Middle 0 High
Projected student generation proposed MUL-A district: 4 Elementary 3 Middle 3 High

The proposed MUL-A zoning district would generate 10 additional students than the existing SP-IND zoning. Students would attend Whitsitt Elementary, Cameron College Preparatory Middle School, and Glencliff High School. Whitsitt Elementary and Glencliff High School have been identified as having additional capacity. Cameron College Preparatory Middle School has been identified as having no additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.
Approve. (9-0)

Resolution No. RS2021-332

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-125PR-001 is approved. (9-0)

32. 2021Z-126PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Seth Harrison

A request to rezone from IR to MUG-NS zoning for property located at 407 Great Circle Road, at the northern terminus of Athens Way (15 acres), requested by Barge Design Solutions, applicant; Graymar Investors L.P., owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IR to MUG-NS.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use General-No Short Term Rental (MUG-NS) zoning for property located at 407 Great Circle Road, at the northern terminus of Athens Way (15 acres)

Existing Zoning

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

Proposed Zoning

Mixed Use General No Short-Term Rental (MUG-NS) is intended for a moderately high intensity mixture of residential, retail, and office uses. Short term rental uses are prohibited within this district.

NORTH NASHVILLE COMMUNITY PLAN

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

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

ANALYSIS

The 15-acre site is located on the North side of Great Circle Road at the Terminus of Athens Way, along the southern bank of the Cumberland River. Currently the site includes a large warehouse utilized for distribution. Access is currently provided by Great Circle Road, a local street as defined in the Major and Collector Street Plan (MCSP). The surrounding area is comprised of IWD, MUG, and MUG-NS, with uses ranging from residential, commercial, and industrial.

This site is comprised of two policies, D EC and CO. The CO portions of the site are located along the northern and southern boundaries, due to the river and other water features present. A greenway is located within the areas of conservation, but the remaining structures are not located within these areas of concern. Any development within the conservation areas and along the riverfront would be addressed during the site plan/building permit phase with the Codes Department. D EC is intended to provide a mix of commercial and industrial uses with residential as a supportive use. MUG-NS allows for a variety of commercial uses, as well as residential. The proposed zoning is consistent with D EC. However, due to the number of recent rezonings in this area and the subsequent residential development, a careful review of the area and land use mix is needed prior to undertaking future rezonings. There is a balance that must be struck in Employment Centers and it is critical to ensure that the balance is not tipping too heavily to residential uses.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	15.0	0.6 F	392,040 SF	665	66	74

Maximum Uses in Proposed Zoning District: **MUG-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)	7.50	3.0 F	980 U	5,339	320	397

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	3.75	3.0 F	490,050 SF	18,499	461	1,867

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	3.75	3.0 F	490,050 SF	54,974	4,871	4,787

Traffic changes between maximum: **IR and MUG-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+78,147	+5,586	+6,977

METRO SCHOOL BOARD REPORT

The mix of uses could vary and assumption of impact at this point is premature. Students would attend Jones Elementary School, John Early 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.

Approve. (8-0-1)

Resolution No. RS2021-333

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-126PR-001 is approved. (8-0-1)

33. 2021Z-128PR-001

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Abbie Rickoff

A request to rezone from R6 to RM15-A zoning for property located at 824 Watts Lane, approximately 430 feet southeast of Charlotte Pike (1.2 acres), requested by HR Investments, applicant; Melvin Meadows et ux, owner.

Staff Recommendation: Defer to the January 13, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021Z-128PR-001 to the January 13, 2022, Planning Commission meeting. (9-0)

34. 2021DTC-019-001

RUTLEDGE HILL MIXED-USE

Council District 19 (Freddie O'Connell)

Staff Reviewer: Nora Yoo

A request for a modification for overall building height, for property located at 500 2nd Avenue South and 2nd Avenue South (unnumbered), at the eastern corner of Peabody Street and 2nd Avenue South, zoned DTC within the Rutledge Hill subdistrict (3.29 acres), to permit a 39-story residential building, a 29-story hotel, and a 32-story residential building with ground floor active uses, requested by Gensler, applicant; Centrum Realty and Development, owner.

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

APPLICANT REQUEST

Modification of overall height standards of the Downtown Code (DTC), Rutledge Hill Subdistrict, to allow for two new residential buildings of 39 and 32 stories, and one hotel building of 29 stories, 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 0 and 500 2nd Avenue South, within the Rutledge Hill 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 32-story residential building and a 39-story residential building consisting of 877 residential units total, one 29-story hotel building consisting of 240 rooms and 84 residences, 26,214 square feet of ground floor

retail and restaurant space, and underground parking with a total of 1,109 vehicular parking spaces. The project proposes a gross area of 1,342,503 square feet.

PLAN DETAILS

The project is located at 0 and 500 2nd Avenue South, on the block encompassed by 2nd Avenue South, Peabody Street, Rutledge Street, and Lea Avenue. The project has frontages on all four streets. Entries to the below-grade parking garage entry are located on Rutledge Street, Peabody Street, and 2nd Avenue, and the loading area is located in the garage. There is a porte-cochere for the hotel located off of Peabody Street, and a drop off area located off of 2nd Avenue. The proposed public park will have three primary entry points, at the corner of Rutledge Street and Lea Avenue, on 2nd Avenue, and on Peabody Street. The project is proposing activating key locations adjacent to the park with retail and restaurant use 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, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

In the Rutledge Hill Subdistrict, one additional story may be earned, up to a maximum of seven 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 Open Space, Pervious Surfaces, Public Parking, and Underground Parking bonuses, as well as committing to earn LEED BD+C gold certification and LEED-ND silver certification, or equivalent.

Community Meetings

The applicant and design team held an initial community meeting on August 19, 2021 on site at 506 2nd Avenue South, and sent notices to properties within 300 feet, per OHM notification guidelines. Several 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 at its location in Rutledge Hill coupled with the height of the project, and how certain existing downtown views from their homes would subsequently be altered or blocked.

The applicant and design team elected to host a subsequent in-person community meeting on October 27, 2021 on site at 506 2nd Avenue South, and sent notices to properties within 300 feet, per OHM notification guidelines. Several participants were in attendance, and a few residents expressed concern at construction disruptions with the size and scale of the project.

The applicant has also conducted other meetings with surrounding stakeholders without Planning Staff in attendance. The applicant held a follow-up virtual community meeting on December 2, 2021.

MDHA Design Review Committee Meetings

The applicant team presented an informational overview of the project to the MDHA Design Review Committee (DRC) on Tuesday, November 2. The applicant then returned to present the project again on Tuesday, November 16. 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.

Project Design Elements

- The project's publicly accessible open space totals approximately 83,678 square feet, with 59,395 SF of that open to sky; 57% of the buildable site area is comprised of a large, open public park. This open space includes passive and

active elements, seating, and interactive water features, and will be a key community amenity for this downtown neighborhood – ensuring a truly usable and maintained green area in this location for public use.

- The emphasis on residential use, with no short-term rentals, helps support the historic and emerging residential character of the neighborhood. This project looks to inhabit and highlight this block's location as a transition between the immediately adjacent SoBro, Lafayette, and Rutledge Hill subdistricts of the DTC.
- The site strategy and concept planning include a substantial park space (the Rutledge Square/Water Plaza area) at the corner of Lea Avenue and Rutledge Street; this gesture serves as a critical transition into the historic scale and character of Rutledge Street. The park is thoughtfully placed with relationship to buildings across Rutledge Street and across Lea Avenue.
- The 2nd Avenue entry to the proposed open park space will have a strong visual and physical connection to the proposed urban park to the west, across 2nd Avenue, creating a foundation of substantial public green spaces in this part of downtown. The new park helps create visual respite, and provides an important character differentiation between the Rutledge Hill neighborhood and SoBro – a more urban, hardscaped neighborhood – to the north.
- The three proposed buildings each differentiate their building base with lower height and distinct window proportions, orienting the architecture toward the scale of the pedestrian realm. These proportional adjustments help transition the scale of the overall architectural massings to create a more welcoming streetscape.
- The designs of each of the three buildings use a three-story dimensional unit as a way to organize the façade articulation, and to help mitigate the scale of the buildings while also indicating their residential use. This is an important and distinct articulation that creates architecture unique to this site and program.
- The building footprints are minimized to create a more dynamic and gracious park, helping to create better relationships and access to surrounding properties. This approach to the site planning – rather than a monolithic super-block building – is a significant improvement to the neighborhood.

Rutledge Street Residential Building

- This building contains a stepped massing that is tallest nearer the unlimited height subdistrict to the north, with smaller scale massing near existing residences and the proposed park space to the south.
- The two primary massing volumes of the structure provide a clear residential scale on the façade by creating a rhythm of vertical and horizontal planes. Situating this building further back from Lea Avenue allows for a generous open space transition into the park's Water Plaza at the corner of Rutledge Street.

2nd Avenue Residential Building

- The slenderized tower (with a footprint of 7,200 square feet above Floor 27) is a vertical counterbalance to the overall step-down in building volumes along both streets. The taller volumes are set back along Lea Avenue allowing the lower scaled base to transition to the historic building fabric to the south.
- The base of the building (approximately three stories tall) is calibrated to the height of the historic and residential structures across Lea Avenue.

Hotel Building

- The location of the hotel (at the northwest corner of the site) serves to transition from the tourist-oriented SoBro to the residential character of Rutledge Hill.
- The scale of the glazing, along with the balcony articulation, integrates a residential scale into the design to support this important transition.

Additional Considerations

- The project is across the street from the Sobro Subdistrict, which allows for 30 stories of building height by-right and unlimited height through the Bonus Height Program.
- The project site is located at the edge of areas served by current downtown parks, based on Plan to Play's Downtown Park Pressure Map. Adding open space would expand access to parkland in Downtown.
- The addition of residential units in this area will increase the supply of downtown housing options, responding to the need for more housing units in the urban core.
- The popularity of tourism Downtown has created significant pressure to convert residential units to short-term rentals. The applicant is committed to removing STRs as an allowed use.
- Downtown residents rely on, and in turn help support, alternative transportation modes, including walking, biking, and transit. The project site is three blocks from land planned for a major transit center in SoBro along Lafayette between 4th Avenue South and 5th Avenue South.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- All driveway connections from the site onto the public ROW are to be designed as one entering lane and one exiting lane.
- With the submittal of plans to NDOT for building permit approval, submit design plans for the construction of a full traffic signal at the intersections of 2nd Ave S and Lea Avenue and 2nd Ave S and Peabody St.

- Coordination with the NDOT Traffic Office is required, prior to the first use and occupancy, for signal coordination and optimization of all the signalized intersections within the TIS study area.
- Prior to submittal of final civil design plans coordination with the NDOT Transportation Planning Staff is required to set the appropriate TDM Strategies for the overall development to ensure alternative mode mobility.
- Prior to submittal of final civil design plans to NDOT, due to insufficient data collect because of construction, the applicant shall prepare an addendum to the TIS to further analyze and provide mitigations/ improvements to the intersections listed below. The NDOT Traffic Engineer will determine the mitigations required, which may include but are not limited to the following; traffic signals and/or other enhanced mobility infrastructure.
 - 2nd Ave South and Lindsley Ave
 - Hermitage Ave and Lindsley Ave
 - 4th Ave South and Peabody St
- Prior to a Use and Occupancy permit, developer will coordinate with NDOT to analyze the utility and roadway infrastructure needs associated with this project, in light of other ongoing and planned development surrounding the site, and Developer may be required to construct or contribute a pro-rata share for any necessary infrastructure improvements that the project is causing or contributing to.
- Prior to submittal of final civil design plans coordinate with WeGo to enhance the transit stop on the property's frontage on 2nd Ave S per the WeGo Design Guidelines.
- The applicant shall submit to the Metro Traffic and Parking Commission to restrict parking on all street frontages.
- Additional traffic improvements may be required based on a Final, completed TIS prior to Final Site Plan approval.

STAFF RECOMMENDATION

The project provides a new 1.36 acre park within the Rutledge Hill neighborhood. The project's emphasis on residential use supports the goal of a creating a vibrant, dense urban neighborhood in this part of downtown.

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 following conditions and deferral without all conditions.

CONDIONS

1. The project shall obtain a LEED BD+C gold certification and LEED ND 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. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal prior to the issuance of building permits.
4. The applicant shall coordinate and comply with guidance from NDOT on any TIS and other related mobility and infrastructural recommendations as noted in the Nashville DOT section above.
5. All overhead lines along all frontages shall be buried.
6. 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.
7. Prior to the issuance of a Final Site Plan, the applicant shall meet with Metro officials to discuss the possibility of using District Energy Service.

Ms. Yoo presented the staff recommendation to approve with conditions or defer without all conditions.

Sasha Soljic, Principle with Gensler, spoke in favor of the application.

Dean Stratouly, 509 2nd Avenue South, spoke in favor of the application.

Roger Brown, 407 Driftwood Street, spoke in favor of the application.

Larry Papel, 4320 Signal Hill Drive, spoke in favor of the application.

Douglas Berry, 3826 Whitland Avenue, stated he represents Steven Snyder, Andrew Decker and Gregory Britt, who are residents of City Lights condominiums. Mr. Berry spoke in opposition to the application.

Alex Hirsch, 20 Rutledge Street, spoke in opposition to the application.

Denise Loos, 20 Rutledge Street, spoke in opposition to the application.

Bruce Camber, 20 Rutledge Street, spoke in opposition to the application.

Hattie Bryant, 20 Rutledge Street, spoke in opposition to the application.

Mr. Lawson stated that attacks on the characterization of individuals in the Planning Commission or Planning Department are not part of the discussion and should not be brought up.

Melissa Adams, 621 2nd Avenue South, spoke in opposition to the application.

Steve Snyder, 20 Rutledge Street, spoke in opposition to the application.

Greg Bretz, 20 Rutledge Street, spoke in opposition to the application.

Vice Chair Farr closed the public hearing.

Mr. Tibbs spoke in favor of the application. He asked about accessibility concerning the outdoor space.

Sasha Soljic responded that all three access points to the park will be accessible, as well as many others around the perimeter of the buildings.

Ms. Blackshear asked for clarification as to what point is too much height for this area.

Ms. Kempf asked Ms. Yoo to show the policy map and point to the various subdistricts and describe some of the height on the adjacent districts and current districts. She also stated that what was considered in the Second and Peabody case, you're adjacent to unlimited height but also adjacent to a Historic district where thought needs to be given to the context and how that is accomplished. She explained that is why site specific plans are required.

Ms. Blackshear said it made a lot of sense for additional height to be granted based on the various reasons that were enumerated, but is not completely convinced that it should be going up as high it is going, and that she is interested in hearing what other Commissioners have to say.

Ms. Johnson said she would love to see more affordable housing and public transportation can be utilized a lot more. She said that people, lifestyle and community will be evolving, so in the future, she can see this will work; but if short term rental would ever be allowed, she would not be in favor.

Mr. Withers stated he didn't want to see another glass box and felt this plan was memorable and thoughtful and that he is drawn to the view of the park. He felt the trade-offs of getting something spectacular on this site that creatively incorporated neat open space but showcased the historic buildings nearby is worth granting a site specific plan for this location.

Mr. Lawson said there wasn't a lot he can add to the discussion. He stated we need the housing and developments of this kind are timely and good.

Mr. Haynes stated he disagreed with his fellow Commissioners and felt we need to pause the height bonus process. He said it is a great, beautiful project but is in the wrong location.

Dr. Sims appreciated Mr. Haynes comments. She expressed concern that SPs and these kinds of exceptions are becoming the rule. She stated she is not against this project and thinks the city needs this, but is concerned that they are making the exception the rule.

Mr. Henley addressed those who spoke regarding this plan and said their voices have been heard, but Nashville is growing and is going vertical and it will happen first to those who live downtown. He stated the rules are out there and the developers and owners are responding to the tools that they have, and the height bonus program is one of those things. He said this isn't a project that will lower property values and doesn't object to this project.

Mr. Haynes made a motion to defer indefinitely for staff to review the bonus height criteria and come back to the Commission with a recommendation.

Ms. Kempf suggested that the Commission vote on this case and at the conclusion, if the Commission agrees and wants the staff to evaluate the program, then it needs to be advertised. Thoughts and comments of what needs to be evaluated will be written down and a memo will be prepared and presented to the Commission.

Ms. Johnson stated that if they were to defer indefinitely, it would be moving the goal post in the middle of the game. She felt that the Commission should vote one way or the other.

Vice Chair Farr stated there was not a second on the motion; therefore, the Commission was still in discussion.

Dr. Sims felt that what Mr. Haynes was doing was very smart.

Mr. Henley requested of the Director and Staff that if there are other projects that have similar conversations that we address, they should be informed because there are people who are doing work based on what is out there now. There needs to be a stance of notification of anyone who has brought something to Planning intending to use this program as it is today.

Mr. Lawson moved and Mr. Tibbs seconded to approve with conditions or defer without all conditions. (6-3) Dr. Sims, Mr. Haynes and Ms. Blackshear voted against.

Resolution No. RS2021-334

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021DTC-019-001 is approved. (6-3)

CONDITIONS

1. The project shall obtain a LEED BD+C gold certification and LEED ND 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. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal prior to the issuance of building permits.
4. The applicant shall coordinate and comply with guidance from NDOT on any TIS and other related mobility and infrastructural recommendations as noted in the Nashville DOT section above.
5. All overhead lines along all frontages shall be buried.
6. 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.
7. Prior to the issuance of a Final Site Plan, the applicant shall meet with Metro officials to discuss the possibility of using District Energy Service.

35. 2021S-072-001
MASSMAN HEIGHTS SUBDIVISION
Council District 13 (Russ Bradford)
Staff Reviewer: Amelia Lewis

A request for concept plan approval to create 27 cluster lots and open space on property located at 912 Massman Drive, at the southeast corner of Massman Drive and Frontage Road, zoned RS10 (8.23 acres), requested by Dale and Associates, applicant; HM Development LLC and Karas Homes LLC, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 27 cluster lots.

Concept Plan

A request for concept plan approval to create 27 cluster lots and open space on property located at 912 Massman Drive, at the southeast corner of Massman Drive and Frontage Road, zoned Single-Family Residential (RS10) (8.23 acres).

SITE DATA AND CONTEXT

Location: The site is located on the east side of Massman Road, south of Interstate 40.

Street Type: A portion of the site has frontage onto Massman Drive, classified as a Collector Street in the Major and Collector Street Plan.

Approximate Acreage: 8.23 acres or 358,498.8 square feet.

Parcel/Site History: This site is comprised of one parcel. The parcel was created by the consolidation of one lot and a portion of an existing lot, by deed in 2002.

Zoning History: The parcel has been zoned RS10 since 1998. The parcel was previously zoned R10.

Existing land use and configuration: The land is currently vacant.

Surrounding land use and zoning:

North: Interstate 40

West, East: Single-Family Residential (RS10)

South: Single-Family Residential (RS10) and Multi-Family Residential (RM4)

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code (see analysis below).

Number of lots: 27 single-family lots.

Lot sizes: Lots from 5,100 to 8,900 square feet.

Access: A vehicular access point is located at the northwest corner of the site, providing access from Massman Drive. An approximately 166 foot long cul-de-sac is located at the southeast portion of the site. The plan also proposes a stub street to the parcel to the south for future connectivity opportunities.

Open space: Approximately 3.16 acres of the site, or 137,704 square feet (approximately 39% of the total site area) of the site is proposed as open space. The open space area includes an active open space area and stormwater facilities.

Subdivision Variances or Exceptions Requested: None

APPLICABLE ZONING REGULATIONS FOR THE CLUSTER LOT OPTION

The proposal utilizes the by-right Cluster Lot Option provisions of Section 17.12.090 of the Metro Zoning Code.

Plan Requirements (Section 17.12.090.A)

The concept plan establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes only single-family lots. The concept plan delineates the alternative lot size to be employed and describes the land area required to satisfy open space requirements.

Minimum Area Required to be Eligible (Section 17.12.090.B)

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS10 which has a minimum lot area of 10,000 square feet. The minimum area within a cluster lot subdivision in the RS10 district is 100,000 square feet (10 x 10,000 sf). The site contains approximately 358,498.8 square feet and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of area which is reserved for streets, and then division of the remaining 85 percent of the gross area by the minimum lot size of the base zoning district.

The gross area within the RS10 zoning district is approximately 8.23 acres or 358,498.8 square feet. The minimum lot size of the existing zoning district, RS10, is 10,000 square feet.

358,498.8 sq. ft. x 0.15 = 53,774.82 square feet (15% of the zoning district area reserved for streets)
358,498.8 – 53,774.82 sq. ft. = 304,724 (85% of the gross area remaining to yield lots)
304,724 sq. ft. / 10,000 sq. ft. = 30 lots

The concept plan proposes 27 lots, which is less than the maximum number of lots that could be permitted based on the lot yield calculation established in the Zoning Code and the existing RS10 base zoning.

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan is proposed as a single phase. The required open space is 0.15 x 8.23 acres = 1.2 acres and the application proposes 3.16 acres of open space.

Alternative Lot Sizes (Section 17.12.090.C)

Lot within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned RS10 and a reduction of two base zone districts would be down to the RS5 district. The minimum lot size in the RS5 district is 5,000 square feet and the smallest lot proposed is 6,162 square feet.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. Based on the proposed lot sizes, the bulk standards of RS5 will apply. Those standards are:

Min. street setback for local streets: 20'
Min. rear setback for all properties: 20'
Min. side setback for all properties: 5'
Maximum Building Coverage: 0.50

The proposed lots abut conventional subdivisions of RS or R zoned property along the western property line. The proposed plan provide for Landscape Buffer Yards along the northern portion of the vehicular drive as well as behind along the western, southern, and eastern property lines.

Hillside and Floodplain Areas (Section 17.12.090.F)

A small portion of the northeast corner of the site is located within a stream buffer and the floodway buffer. This portion of the site is reserved for stormwater facilities. Along the southeastern portion of the site, a small area has slopes over 20 percent. This portion of the site remains largely undistributed with the proposed buffer along the eastern property line.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Per Subsection 17.12.90.G.3.a, residential developments containing more than 25 units are required to install recreation facilities. The plan does include an active open space south of lot 12 for a proposed recreation facility.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T3 NM policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

The application does not include any critical lots and the site does not include any land that the Planning Commission considers unsuitable for subdivision or development. The proposed lots do not conflict with the sensitive environmental features on the site.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the zoning code pursuant to the Cluster Lot Option in Section 17.12.090. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of the RS5 zoning district at the time of building permit.

3-5 Infill Subdivisions

In order to ensure compatibility with the General Plan, the Commission has adopted specific regulations applicable to infill subdivisions, defined as residential lots resulting from a proposed subdivision within the R, R-A, RS, and RS-A zoning districts on an existing street. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals

of the General Plan. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

3-5.2 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.

All lots are oriented to a proposed new public road and are not subject to the compatibility criteria, which are only applicable to lots on existing streets.

3-6 Blocks

Section 3-6.2 limits block lengths in residential areas to no more than 1,200 feet and no less than 200 feet, or four lot widths, whichever is greater. As proposed, all newly proposed blocks comply with this standard.

3-9 Requirements for Streets

Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

3-10 Requirements for Dedication, Reservations, or Improvements

A modification may be required to the site frontage along Massman Drive to meet the standards of the Major and Collector Street Plan. The plan shows a four foot grass strip and five foot sidewalk where the MCSP calls for a six foot sidewalk and six foot grass strip. The application provides for the standard local street right-of-way for the newly proposed public street. The local street standard grass strip and sidewalk are provided for this newly proposed street.

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after approval of a final site plan by all reviewing agencies. Required public infrastructure must be inspected and accepted for dedication prior to recording of a final plan, or the applicant may choose to post a bond securing the required public improvements.

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

Public Works reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

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

Not applicable to this case. The proposal does not include private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public Water is provided to this site by Metro Water. Water has reviewed this plan and has recommended approval with conditions. These conditions are listed in the recommendations from all agencies section below.

3-16 Sewerage Facilities

Public sewer is available to this site from Metro Water Services. Water Services has reviewed the plan and found it to be in compliance with all requirements of this section subject to conditions. Those conditions are listed in the recommendations from all agencies section below.

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The concept plan identifies utilities to be buried along the proposed street extension.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations and the standards of the Metro Zoning Code for the by-right Cluster Lot Option as described above. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Department of Public Works. Slopes along roadways shall not exceed 3:1.
- Sidewalks construction along Massman Drive to comply with the Major and Collector Street plan. Massman Drive identifies a six (6') foot Planting Strip Width; and a six (6') foot Sidewalk Width.
- Postal service to follow USPS Policy. Vehicles should be out of roadway when accessing kiosks and mailbox clusters.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan 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. All Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid before issuance of building permits, (See Permit #'s T2020079148 and T2020079145).

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. A corrected copy showing compliance with the MCSP along Massman Drive shall be submitted to staff prior to the approval of a final site plan.
2. The final site plan shall indicate the proposed recreational amenity intended to meet the recreational facility requirement in the cluster lot standards.
3. Comply with all conditions and requirements of Metro reviewing agencies.

4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2021S-072-001 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.

Approve with conditions. (9-0)

Resolution No. RS2021-335

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-072-001 is approved with conditions. (9-0)
CONDITIONS

1. A corrected copy showing compliance with the MCSP along Massman Drive shall be submitted to staff prior to the approval of a final site plan.
2. The final site plan shall indicate the proposed recreational amenity intended to meet the recreational facility requirement in the cluster lot standards.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

**36. 2021S-183-001
 RESUBDIVISION OF PART OF LOT 40 PLAN OF CLIFTON**

Council District 21 (Brandon Taylor)
 Staff Reviewer: Dustin Shane

A request for final plat approval to create three lots on property located at 39th Avenue North (unnumbered), approximately 230 feet south of John L Driver Avenue, zoned RS7.5 (0.69 acres), requested by Dale and Associates, applicant; 39th Avenue Partners LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2021S-183-001 indefinitely. (9-0)

**37. 2021S-207-001
 DONEGAN SUBDIVISION**

Council District 33 (Antoinette Lee)
 Staff Reviewer: Seth Harrison

A request for final plat approval to create one lot on a portion of properties located at 13421 Old Hickory Boulevard, approximately 175 feet east of Cane Ridge Road, zoned AR2a (2.40 acres), requested by Chapdelaine and Associates, applicant; Candace Donegan and James Brian Donegan, owners.

Staff Recommendation: Approve with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.

APPLICANT REQUEST

Request for final plat approval to create one lot.

Final Plat

A request for final plat approval to create one lot on a portion of properties located at 13421 and 13431 Old Hickory Boulevard, approximately 175 feet east of Cane Ridge Road, zoned Agricultural/Residential (AR2a) (2.40 acres).

SITE DATA AND CONTEXT

Location: The site is located on the south side of Old Hickory Boulevard, south of the Old Hickory Boulevard and Cane Ridge Parkway intersection.

Street type: The site has frontage onto Old Hickory Boulevard and Old Hickory Boulevard is classified as a Collector Avenue in the Major and Collector Street Plan.

Approximate Acreage: 2.40 acres or 104,544 square feet.

Parcel/Site History: This site is comprised of a single parcel. The parcel was created by deed in 1976.

Zoning History: This site has been zoned AR2a since at least 1974 (O73-650).

Existing land use and configuration: The site is developed with a single-family use. The existing residential structure, located near the northern property boundary, will be retained, as well as an accessory structure to the south.

Surrounding land use and zoning:

North: Agricultural/Residential (AR2a)

South: Agricultural/Residential (AR2a)

East: Agricultural/Residential (AR2a)

West: Agricultural/Residential (AR2a)

Zoning: Agricultural/Residential (AR2a)

Min. lot size: 2 acres

Max. height: 3 stories

Min. street setback for properties on Old Hickory Boulevard: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 20'

Maximum Building Coverage: 0.20

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

Number of lots: 1 single-family lot

Lot sizes: Lot is approximately 104,544 square feet (2.40 acres).

Access: The lot has frontage along the existing Old Hickory Boulevard and will maintain existing access.

APPLICABLE SUBDIVISION REGULATIONS

Volume III of NashvilleNext, the General Plan for Nashville and Davidson County, contains the Community Character Manual (CCM) which establishes land use policies for all properties across the county. The land use policies established in CCM are based on a planning tool called the Transect, which describes a range of development patterns from most to least developed. Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Rural Maintenance (T2 RM) policy. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

There are several subdivision options in the Rural Subdivision Regulations. This proposal utilizes the Countryside Character Design Open Alternative option as described in Section 4-2.5.a.1 of the subdivision regulations.

4-2. Development Standards

4-2.1. Identification of Primary Conservation Land. Prior to design of any subdivision plan with new streets or joint access easement, Primary Conservation Land shall be identified and, subject to the provisions of Sections 4-2.2 and 4-2.3, preserved from any disturbance.

Not applicable as no new streets or joint access easements are proposed.

4-2.2. Preservation of Conservation Land. Unless an exception is granted under Section 4-2.3, all Primary Conservation Areas shall be preserved and set aside through an appropriate means such as conservation easements and/or open space.

Not applicable as no new streets or joint access easements are proposed.

4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designed as the Development Footprint.

Not applicable as no new streets or joint access easements are proposed.

4-2.4 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.

All existing buildings have been shown on the plat, as well as a building envelope outside of soils area and slopes greater than 20%.

4-2.5 Rural Character Design

a. *Countryside Character Option.* This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.

1. *Open Alternative – Street frontage without existing vegetative or topographical screening.* For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.

Lot 1 is the only proposed lot located along an existing street and was reviewed against (a) through (d) below.

a. *Building Setback along existing public streets.*

Does not comply. The building setbacks are required to be varied, and a minimum setback line is required to be platted when the average setback of abutting parcels is more than the minimum required street setback established by the zoning. The average front setback of the abutting parcels is approximately 181 feet, greater than the 40-foot minimum required setback required by the Zoning Code. The existing building setback on Lot 1 is approximately 137 feet and does not meet the 181-foot minimum setback line.

b. *Lot Depth along existing public streets.*

Complies. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 481-foot lot depth. As proposed, the depth of Lot 1 is approximately 787 feet.

c. *Lot size along existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum 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 the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size required for Lot 1 is approximately 7.46 acres or 325,170 square feet. The area of Lot 1 is proposed to be 2.40 acres, or 104,544 square feet.

d. *Lot frontage abutting existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along Old Hickory Boulevard required for Lot 1 is 236 feet. The frontage of Lot 1 is proposed to be 208 feet.

e. *Street lights.*

Not Applicable for this case.

f. *Cluster lot option.*

Not Applicable for this case.

Subdivision Variances or Exceptions Requested: Yes. This request requires a variance from Section 4-2.5.a.1.a (minimum building setback), Section 4-2.5.a.1.c (minimum lot size) and Section 4-2.5.a.1.d (minimum lot frontage) pertaining to Lot 1.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that “such variance

shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.” In order to grant a variance, the Commission must find that:

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

Variance Analysis

Variance Request #1

Section 4-2.5.a.1.a requires that the minimum building setback along existing public street be platted when the average setback of abutting parcels (181 feet, in this case) is more than the minimum required street setback established by the zoning (40 feet). Proposed Lot 1 contains an existing structure which is indicated to be retained. The setback of the existing structure is approximately 137 feet. It would not be possible to meet the 181' minimum setback requirement unless the existing structure was removed from the site. Staff finds that the existing setback does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

Variance Request #2

Section 4-2.5.a.1.c requires the minimum lot size along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot size is approximately 7.46 acres. As proposed, the size of Lot 1 is approximately 2.40 acres. The minimum lot size could not be met without disregarding the Major and Collector Street Plan. Increasing the lot size to meet the minimum requirement would conflict with a proposed ROW extension of Cane Ridge Parkway through the site. Staff finds that the proposed lot size does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

Variance Request #3

Section 4-2.5.a.1.d requires the minimum lot frontage along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot frontage is approximately 236 feet. As proposed, the frontage of Lot 1 is 208 feet. The lot is currently existing and would not be possible to increase in size without involving neighboring lots. The pattern for this area also includes lots similar in size to Lot 1. Given the varied pattern of the surrounding area and existing size, Staff finds that the proposed frontage does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

PLANNING STAFF COMMENTS

Staff finds that the proposed subdivision is consistent with the intent of the Rural Subdivision Regulations while not meeting some of the technical requirements. Furthermore, staff finds that the variances necessary to permit the proposed subdivision are appropriate and meet the standards for the Commission to approve the variance requests.

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 Nashville Department of Transportation. Adequate sight distance must be provided per AASHTO for new driveway connections.

WATER SERVICES RECOMMENDATION

Approve with conditions

- A minimum of 30% of capacity fees must be paid before issuance of building permits.

METRO DEPARTMENT OF HEALTH RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.

CONDITIONS

1. Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. The final site plan/building permit 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.
5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2021S-207-001 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.

Approve with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.c and Section 4-2.5.a.1.d of the Metro Subdivision Regulations. (9-0)

Resolution No. RS2021-335

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-072-001 is approve with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.c and Section 4-2.5.a.1.d of the Metro Subdivision Regulations. (9-0)

CONDITIONS

1. Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. The final site plan/building permit 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.
5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

**38. 2021S-210-001
0 BRICK CHURCH PIKE SUBDIVISION**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 19 cluster lots on property located at Brick Church Pike (unnumbered), approximately 230 feet north of Brick Drive, zoned R10 (6.41 acres), requested by Dale and Associates, applicant; Fesmire Investments, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 19 single-family cluster lots.

Concept Plan

A request for concept plan approval to create 19 single-family cluster lots on property located at Brick Church Pike (unnumbered), approximately 230 feet north of Brick Drive, zoned One and Two-Family Residential (R10) (6.41 acres).

SITE DATA AND CONTEXT

Location: The site is located on the east side of Brick Church Pike, adjacent to the Belle Arbor subdivision.

Street Type: The site has frontage onto Brick Church Pike, classified as an Arterial Boulevard in the Major and Collector Street Plan and also onto Brick Court, a local residential street.

Approximate Acreage: 6.41 acres or 279,219 square feet.

Parcel/Site History: This site is comprised of the entire parcel: 04100012700. The parcel has existed since at least 1984 and was established by deed.

Zoning History: The parcel has been zoned R10 since at least 1974.

Existing land use and configuration: The land is currently vacant with no curb cuts or access from public streets being available.

Surrounding land use and zoning:

North: Vacant, One and Two-Family Residential (R10)

West: Single-family residential (RS20)

South, East: One and Two-Family Residential (R10, clustered down to R6)

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code (see analysis below).

Number of lots: 19 single-family lots.

Lot sizes: Lots from 6,002 to 10,000 square feet.

Access: The site draws access from Brick Church Pike and connects to the Brick Court stub at the eastern end of the site. The plan also proposes a stub street to the parcel to the north for future connectivity opportunities.

Open space: Approximately 2.26 acres of the site, or 98,451 square feet (approximately 30% of the total site area) of the site is proposed as open space. The open space area includes an active open space area, landscape buffer areas, and stormwater facilities.

Subdivision Variances or Exceptions Requested: None

APPLICABLE ZONING REGULATIONS FOR THE CLUSTER LOT OPTION

The proposal utilizes the by-right Cluster Lot Option provisions of Section 17.12.090 of the Metro Zoning Code.

Plan Requirements (Section 17.12.090.A)

The concept plan establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes only single-family lots. The concept plan delineates the alternative lot size to be employed and describes the land area required to satisfy open space requirements.

Minimum Area Required to be Eligible (Section 17.12.090.B)

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned R10 which has a minimum lot area of 10,000 square feet. The minimum area within a cluster lot subdivision in the R10 district is 100,000 square feet (10 x 100,000 sf). The site contains approximately 279,219 square feet and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of area which is reserved for streets, and then division of the remaining 85 percent of the gross area by the minimum lot size of the base zoning district.

The gross area within the R10 zoning district is approximately 6.41 acres or 279,219 square feet. The minimum lot size of the existing zoning district, R10, is 10,000 square feet.

$$\begin{aligned} 279,219 \text{ sq. ft.} \times 0.15 &= 41,882 \text{ square feet (15\% of the zoning district area reserved} \\ &\text{for streets)} \\ 279,219 \text{ sq. ft.} - 41,882 \text{ sq. ft.} &= 237,337 \text{ (85\% of the gross area remaining to yield} \\ &\text{lots)} \\ 237,337 \text{ sq. ft.} / 10,000 \text{ sq. ft.} &= 23 \text{ lots} \end{aligned}$$

The concept plan proposes 19 lots, which is less than the maximum number of lots that could be permitted based on the lot yield calculation established in the Zoning Code and the existing R10 base zoning.

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan is proposed as a single phase. The required open space is 0.15 x 6.41 acres = 0.96 acres and the application proposes 2.26 acres of open space.

Alternative Lot Sizes (Section 17.12.090.C)

Lot within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned R10 and a reduction of two base zone districts would be down to the R6 district. The minimum lot size in the R6 district is 6,000 square feet and the smallest lot proposed is 6,002 square feet.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. Based on the proposed lot sizes, the bulk standards of R6 will apply. Those standards are:

R6

- Min. street setback for local streets: 20'
- Min. street setback for all other streets: 40'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 5'
- Maximum Building Coverage: 0.50

The proposed lots do not abut conventional subdivisions of RS or R zoned property; however, the application does provide for Landscape Buffer Yards along the rear of units 1-5 and along parcel 04100007300. The adjacent subdivision to the south and to the east is a Cluster Lot subdivision with similar or smaller lot sizes than the proposed lot sizes on the subject site.

Hillside and Floodplain Areas (Section 17.12.090.F)

This site does not contain steeply sloped areas or any area of floodplain.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Per Subsection 17.12.90.G.3.a, residential developments containing more than 25 units are required to install recreation facilities. This concept plan proposes 19 units and is not required to provide a recreation facility. The plan does include an active open space near Brick Court.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T3 NE policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

The application does not include any critical lots and the site does not include any land that the Planning Commission considers unsuitable for subdivision or development.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the zoning code pursuant to the Cluster Lot Option in Section 17.12.090. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R6, zoning at the time of building permit.

3-5 Infill Subdivisions

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

The proposed subdivision is within Neighborhood Evolving policy so the compatibility requirements do not apply. Otherwise, all lots meet the minimum standards of the zoning code, all lots have frontage onto a public street, and all lots meet the minimum frontage requirement for T3 NE policy areas.

3-6 Blocks

Section 3-6.2 limits block lengths in residential areas to no more than 1,200 feet and no less than 200 feet, or four lot widths, whichever is greater. As proposed, all newly proposed blocks comply with this standard.

3-9 Requirements for Streets

Public street requirements are reviewed by Metro Public Works. Public Works has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

3-10 Requirements for Dedication, Reservations, or Improvements

The application provides for the standard local street right-of-way for the newly proposed public street. The local street standard grass strip and sidewalk are provided for this newly proposed street.

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after approval of a final site plan by all reviewing agencies. Required public infrastructure must be inspected and accepted for dedication prior to recording of a final plan, or the applicant may choose to post a bond securing the required public improvements.

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

Public Works reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

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

Not applicable to this case. The proposal does not include private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public Water is provided to this site by Metro Water. Water has reviewed this plan and has recommended approval with conditions. These conditions are listed in the recommendations from all agencies section below.

3-16 Sewerage Facilities

Public sewer is available to this site from Metro Water Services. Water Services has reviewed the plan and found it to be in compliance with all requirements of this section subject to conditions. Those conditions are listed in the recommendations from all agencies section below.

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The concept plan identifies utilities to be buried along the proposed street extension.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations and the standards of the Metro Zoning Code for the by-right Cluster Lot Option as described above. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

STORMWATER RECOMMENDATION

Approve with conditions

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

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Department of Nashville Department of Transportation / Public Works. Slopes along roadways shall not exceed 3:1.
- Location for postal service in compliance with USPS Policy.
Vehicles should be out of roadway when accessing kiosks and mailbox clusters.
USPS POC: SANDY.L.ALSMAN@USPS.gov
Caryville, TN Office: (423) 562-3243
USPS Links below:
'<https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/residential-delivery.htm>'
'<https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/operations-developers-and-builders-guide.pdf>'

- Comment – Plan identifies a driveway ramp / note at the Brick Church pike intersection. Proposed Road “A” – public street. Remove the driveway ramp note / not required.

TRAFFIC AND PARKING RECOMMENDATION

Ignore

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan 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 Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid before issuance of building permits.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2021S-210-001 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.

Approve with conditions. (9-0)

Resolution No. RS2021-336

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-210-001 is approve with conditions. (9-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

39. 2021S-215-001

2311 LLOYD AVENUE

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to create three lots on property located at 2311 Lloyd Avenue, approximately 460 feet north of Curtis Street, zoned R10 (1.11 acres), requested by Winston Gaffron Jr., applicant; Melanie Forsythe and Wallace Forsythe, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 2311 Lloyd Avenue, approximately 460 feet north of Curtis Street, zoned One and Two-Family Residential (R10) (1.11 acres).

SITE DATA AND CONTEXT

Location: The site is located on the west side of Lloyd Avenue, north of Curtis Street.

Street type: The site has frontage on Lloyd Avenue, which is classified as a local street with an existing right-of-way width of approximately 40 feet.

Approximate Acreage: 1.11 acres or approximately 48,142 square feet.

Parcel/Site History: This site comprises one parcel that was created by deed in 1971.

Zoning History: The site has been zoned R10 since 1974.

Existing land use and configuration: The parcel has frontage along Lloyd Avenue and contains a single-family residential use.

Surrounding land use and zoning:

- North: Single-Family Residential (R10)
- South: Single-Family Residential and Vacant (R10)
- East: Single-Family Residential, Two-Family Residential, and Institutional (R10)
- West: Single-Family Residential and Vacant (R10)

Zoning: Single-Family and Two-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. building coverage: 0.40

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 40'

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Lot 1 is approximately 0.39 acres (16,809 square feet), Lot 2 is approximately 0.36 acres (15,715 square feet), and Lot 3 is approximately 0.34 acres (14,622 square feet).

Access: Access to each lot is provided from Lloyd Avenue, a local street. The half of standard right-of-way required for a local street is 25 feet. Approximately 5 feet of right-of-way dedication is proposed along the Lloyd Avenue frontage to meet this requirement.

Subdivision Variances or Exceptions Requested: None

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is located within the Suburban Neighborhood Evolving (T3 NE) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T3 Suburban 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

Not applicable. Based on available data, 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 R10 zoning at the time of building permit. The proposed lots have frontage on Lloyd Avenue, an existing public street.

3-5 Infill Subdivisions

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

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

- a. *All minimum standards of the zoning code are met.*
Complies. Lots 1, 2, and 3 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 Lloyd Avenue, an existing public street.
- c. *Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*
 1. *Within T3 Suburban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*
Complies. Lots 1, 2, and 3 exceed the minimum frontage requirement of 50 feet. The proposed frontage of Lot 1 is 66.28 feet; the proposed frontage of Lot 2 is 66.25 feet; and the proposed frontage of Lot 3 is 66.2 feet.
 2. *Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*

N/A. This site is not located within a T4 Urban Neighborhood Evolving policy area.

The proposed subdivision meets all requirements of subsections a, b, and c, and is therefore found to be harmonious and compatible with the goals of the General Plan. Subsection e of this section of the Subdivision Regulations applies only in instances where there is any applicable special policy, 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 an existing street. 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 an existing street, Lloyd Avenue. 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 an existing street. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

Lloyd Avenue is classified as a local street with a standard right-of-way width requirement of 50 feet. Five feet of right-of-way dedication is proposed along the Lloyd Avenue frontage to meet the 25' 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.

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.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- W&S Capacity fees must be paid before issuance of building permits for new lots.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. 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-215-001 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.

Approve with conditions. (9-0)

Resolution No. RS2021-337

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-215-001 is approve with conditions. (9-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. 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.

**40. 2021S-220-001
KINGSLEY PARK**

Council District 12 (Erin Evans)
Staff Reviewer: Seth Harrison

A request for concept plan approval to create 60 cluster lots on properties located at 5047 John Hagar Road and John Hagar Road (unnumbered) and a portion of property located at 5115 John Hagar Road, approximately 550 feet northeast of South New Hope Road, zoned RS15 (24.27 acres), requested by Dale and Associates, applicant; David L. Hagar, Roy Hagar and James George, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 60 cluster lots.

Concept Plan

A request for concept plan approval to create 60 cluster lots on properties located at 5047 John Hagar Road and John Hagar Road (unnumbered) and a portion of property located at 5115 John Hagar Road, approximately 550 feet northeast of South New Hope Road, zoned Single-Family Residential (RS15) (24.27 acres)

SITE DATA AND CONTEXT

Location: The site is located at the east side of John Hagar Road, east of the intersection of South New Hope Road and John Hagar Road.

Street Type: The site has frontage onto John Hagar Road and John Hagar Road is classified as a Collector Avenue in the Major and Collector Street Plan. The plan proposes a multiple local streets that connect to Megan Court and provide additional connections to the north and south.

Approximate Acreage: The proposed area for subdivision is 24.27 acres or 1,057,201 square feet.

Parcel/Site History: This site is comprised of two parcels, both were created in 2019. The site currently contains 2 buildings to be demolished.

Zoning History: Both Parcels have been zoned RS15 since 1998 (O96-555).

Existing land use and configuration: The site consists of 2 buildings with access on John Hagar Road and a stub connection to Megan Court.

Surrounding land use and zoning:

North: Single-Family Residential (RS15)

South: Single-Family Residential (RS15)

East: Single-Family Residential (RS15)

West: Single-Family Residential (RS10 and RS15)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. height: 3 stories

Min. street setback for properties on Mount View Drive: 40'

Min. rear setback for all properties: 10'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.35

PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code.

Number of lots: 60 single-family

Lot sizes: Lot sizes range from 0.17 acres (7,500 square feet) to 0.43 acres (18,830 square feet).

Access: The lots have frontage onto proposed local streets and the site draws access from John Hagar Road. Lots 1-12 have frontage onto existing John Hagar Road.

Subdivision Variances or Exceptions Requested: None.

CLUSTER LOT OPTION

Plan Requirements (Section 17.12.090.A)

The concept plan establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes only single-family lots. The concept plan delineates the alternative lot sizes to be employed and describes the land areas required to satisfy open space requirements.

Minimum Area Required to be Eligible (Section 17.12.090.B)

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS15, which have a minimum lot area of 15,000 sq. ft. The minimum area within a cluster lot subdivision in the RS15 district is 150,000 sq. ft. The site contains approximately 1,061,557 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of area which is reserved for streets, and then division of the remaining 85 percent of the gross area by the minimum lot size of the base zoning district.

The gross area of this site is approximately 24.27 acres or 1,061,557 sq. ft. The minimum lot size of the existing zoning district, RS10, is 15,000 sq. ft.

$1,061,557 \text{ sq. ft.} \times 0.15 = 159,233 \text{ sq. ft.}$ (15% of the gross site area reserved for streets)
 $1,061,557 \text{ sq. ft.} - 159,233 \text{ sq. ft.} = 902,324 \text{ sq. ft.}$ (85% of the gross area remaining to yield lots)

902,324 sq. ft. / 15,000 sq. ft. = 60 lots

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 8 acres or 33% of the site. The proposed open space exceeds the minimum requirement.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. The concept plan proposes 60 lots and recreational facilities are provided which meet the minimum requirements for a cluster lot subdivision. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The concept plan proposes a gazebo, fire pit, and walking areas as amenities provided. The activities proposed within the open space areas may change with the final site plan and will have to meet this section of the Zoning Code.

Alternative Lot Sizes (Section 17.12.090.C)

Lots within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned RS15. A reduction of two base zone districts for RS15 would be down to the RS7.5 zone district. The RS7.5 zone district requires a minimum lot size of 7,500 sq. ft. The smallest lot proposed in this subdivision is within the minimum 7,500 sq. ft. lot size requirement.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. As proposed, this concept plan meets this requirement.

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. All lots oriented toward John Hagar Road exceed the minimum lot size.

Minimum lot size for perimeter lots not oriented to an existing street depend on the abutting residential zoning district. Lots may be reduced in size the equivalent of one zoning district (RS15 to RS10) with the installation of a standard B landscape buffer yard located within common open space, or reduced the equivalent of two zoning districts (RS15 to RS7.5) with the installation of a standard C landscape buffer yard located within common open space. As proposed, all lots abutting a residential zoning district either meet the minimum lot size requirement or include standard C landscape buffer.

Landscape Buffer Yard Requirements (Article IV)

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern, eastern, western, and southern property line are residential (RS15 and RS10). Section 17.24.230 of the Zoning Code dictates the type of buffer yard required. No landscape buffer yard is required. As proposed, the plan meets this requirement.

Hillside Development Standards (Section 17.28.030)

In general lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. There are no lots proposed with natural slopes of 25% or greater. It is important to note that the Subdivision Regulations also includes hillside development standards.

Floodplain Development Standards (Section 17.28.40)

This site is not located within the Floodplain Overlay District. As proposed, the plan meets this requirement.

APPLICABLE SUBDIVISION REGULATIONS

Volume III of NashvilleNext, the General Plan for Nashville and Davidson County, contains the Community Character Manual (CCM) which establishes land use policies for all properties across the county. The land use policies

established in CCM are based on a planning tool called the Transect, which describes a range of development patterns from most to least developed.

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T3 NE policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

Staff finds that all standards are met.

3-2 Monument Requirements

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

3-3 Suitability of the Land

Land which the Planning Commission finds to be unsuitable for development due to flooding, steep slopes, rock formations, problem soils, sink holes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated.

A small stream bisects the site from the south and there are wetlands present from the stream heading east. The stream is to be protected in accordance with Stormwater Regulations. Stream and wetland buffers are shown on the plan and the limit of disturbance is outside of these buffers. Stream and wetland buffers that do not conform to standard Stormwater Regulations, were granted a preliminary variance by the Stormwater Management Committee. There are no other features on the site that staff finds unsuitable for development and staff finds that all standards are met.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size 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 RS15 zoning at the time of building permit. All proposed lots have frontage on John Hagar Drive or a new public street.

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.

Section 3-5.2 requires lots to meet compatibility with the existing lots along John Hagar Road. There are a total of 12 lots, lots 1-12, required to meet compatibility as stated in the Regulations. With this concept plan located in T3 NE, the minimum lot frontage required is 50 feet. Lots 1-12 have a frontage of 70-150 feet and meet the compatibility requirements as established in the subdivision regulations.

3-6 Blocks

All proposed block lengths meet the distance requirements as established in the subdivision regulations.

3-7 Improvements

Construction plans for any required public or private improvements (stormwater facilities, water and sewer, public roads, etc.) will be reviewed with the final site plan.

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

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets. The proposed concept plan indicates sidewalks will be provided consistent with the local street standard. Sidewalks will be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

3-9 Requirements for Streets

All streets as shown on the concept plan meet the minimum requirements for a public street.

3-10 Requirements for Dedication, Reservations, or Improvements

The application proposes local streets with 50 feet of right-of-way.

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after issuance of a building permit approved by Metro Codes and all other reviewing agencies.

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

Public Works reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

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

Not applicable to this case. The proposal does not include private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public Water is provided to this site by Metro. These conditions are listed in the recommendations from all agencies section below.

3-16 Sewerage Facilities

Metro Water Services has reviewed this proposed concept plan for sewer and has recommended approval with conditions.

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed and the concept plan states this will be done with this development.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the subdivision regulations and zoning code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Department of Nashville Department of Transportation / Public Works. Slopes along roadways shall not exceed 3:1

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan 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. (See Capacity Permit #'s T202103611 and T202136115).

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.

STAFF RECOMMENDATION

Staff recommends approval with conditions

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2021S-220-001 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.

Mr. Harrison presented the staff recommendation to approve with conditions.

Roy Dale, 518 Heather Place, spoke in favor of staff recommendation.

Larry Shelton, 5033 Megan Drive, spoke in opposition to the application.

Vice Chair Farr closed the public hearing.

Ms. Blackshear asked about the property rights below Megan Court.

Ms. Milligan stated the new proposal is connecting into an existed platted right of way, so there was an intentional connection to the north and to the east. She also stated this proposed subdivision needs two accesses given the number of lots to meet the fire code regulations.

Ms. Blackshear stated that given those explanations, she is in favor.

Ms. Johnson said she understood the concerns, but looking towards the future, connectivity is important. She stated she is in support of the staff recommendations.

Mr. Withers spoke in favor of the application.

Mr. Henley stated he understood about the connectivity to meet fire code and thought it is a good opportunity to speak with the Councilmember about traffic calming programs because of the dead end street.

Dr. Sims thanked Mr. Dale for having three community meetings. She stated she liked this and has no questions.

Mr. Haynes and Mr. Lawson stated they have no further comments.

Mr. Tibbs moved and Mr. Lawson seconded the motion to approve with conditions. (9-0)

Resolution No. RS2021-338

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-220-001 is approve with conditions. (9-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.

41. 2021S-239-001
SEQUOIA VALLEY (RESERVE PARCEL)

Council District 09 (Tonya Hancock)

Staff Reviewer: Jason Swaggart

A request to amend a previously recorded plat to remove the reserve parcel status for property located at Apache Lane (unnumbered), at the northern terminus of Apache Lane, zoned RS10 (0.28 acres), requested by Harold R. Render, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Remove the reserve status from a parcel.

Amend Plat

A request to amend a previously recorded plat to remove the reserve parcel status for property located at Apache Lane (unnumbered), at the northern terminus of Apache Lane, zoned Single-Family Residential (RS10) (0.28 acres).

SITE DATA AND CONTEXT

Location: The parcel is located on the north side of the current western terminus of Apache Lane.

Street Type: Apache Lane is a local street.

Approximate Acreage: 0.28 acres or 12,196 sq. ft.

Parcel/Site History: The parcel was created by plat in 1967 as noted to be reserved. The plat does not state why the parcels were placed in reserve.

Zoning History: The parcel is zoned Single-Family Residential (RS10). The RS10 zoning district has been in place since 1998. The zoning was R10 prior to 1998. The parcel is also within the Airport Impact Overlay.

Surrounding land use/ zoning:

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

PROPOSAL DETAILS

Number of lots: 1.

Lot sizes: 0.28 acres or 12,196 sq. ft.

Lot width at street: 60 ft.

Access: Apache Lane.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

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

1. That the parcel fits into the character of the area and is consistent with the general plan.
2. That all minimum standards of the zoning code are met.

3. That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.2.c, 4-6.3 or 5- 3.1.
4. That the current standards of all reviewing agencies are met.

Items 2, 3, and 4 are met for the subject parcel. However, staff finds that criteria one is not met when looking at the five lots to the east. The Planning Commission can consider a broader area. A new subdivision has been approved to the west which includes 5,000 square foot lots, with some having frontages of 45 feet.

PLANNING STAFF COMMENTS

Staff finds that the reserve parcel is consistent with the character of the broader area and recommends approval.

COMMENTS FROM OTHER REVIEWING AGENCIES

STORMWATER RECOMMENDATION

Approve

FIRE MARSHAL RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

MADISON SUBURBAN UTILITY DISTRICT

Approve

STAFF RECOMMENDATION

Staff recommends approval as the reserve parcel is consistent with the wider area.

CONDITIONS

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

Approve. (9-0)

Resolution No. RS2021-339

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-239-001 is approve. (9-0)

CONDITIONS

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

42. 78-74P-004

LIONS HEAD PUD (RAISING CANE'S)

Council District 24 (Kathleen Murphy)

Staff Reviewer: Logan Elliott

A request to revise the preliminary plan and for final site plan approval for a portion of the Lions Head Planned Unit Development Overlay District for property located at 36 White Bridge Pike, at the northwest corner of Post Place and White Bridge Pike (1.21 acres), zoned SCC, to permit a 3,460 square foot restaurant with a drive-thru, requested by Kimley-Horn, applicant; Lagasse Commercial Investments, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise preliminary plan and final site plan approval for a portion of a Planned Unit Development.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Lions Head Planned Unit Development Overlay District for property located at 36 White Bridge Pike, at the northwest corner of Post Place and White Bridge Pike (1.21 acres), zoned Shopping Center Community (SCC), to permit a 3,460 square foot fast food restaurant with a drive-thru.

Existing Zoning

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

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

REQUEST DETAILS

This is a request to revise the preliminary PUD and for final site plan approval for a portion of the Lions Gate Village PUD. The subject portion of the PUD is currently approved for a commercial building with surface parking and this application is proposing to revise a portion of the site plan to permit a restaurant with a drive through.

PLAN DETAILS

The proposed revision is to permit a single-story 3,400 square foot restaurant with two drive through lanes. The site is accessed from Post Place and an internal driveway. The plan proposes to improve White Bridge Pike consistent with the Major and Collector Street Plan and Post Place consistent with the local street standard. The site plan includes surface parking and is providing the required landscaping per the Metro Zoning code. The plan includes outdoor seating for the restaurant internal to the site. The site is lower than White Bridge Pike so a retaining wall is being provided along White Bridge Pike. The application includes example details for this retaining wall and a fence/hand rail is included parallel to this retaining wall and the proposed sidewalk along White Bridge Pike.

ANALYSIS

Section 17.40.120.G. permits the Planning Commission to approve "minor modifications" under certain conditions.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the

council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:

- a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
- b. The boundary of the planned unit development overlay district is not expanded;
- c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
- d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The proposed plan does not meet any of the criteria above for requiring concurrence by the metropolitan council. The application proposes to modify a portion of the site plan to accommodate a restaurant with two drive-through lanes.

FIRE MARSHAL RECOMMENDATION

Approve

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

STORMWATER RECOMMENDATION

Approve with conditions

- Current site layout is approvable by stormwater; Any revisions will require additional review.
- Must comply with all Stormwater regulations to be handled through the SWGR permitting process.

WATER SERVICES RECOMMENDATION

Approve with conditions

- MWS recommends approval, on the following conditions: Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits before their construction may begin. Any W&S Capacity must be paid before issuance of building permits.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- All work within the state ROW requires a permit from TDOT.

- 1' min level landing required between edge of sidewalk and top of retaining wall. Handrail may be required to protect from fall.
- Submit a copy of the recorded ROW dedication prior to bldg permit sign off.

TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Applicant shall work with Metro Planning, NDOT, and the adjacent property owner to the north to consolidate access so that only 1 drive is provided to Post Place where 2 currently exist.
2. Cast-in-place concrete is a prohibited material for the retaining wall along White Bridge Pike.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.
7. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
9. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions including an addition condition related to access on Post Road. (9-0)

Resolution No. RS2021-340

"BE IT RESOLVED by The Metropolitan Planning Commission that 78-74P-004 is approve. (9-0)

CONDITIONS

1. Applicant shall work with Metro Planning, NDOT, and the adjacent property owner to the north to consolidate access so that only 1 drive is provided to Post Place where 2 currently exist.
2. Cast-in-place concrete is a prohibited material for the retaining wall along White Bridge Pike.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.
7. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of the final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

9. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

I: OTHER BUSINESS

- 43. New employee contract for Angela Hubbard

Resolution No. RS2021-341

“BE IT RESOLVED by The Metropolitan Planning Commission that the New Employee Contract for Angela Hubbard is **approved.** (9-0)

- 44. Historic Zoning Commission Report
- 45. Board of Parks and Recreation Report
- 46. Executive Committee Report
- 47. Accept the Director's Report

Resolution No. RS2021-342

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

- 48. Legislative Update

J: MPC CALENDAR OF UPCOMING EVENTS

January 13, 2022

MPC Meeting

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

K: ADJOURNMENT

The meeting adjourned at 9:08 p.m.