



# **METROPOLITAN PLANNING COMMISSION**

## **ACTION AGENDA**

**March 10, 2022**  
**4:00 pm Regular Meeting**

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

### **MISSION STATEMENT**

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

Commissioners Present:  
Greg Adkins, Chair  
Jessica Farr, Vice Chair  
Lillian Blackshear  
Edward Henley  
Mina Johnson  
Jim Lawson  
Jeff Haynes  
Brian Tibbs  
Councilmember Brett Withers

Staff Present:  
Lucy Kempf, Executive Director  
Bob Leeman, Deputy Director  
Lisa Milligan, Planning Manager II  
Jason Swaggart, Planner II  
Alex Dickerson, Legal

**Metro Planning Department of Nashville and Davidson County**  
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## Notice to Public

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

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 the meeting. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

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

### Speaking to the Commission

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

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

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

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

### Legal Notice

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



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

# MEETING AGENDA

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## A: CALL TO ORDER

The meeting was called to order at 4:04 p.m.

## B: ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Withers seconded the motion to adopt the agenda. (8-0)

## C: APPROVAL OF FEBRUARY 24, 2022 MINUTES

Mr. Lawson moved and Mr. Henley seconded the motion to approve the minutes. (8-0)

## D: RECOGNITION OF COUNCILMEMBERS

No councilmembers spoke at this time.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 19

Ms. Blackshear recused herself from Item 5.

Ms. Johnson moved and Mr. Withers seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

## F: CONSENT AGENDA ITEMS 24, 25, 29

Ms. Blackshear recused herself from Item 22.

Mr. Tibbs joined the meeting.

Mr. Lawson moved and Ms. Johnson 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: ITEMS TO BE CONSIDERED

### 1a. 2021CP-008-003

#### NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 19 (Freddie O'Connell)

Staff Reviewer: Cory Clark

A request to amend the North Nashville Community Plan by changing from D I Policy to T4 MU Policy for a portion property located at 3rd Avenue North (unnumbered), approximately 150 feet north of Van Buren Street, zoned IR (0.33 acres), requested by Martin Construction Company, applicant; MPAG LLC, owner (see associated case 2021SP-044-001).

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021CP-008-003 to the March 24, 2022, Planning Commission meeting. (8-0)**

**1b. 2021SP-044-001  
GERMANTOWN GREEN**

Council District 19 (Freddie O'Connell)  
Staff Reviewer: Seth Harrison

A request to rezone from IR to SP zoning for property located at 3rd Avenue North (unnumbered), approximately 145 feet north of Van Buren Street (0.33 acres), to permit 4 multi-family residential units, requested by Dale and Associates, applicant; MPAG LLC, owner (see associated case 2021CP-008-003).

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-044-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

**2. 2019SP-007-003  
SONYA DRIVE MIXED USE DEVELOPMENT (AMENDMENT)**

Council District 22 (Gloria Hausser)  
Staff Reviewer: Seth Harrison

A request to amend a Specific Plan for properties located at 616, 618, and 620 Old Hickory Boulevard and 7315 Sonya Drive, approximately 400 feet north of Tolbert Road (29.6 acres), zoned SP, to permit a maximum of 175 multi-family units, requested by Kimley-Horn, applicant; Southfield Properties and AM Investors No. 2, LLC and Norwood Manor LLC, owners.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2019SP-007-003 to the March 24, 2022, Planning Commission meeting. (8-0)**

**3. 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 Indefinitely.**

**The Metropolitan Planning Commission deferred 2021SP-057-001 Indefinitely. (8-0)**

**4. 2021SP-063-001  
CHARLOTTE VIEW WEST**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Logan Elliott

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

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-063-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

**5. 2021SP-091-001  
PIN HOOK RIDGE**

Council District 33 (Antoinette Lee)  
Staff Reviewer: Abbie Rickoff

A request to rezone from AR2a to SP zoning for property located at 3834 Pin Hook Road, approximately 390 feet west of Lakewood Village Drive (10.2 acres), to permit 39 single family residential lots, requested by Ragan Smith, applicant; Century Communities of Tennessee, LLC, owner.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-091-001 to the March 24, 2022, Planning Commission meeting. (7-0-1)**

**6. 2022Z-031PR-001**

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

A request to rezone from AR2a to MUL-A-NS zoning for properties located at 4046 and 4060 Murfreesboro Pike, approximately 445 feet south of Maxwell Road and within the Murfreesboro Pike Urban Design Overlay, (10.12 acres), requested by RJX Partners, LLC, applicant; The Louise Cooper TN Real Estate Trust and Mortie Q. Dickens, owners.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-031-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

**7. 2021S-238-001  
BOLES PROPERTY**

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

A request for concept plan approval to create 22 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 (49.02 acres), requested by Civil Site Design Group, applicant; Paul M. Boles and Jaclyn R. Boles, owners.

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2021S-238-001 Indefinitely. (8-0)**

**8. 2022S-025-001  
OVERSTREET SUBDIVISION**

Council District 11 (Larry Hagar)  
Staff Reviewer: Seth Harrison

A request for final plat approval to create three lots on property located at Park Circle (unnumbered), approximately 115 feet southeast of Becker Avenue, zoned RS15 and RS7.5 (2.81 acres), requested by HFR Design, applicant; Tommy & Flora Ann Overstreet, owners.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-025-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

9. **2022S-042-001**  
**ROSEBANK SUBDIVISION RESUB LOT 29**  
Council District 07 (Emily Benedict)  
Staff Reviewer: Logan Elliott

A request for final plat approval to create two lots on property located at 2321 and 2323 Carter Avenue, approximately 370 feet west of Preston Drive, zoned R10 (1.51 acres), requested by JW Land Surveying, LLC, applicant; Southgate Development, LLC, owner.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-042-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

10. **2022S-048-001**  
**8392 CUB CREEK ROAD**  
Council District 35 (Dave Rosenberg)  
Staff Reviewer: FRONT COUNTER

A request for final plat approval to create one lot for property located at 8392 Cub Creek Road, approximately 2,300 feet southwest of River Road Pike, zoned AR2a (2.44 acres), requested by Collier Engineering, applicant; WGB Properties, LLC, owner.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-048-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

11. **2021DTC-027-001**  
**801 MONROE**  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Jared Islas

A request for an overall height modification on properties located at 801, 811 and 817 Monroe Street, 1217, 1221 and 1223 Rosa L Parks Boulevard, 1214 9th Avenue North and 9th Avenue North (unnumbered), at the southern corner of Monroe Street and Rosa L Parks Boulevard, zoned DTC and located with the Phillips-Jackson Street Redevelopment District Overlay (1.43 acres), to permit a ten story building on Rosa L Parks Boulevard, a five story building on Monroe Street and a four story building on 9th Avenue North, requested by STG Design, applicant; Monroe Nashville, owner.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021DTC-027-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

12. **2021SP-095-001**  
**2600 DICKERSON PIKE**  
Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Seth Harrison

On Consent: Tentative  
Public Hearing: Open

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 349-unit multi-family residential development, requested by Kimley-Horn, applicant; Bobbie Sue Hastings, C.A. Henry and C.L. Hughes, owners.

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

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**APPLICANT REQUEST**  
**Preliminary SP to permit 349 multi-family units.**

### Zone Change

A request to rezone from Commercial Service (CS) and Industrial Warehouse/Distribution (IWD) to Specific Plan (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 349 multi-family units.

### **Existing Zoning**

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

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

### **Proposed Zoning**

Specific Plan-Residential (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 only one residential building type.

## **EAST NASHVILLE COMMUNITY PLAN**

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

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.

### Supplemental Policy

This site is located within the Dickerson North Corridor Study of the East Nashville Community Plan area. The intent of the supplemental policy is to address land use, transportation, and community design at the neighborhood level. This site is located within the high intensity portion of the Pages Branch Character area, which calls for greater density, mix of uses, more urban design, and a road realignment.

## **SITE CONTEXT AND PLAN DETAILS**

The approximately 5.22 acre site consists of 10 existing lots and an unimproved alley, located on the west side of Dickerson Pike, south side of Lemuel Road, east side of Plum Street, and north side of Rock Street. The site is currently vacant, but the area consists of multi-family residential, a school, mixed-commercial, and industrial uses.

### Plan Details

The site plan proposes up to 349 multi-family units located within a single structure, fronting all streets. Max height proposed for the entire structure is 5 stories, with Dickerson Pike containing the tallest portion. All frontages include balconies fronting their individual streets or courtyards.

Along Dickerson Pike, the building will be 5 stories and will maintain that height even as the grade changes going north. Within this frontage are two courtyards with direct access to Dickerson Pike.

Along Lemuel Road, a road realignment has been shown, as indicated by the Major and Collector Street Plan (MCSP). As the site changes in grade heading west, the total building height reduces from 5 stories to 4 stories. Along this frontage, access to the parking garage has been proposed.

Along Plum Street, the 4 story height will be maintained as the grade changes as well. There are 3 courtyards recessed into the building area with direct access to Plum Street.

Along Rock Street, like Lemuel Street, the height changes from Dickerson Pike heading west, reducing in height from 5 stories to 4 stories. Along this frontage, is an arcade, leading to a site amenity area, with a pool and courtyard.

Parking for the site will primarily be located within the above ground parking deck. Within the garage, there are a total of 429 spaces. The garage will be wrapped on all sides by the building, except for Rock Street, limiting visibility from the ROW. The remaining parking on the site will include on street parking along Rock Street, for a total of 436. Sidewalks have been provided along all sides of the proposed development, as required by code.

**ANALYSIS**

The site is primarily T4 CM policy with pockets of CO, and is also located within the Dickerson North Corridor Study. The CO portions of the site are due to slopes greater than 20%, but these have been determined to be manmade, based on the industrial history on this site. T4 CM calls for high density residential, enhanced building design, and development suitable for all modes of transportation. The Pages Branch Character area of the Dickerson North Corridor Study, calls for a higher intensity development along the main corridor, with improvements to pedestrian connectivity, and a road realignment of Lemuel Street with Dellway Drive. Both the policy and supplemental policy allow for a max height of 5 stories. As the plan is proposed, it is meeting the desire of both T4 CM and the Dickerson North study to include a more intense development along this main corridor. The proposed plan will also introduce sidewalks, per code, along all 4 streets, which will increase pedestrian connectivity for the surrounding area, and the school to the south. With the road realignment, automotive connectivity has been improved as well. With the high intensity development, increase in pedestrian and vehicular connectivity, and proposed design, the proposed plan is consistent with the policy goals of T4 CM and the Dickerson North Corridor Study.

**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.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. At final: Include proposed public roadway construction drawings(profiles, grades, drainage). In general, roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.
- Lemuel Rd. realignment: Mandatory Referral required for proposed ROW abandonment. Re-platting required. Retaining walls off Dickerson Pike will need TDOT approval. NDOT required offset for retaining walls along the public ROW is the wall height. For any retaining wall along the ROW, and in the flulence zone for road surcharges, NDOT will require a geotechnical engineered wall (reinforced concrete cast-in-place), with wall tie backs OUT of the ROW, as not to interfere with utilities. The wall design will need to be submitted to NDOT for review, prior to final SP approval.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- In addition to previous conditions discussed and improvements identified in the TIS;
- Continue to coordinate with WeGo for bus stop along frontage.
- The development will construct a signal at the intersection of Lemuel Rd & Dickerson Pike.
- Prior to Final SP approval, coordinate with NDOT on an enhanced pedestrian crossing within the vicinity of the elementary school. The crossing may consist of a raised median and/or pedestrian hybrid beacon.



Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.55	0.6 F	66,647 SF	2,516	63	254

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
Warehousing (150)	2.67	0.8 F	93,044 SF	193	16	18

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)	5.44	-	349 U	1,900	116	147

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-809	+37	-125

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing IWD and CS district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed SP-MR district: 111 Elementary 70 Middle 66 High**

The proposed SP zoning is expected to generate 247 additional students than the IWD and CS zoning. Any additional students would attend Tom Joy Elementary, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 349 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. With the final site plan, submit elevations consistent with the elevations included with the Preliminary SP.
3. Any exposed portion of the parking garage will need to be screened from view from the Right-of-Way or lined to match the exterior façade of the residential structure.
4. No surface parking is permitted off the entrance drive planned on Lemuel Drive. All parking shall be located within the parking structure.
5. 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.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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.
8. 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.

9. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. 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 conditions. (9-0)**

**Resolution No. RS2022-67**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-095-001 is approved with conditions and disapproved without all conditions. (9-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 349 multi-family residential units as identified on the proposed SP plan. Short term rental properties, owner occupied, and short term rental properties, not-owner occupied shall be prohibited.
2. With the final site plan, submit elevations consistent with the elevations included with the Preliminary SP.
3. Any exposed portion of the parking garage will need to be screened from view from the Right-of-Way or lined to match the exterior façade of the residential structure.
4. No surface parking is permitted off the entrance drive planned on Lemuel Drive. All parking shall be located within the parking structure.
5. 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.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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.
8. 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.
9. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. 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.

**13. 2022SP-010-001**

**OVERLAND PARK SP**

Council District 04 (Robert Swope)

Staff Reviewer: Jason Swaggart

A request to rezone from R40 to SP zoning for properties located at 5991 and 5991 Edmondson Pike, approximately 175 feet south of Banbury Station, (14.6 acres), to permit 36 single family lots, requested by Dale & Associates, applicant; Susan B. Campbell Et Vir, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit 36 single family lots.**

Zone Change

A request to rezone from One and Two-Family Residential (R40) to Specific Plan-Residential (SP-R) zoning for properties located at 5991 and 5997 Edmondson Pike, approximately 175 feet south of Banbury Station, (14.6 acres), to permit 36 single family lots.

### **Existing Zoning**

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 15 lots with three duplex lots for a total of 18 residential units.*

### **Proposed Zoning**

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

### **SITE CONTEXT AND PLAN DETAILS**

The approximately 14-acre site is located on the west side of Edmondson Pike. It is made up by two properties and there is a single-family home located on each property. The site includes wooded area including large caliper mature trees and open field. The surrounding lots to the north south and west are zoned R40 and are in a residential Planned Unit Development (PUD). There is also a large residential lot abutting a portion of the southern site boundary. The properties on the east side of Edmondson Pike are one acre single family lots. Public right of way extends from Banbury Station to the northwestern corner of the site. The ROW is intended to provide for a future street connection to the subject site.

#### Site Plan

The plan includes 36 single family lots with an overall density of approximately 2.4 dwelling units an acre. Lot size ranges between 12,075 and 14,700 sq. ft. and the minimum lot size is 12,000 square feet.

The plan includes architectural standards pertaining to the location of entry ways, glazing and materials. It requires all homes to be 100% masonry with a combination of brick, stone, cementous siding and/or other concrete and masonry products. The plan requires any home to be at least 3,000 square feet and the maximum height is three stories in 40 feet.

All lots are accessed from a new public dead-end street that connects to Edmondson Pike. A five-foot wide sidewalk is shown on both sides of the new public street. An eight-foot-wide sidewalk is shown along Edmondson Pike. The plan includes language regarding traffic improvements at the intersection of Banbury Station, Edmondson Pike and Mt. Pisgah Road that the developer is volunteering to make.

The stream bisecting the site includes a 30' stream buffer. A 15' landscape easement is provided along the northern, southern and western property boundaries. The proposed planting standard is per the Standard B landscape buffer yard found in the Zoning Code. The plan calls for existing vegetation to be utilized as well as supplemental plantings needed to meet the minimum planting standards.

### **SOUTHEAST Y 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**

Staff finds that the proposed SP is consistent with the T3 NM policy in regards to lot sizes and land use character. The policy calls for the enhancement of pedestrian, bicycle and vehicular connectivity. As proposed, the plan does not provide for any form of connectivity, and instead includes a dead-end street that is approximately 1,600 feet in length. While the policy calls for enhanced vehicular connectivity, staff does not find that a street connection to Banbury Station is necessary as it will not provide a meaningful connection given the current street network and the sites proximity to the intersection of Banbury Station and Edmondson Pike. Additionally, the configuration of the current access from Banbury which would be extended makes the connection difficult from a technical standpoint. To provide for enhanced bicycle and pedestrian connection a pedestrian path should be provided to Banbury Station. This connection will improve pedestrian safety. As currently proposed, anyone wanting to walk or cycle between the proposed development and Banbury Station would have to go by way of Edmondson Pike which is a busy street.

To further enhance the street network, staff recommends that a stub street be provided to the south. In conclusion, staff recommends approval only with the condition that a pedestrian connection be provided within the existing public right-of-way from the subject development to Banbury Station and that a stub street be provided to the south to allow for future connectivity. It is also important to note that the Subdivision Regulations limit the length of a dead-end street to 750 feet. Since the proposed street exceeds the permitted length, a variance from the Subdivision Regulations is required. An approval of this SP will also be considered as an approval of the variance from the Subdivision Regulations allowing for a permanent dead-end street to be over 750 feet. If the stub to the south is provided as conditioned with staff's recommendation, a variance is not needed.

**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. One access is sufficient for the number of units.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- A variance is needed for the proposed stream buffer disturbance. Final SP approval dependent on variance approval.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**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.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Driveway spacing and parking shall be per Metro Code requirements.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	14.6	0.925 D	18 U	193	16	17

\*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)	14.6	-	36 U	437	32	41

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+18 U	+244	+16	+24

## **METRO SCHOOL BOARD REPORT**

**Projected student generation existing R40 district: 2 Elementary 1 Middle 1 High**

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

The proposed SP zoning is expected to generate three additional students than the existing R40 zoning. Students would attend Granbery Elementary School, Oliver Middle School, and Overton High School. All three schools are identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Permitted uses shall be limited 36 single-family lots. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. On the correct set, provide a pedestrian connection to Banbury Station. The pedestrian connection shall be a minimum of 8 feet in width and shall be within an access easement.
3. With the submission of the final site plan, work with Planning staff to provide a stub street to the south, if practicable.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
5. 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.
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 permit.

Mr. Swaggart presented the staff recommendation to approve with conditions and disapprove without conditions.

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

Laura Duddy, stated she was speaking on behalf of her father, Ed Hantel, 6517 Turnberry Way. She spoke in opposition to the application.

Edsel Charles, 609 Banbury Place, spoke in opposition to the application.

Patrick Coffman, 6565 Banbury Crossing, spoke in opposition to the application.

Jacqueline Marshall, 5999 Edmonson Pike, spoke in opposition to the application.

Joe Kutsko, 1208 Banbury Row, spoke in opposition to the application.

Scott Addington, 908 South Wickshire Way, spoke in opposition to the application.

Catherine Kutsko, 1208 Banbury Row, spoke in opposition to the application.

Roy Dale stated the roundabout was a part of this plan. He said the development of this property will create the traffic improvements needed at the intersection as part of the plan and no building permit will be issued until the roundabout was bonded or completed. Mr. Dale explained that he did not revise the plan regarding the accesses to the community because, due to the community concerns, he wanted that to be brought to the Planning Commission as a condition for discussion.

Councilman Swope stated he lived right around the corner from this property. He said Banbury does not want this, nor does he, siting it was a bad idea. Mr. Swope said these are two story homes which will start at one million dollars, as these are incredibly expensive houses going into an upscale neighborhood. He said that this comes down to one thing, and that was the roundabout. Mr. Swope believed there are too many homes here but that was the compromise he was willing to make to get this roundabout done and to correct the massive problems with this intersection. He asked that the Planning Commission pass this plan with conditions.

**Mr. Adkins closed the public hearing.**

Ms. Farr stated she supported the pedestrian access point but was not as convinced on the stub street to the south.

Mr. Tibbs expressed concern about so many houses getting off on to Edmonson Road, as it was a very dangerous road, and would definitely need to have the roundabout condition. He stated he would feel better about the density if it had easier access in and out.

Ms. Blackshear said it seemed to be small or smaller enough lots that she was a little hesitant to think this will be appropriate under neighborhood maintenance and that the roundabout being included will be helpful.

Ms. Johnson said she was thinking about the lot size and would like to see it more comparable to surrounding neighborhoods. She appreciated Councilman Swope's work, especially when it came to traffic, but there was no written condition regarding the roundabout in the staff report. She felt it was premature to approve, as is, because there was no written guarantee. Ms. Johnson said the stub street makes sense for the future development but seemed like it sends the wrong message to the existing neighbors.

Councilmember Withers stated he supported the stub street and connectivity was something that needed to be planned for the future. He agreed with Ms. Johnson in that having some sort of an amenity that was better clarified, would be more of a selling point in terms of neighborhood maintenance policy and potential for the homes themselves. Mr. Withers appreciated the amount of work that has gone into this plan, but thought a little more work could go into it before everyone was comfortable with it. He found that this met neighborhood maintenance policies but some conditions could be tweaked.

Mr. Henley stated he understood the concerns with the lot size but was comfortable it. He said the traffic concerns for exiting have to be dealt with internally to that community. Mr. Henley stated he does not have a strong opinion about the potential roads to the south, but having someone at the meeting to speak against that resonated with him. He understood the desire to think about the future if that became a developable area.

Mr. Haynes stated Councilmember Swope worked long and hard to get this roundabout constructed, and as a trade off, to get slightly more density for the applicant and developer to have the burden to install the roundabout. He also said since the applicant is going to build brick anyway, the language should be changed from three and forty to two. He felt it was a good trade off to protect the neighborhood.

Mr. Lawson stated that with the density, he would like to see larger lots. He did not think it was appropriate for having other street access to the subdivision, as it would make the traffic patterns worse. He said, other than that, it was doable as presented.

**Mr. Haynes moved and Mr. Lawson seconded the motion to approve with conditions and disapprove without conditions including the additional conditions of height limit of 2 stories or 35 feet and roundabout will be bonded or built prior to the issuance of any building permit. (6-3) Mr. Tibbs, Ms. Blackshear and Ms. Johnson voted against.**

**Resolution No. RS2022-68**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-010-001 is approved with conditions and disapproved without all conditions of height limit of 2 stories or 35 feet and round about with be bonded or build prior to the issuance of any building permit. (6-3)

**CONDITIONS**

1. Permitted uses shall be limited 36 single-family lots. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. On the correct set, provide a pedestrian connection to Banbury Station. The pedestrian connection shall be a minimum of 8 feet in width and shall be within an access easement.
3. With the submission of the final site plan, work with Planning staff to provide a stub street to the south, if practicable.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
5. 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.
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 permit.

## 14. 2022SP-012-001

### PLAZA MARIACHI SIGN

Council District 26 (Courtney Johnston)

Staff Reviewer: Amelia Lewis

A request to rezone from SCC to SP zoning for a portion of property located at 3955 Nolensville Pike, approximately 115 feet north of Paragon Mills Road, within a Planned Unit Development and within a Corridor Design Overlay, (0.18 acres), to permit a sign, requested by Plaza Mariachi, LLC, applicant and owner.

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

#### APPLICANT REQUEST

**Permit the development of a LED sign.**

#### Preliminary SP

A request to rezone from Shopping Center Community (SCC) to Specific Plan (SP) zoning for a portion of property located at 3955 Nolensville Pike, approximately 115 feet north of Paragon Mills Road, within a Planned Unit Development and within a Corridor Design Overlay, (0.18 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

#### **SOUTHEAST COMMUNITY PLAN**

T4 Urban Community Center (T4 CC) is intended to maintain, enhance, and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban communities generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

#### **PLAN DETAILS**

The site is located on the west side of Nolensville Pike, west of the intersection of Nolensville Pike and Paragon Mills Road. The portion of the site to be rezoned is part of a larger commercial development with Plaza Mariachi and several other restaurants, offices, and non-commercial uses. The surrounding properties along Nolensville Pike are primarily commercial, office, and medical uses.

This commercial development is in a Planned Unit Development (PUD) Overlay that was approved in 1983. It has been modified over the last several of years to permit an approximate total of 115,000 square feet of non-residential uses. In 2019, a Corridor Design Overlay (CDO) was applied to the site. A CDO is intended to provide appropriate design standards for commercial, office and mixed-use development along corridors necessary to provide incremental improvements to the aesthetics of Nashville's commercial districts and corridors.

#### Site Plan

The PUD did not include any sign standards, which is not uncommon with older PUDs. The regulations and standards of the base zoning of the site, SCC, would apply. Under Section 17.32.050, Prohibited Signs, of the Metro Zoning code, LED message boards and digital display signs are prohibited in the SCC zoning district.

The proposed SP would permit a 13-foot-tall electronic message sign with a 50 square foot display window. This portion of the sign would be an LED display box. Additional text on the sign includes "Plaza Mariachi" in 9.5 inch letters above the display window and "Bank of America" in 5 inch letters below the display window. The display

window is intended to highlight the dozens of businesses on the property, events on the property, and events within the local community. The sign is double sided with the same display and text on both sides.

For signs greater than 10 feet in height, the Code requires a 15 foot setback from the property line. The proposed plan complies with the required setback.

#### **ANALYSIS**

The policy on the site is Urban Community Center (T4 CC). The intent of this policy is to maintain, enhance, and create urban community centers. Encourage their development or redevelopment as intense mixed use areas that provide a mix of uses and services to meet the needs of the larger surrounding urban area. The policy provides the following guidance related to signage: Signage alerts motorists, pedestrians, and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming to the center or the streetscape; the design and location of signage complements and contributes to the envisioned character of the Center; in rare occasions, based on the use and classification of the street, signage scaled for vehicles may be appropriate. Given the number of businesses in the development and the location along a heavily trafficked road, the proposed sign can provide information to potential visitors and information of community events to members of the public.

#### **STORMWATER RECOMMENDATION**

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

- Shall not impede the Public Utility and Drainage Easement (PUDE) along Nolensville Pike.

#### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Preliminary SP only.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

#### **CONDITIONS**

1. Permitted uses shall be limited to one two sided LED message board sign, measuring no more than 13.5 feet by 11 feet. The maximum area for the digital display box shall be 50 square feet.
2. A minimum 15 foot front setback shall apply to the sign.
3. Metro Code Section 17.32.050.G.1. shall apply.
4. If the sign is consistent with all information submitted with the Preliminary SP, the Final SP requirement shall be waived. A sign permit from Metro Codes will be required.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the SCC zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

#### **Resolution No. RS2022-69**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-010-001 is approved with conditions and disapproved without all conditions. (9-0)

#### **CONDITIONS**

1. Permitted uses shall be limited to one two sided LED message board sign, measuring no more than 13.5 feet by 11 feet. The maximum area for the digital display box shall be 50 square feet.
2. A minimum 15 foot front setback shall apply to the sign.
3. Metro Code Section 17.32.050.G.1. shall apply.



4. If the sign is consistent with all information submitted with the Preliminary SP, the Final SP requirement shall be waived. A sign permit from Metro Codes will be required.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the SCC zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**15. 2022SP-014-001  
MULBERRY DOWNS**

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Amelia Lewis

A request to rezone from RS7.5 to SP zoning for a portion of property located at Dickerson Pike (unnumbered), approximately 930 feet west of Dickerson Pike, (25.43 acres), to permit up to 152 multi-family units, requested by Alfred Benesch & Company, applicant; Sallie R. Hicks Family, LLC, owner.

**Staff Recommendation: Defer to the March 24, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-014-001 to the March 24, 2022, Planning Commission meeting. (8-0)**

**16. 2022Z-011PR-001**

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

A request to rezone from RS10 to R10 zoning for properties located at River Drive (unnumbered), 1716, 1805, 1823, and 3101 River Drive, east of Hydes Ferry Road (2.14 acres), requested by C & H Properties, LLC, applicant; Tommi Lynn Stephenson, Jason Wilson, C & H Properties, LLC, and HC Holdings, LLC & John L Dillard, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS10 to R10.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for properties located at River Drive (unnumbered), 1716, 1805, 1823, and 3101 River Drive, east of Hydes Ferry Road (2.14 acres).

**Existing Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of seven lots for a total of seven units. Application of the Subdivision Regulations may result in fewer units. Metro Codes provides final determinations on duplex eligibility.*

**Proposed Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of seven duplex lots for a maximum of fourteen units. Application of the Subdivision Regulations may result in fewer units. Metro Codes provides final determinations on duplex eligibility.*

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The area for rezoning consists of several non-contiguous parcels along River Drive, south of the intersection of Clarksville Pike and S. Hamilton Road. The parcels range in size from 10,890 square feet to 26,571 square feet. Surrounding properties are primarily zoned RS10 and have been developed with single-family residential uses or are vacant. There are some R10 parcels in the area which have been developed with two-family uses.

**ANALYSIS**

The site is located in the Suburban Neighborhood Evolving (T3 NE) policy. According to the policy guide, these areas are undeveloped, underdeveloped, or suitable for substantial infill and redevelopment and are anticipated to be developed in suburban residential patterns, but at higher densities and with greater housing variety than classic suburban neighborhoods. The proposed zoning district will be able to retain the existing character of larger suburban lots, while permitting an incremental increase in density by permitting two-family residential units within the area.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	2.14	4.356 D	9 U	113	11	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	2.14	5.445 D	13 U	159	15	14

\*Based on two-family lots

Traffic changes between maximum: **RS10 and R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4 U	+46	+4	+4

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation proposed R10 district: 2 Elementary 2 Middle 1 High**

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

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-011PR-001 is approved. (9-0)

**17. 2022Z-021PR-001**

Council District 07 (Emily Benedict)  
Staff Reviewer: Abbie Rickoff

A request to rezone from RS10 to R10 zoning for property located at 1308 Cardinal Avenue, approximately 310 feet east of Kennedy Avenue (0.23 acres), requested by Patrick Mickler, applicant; Patrick & Lois Mickler, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS10 to R10.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 1308 Cardinal Avenue, approximately 310 feet east of Kennedy Avenue (0.23 acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of one duplex lot for a total of two units. The Codes Department provides final determinations of duplex eligibility.*

**EAST NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The 0.23-acre property is located on the south side of Cardinal Avenue, mid-block between Kennedy Avenue and Addine Street. The site has frontage along both Cardinal Avenue and Greenland Avenue, located to the south. The property is developed with a single-family residential unit located near the Cardinal Avenue frontage. Dan Mills Elementary school is located on the south side of Greenland Avenue.

Surrounding land uses include primarily single-family residential and some two-family residential properties. This block of Cardinal Avenue, between Kennedy Avenue and Addine Street, includes several properties that were rezoned from RS10 to R10 in 2020. Some of these properties have recently developed or are under development with two residential units, one fronting Cardinal Avenue and one fronting Greenland Avenue.

**ANALYSIS**

The goal of the T4 NM policy area is to maintain urban neighborhoods as characterized by their moderate to high-density residential development pattern with regularly spaced buildings, shallow setbacks, and minimal spacing in between. This site is consistent with surrounding properties, characterized by narrow and deep lots, with frontage along two streets. The proposed two-family zoning provides the opportunity for this site to develop similarly to the surrounding R10 properties, with development that lines both streets, consistent with the T4 NM policy goals to create moderate to high lot coverage with buildings that are oriented toward the street.

**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: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.22	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.22	4.356 D	2 U	28	7	2

\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 zoning districts: 0 Elementary 0 Middle 0 High

Projected student generation proposed R10 district: 0 Elementary 0 Middle 0 High

The proposed R10 zoning is not expected to generate any additional students beyond the existing RS10 zoning. Students would attend Dan Mills Elementary School, Litton Middle School, and Stratford High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

**Resolution No. RS2022-71**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-021PR-001 is approved. (9-0)

**18. 2022Z-025PR-001**

Council District 10 (Zach Young)

Staff Reviewer: Abbie Rickoff

A request to rezone from AR2a to RS30 zoning for property located at Old Springfield Pike (unnumbered), approximately 210 feet west of Springfield Highway (1.76 acres), requested by Michael Armistead, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from AR2a to RS30.**

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS30) zoning for property located at Old Springfield Pike (unnumbered), approximately 210 feet west of Springfield Highway (1.76 acres).

**Existing Zoning**

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

would permit a maximum of one unit, based on the acreage and pending confirmation of entitlements by Metro Codes.

**Proposed Zoning**

Single-Family Residential (RS30) requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23 dwelling units per acre. RS30 would permit a maximum of two units, based on acreage only. Application of the Subdivision Regulations may result in fewer units.

**PARKWOOD-UNION HILL COMMUNITY PLAN**

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

**SITE AND CONTEXT**

The vacant site is 1.76 acres and is located on the east side of Old Springfield Pike, southeast of the intersection of Old Springfield Pike and Springfield Highway/Highway 11. The surrounding area to the west of Old Springfield Pike and north of Springfield Highway is generally rural and includes larger single-family residential and vacant tracts. The area immediately surrounding the site, along and north of Old Springfield Pike, takes on a more suburban form and includes properties that have previously developed with a similar residential lot pattern. This pattern continues to the east, with several larger RS and R-zoned residential subdivisions that span either side of Springfield Highway.

**ANALYSIS**

The site is uniquely situated on the seam of a rural development pattern to the north and west, and a suburban pattern immediately surrounding the site and continuing to the east. Therefore, staff considered the surrounding context and history of the area when evaluating the appropriateness of this request against the T2 RM policy.

Many of the adjacent residential properties were established in their current form prior to the adoption of AR2a zoning, which has been in place at this site and on surrounding properties since 1974. The character of this area, generally spanning southeast of the intersection of Old Springfield Pike and Springfield Highway, includes low-density suburban development with residential units that line both streets. Properties vary in size but are generally wider near the intersection, becoming narrower and deeper towards the east, away from the intersection, as the depth increases between Old Springfield Pike and Springfield Highway. This site has a depth similar to adjacent properties to the east, and a wider frontage similar to adjacent properties to the west, resulting in a larger property where a slight increase in intensity may be appropriate.

Although rezoning for higher densities is not typically appropriate for properties in the T2RM policy area, the surrounding context along the north side of Old Springfield Pike is unique in that it includes smaller properties that have predominately developed in a suburban manner. Rezoning to RS30 would permit a maximum of 2 units at this site, allowing a continuation of the low-density pattern that was previously established when the majority of properties developed along the remainder of the block. Staff finds the requested rezone to be consistent with the T2RM policy in this instance, as it would maintain the existing low-density residential character as a permanent choice of living.

**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)	1.76	0.5 D	1 U	15	5	1

\*Based on two-family lots

**Maximum Uses in Proposed Zoning District: RS30**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.76	1.452 D	2 U	28	7	2

Traffic changes between maximum: **AR2a and RS30**

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing AR2a zoning districts: 0 Elementary 0 Middle 0 High

Projected student generation proposed RS30 district: 0 Elementary 0 Middle 0 High

The proposed RS30 zoning is not expected to generate any additional students beyond the existing AR2a zoning. Students would attend Goodlettsville Elementary School, Goodlettsville Middle School, and Hunters Lane High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

**Resolution No. RS2022-72**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-025PR-001 is approved. (9-0)

**19. 2022Z-024PR-001**

Council District 33 (Antoinette Lee)

Staff Reviewer: Dustin Shane

A request to rezone from AR2a to CS zoning for property located at 12515 Old Hickory Blvd, approximately 250 feet south of Murfreesboro Pike (1.61 acres), requested by Collier Engineering, applicant; Nesma Mikhaeil & Maged Shokralla, owners.

**Staff Recommendation: Defer to the April 14, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022Z-024PR-001 to the April 14, 2022, Planning Commission meeting. (8-0)**

**20. 2022Z-027PR-001**

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request to rezone from OG to ORI-A zoning for property located at 405 B 31st Ave N, approximately 160 feet north of Charlotte Avenue (0.12 acres), requested by Gilbert N. Smith, applicant, and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from OG to ORI-A.**

Zone Change

A request to rezone from Office General (OG) to Office/Residential Intensive-Alternative (ORI-A) zoning for property located at 405 B 31st Ave N, approximately 160 feet north of Charlotte Avenue (0.12 acres), requested by Gilbert N. Smith, applicant, and owner.

**Existing Zoning**

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

Office/Residential Intensive-Alternative (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods using appropriate building placement and bulk standards.

**NORTH NASHVILLE COMMUNITY PLAN**

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

**ANALYSIS**

Staff recommends approval of this request as the proposed rezoning is consistent with the T5 Center Mixed Use Neighborhood policy. This site contains 0.12 acres of land on a single lot. There is an existing MTA bus route along Charlotte Avenue, which is approximately 120 feet south of the site. Charlotte Avenue is designated as a collector street by the Major and Collector Street Plan.

This request is consistent with the policy for the area and is appropriate given the surrounding land uses, land use policy, and recently completed rezoning requests. Various parcels to the north and south of the site have been previously rezoned to ORI-A. The proposed rezoning creates the potential for increased housing supply and increased housing choice. When future development of these parcels occurs, sidewalks which meet the regulations of the Major and Collector Street Plan will be required. These sidewalks will help create a more walkable neighborhood as identified within goals of the Center Mixed Use Neighborhood policy.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.12	1.5 F	7,841 SF	90	34	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.6	3.0 F	8 U	42	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.6	3.0 F	7,841 SF	90	34	11

Traffic changes between maximum: **OG and ORI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+42	+3	+4

**METRO SCHOOL BOARD REPORT**

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

**STAFF RECOMMENDATION**

Staff recommends Approval.

Ms. Blackshear recused herself from Item 20.

Mr. Swaggart presented the staff recommendation to approve.

Gilbert Smith, 4401 Chickering Lane, stated he was the owner and applicant of the lot. He spoke in favor of the application.

Mark Norton, 410B 33<sup>rd</sup> Avenue North, spoke in opposition to the application.

Wesley Greene, 3112 Trevor Street, spoke in opposition to the application.

**Mr. Adkins closed the public hearing.**

Mr. Lawson said this was appropriate and that he does not disagree with the changes.

Mr. Haynes supported staff recommendation.

Mr. Henley stated he had nothing further to add.

Councilman Withers stated he supported the staff recommendation. He empathized with the neighbors' concerns but said views are not protected.

Ms. Johnson stated she sympathized with the speakers' concerns but the change from OG to ORI-A did not increase the height. She said that considering the surrounding lots, this zone change made sense.

Mr. Tibbs passed on speaking.

Vice Chair Farr said she sympathized with the neighbors but thought the zone change made sense. Ms. Farr expressed she wanted to be cautious about how they are developing around the interstate loop and as they continue to build up height along the interloop, they should make sure to keep in mind how they want to see our city.

**Ms. Farr moved and Mr. Tibbs seconded the motion to approve. (8-0-1) Ms. Blackshear recused herself.**

**Resolution No. RS2022-73**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-027PR-001 is approved. (8-0-1)

**21. 53-84P-006  
ROSE MONTE - PHASE 4**

Council District 04 (Robert Swope)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Rose Monte Planned Unit Development Overlay District for property located at Zermatt Ave (unnumbered), approximately 100 feet north of Swiss Avenue (13.4 acres), zoned RM15 and within a Planned Unit Development, to permit 133 multi-family residential units, requested by Energy Land & Infrastructure, LLC, applicant; NP 81, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise PUD.**

PUD Revision

A request to revise the preliminary plan for a portion of the Rose Monte Planned Unit Development Overlay District for property located at Zermatt Ave (unnumbered), approximately 100 feet north of Swiss Avenue (13.4 acres), zoned Multi-Family Residential (RM15) and within a Planned Unit Development, to permit 133 multi-family residential units.

**Existing Zoning**

Multi-Family Residential (RM15) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. *RM15 would permit a maximum of 201 units. In this case the PUD limits the number of units below what is permitted by the RM15 zoning district.*

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.

### **REQUEST DETAILS**

This is a request to revise a portion of the Rose Monte PUD. The approximately 13-acre site is located on the west side of Zermatt Avenue. The overall PUD was originally approved in 1984 and has gone through numerous revisions. This portion was last approved as Phase 4 and 5 and included a total of 177 units.

### **PLAN DETAILS**

The plan includes 133 attached residential units a clubhouse and pool. All units front onto a private drive and/or open space. Access is provided from Zermatt Avenue and Steffisburg Drive. Steffisburg Drive and all internal drives are private. A sidewalk is shown on both sides of all private street. A sidewalk is shown along Zermatt Avenue.

### **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.

As proposed this revision is consistent with the overall Council approved plan. The plan includes fewer units than currently approved, and the layout is similar to the currently approved plan. No land is being added into the PUD and there are no new vehicular access points to public streets that were not approved by Council

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- MWS recommends approval, on the following condition: 1) 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. 2) A minimum of 30% of Capacity Fees must be paid before issuance of building permits.

**NASHVILLE DOT RECOMMENDATION**

**Approved with conditions**

- Comply w/ previous road conditions. Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.

**TRAFFIC & PARKING RECOMMENDATION**

**Approved with conditions**

- Comply w/ previous road conditions. Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. 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.
4. 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.
5. 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.
6. 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.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

**Approve with conditions. (9-0)**

**Resolution No. RS2022-74**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 53-84P-006 is approved with conditions. (9-0)

**CONDITIONS**

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

3. 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.
4. 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.
5. 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.
6. 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.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

## 22. 188-84P-004

Council District 33 (Antoinette Lee)

Staff Reviewer: Logan Elliott

A request to revise a Planned Unit Development Overlay District for property located at Old Hickory Boulevard (unnumbered), approximately 800 feet east of Cane Ridge Road, zoned R20 (184.02 acres), to permit 512,000 square feet of office use and 964 multi-family residential units, requested by Barge Design Solutions, applicant; Tribute Properties, owner.

**Staff Recommendation: Approve with conditions.**

### APPLICANT REQUEST

**Revise preliminary plan for a portion of a Planned Unit Development.**

#### Revise Preliminary PUD

A request to revise a Planned Unit Development Overlay District for property located at Old Hickory Boulevard (unnumbered), approximately 800 feet east of Cane Ridge Road, zoned One and Two-Family Residential (R20) (184.02 acres), to permit 512,000 square feet of office use and 964 multi-family residential units.

#### **Existing Zoning**

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

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.

#### **APPROVED PLAN**

The subject section of the PUD is approximately 184 acres and is currently approved for 512,000 square feet of office and 964 multi-family residential units. The plan includes a new public street that runs parallel to I-24 and in conjunction with other phases of this PUD, this public street makes a complete connection between Old Franklin Road and Old Hickory Boulevard. The office use is located along this new public street and the multi-family units are located to the west along a new public street that makes a loop through the western portion of the PUD.

#### **REQUEST DETAILS**

This is a request to revise the preliminary PUD for a section of the Century South PUD. The application proposes to modify the site plan layout of both the office and multi-family residential land uses. The application does not propose to modify the unit counts of either uses and the layout retains all access points previously approved. The application does not require concurrence by the Metro Council and the Planning Commission is the final reviewing authority for this application.

#### **PLAN DETAILS**

The proposed plan modifies the site plan to adjust the layout and building forms for this approximately 184-acre section of the Century South PUD. The plan proposes to maintain the location of the new public street that runs

parallel to I-24 and the office buildings are proposed to be limited to the eastern side of this new roadway and adjacent to I-24. The office buildings are limited to 4 stories and are surfaced park. To the west of this new public street are the multi-family units and these units are a mixture of townhome and stacked flat type units. This portion of the PUD also includes a portion of a new public street that forms a loop with the new public street that runs parallel to I-24. This loop road provides access to the western area of the site and a large portion of the multi-family units draw their access from the portion of this loop road included in this section of the PUD. The loop road will be completed with the adjacent section of the PUD directly to the south and east. The multi-family units are served internally by private drives with surface parking in front of the units. Amenity buildings are dispersed throughout the multi-family residential area.

The site has a variety of environmental features across including areas of significant slope, streams, and potential wetlands. The plans include an exhibit that displays the proposed site plan over the existing slopes of the site and a grading and drainage plan that demonstrates how the proposed site plan would be graded. The plans identify areas that will likely require retaining walls of various heights across the site.

The application includes a phasing plan that provides the anticipated sequence of construction for this portion of the PUD. The new public street that runs parallel to I-24, along with 364 multi-family units that would draw access from this new street, are included in phase 1. Phase 2 includes the first portion of the new loop road and 348 multi-family units. Phase 3 completes the portion of the loop road within this portion of the PUD along with 252 multi-family units. Phase 4 is the final phase and includes the office buildings east of the new public street that runs parallel to I-24.

Additionally, the applicant has worked to address comments and concerns received from the Cane Ridge Community Club and as a result, some modifications to the plans have been made since the February 10, 2022, Planning Commission meeting. Also, the applicant has made agreements with the Cane Ridge Community Club that are outside the purview of Metro's review or enforcement, but the plans still describe the agreements that the applicant has committed to.

## **ANALYSIS**

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

F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

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

The proposed plan does not meet any of the criteria above for requiring concurrence by the Metropolitan Council. The application proposes to modify the site plan layout and building forms of the approved preliminary plan but is consistent with the concept of the council approved plan.

## **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.
- Second point of access is required for any multi-family development of 200 units or more. Maximum grade for fire apparatus access routes/ roads shall not exceed 10%.

## **STORMWATER RECOMMENDATION**

### **Approve with conditions**

- Final approval is subject to stormwater variance approval.

## **WATER SERVICES RECOMMENDATION**

### **Approve with conditions**

- Approved as a Preliminary PUD only: Public Water and Sanitary Sewer construction plans must be approved prior to Final Site Plan/SP approval. These approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% W&S Capacity & 100% DAPARC Fees must be Paid before Final Site Plan/SP approval (W&S Capacity Fee Permit No's T2021044037 and T2021044018).

## **PUBLIC WORKS RECOMMENDATION**

### **Approve with conditions**

- The North-South public road is to be dedicated and built out, to the property lines, with completion of the first phase of the development. Completion of North-South public roadway should include any remaining roadway connection beyond Northern property line for access to Old Franklin Rd.
- NDOT will make no exceptions, all proposed new public roads shall meet NDOT subdivision street standards and specifications, including, but not limited to, road grades/profiles, retaining wall ROW offsets(equal to wall heights), 3:1 max side slopes, stopping/intersection sight distance that meets AASHTO specifications at site accesses and intersections. See NDOT traffic comments.
- Without a full connection of the new loop roadway from new north-south roadway back to the new north-south roadway, the full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD. See NDOT traffic conditions as well.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- All previous traffic conditions are still applicable.
- Without a full north-south roadway connection from Old Franklin Road to Old Hickory Boulevard through the PUD, full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
- A traffic study to assess off-site intersections may be required prior to a Final PUD approval.

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

## **CONDITIONS**

1. The new north-south public road is to be dedicated and built out, to this site's property lines, with completion of the first phase of the development as defined on sheet C1.02, Site Phasing Plan, submitted on 11/16/21. Completion of North-South public roadway should include any remaining roadway connection beyond Northern property line for access to Old Franklin Rd.
2. Without a full connection of the new north-south roadway from Old Franklin Road to Old Hickory Boulevard, the full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
3. Without a full connection of the new loop roadway from new north-south roadway back to the new north-south roadway, the full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
4. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes within this development shall be screened as follows:
5. When oriented towards a lot or parcel zoned R/R-A or RS/RS-A, apply the next higher landscape buffer yard standard from Section 17.24.240;
6. When oriented towards a public street, apply landscape buffer yard standard B from Section 17.24.240.
7. 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.
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. 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.
10. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Approve with conditions. (8-0-1)**

**Resolution No. RS2022-75**

"BE IT RESOLVED by The Metropolitan Planning Commission that 188-84P-004 is approved with conditions. (8-0-1)  
**CONDITIONS**

1. The new north-south public road is to be dedicated and built out, to this site's property lines, with completion of the first phase of the development as defined on sheet C1.02, Site Phasing Plan, submitted on 11/16/21. Completion of North-South public roadway should include any remaining roadway connection beyond Northern property line for access to Old Franklin Rd.
2. Without a full connection of the new north-south roadway from Old Franklin Road to Old Hickory Boulevard, the full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
3. Without a full connection of the new loop roadway from new north-south roadway back to the new north-south roadway, the full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
4. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes within this development shall be screened as follows:
  - b. When oriented towards a lot or parcel zoned R/R-A or RS/RS-A, apply the next higher landscape buffer yard standard from Section 17.24.240;
  - c. When oriented towards a public street, apply landscape buffer yard standard B from Section 17.24.240.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. 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.
8. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**23. 78-74P-005**

**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 corner of Post Place and White Bridge Pike (1.21 acres), zoned SCC and within a Planned Unit Development, to permit a fast food 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 Lion's 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 was recently approved at the December 9, 2021, Planning Commission meeting with the plan being presented here; however, a condition of approval in December required that the plan be modified to consolidate access so that only 1 drive is provided to Post Place where 2 currently exist. The subject application now proposes to remove that condition to permit the access to remain as currently configured. The application proposes 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 the criteria above for requiring concurrence by the metropolitan council. The application proposes to modify a previously included condition related to the number of access points on Post Place and to permit a restaurant with two drive-through lanes. The plan proposes to maintain the existing access locations on Post Place and to remove the condition of approval from application 78-74P-004 that the access be consolidated from two access points down to one. The applicant would like to maintain the current access configuration on Post Place and they were unable to negotiate the consolidation of access points with the adjoining property owner. The Council approved plan included the two access points that currently exist on Post Place.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**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 (under technical review).

**WATER SERVICES RECOMMENDATION**

**Approve with 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.
- A minimum of 30% of Capacity Fees 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. Following approval of final plans by NDOT, a recorded copy of any ROW dedications will need to be submitted to NDOT for Bldg. permit approval. For bldg. permit, provide approval to NDOT for working in TDOT ROW(White Bridge Pike). There are to be no vertical obstructions in new public sidewalks. Coordinate w/ NES on relocation of existing utility poles to furnishing zones.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Cast-in-place concrete is a prohibited material for the retaining wall along White Bridge Pike.
2. 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.
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. 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.
5. 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.
6. 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.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
8. 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. (9-0)**

**Resolution No. RS2022-76**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 78-74P-005 is approved with conditions. (9-0)  
**CONDITIONS**



1. Cast-in-place concrete is a prohibited material for the retaining wall along White Bridge Pike.
2. 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.
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. 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.
5. 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.
6. 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.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
8. 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.

## H: OTHER BUSINESS

24. New Employment Contract for John Houghton and Robert Murphy.

**Resolution No. RS2022-77**

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract for John Houghton and Robert Murphy is **approved. (9-0)**

25. Contract amendment for Eric Hammer, Anna Grider, Latisha Birkeland, and Joni Williams.

**Resolution No. RS2022-78**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract amendment for Eric Hammer, Anna Grider, Latisha Birkeland and Joni Williams is **approved. (9-0)**

26. Historic Zoning Commission Report

27. Board of Parks and Recreation Report

28. Executive Committee Report

29. Accept the Director's Report

**Resolution No. RS2022-79**

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved. (8-0)**

30. Legislative Update

## **I: MPC CALENDAR OF UPCOMING EVENTS**

**March 24, 2022**

MPC Meeting

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

**April 14, 2022**

MPC Meeting

4 pm, 2601 Bransford Avenue, School Board meeting room

**April 28, 2022**

MPC Meeting

4 pm, 2601 Bransford Avenue, School Board meeting room

## **J: ADJOURNMENT**

The meeting adjourned at 5:36 p.m.