

Metropolitan Planning Commission



Staff Reports

March 24, 2022



Metro Planning Commission Meeting of 3/24/22

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



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NO SKETCH



Metro Planning Commission Meeting of 3/24/22

Item #1	Text Amendment 2021Z-018TX-001
Project Name	Distance Requirements for Bars/Nightclubs
Council Bill No.	BL2021-922
Council District	Countywide
School District	Countywide
Requested by	Councilmember Brandon Taylor

Deferrals This item was heard and deferred at the November 18, 2021, December 9, 2021, and January 13, 2022, Planning Commission meetings. The public hearing was held and closed.

Staff Reviewer Lewis
Staff Recommendation *Defer to the June 23, 2022, Planning Commission meeting.*

APPLICANT REQUEST

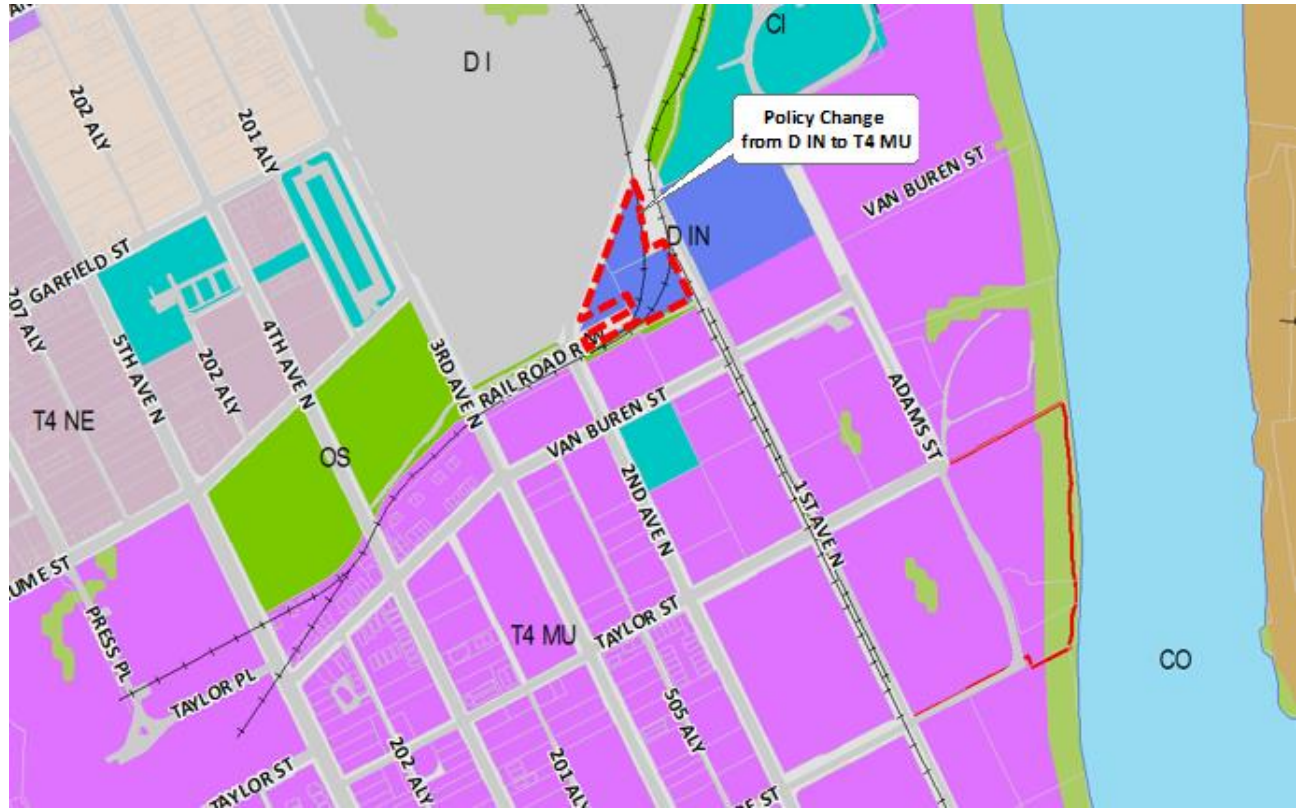
Amend the Zoning Code to include distance requirements for bar/nightclub uses.

STAFF RECOMMENDATION

Staff recommends the item is deferred to the June 23, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 3/24/22



2022CP-008-001

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Map 082-05, Parcel(s) 134, 135, 138, 139

08, North Nashville

19, (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item # 2a
Project Name

Plan Amendment 2022CP-008-001
North Nashville Community Plan
Amendment

Associated Case
Council District
School District

2022SP-013-001
19 – O’Connell
01 – Gentry

Requested by

Barge Design Solutions, applicant; Roy Glenn Goodwin, owner.

Staff Reviewer
Staff Recommendation

Clark
Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST

Amend the North Nashville Community Plan to change the community character policy.

MAJOR PLAN AMENDMENT

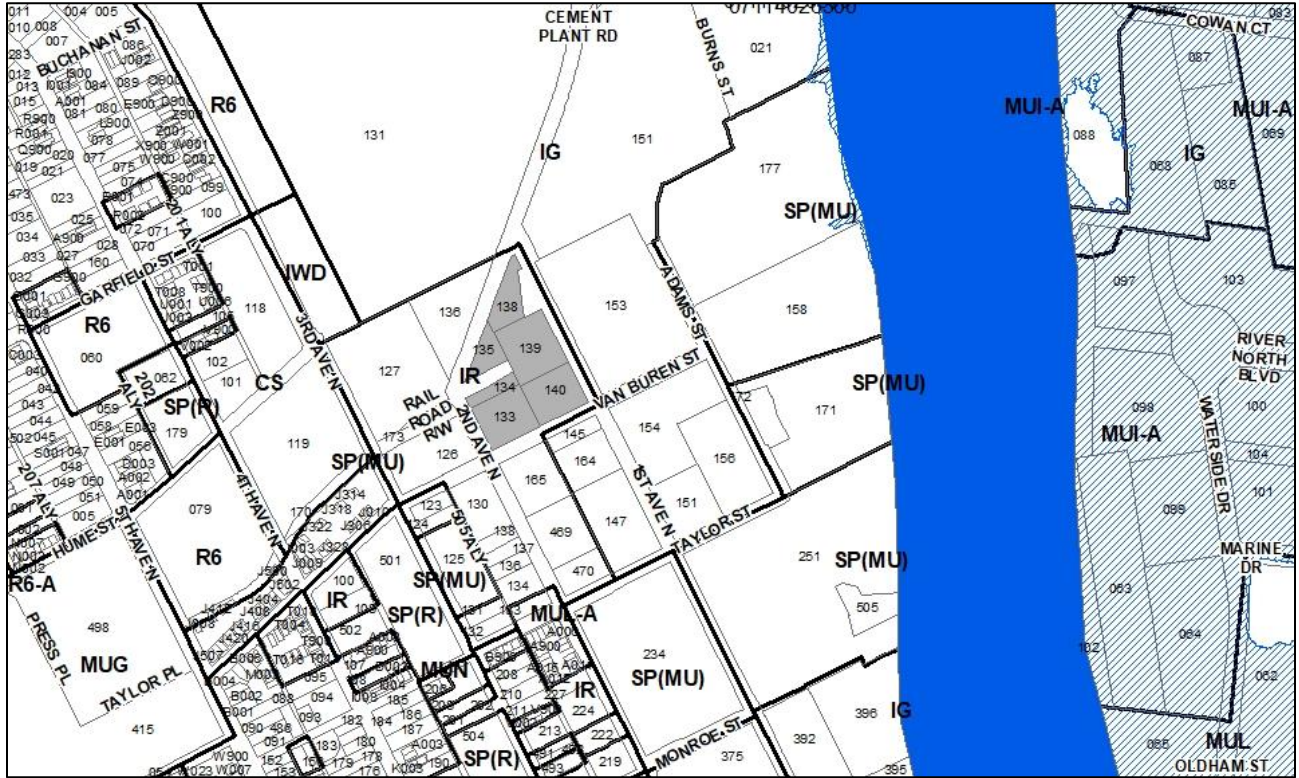
A request to amend the North Nashville Community Plan by changing from District Industrial (D IN) to Urban Mixed-Use Neighborhood (T4 MU) policy for properties located at 2nd Ave N (unnumbered) and 1st Ave N (unnumbered), at the corner of 1st Ave N and 2nd Ave N (1.71 acres), zoned Industrial Restrictive (IR).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2022SP-013-001

2ND AND VAN BUREN SP

Map 082-05, Parcel(s) 133-135, 138-140

08, North Nashville

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item #2b

Project Name

Associated Case

Council District

School District

Requested by

Specific Plan 2022SP-013-001

2nd and Van Buren SP

2022CP-008-001

19 – O’Connell

01 – Gentry

Barge Design Solutions, applicant; Toll Southeast LP Company and Roy Glenn Goodwin, owners.

Staff Reviewer

Harrison

Staff Recommendation

Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST

Preliminary SP to permit 303 multi-family units.

Zone Change

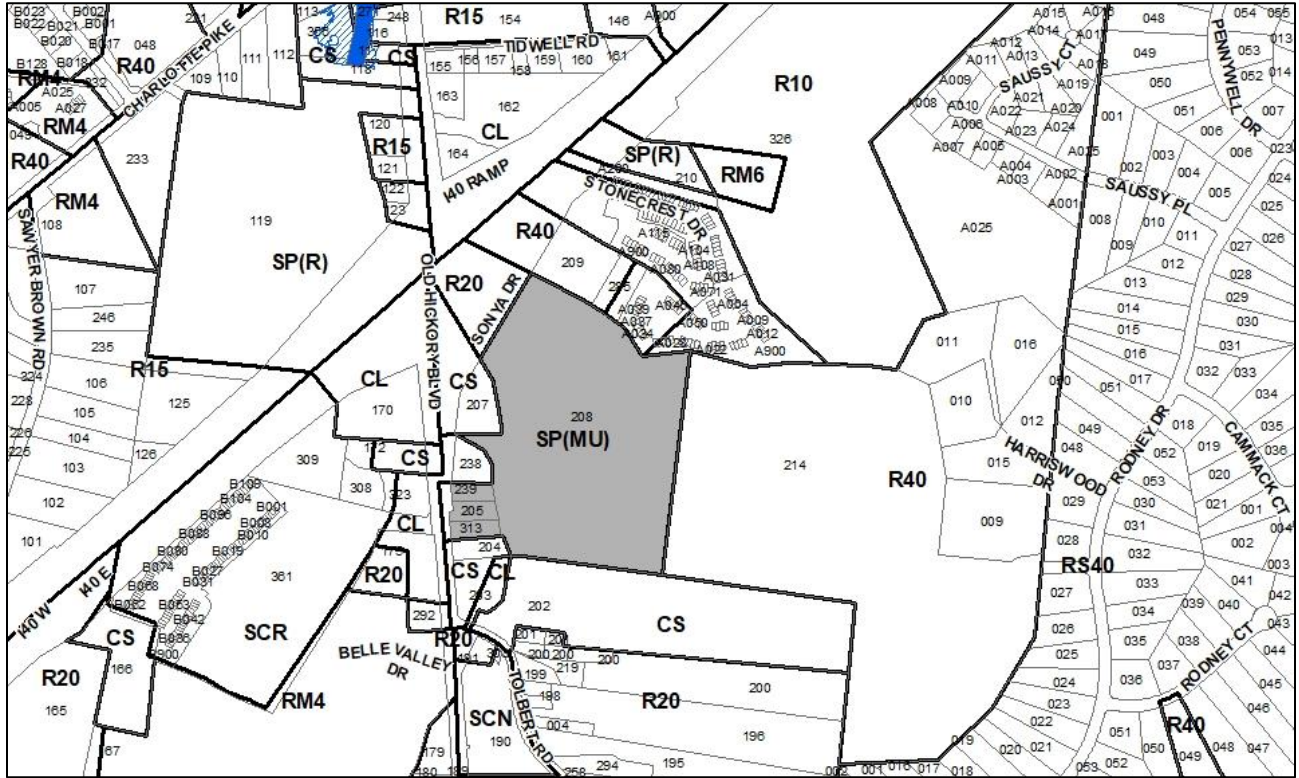
A request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) zoning for properties located at 2nd Avenue North (unnumbered), 1st Avenue North (unnumbered), 1500 2nd Avenue North and 100 Van Buren Street, at the northwest corner of 1st Ave N and Van Buren Street (2.99 acres), to permit 303 unit multi-family development.

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2019SP-007-003

SONYA DRIVE MIXED USE DEVELOPMENT (AMENDMENT)

Map 114, Parcel(s) 205, 208, 239, 313

06, Bellevue

22 (Gloria Hausser)



Metro Planning Commission Meeting of 3/24/22

Item #3	Specific Plan 2019SP-007-003
Project Name	Sonya Drive Mixed Use Development (Amendment)
Council District	22 – Hausser
School District	09 – Tylor
Requested by	Kimley-Horn, applicant; Southfield Properties and AM Investors No. 2 LLC & Norwood Manor LLC, owners.
Deferrals	This item was deferred from the March 10, 2022, Planning Commission meeting. No public hearing was held.
Staff Reviewer	Harrison
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

SP Amendment to permit 175 multi-family units.

Amend SP

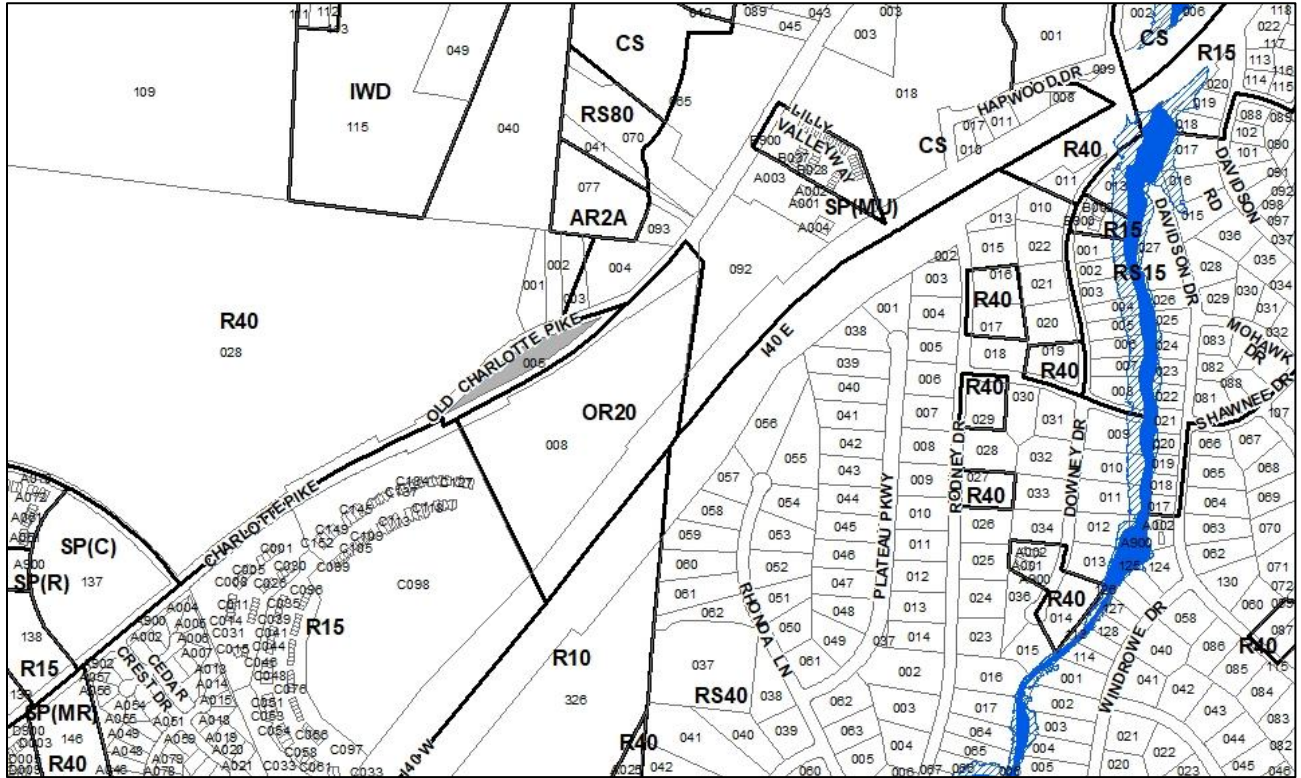
A request to amend a Specific Plan for properties located at 616, 618, and 620 Old Hickory Boulevard and 7315 Sonya Drive, approximately 400 feet north of Tolbert Road (29.6 acres), zoned Specific Plan (SP), to permit a maximum of 175 multi-family units.

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission Meeting.



Metro Planning Commission Meeting of 3/24/22



2021SP-063-001
CHARLOTTE VIEW WEST
Map 115, Parcel(s) 005
06, Bellevue
35 (Dave Rosenberg)



Metro Planning Commission Meeting of 3/24/22

Item #4	Specific Plan 2021SP-063-001
Project Name	Charlotte View West
Council District	35 – Rosenberg
School District	09 – Tylor
Requested by	Dale & Associates, applicant; Robert B. Beck, ET UX, owner.
Deferrals	This item was deferred at the September 23, 2021, October 14, 2021, November 18, 2021, January 13, 2022, February 24, 2022, and March 10, 2022, Planning Commission meetings. No public hearing was held.
Staff Reviewer	Elliott
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit 57 multi-family units.

Zone Change

A request to rezone from One and Two-Family Residential (R40) to Specific Plan (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.

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



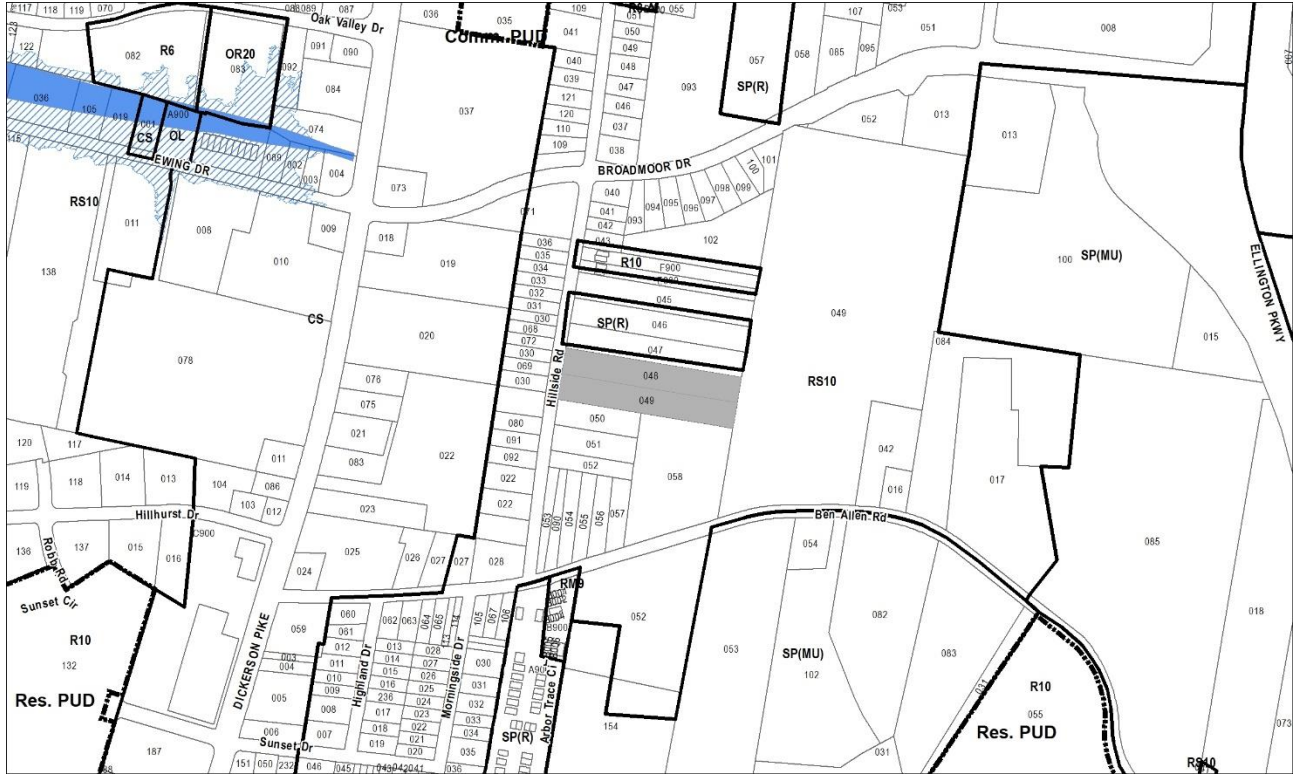
Metro Planning Commission Meeting of 3/24/22



2021SP-081-001
OLIVERI MIXED-USE SP
Map 175, Parcel(s) 235
13, Antioch – Priest Lake
33 (Antoinette Lee)



Metro Planning Commission Meeting of 3/24/22



2021SP-084-001
GRACE PARK SP
Map 060-08, Parcel(s) 048-049
05, East Nashville
08 (Nancy VanReece)



Metro Planning Commission Meeting of 3/24/22

Item #6	Specific Plan 2021SP-084-001
Project Name	Grace Park SP
Council District	08 – VanReece
School District	03 – Masters
Requested by	Timothy Blake Cothran, Applicant; Judy Cothran and Timothy Blake Cothran, owners.
Staff Reviewer	Harrison
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit 30 multi-family units.

Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan (SP) zoning for properties located at 3039 and 3041 Hillside Road, approximately 660 feet south of Broadmoor Drive (3.16 acres), to permit 30 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission Meeting.



Metro Planning Commission Meeting of 3/24/22



2021SP-091-001
PIN HOOK RIDGE
Map 165, Parcel(s) 030
13, Antioch-Priest Lake
33 (Antoinette Lee)



Metro Planning Commission Meeting of 3/24/22

Item #7 **Specific Plan 2021SP-091-001**
Project Name **Pin Hook Ridge**
Council District 33 – Lee
School District 6 – Bush
Requested by Ragan Smith, applicant; Century Communities of Tennessee, LLC, owner.

Deferrals This item was deferred from the January 13, 2022, February 10, 2022, and March 10, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer Rickoff
Staff Recommendation *Defer to the May 26, 2022, Planning Commission meeting.*

APPLICANT REQUEST

Preliminary SP to permit 39 single-family lots.

Preliminary SP

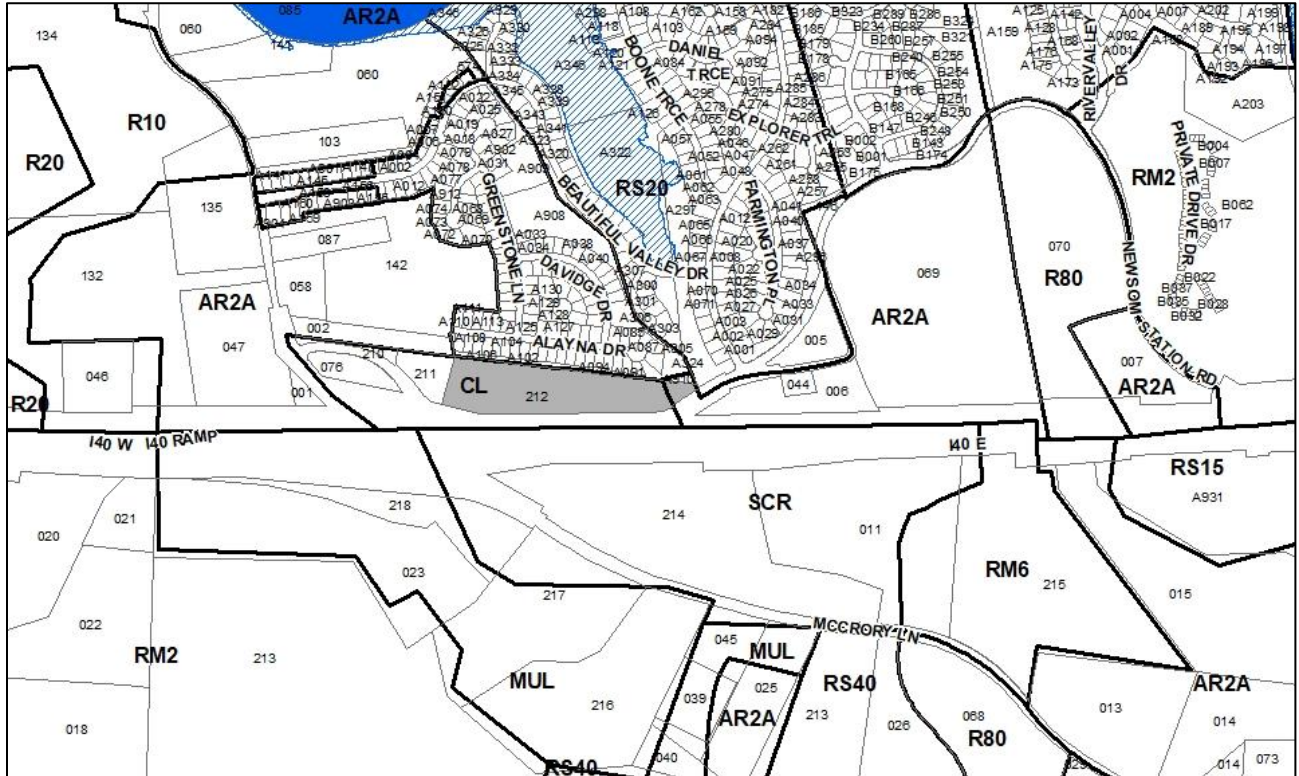
A request to rezone from Agricultural/Residential (AR2a) to Specific Plan-Residential (SP-R) zoning for property located at 3834 Pin Hook Road, approximately 390 feet west of Lakewood Village Drive, to permit 39 single family residential lots (10.2 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the May 26, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2022SP-016-001
NEWSOM PLACE
Map 140, Parcel(s) 212
06, Bellevue
35 (Dave Rosenberg)



Metro Planning Commission Meeting of 3/24/22

Item No. #8a	Specific Plan 2022SP-016-001
Project Name	Newsom Place
Associated Case	84-85P-005
Council District	35 - Rosenberg
School District	09 – Tylor
Requested by	Dale & Associates, applicant; Branstetter Legacy Partners, LLC, owner.
Staff Reviewer	Elliott
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

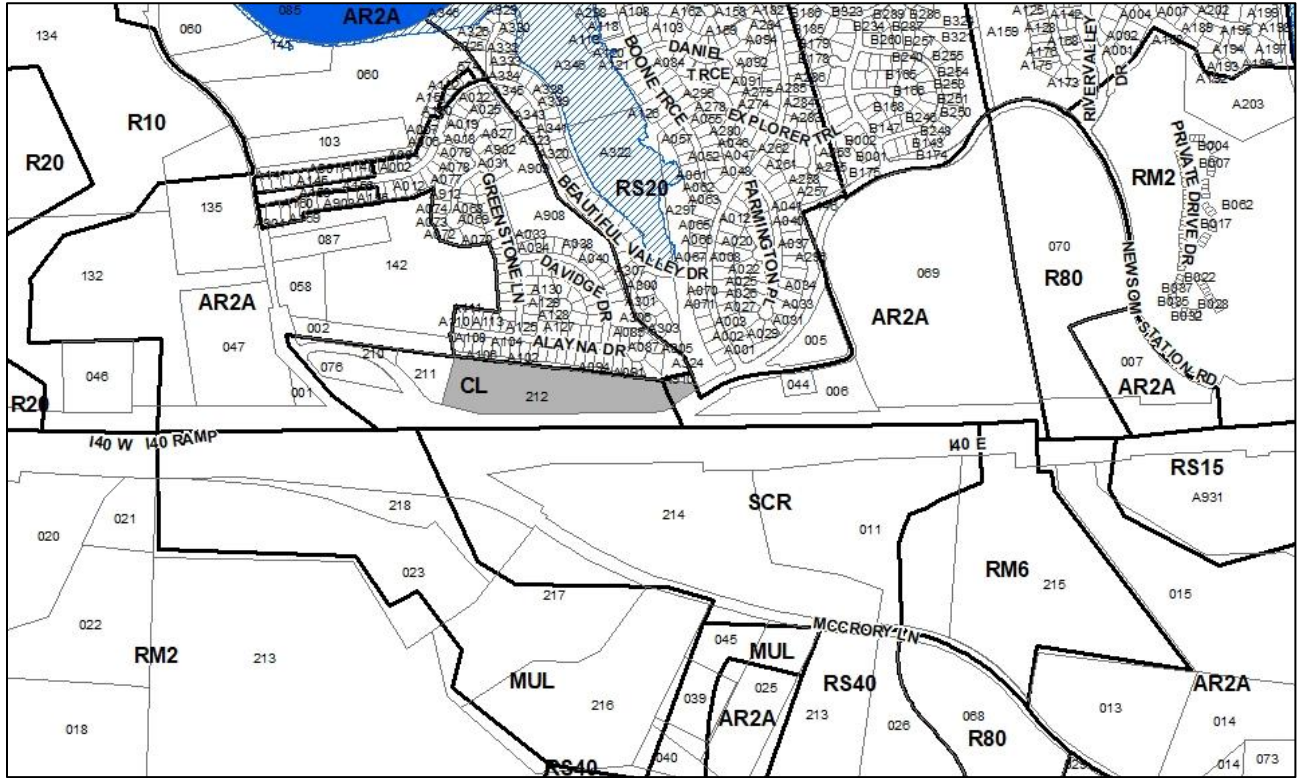
A request to rezone from Agricultural/Residential (AR2a) and Commercial Limited (CL) to Specific Plan (SP) zoning for property located at Newsom Station Road (unnumbered), approximately 285 feet west of Settlers Way, (10.51 acres), and located in a Planned Unit Development Overlay District, to permit a mixed use development.

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



84-85P-005
BILTMORE PUD (CANCELTION)
Map 140, Parcel(s) 212
06, Bellevue
35 (Dave Rosenberg)



Metro Planning Commission Meeting of 3/24/22

Item No. #8b	Specific Plan 84-85P-005
Project Name	Biltmore PUD (Cancelation)
Associated Case	2022SP-016-001
Council District	35 - Rosenberg
School District	09 – Tylor
Requested by	Dale & Associates, applicant; Branstetter Legacy Partners, LLC, owner.
Staff Reviewer	Elliott
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

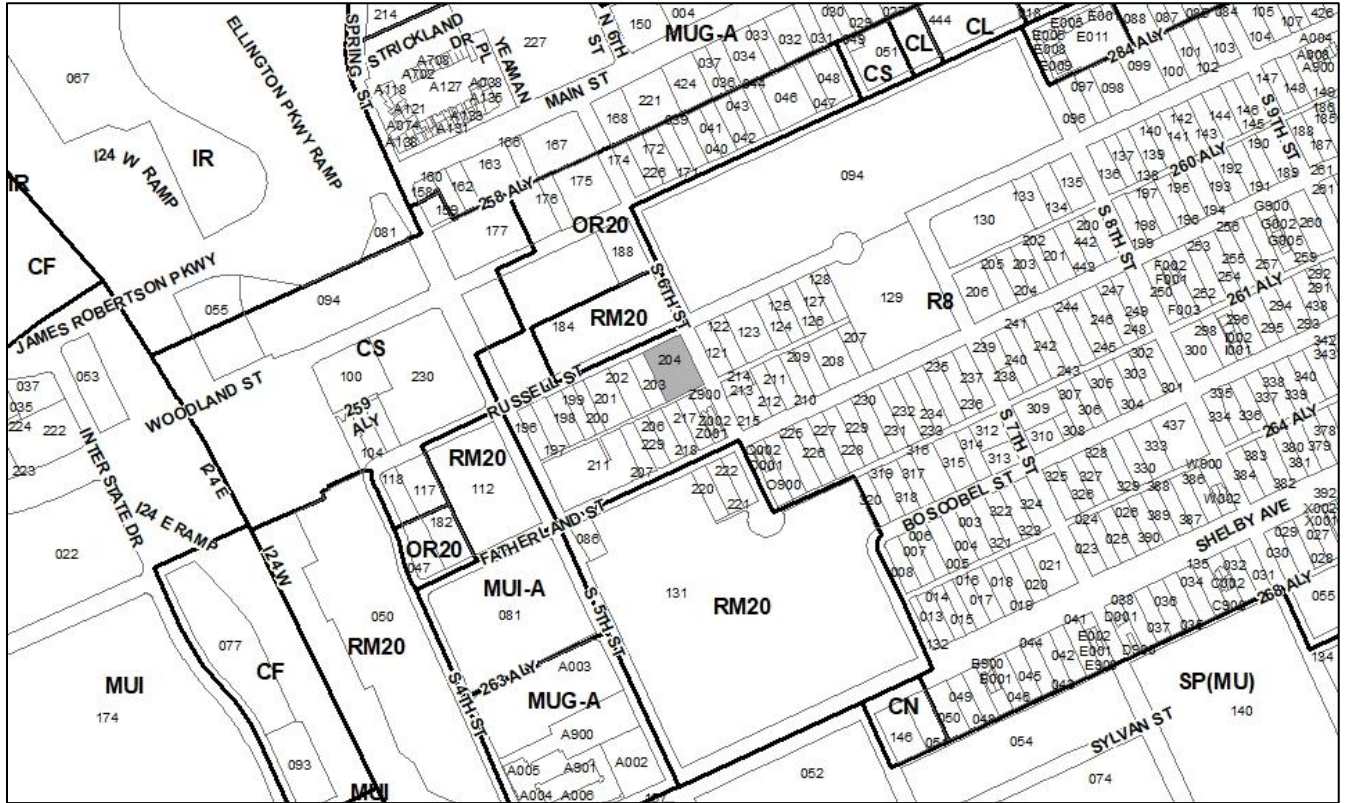
A request to cancel a portion of a Planned Unit Development located at Newsom Station Road (unnumbered), approximately 300 feet west of Settlers Way (10.51 acres), zoned Agricultural/Residential (AR2a) and Commercial Limited (CL).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2022HLI-001-001
518 RUSSELL STREET
Map 082-15, Parcel(s) 204
05, East Nashville
06 (Brett Withers)



Metro Planning Commission Meeting of 3/24/22

Item #9a

Historic Landmark Interiors

2022HLI-001-001

Project Name

518 Russell Street

Associated case

2022NL-001-001

Council Bill No.

BL2022-1155

Council District

06 – Withers

School District

5 – Buggs

Requested by

Councilmember Brett Withers, applicant; Tulip Street Partners, LLC, owner.

Staff Reviewer

Rickoff

Staff Recommendation

Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST

Apply Historic Landmark Interiors Overlay District.

Historic Landmark Interiors Overlay District

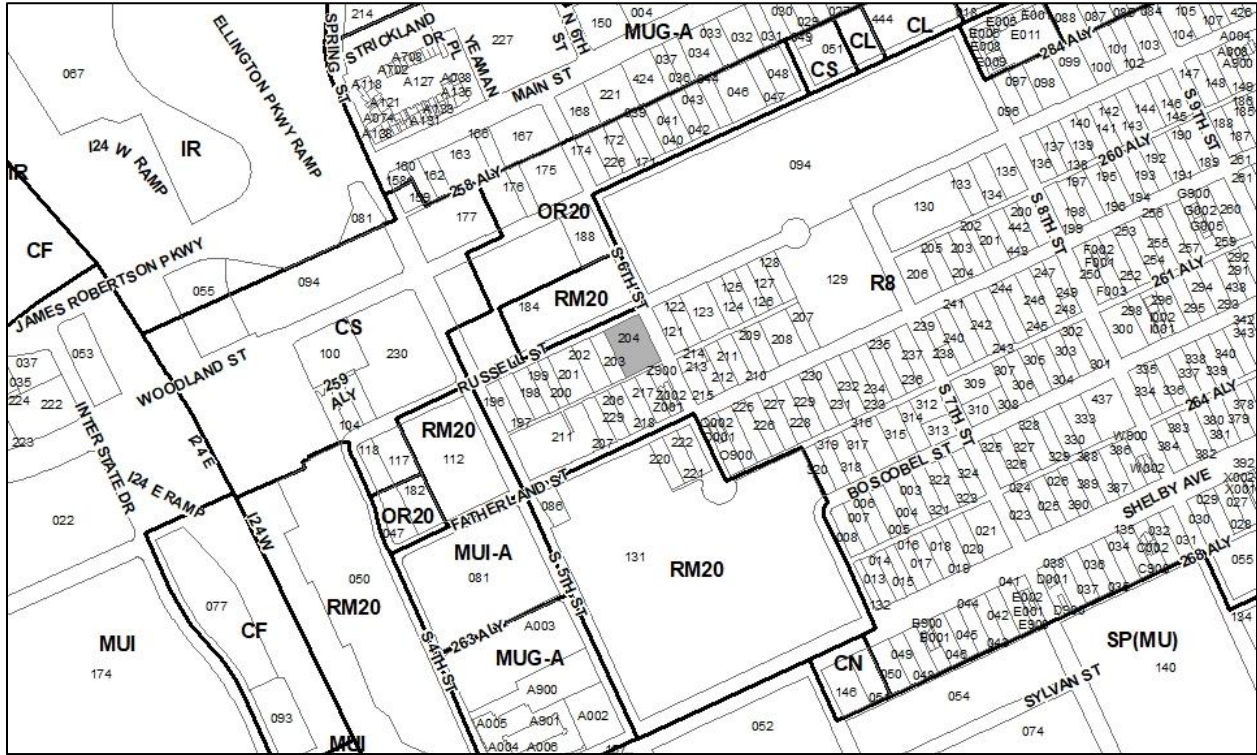
A request to apply a Historic Landmark Interiors Overlay District to property located at 518 Russell Street, at the southwest corner of Russell Street and S. 6th Street, zoned One and Two-Family Residential (R8) and within the Edgefield Historic Preservation District (0.51 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 3/24/22



2022NL-001-001
518 RUSSELL STREET
Map 082-15, Parcel(s) 204
05, East Nashville
06 (Brett Withers)



Metro Planning Commission Meeting of 3/24/22

Item # 9b	Neighborhood Landmark 2022NL-001-001
Project Name	518 Russell Street
Associated case	2022HLI-001-001
Council Bill No.	BL2022-1156
Council District	06 – Withers
School District	5 – Buggs
Requested by	Daniels & Chandler Architects, applicant; Tulip Street Partners, LLC, owner.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Apply Neighborhood Landmark Overlay District.

Neighborhood Landmark Overlay District

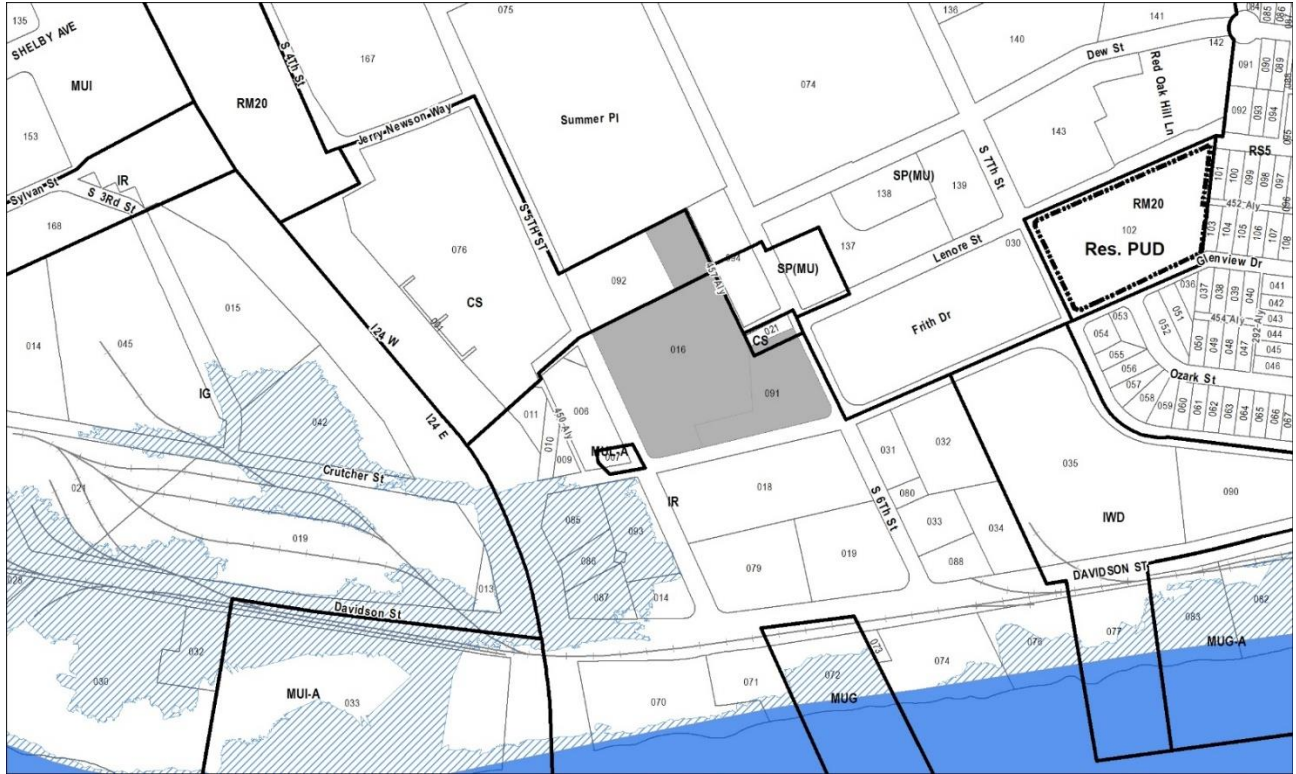
A request to apply a Neighborhood Landmark Overlay District on property located at 518 Russell Street, at the corner of Russell Street and S. 6th Street, zoned One and Two-Family Residential (R8) and within the Edgefield Historic Preservation District, to permit a hotel and special events (0.51 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 3/24/22



2021Z-114PR-001

Map 093-08, Parcel(s) 016, 091

05, East Nashville

06 (Brett Withers)



Metro Planning Commission Meeting of 3/24/22

Item #10
Council District
School District
Requested by

Zone Change 2021Z-114PR-001
06 – Withers
05 – Buggs
Dale and Associates, applicant; Terry C. Reeves and W.
Lipscomb Davis III, owners.

Deferrals

This item was deferred from the November 18, 2021, December 9, 2021, and January 13, 2022, Planning Commission meetings. No public hearing was held

Staff Reviewer
Staff Recommendation

Shane
Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST

Zone change from CS and IR to MUG-A.

Zone Change

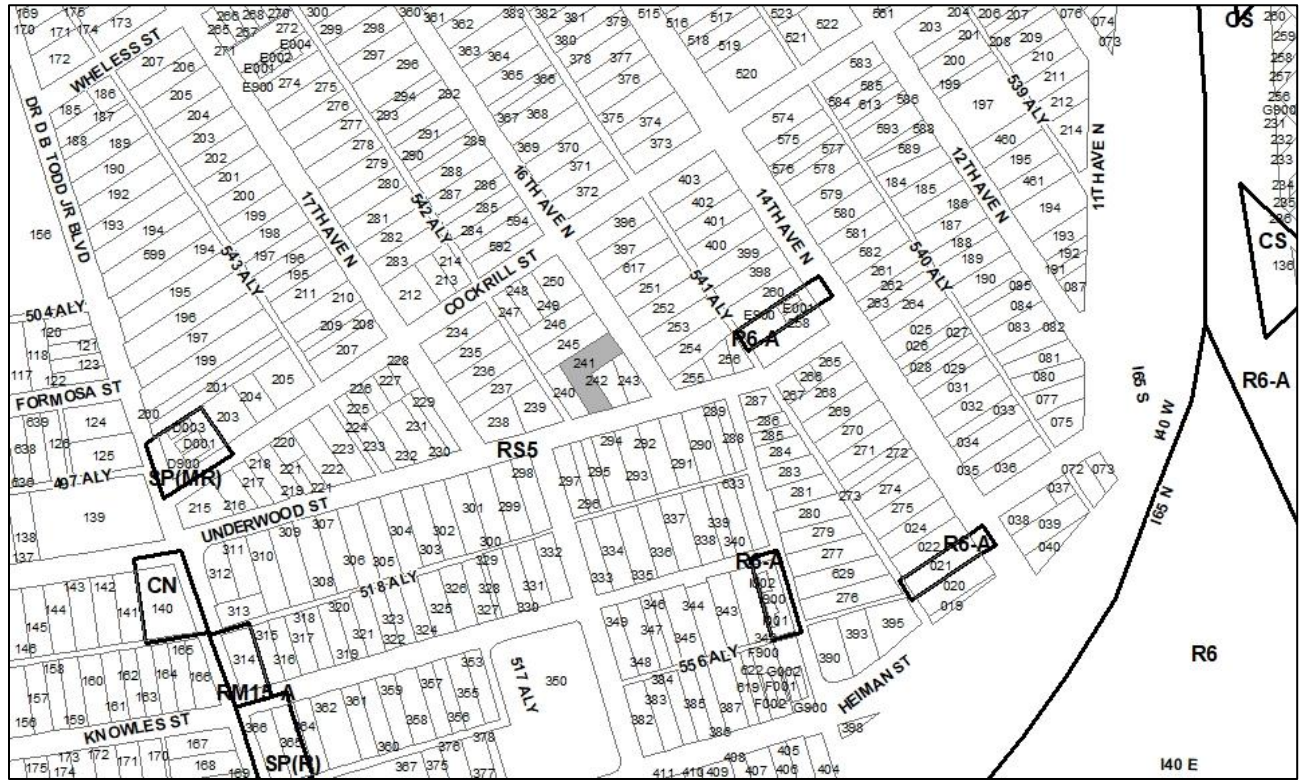
A request to rezone from Commercial Service (CS) and Industrial Restrictive (IR) zoning to Mixed Use General–Alternative (MUG–A) zoning for property located at 501 and 515 Crutcher Street, at the northeast corner of Crutcher Street and South 5th Street (6.82 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 3/24/22



2022Z-019PR-001

Map 081-15, Parcel(s) 241

08, North Nashville

21 (Brandon Taylor)



Metro Planning Commission Meeting of 3/24/22

Item #11
Council District
School District
Requested by

Zone Change 2022Z-019PR-001
21 – Taylor
1 - Gentry
Samuel Brown, applicant and owner.

Staff Reviewer
Staff Recommendation

Rickoff
Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

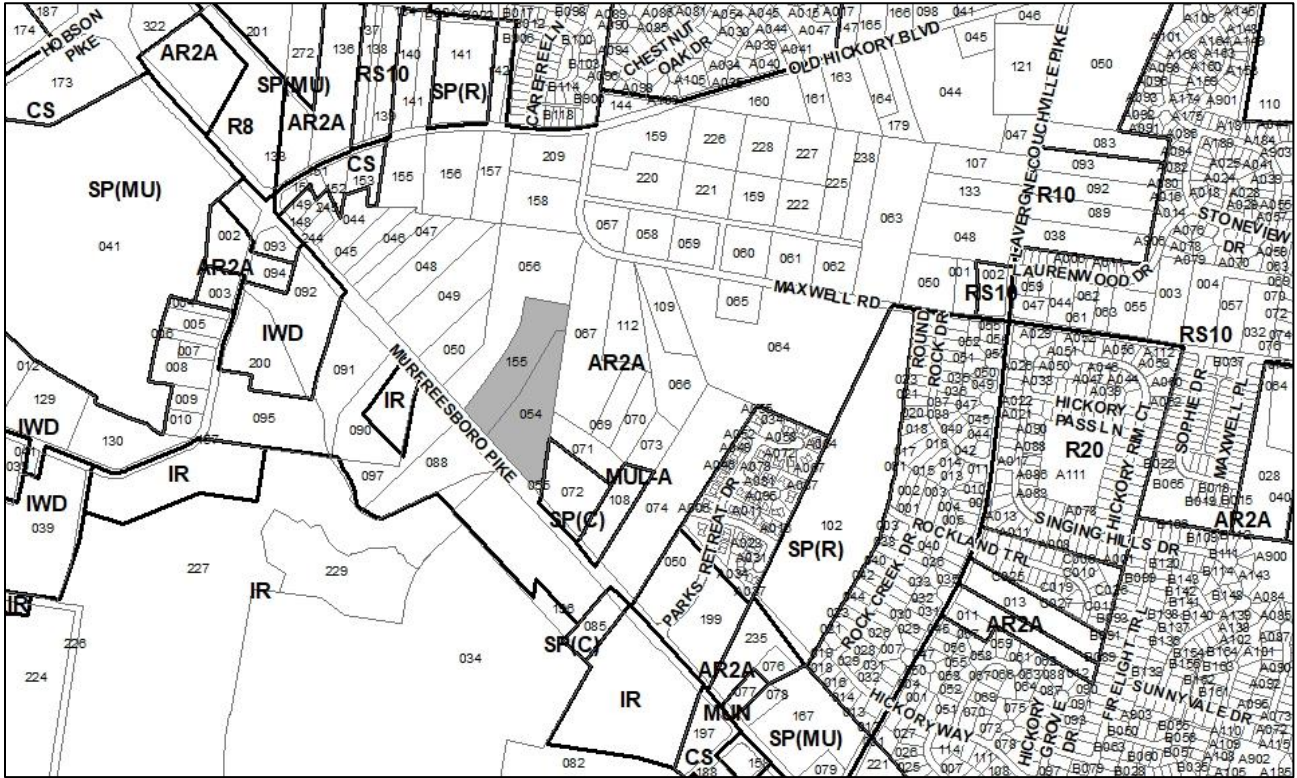
A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 1521 16th Avenue North, located in the Detached Accessory Dwelling Unit Overlay District, approximately 120 feet north of Underwood Street (0.23 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 3/24/22



2022Z-031PR-001

Map 175, Parcel(s) 054, 155

13, Antioch - Priest Lake

33 (Antoinette Lee)



Metro Planning Commission Meeting of 3/24/22

Item #12
Council District
School District
Requested by

Zone Change 2022Z-031PR-001
33- Lee
6 – Bush
RJX Partners, LLC, applicant; The Louise Cooper TN
Real Estate Trust and Mortie Q. Dickens, owners.

Deferrals

This item was deferred from the March 10, 2022,
Planning Commission meeting. No public hearing was
held.

Staff Reviewer
Staff Recommendation

Elliott
*Defer to the April 14, 2022, Planning Commission
meeting.*

APPLICANT REQUEST

Zone change from AR2a to MUL-A-NS

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Mixed Use Limited-Alternative-No Short Term Rentals (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).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2021DTC-027-001

801 MONROE

Map 81-16, Parcels 26, 55-56, 60; Map 82-13, Parcels 01-03

9, Downtown

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item #13

**DTC Overall Height Modification
2021DTC-027-001**

Project Name

801 Monroe

Council District

19 – O’Connell

School District

05– Buggs

Requested by

STG Design, applicant; Monroe Nashville, LP, owner.

Deferrals

This item was deferred at the January 13, 2022, February 10, 2022, and March 10, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer

Islas

Staff Recommendation

Defer indefinitely.

APPLICANT REQUEST

Modification of overall height standards of the DTC, Hope Gardens Subdistrict.

DTC Overall Height Modification

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 Downtown Code (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.

Existing Zoning

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

STAFF RECOMMENDATION

Staff recommends indefinite deferral at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2021S-227-001
RESUB LOT 364 PLAN OF D.T. MCGAVOCK
Map 081-11, Parcels 244
08, North Nashville
21 (Brandon Taylor)



Metro Planning Commission Meeting of 3/24/22

Item # 14

Project Name

Council District

School District

Requested by

Final Plat 2021S-227-001

Resub Lot 364 Plan of D.T. McGavock

21 – Taylor

1 – Gentry

WT-Smith Surveying, applicant; Frank Beasley, owner.

Deferrals

This item was deferred from the December 9, 2021, the January 13, 2022 and the February 10, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer

Swaggart

Staff Recommendation

Defer indefinitely.

APPLICANT REQUEST

Request for final plat approval to create two lots.

Final Plat

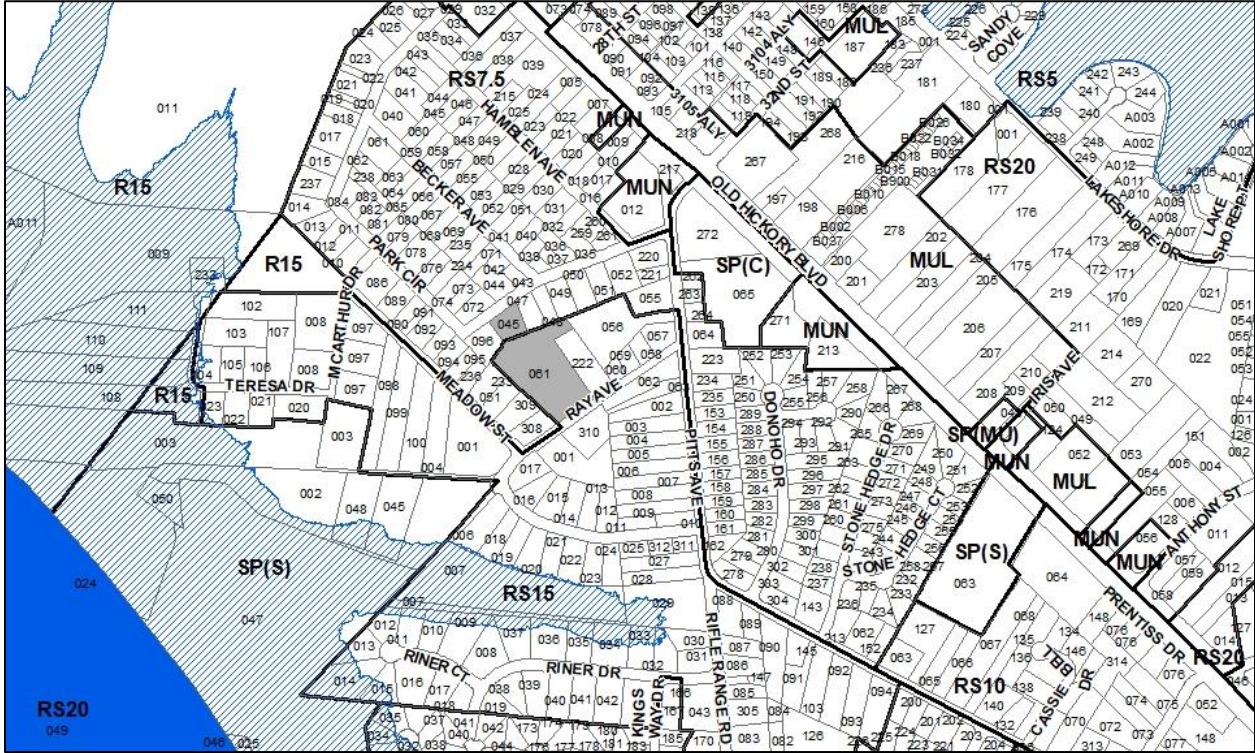
A request for final plat approval to create two lots on property located at 1720 17th Avenue North, at the southeast corner of Century Street and 17th Avenue North, zoned Single-Family Residential (RS5) (0.38 acres).

STAFF RECOMMENDATION

Staff recommends indefinite deferral.



Metro Planning Commission Meeting of 3/24/22



2022S-025-001

OVERSTREET SUBDIVISION

Map 053-12, Parcel(s) 045, 061

14, Donelson – Hermitage – Old Hickory

11 (Larry Hagar)



Metro Planning Commission Meeting of 3/24/22

Item #15**Project Name****Council District****School District****Requested by****Final Plat 2022S-025-001****Overstreet Subdivision**

11 – Hagar

04 – Little

HFR Design, applicant; Tommy & Flora Ann Overstreet, owner.

Deferrals

This item was deferred from the February 10, 2022, February 24, 2022, March 10, 2022, and March 24, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer

Harrison

Staff Recommendation

Defer to the April 14, 2022, Planning Commission meeting.

APPLICANT REQUEST**Final plat approval to create 3 lots.**Final Plat

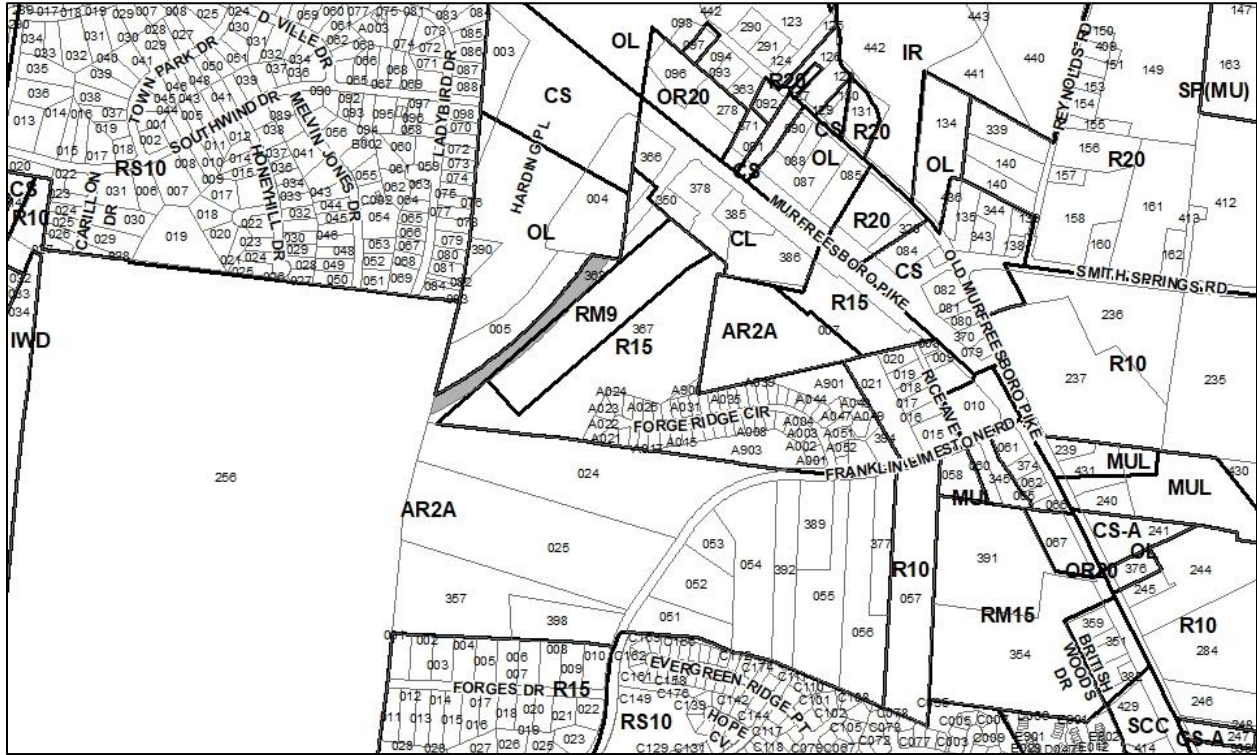
A request for final plat approval to create three lots on property located at Park Circle (unnumbered), approximately 115 feet southeast of Becker Avenue, zoned Single-Family Residential (RS15 and RS7.5) (2.83 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission Meeting.



Metro Planning Commission Meeting of 3/24/22



2022S-043-001

CANTER CHASE APARTMENTS (RESERVE PARCEL)

Map 135, Parcel 368

13, Antioch – Priest Lake

28 (Tanaka Vercher)



Metro Planning Commission Meeting of 3/24/22

Item #16

Project Name

Council District

School District

Requested by

Final Plat 2022S-043-001

Canter Chase Apartments (Reserve Parcel)

28 – Vercher

07 – Player - Peters

Collier Engineering, applicant; James R. Jones, owner.

Staff Reviewer

Lewis

Staff Recommendation

Defer indefinitely.

APPLICANT REQUEST

Remove the reserve status from a parcel.

Amend Plat

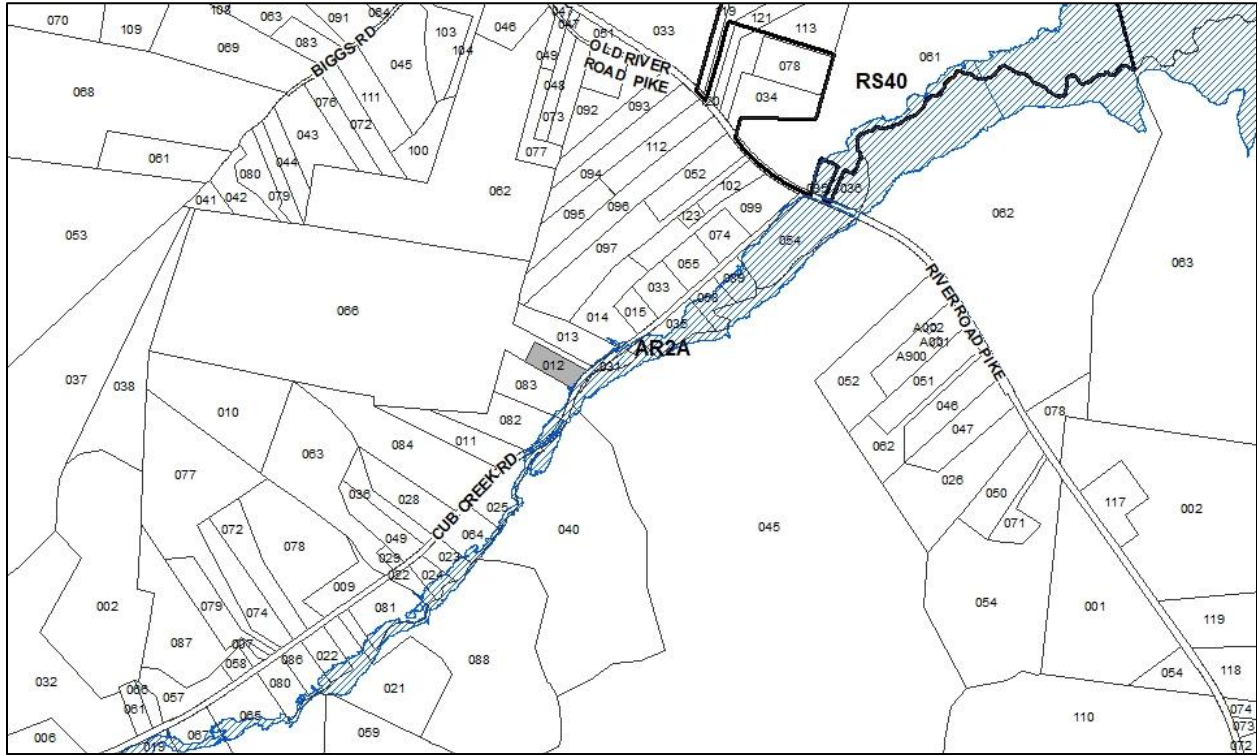
A request to amend a previously approved plat to remove the reserve parcel status and make parcel 368 a buildable lot on property located at Murfreesboro Pike (unnumbered), approximately 760 feet southwest of Murfreesboro Pike (2.35 acres).

STAFF RECOMMENDATION

Staff recommends indefinite deferral at the request of the applicant.



Metro Planning Commission Meeting of 3/24/22



2022S-048-001
8392 CUB CREEK ROAD
Map 077, Parcels 012
06, Bellevue
35 (Dave Rosenberg)



Metro Planning Commission Meeting of 3/24/22

Item # 17	Final Plat 2022S-048-001
Project Name	8392 Cub Creek Road
Council District	35 – Rosenberg
School District	09 – Tylor
Requested by	Collier Engineering, applicant; WGB Properties, LLC, owner.
Deferrals	This item was deferred from the March 10, 2022, Planning Commission meeting. No public hearing was held.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Defer to the April 14, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for final plat approval to create one lot.

Final Plat

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 Agricultural and Residential (AR2a), (2.44 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the April 14, 2022, Planning Commission meeting.



NO SKETCH



Metro Planning Commission Meeting of 3/24/22

Project Nos.#18a

Project Name

Council Bill No.

Council District

School District

Requested by

Text Amendment 2022Z-004TX-001

Conservation Development

BL2022-1121

Countywide

Countywide

Councilmember Angie Henderson

Staff Reviewer

Staff Recommendation

Shepard and Pike

Approve with a second substitute and direct staff to prepare a housekeeping amendment to the Metro Subdivision Regulations.

APPLICANT REQUEST

Amend Chapters 17.12, 17.24, 17.28, 17.36 and 17.40 of the Zoning Code pertaining to the Cluster lot option.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend the Zoning Code to modify the standards of Section 17.12.090, Cluster lot option. The primary purpose of the amendments is to establish a more focused purpose and intent that is aimed at incentivizing better protection of sensitive environmental resources in exchange for flexibility of lot size, and to directly link the flexibility of lot size to the amount of open space established to protect sensitive features. Additionally, the proposal would rename the former “Cluster lot option” to “Conservation Development” to better reflect the purpose and intent of the tool and reorganize the standards to make them easier to utilize and implement consistently. The proposal also includes housekeeping amendments in Chapters 17.24, 17.28, 17.36, and 17.40 of the Zoning Code that are necessary to change references to “Cluster lot option” to “Conservation Development,” correct errors in code section references, and ensure consistency across the Zoning Code.

BACKGROUND

The Cluster Lot Option is a set of alternative zoning standards that may be utilized in the design of a Concept Plan for a residential subdivision. The existing Cluster Lot Option standards allow a property owner or developer to propose lots that are smaller than the minimum lot size required by the current zoning applicable to the property in exchange for creation of common open space within the development. The Cluster Lot Option was incorporated into the Zoning Code with adoption of the current code in the late 1990s, and have been subsequently amended twice, most recently in 2007, to add requirements for recreational facilities in cluster lot subdivisions over a certain size.

The current Cluster Lot Option standards in Section 17.12.090 of the Zoning Code are applicable to properties zoned Single-family residential (RS/RS-A) or One and Two-Family Residential (R/R-A). Additionally, in order to be eligible to utilize the cluster lot option, the site must be ten times the minimum lot size required by the existing zoning on the property; so, for example, on a site zoned Single-Family Residential RS10, the property must be a minimum of 100,000 square feet in size (ten times the minimum lot size of 10,000 square feet) in order to qualify. The current



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standards require a minimum of 15 percent of the gross acreage of the site be set aside as open space. In exchange, lots within the development may be reduced in size the equivalent of two zoning districts smaller than the existing zoning as long as standards for landscape buffer yards and perimeter lots are met; for example, on a site zoned RS10, lots may be reduced from 10,000 square feet to 5,000 square feet.

EVALUATION AND ENGAGEMENT

In response to comments and concerns shared with the Commission, the Commission directed staff to evaluate the current cluster lot option standards and look for opportunities for improvement. Staff analyzed data on past subdivision concept plans during a four year period to gain an understanding of the number of concept plans utilizing the cluster lot option, and key characteristics of those plans, including the transect location, zoning, number of lots and amount of open space created.

In addition to the data analysis, staff also conducted outreach to obtain feedback from key stakeholders. Three targeted stakeholder groups were assembled. The first was comprised of residents and neighborhood leaders representing many different geographic areas across the County where subdivision concept plans have been proposed. The second was comprised of representatives of environmental and conservation advocacy organizations, as protection of sensitive environmental features is one of the stated purposes of the current cluster lot option standards. The third was comprised of representatives of the development community who regularly participate in the planning and subdivision process. Staff met virtually with each stakeholder working group twice, for a total of six sessions. Staff provided an overview of the current standards and sought feedback from the stakeholders on key issues related to the tool including open space standards, flexibility of lot size, and maximum lot yield. The feedback received at these sessions was incorporated into an initial draft of possible amendments, which were made available on the Planning website for feedback from stakeholders and the broader public in late summer 2021. The feedback received on this preliminary draft shaped the initial proposal introduced at Metro Council.

Concurrently with introduction of the legislation, Staff presented the proposal to a meeting of the combined stakeholders in February 2022 to afford those stakeholders who participated throughout the process an opportunity to ask questions and share feedback directly. Additionally, the proposed amendments were made available on the Planning Department website for a period of review and public comment prior to placing this item on a Planning Commission agenda. The amendment currently proposed for consideration incorporates additional revisions and refinements made to address comments and feedback received since the most recent stakeholder meeting and posting of the revised draft.

ANALYSIS

The Commission directed staff to evaluate the cluster lot option in part because of comments received from the public expressing concern that the flexibility afforded by the tool was not appropriately balanced with the requirements, and that the alternative lot patterns the cluster lot option tool permits were not always achieving the intended purpose. Through the course of the more focused stakeholder engagement, it became apparent that part of this concern arises from stakeholders having very different understandings about the intended purpose of the tool. The



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current cluster lot option standards articulate multiple purposes including flexibility of design, creation of common open space, and preservation of natural features. Sometimes these purposes compete, and the standards are not organized in a way that links them clearly to the purpose.

The proposed amendment focuses on preservation of natural areas. Natural features, including steep slopes and hillsides, streams and floodplains, problem soils, archaeological resources, and native forests or vegetation are important community assets, both for the ecological services they provide and their contribution to Nashville's unique character. NashvilleNext identifies the importance of utilizing sensitive development techniques to minimize hazards associated with development in natural areas, and to balance preservation and development to create resiliency. Much of Nashville's zoning was applied in the 1970s and 1990s, prior to adoption of the current community vision and goals laid out in NashvilleNext, but unless proposed for change by a property owner or Councilmember, the current zoning on a property permits certain amounts and forms of development. Allowing for flexibility in development patterns within existing zoning allowances can help achieve community goals of better balancing development and existing zoning with protection and conservation of sensitive natural areas, and alternative lot sizes or development patterns may be more palatable to communities if they can easily perceive that those alternative lot sizes are helping protect valuable sensitive features in a meaningful way.

The proposed amendments to the Zoning Code would require the preservation of some natural areas under certain situations by allowing for flexibility in lot size in a residential subdivision.

The criteria for a conservation development is twofold. First, the development site must meet a size requirement of no less than ten times the minimum lot size required by the existing zoning on the property. This is the same requirement as used with the existing cluster lot option. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).

The second requirement is that the development site must have at minimum 10 percent natural area. For example, a twenty acre site would have to have existing sensitive natural features of at least 2 acres before this type of development would be triggered.

When the criteria of development size and presence of natural features are met, this style of development would be required. Staff determined that for this to meet the intent of the standard and be an effective tool in preserving these natural areas there must be a requirement that they be preserved. By preserving these areas, a development may reduce the size of the lots by the percentage of the development preserved in natural area open space. For example, if a development contains 15 percent natural area protected in natural area open space, lot size may be reduced 15 percent. In no case shall the size of any lot be reduced to less than 3,750 square feet, no matter how much natural area is protected. The amount of natural area that would need to be protected to achieve this smallest minimum lot size of 3,750 square feet varies by zoning district; for example, on a site zoned RS20, approximately 80% of the site would need to be protected in natural areas before this amount of lot size reduction could be achieved.

Another minimum standard established in this amendment is the 20 percent preservation requirement threshold. If less than 20 percent of the site is defined natural areas, all the natural area present must be undisturbed and in open space. If more than 20 percent of the site is natural features, a minimum of 20 percent is required to be preserved.



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It is recognized that some parcels of land will have more than 20 percent sensitive natural features. When this is the situation, the land may be developed in a way that preserves the amount that makes the most sense and in the location that best suits the development requirements. The amount of natural area preservation is not limited to 20 percent of the parcel. The developer may elect to set aside more land. Any set aside must be undisturbed if to be credited toward lot size flexibility. As an incentive to preserve more natural features, the amount of lot size flexibility is directly linked to the amount of area preserved. While the preservation is a required standard, the amount and location will be adjusted according to the land itself.

This amendment establishes a requirement for the preservation of these areas by placing them in platted open space and not permitting disturbance or requiring a recreational facility. Minimal disturbance with the addition of trails, gazebos and conservation-oriented uses would be permitted in this type of open space. Since not all natural areas are conducive to this type of recreation feature, they are not a requirement. The preservation of natural features is the amenity in this type of development. If natural open space is a requirement, then this area must be maintained. This amendment outlines who owns and manages the open space.

This Conservation Development amendment is not intended to address all the problems or issues that have been identified with the creation of new residential subdivisions. These standards are intended to guide development on parcels with environmentally sensitive areas by encouraging these decisions to be based on the characteristics of the land in a site-specific way. This amendment provides incentives to reduce the disturbance of the areas that define this region, and by linking the flexibility of lot size available directly to the amount and quality of the natural area open space provided, ensures a balance between flexibility and protection.

Staff has continued to refine the proposal based on feedback received in response to the most recent stakeholder meeting and public comment opportunities. Stakeholders with a focus on T2 Rural areas expressed some concern that the one-to-one relationship of open space protected to lot size reduction might inadvertently be offering more lot size flexibility without achieving protection of natural areas beyond what the Rural Subdivision Regulations already require. To address this concern, and to ensure that the Rural Subdivision Regulations continue to function as intended when adopted by the Commission, staff is recommending a second substitute ordinance that would clarify the natural area open space requirements as they apply to subdivisions which must meet the Rural Subdivision Regulations, and in those subdivisions, to cap lot size reduction at a two district maximum, consistent with the current cluster lot option allowances.

Staff also recommends an effective date for the proposed Conservation Development standards of June 15, 2022, to align with Planning Commission filing deadlines and to allow time for dissemination of new standards to staff and applicants. If the overall Council schedule for consideration of this proposal shifts, the effective date should also shift.

Through the course of the stakeholder meetings and analysis of existing code, staff received feedback from some stakeholders about the importance of additional zoning tools to ensure efficient use of land less constrained by the natural features described in this document. In addition to calling for protection of sensitive natural areas, NashvilleNext also establishes goals for diversity of housing opportunities. Sites that are unconstrained by natural areas play an important role in enabling our community to meet both environmental and housing goals, by



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providing opportunities for housing diversity without impacting sensitive environmental features found elsewhere in the county. The existence of natural areas on a proposed development site can prove to be challenging but not every piece of property is, by its very nature, meant to have the same pattern of development. By encouraging development and redevelopment of unconstrained sites, necessary housing may be provided for our growing population.

Additionally, stakeholders mentioned their desire to see a requirement for a type of formal or usable open space to provide amenities such as active recreation opportunities. The size and type of open space might be tied to the size of a proposed subdivision, for example. On constrained sites which would be subject to Conservation Development, the protection of natural areas is the priority, and the natural areas serve as a neighborhood amenity; however, staff acknowledges that incorporation of recreational open spaces is important consideration on unconstrained sites.

In response to stakeholder feedback regarding unconstrained sites and recognizing the importance of having zoning tools that are appropriately calibrated to different site conditions and contexts, staff is currently evaluating and preparing a separate amendment to the zoning code to create a second zoning tool to allow for the flexibility of lot size for property that does not have the requisite natural areas defined by this current amendment, BL2022-1121 (Proposal2022Z-004TX-001). The purpose and intent of this second tool for unconstrained sites would be focused on the encouragement of provision of diverse and flexible housing to meet current and future needs, and incorporation of recreational or usable open space appropriate to the scale and form of the development. To ensure consistency with NashvilleNext and community character policy goals, this tool is currently being structured to afford flexibility to sites zoned R/RS10, R/RS15 and perhaps R/RS20, outside of T2 Rural policy areas. Staff continues to develop and refine the specifics of this second tool for unconstrained sites and anticipates bringing it to the Commission for consideration in the very near future. Having two separate zoning tools will ensure that the purpose and applicability of each is clear, and that the standards of each tool are calibrated to ensure that the stated goals and intent are met.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

FISCAL IMPACT RECOMMENDATION

The Metro Planning Department currently reviews subdivisions utilizing the cluster lot option and will review subdivisions that trigger Conservation Development. There will be additional demand on staff to conduct a more nuanced plan review and to verify information via field visits to inspect the location of natural areas and the associated protection fencing.

STAFF RECOMMENDATION

Staff recommends approval of a second substitute and recommends that the Planning Commission direct staff to undertake a properly noticed housekeeping amendment to the Metro Subdivision Regulations for purposes of replacing all references to the “cluster lot option” with references to “conservation development.”



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SECOND SUBSTITUTE ORDINANCE NO. BL2022-1121

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.12, 17.24, 17.28, 17.36, and 17.40 pertaining to the cluster lot option, all of which is described herein (Proposal No. 2022Z-004TX-001).

WHEREAS, Metro Nashville and Davidson County is characterized by rolling hills, steep bluffs, valleys, floodplains, forests, and numerous rivers and streams; and

WHEREAS, NashvilleNext, Metro's General Plan adopted in 2015, identifies such natural areas as important community assets that provide benefits including enhancing air and water quality, moderating temperature, providing wildlife habitat, and better quality of life for residents; and

WHEREAS, NashvilleNext identifies the importance of sensitive development techniques to minimize hazards associated with development in natural areas and to balance preservation and development to create resiliency; and

WHEREAS, allowing for flexibility in development patterns within existing zoning allowances can help to achieve goals to balance development with protection and conservation of sensitive natural areas; and

WHEREAS, updating the standards of the zoning code pertaining to the cluster lot option will help ensure that flexibility of lot size and development pattern are appropriately balanced and linked with the quantity and quality of natural area conservation achieved by the proposed development.

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

Section 1. That Chapter 17.12 of the Metropolitan Code is hereby amended by deleting section 17.12.090 Cluster Lot Option in its entirety and replacing it with the following:

17.12.090 - Conservation Development

- A. Purpose and Intent. Conservation development is a set of standards that shall be utilized in the design of subdivisions as provided in this section. The purpose of these standards is to:
1. Preserve unique or sensitive natural resources such as steep slopes; hillsides; streams, wetlands, floodways, and floodplains; problem soils; archaeological resources; and native forests or unique vegetation through the creation of natural open space.
 2. Encourage the creation of lots on less environmentally sensitive areas of the site.



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3. Provide flexibility in design of subdivisions within existing zoning districts to promote environmental resource protection.
- B. Applicability. Subdivisions proposed in the R/R-A and RS/RS-A zoning districts that meet both of the following standards shall utilize the provisions of this section.
1. Minimum Site Area. The minimum site area of no less than ten (10) times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).
 2. Minimum Natural Area. A minimum of ten percent of the site contains any, or a combination of, the following:
 - a. Areas shown on FEMA maps as part of the 100 year floodplain or identified in local studies as confirmed by Metro Stormwater;
 - b. All perennial and intermittent streams, floodways, and associated buffers, as determined by Metro Stormwater or the State;
 - c. Areas of natural slopes of 20% or greater of at least 10,000 square foot contiguous area;
 - d. Areas containing problem soils as established by Section 17.28.050; Wetlands, as determined by Metro Stormwater;
 - e. Known habitat for federally or state listed or proposed rare, threatened, or endangered species;
 - f. Areas containing a protected Cedar Glade plant species as established by Section 17.28.060;
 - g. Archaeological or historic sites, cemeteries, and burial grounds; or
 - h. Protected, heritage and historic and specimen trees, as defined by Section 17.40.450 of the Metro Zoning Code.
- C. Maximum Lot Yield. The determination of the maximum lot yield shall be based on assigning 20% of the gross acreage of the site to open space and infrastructure. The remaining 80% of the gross acreage shall be divided by the minimum lot size of the base zoning district to determine the maximum yield. Yield shall not be based on the minimum lot size as described in Section D Lot Size Flexibility.
- D. Conservation and Design Flexibility. In order to accomplish the purposes of this section, flexibility in lot sizes may be proposed in exchange for protection of the natural areas present on the site in natural open space according to the following standards:
1. Conservation Areas
 - a. Subdivisions subject to the Rural Character Subdivision Regulations shall follow the procedures of those regulations for identification and protection of Primary Conservation Lands in ~~common~~ natural open space. In no case shall the standards of this section be construed to lessen the requirements for protection of Primary Conservation Lands as identified in the Rural Character Subdivision Regulations or establish a lower minimum open space threshold for such developments. If less than 20 percent of the site is Primary Conservation Land, then trees, if applicable, as specified in



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17.12.090.B.2 shall be included as Natural Area required to be preserved in open space.

- b. All other subdivisions shall set aside as ~~common~~ natural open space those portions of the site containing natural areas for purposes of conserving those resources according to the following:
- i. If less than or equal to 20 percent of the site contains these natural areas, then the entire area shall be set aside in ~~common~~ natural open space.
 - ii. If more than 20 percent of the site contains natural areas, then a minimum of 20 percent of the site shall be set aside as natural open space.

The applicant is encouraged, but not required, as part of this chapter, to set aside areas of common open space in excess of 20 percent in exchange for additional design flexibility.

2. Common open space may be provided for other purposes besides protection of natural areas, but such open space shall not contribute to the flexibility of lot sizes afforded by this section.
3. ~~Lot sizes for single-family lots may be reduced in size from the minimum required by the base zoning district by equivalent percentage of the site that is in the natural area protected in common open space or in primary conservation land, if applicable. For example, on a site zoned RS15 with ten percent of the site set aside as natural area, the lots may be reduced in size by ten percent, or to a minimum of 13,500 square feet in area. On a site zoned RS15 with 35 percent set aside as open space protecting natural area, the lots may be reduced in size by 35%, or to a minimum of 9,750 square feet.~~
3. Lot Size Flexibility

a. Subdivisions subject to the Rural Character Subdivision Regulations may reduce lots in size from the minimum required by the base zoning district by equivalent percentage of the site that is in the natural area protected in natural open space and such lots shall be reduced in lot area no more than the equivalent minimum lot size of two smaller base zoning districts. For example, a rural character subdivision in a RS20 district with 20 percent natural open space may create lots reduced in size by 20 percent. On a similar RS20 site with 60 percent natural open space, lots may be reduced the equivalent in size to a RS10 district, but no smaller.

b. All other subdivisions may reduce lots in size from the minimum required by the base zoning district by equivalent percentage of the site that is in the natural area protected in natural open space. For example, on a site zoned RS15 with ten percent of the site set aside as natural open space, the lots may be reduced in size by ten percent, or to a minimum of 13,500 square feet in area. On a site zoned RS15 with 35 percent of the site set aside as natural open space, the lots may be reduced in size by 35 percent, or to a minimum of 9,750 square feet.

4. In no case shall the minimum lot size be reduced below 3,750 square feet.



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5. Lots proposed for duplexes must meet the minimum lot size of the base zoning district (no reduction in area permitted) and shall comply with the standards of 17.16.030.D of this title.
 6. Development in hillside and floodplain areas shall follow those standards as set out in Chapter 17.28. If the natural area preservation required in those sections is greater than the area required here, then that chapter shall prevail. In no case shall the required natural area preservation be less than that required in this section.
 7. ~~Trees removed pursuant to this section~~ preservation or removal proposed in a conservation development shall follow the standards of Chapter 17.28.065 17.24. If the tree or natural area preservation required in that section is greater than the area required here, then the requirements of that section shall prevail. In no case shall the required natural area preservation be less than that required in this section.
 8. The standards for the review of critical lots as provided in the adopted Subdivision Regulations shall apply.
 9. The bulk standards and landscaping requirements of a comparable zoning district which most closely resembles the alternative lot sizes proposed for any given phase of development shall be employed for that phase of the subdivision.
 10. A standard C landscape buffer yard as per 17.24 Article IV Landscape Buffer Yard Requirements shall be required along the perimeter of the development when perimeter lots are reduced in size from the minimum lot size required by the base zoning district. If all perimeter lots meet the minimum size of the base zoning, no landscape buffer yard is required.
- E. Natural Open Space. Open space provided for the purposes of protecting natural areas and in exchange for flexibility of design, as described above, shall be called natural open space and subject to the standards below. These standards are not applicable to common areas or open spaces that may be provided for other purposes.
1. All natural open space provided in accordance with this section shall be platted with the first phase of development that includes any lots utilizing alternative lot sizes as provided for above and shall be identified on the plat as protected natural open space. Consideration shall be given to the timing of platting of natural open space for large developments that contain natural area located in a portion of the site that may be inaccessible to the first phases of development.
 2. Clearing, grading or disturbance of natural open space shall be prohibited, except for essential infrastructure. Roadways and other essential utilities necessary to serve the development may be permitted to cross a natural open space provided that this development minimizes impacts to this area. Preliminary grading and construction plans that demonstrate the limits of disturbance, feasibility of construction and overall impacts to the area at a level of detail beyond that normally required at the concept plan (preliminary plat) phase shall be required prior to approval of a plan incorporating such infrastructure. The portion of the natural open space that must be disturbed to accommodate essential infrastructure shall not contribute toward the required



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minimum natural open space or flexibility of lot size afforded by the previous section.

3. Protected natural open space shall be located and identified in the field by the applicant prior to the issuance of a tree removal or grading permit to ensure there is no disturbance of these areas during the construction process.
4. Configuration and Access. To the maximum extent practicable given the configuration of natural areas, the open space shall be in a contiguous tract. Consideration should be given to the preservation of natural area that adjoins neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space in an adjacent development. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with pedestrian access to the open space via direct access or an access easement designated on the plat.
5. Permitted Uses of Natural Open Space. The following uses may be located or installed within natural open space without affecting the contribution of those areas to flexibility of lot size afforded by the previous section:
 - a. Conservation of natural resources;
 - b. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
 - c. Walking or bicycle trails provided they are constructed of porous paving materials;
 - d. Passive recreation areas such as picnic shelters, gazebos, or shared docks;
 - e. Required stormwater mitigation measures such as reforestation that do not require grading;
 - f. Other conservation-oriented uses compatible with the purposes of this section.
6. Prohibited Uses of Natural Open Space.
 - a. Clearing, grading, disturbance, or tree removal except as specifically authorized in the permitted uses;
 - b. Roads, parking lots, impervious surfaces, and infrastructure;
 - c. Active recreational or play facilities including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts or other facilities that incorporate impervious surface; and
 - d. Impoundments, such as retention and detention basins, and other conventional stormwater facilities.
7. Ownership and Management.
 - a. Natural Open space within a conservation development shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the development and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within a conservation



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subdivision shall be a member of the association which shall be responsible for the assessment of dues to cover the recurring costs of maintaining all natural open space areas. Articles of incorporation and bylaws shall be submitted and approved according to the subdivision regulations.

b. In limited circumstances where the natural open space is identified on the Greenways Master Plan or within the Parks Master Plan, the developer may offer the open space for dedication to Metro Parks subject to approval and acceptance by Metro Parks Board and Metro Council as appropriate.

c. Natural Open Space Management Plan. With the concept plan applicants shall submit a plan for the management of the open space and common facilities which allocates responsibility and guidelines for maintenance and operation of the open space and any facilities located within the open space areas. If the open space is restricted via a conservation easement in the favor of a bona fide land trust or other permanently established organization legally able to accept such easements, a stewardship plan or other management plan associated with the conservation easement may be provided in lieu of the open space management plan.

d. Failure to maintain. When the failure of an association or other responsible party to properly maintain a natural open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds are utilized to remove a nuisance and/or maintain ~~common~~ natural open space, those costs shall be assessed proportionally against all property owners within the development in the form of a tax lien. This provision shall not apply to any natural open space that has been dedicated to and accepted by the metropolitan government.

F. Application Requirements.

1. The subdivision concept plan (preliminary plat) shall clearly indicate that a conservation development is proposed and shall be prepared in accordance with the procedures and requirements of the Metro Subdivision Regulations.
2. Concurrent with the submittal of the concept plan, the applicant shall prepare and submit a site analysis map that identifies the natural areas. Documentation of, or determinations regarding the areas from appropriate Metro, State or Federal agencies or official maps or resources, if applicable, shall also be provided.
3. Preliminary grading and construction plans that demonstrate the limits of disturbance, feasibility of construction and overall impacts to a natural area at a level of detail beyond that normally required at the concept plan (preliminary plat) phase shall be required prior to approval of a conservation plan.

Section 2. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.100.B.3 and replacing it with the following:



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3. Compliance with this subsection B. shall be calculated using gross acreage of the property but shall not include the following:

- a. The portion of the land area currently or proposed to be covered by buildings;
- b. The fenced area of any athletic field;
- c. The area of a lake or pond which is covered by water year round; and
- d. Open areas of golf facilities.
- e. Natural areas preserved in open space pursuant to 17.12.090 Conservation Development.

Section 3. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.110.D and replacing it with the following:

D. Fencing of Tree Protection Zone or Natural Area Open Space. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone or natural area open space within a fence or similar barrier as follows:

1. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.
2. During construction, each tree protection zone shall be identified with a temporary sign or signs to clearly demarcate the extent of the zone. The developer shall maintain the protective barrier during the entire construction process and shall make certain that it is observed by the contractor.

Section 4. That Chapter 17.24 of the Metropolitan Code are hereby amended to modify subsection 17.24.110 to insert the following as subsection 17.24.110.D and re-letter the subsequent subsections:

D. Development Prohibited within the Natural Areas. All development activities shall be prohibited within any tree protection zone established for a natural area preserved in open space pursuant to Section 17.12.090 Conservation Development.

Section 5. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting subsection 17.28.030.A.2 and replacing it with the following:

2. Single and/or two-family subdivisions in areas characterized by twenty percent or greater slopes shall employ the conservation development provisions of Section 17.12.090. In general, lots so created shall be grouped on those portions of the site that have natural slopes of less than twenty percent. The planning commission may authorize lots on natural slopes ranging up to twenty five percent, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.

Section 6. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting subsection 17.28.040.C.2 and replacing it with the following:



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2. Grouped lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas shall employ the conservation development Section 17.12.090 or the Planned Unit Development (PUD) cluster lot option of Section 17.36.070. Residential lots under the conservation development or PUD cluster lot option may be grouped within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.090.

Section 7. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting Section 17.28.060 and replacing it with the following:

17.28.060 – Protection of Cedar Glade plant communities.

A residential subdivision or multifamily development proposed on land containing a designated Cedar Glade environment shall make all reasonable effort to preserve that environment through the use of conservation development afforded by this title.

Section 8. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.070.A.1 and replacing it with the following:

1. Residential lots within a PUD district may be grouped to a greater extent than allowed by the conservation development provisions of Section 17.12.090 in return for extraordinary protection of environmentally sensitive areas in a natural state. With proper environmental protection, a PUD master development plan may recapture up to one hundred percent of the average density achievable by similarly zoned land with no environmental constraints. The actual achievable density for any given master development plan may be less depending upon the extent of environmentally sensitive areas to be protected and the minimum lot requirements established below.

Section 9. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.070.C.3 and replacing it with the following:

3. Perimeter lots otherwise abutting a conventional R/R-A or RS/RS-A subdivision may be reduced in size the equivalent of one zoning district with the installation of a standard B landscape buffer yard located within common open space. Perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard C landscape buffer yard.

Section 10. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.150 and replacing it with the following:

17.36.150 – General provisions

- A. Properties encompassed by a mapped greenway overlay district are encouraged to utilize the conservation development option (Section 17.12.090) or planned unit



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development (Article II of this chapter) provisions of this title, thereby protecting the functional integrity of the adopted greenway master plan.

- B. In consideration of a subdivision plat utilizing the conservation development authority of Section 17.12.090 or a PUD master development plan containing property within a greenway overlay district, the planning commission shall solicit a recommendation from the metropolitan greenways commission staff regarding the objectives of the adopted greenway plan as they relate to the subject property. The planning commission shall base its approval or disapproval on the extent to which a property owner has taken all reasonable measures to orient development in a manner which protects the value of those areas within the district for incorporation into a greenway system.

Section 11. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting section 17.36.160 and replacing it with the following:

17.36.160 - Dedication incentives

Development incentives are established by this section to encourage participation in the implementation of a comprehensive greenway network. In return for a development bonus, the landowner shall locate all development outside the overlay district, design and orient all development in a manner which protects the functional and operational integrity of the greenway network, and dedicate all areas within the overlay district for public use by conveyance of easements, property title or equivalent means. The following incentives may be applied to properties lying within a mapped greenway overlay district, and are to be considered bonuses granted above and beyond all other incentives established elsewhere in this title.

- A. Residential development in the R/R-A and RS/RS-A districts utilizing the conservation development provisions of Section 17.12.090 or the PUD cluster provisions of Article II of this chapter may utilize the development bonus provisions of Section 17.36.090 for a corresponding amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD or conservation development may count one and one-half times towards satisfying minimum common open space requirements of Section 17.36.070.B or 17.12.090.
- B. Multifamily development in the RM and mixed-use districts may achieve a twenty-five percent bonus in achievable density derived from that amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD development may count one and one-half times towards satisfying the minimum common open space requirement of Section 17.36.070B; all protected trees within the area of dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100.
- C. Nonresidential development may be granted a floor area ratio (FAR) bonus of twenty-five percent for that amount of land area dedicated for public greenway use. All protected trees within the area of greenway dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100.

Section 12. That Chapter 17.40 of the Metropolitan Code is hereby amended to modify the list of Sections/Tables in subsection 17.40.340.A as follows:



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17.12.090 (conservation development)

Section 13. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting the introductory paragraph of Section 17.40.380 and replacing it with the following:

Requests for exceptions from the hillside development standards of Chapter 17.28 shall be administered and decided in conformance with the requirements of this article. The board shall have no authority to vary lot areas within platted residential developments utilizing lot area averaging or conservation development provisions of Chapter 17.12.

Section 14. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting subsection 17.40.470.A.2. and replacing it with the following:

2. Except for development approved pursuant to 17.12.090 Conservation Development each application for a tree removal permit shall be accompanied by a tree survey based upon current information. An application for a tree removal permit for a Conservation Development approved pursuant to 17.12.090 shall submit a tree survey for any trees located outside of the natural areas required to be preserved in open space. The survey shall show the location, size and type of retained, protected and heritage trees upon the site, including common or scientific names. The survey shall indicate which retained, protected and heritage trees are intended for removal and/or grubbing and which will be left undisturbed. A final site plan prepared to the same scale shall be submitted which illustrates the following:

- a. The locations of existing and proposed buildings, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.
- b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected and heritage trees and appropriate tree protection fencing for those trees.
- c. For a conservation development approved pursuant to 17.12.090 survey plans shall locate and label all natural areas to be preserved and show and label the limits of disturbance.
- d. For a conservation development approved pursuant to 17.12.090, the site analysis plan shall be included with the submittal.

Section 15. Be it further enacted that this ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Angie Henderson, Kathleen Murphy, Brett Withers, Burkley Allen, Thom Druffel, Emily Benedict



NO SKETCH



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Item #18b
Project Name
Council Bill No.
Council District
School District
Requested by

Text Amendment 2022Z-005TX-001
Tree Protection and Replacement
BL2022-1122
Countywide
Countywide
Councilmember Angie Henderson

Staff Reviewer
Staff Recommendation

Pike and Shepard
Approve amendments to Title 17 with a substitute.

APPLICANT REQUEST

Amend Titles 2 and 17 of the Metropolitan Code of Laws, to amend Chapters 17.24 and 17.28 pertaining to the Tree Protection and Replacement, and to amend Chapters 2.226, 17.04, 17.12, 17.20, 17.24, 17.28, and 17.40 to make associated housekeeping amendments.

PROPOSED AMENDMENTS TO TITLE 2

Although the legislation includes changes to Title 2 – Administration, this report will focus on changes to Title 17 – Zoning.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend the Zoning Code to relocate the Tree Protection and Replacement Standards from 17.24 and 17.40 to 17.28, and make associated housekeeping amendments

BACKGROUND

The previous item on this agenda was the Cluster Lot Option amendment, BL 2022-1121 (2022Z-004TX-001). The purpose of that amendment is to protect the sensitive environmental features that contribute to Nashville’s unique character by contributing to the beauty and interest of neighborhoods and provide environmental services such as stormwater management by allowing for flexibility of lot size in some residential subdivisions.

This proposed amendment, BL2022-1122 (2022Z-005TX-001), is a companion to that proposed legislation, BL2022-1121. This amendment will relocate 17.24 Article II Tree Protection and Replacement and 17.40.450 Designation of tree types to a newly created section, 17.28.065 Trees. The proposed code section about conservation development recognizes trees as a natural feature rather than solely as a landscaping requirement. As such it seemed imperative that these existing sections of the zoning code pertaining to trees be relocated to Chapter 17.28 Environmental and Operational Performance Standards where there are existing sections that speak to other natural areas such as floodplains/floodways, problem soils and cedar glades.

ANALYSIS

This amendment relocates existing sections of the zoning code pertaining to tree preservation and replacement so that these standards are consolidated into a single proposed section in Chapter 17.28. Additionally, the proposal includes housekeeping amendments to update references to tree preservation throughout the code.



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One code section that is proposed to be amended is 2.226 Tree Replacement and Protection on Certain Metro Properties. While it is not the usual duty of Planning staff to recommend amendments to the Metro Code outside of Title 17, 2.226 contains a reference to Title 17 that needs to be corrected if this amendment is approved.

The proposal is primarily accomplishing relocation of existing standards without substantive changes to the requirements, with a few minor exceptions. Given the importance placed on protection of natural areas in certain kinds of residential subdivisions by the proposed conservation development legislation, minor updates are needed to standards pertaining to tree and natural area protection fencing to ensure these areas remain protected during construction. The amendment establishes a standard for the language on the signage required on tree protection fencing, adds a tree replacement requirement for any trees removed from an area inside tree protection fence and proposed for preservation, and clarifies how tree protection fencing and silt fencing should be coordinated.

Staff recommends approval of a substitute to correct minor typographical errors identified in the legislation as originally filed. Staff also recommends an effective date of June 15, 2022 to align with Planning Commission filing deadlines and to allow time for dissemination of new standards to staff and applicants. If the overall Council schedule for consideration of this proposal shifts, the effective date should also shift.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the amendments to Title 17 with a substitute.

SUBSTITUTE ORDINANCE NO. BL2022-1122

An ordinance to amend Titles 2 and 17 of the Metropolitan Code of Laws, to amend Chapters 17.24 and 17.28 pertaining to Tree Protection and Replacement, and to amend Chapters 2.226, 17.04, 17.12, 17.20, 17.24, 17.28, and 17.40 to make associated housekeeping amendments, all of which is described herein (Proposal No. 2022Z-005TX-001).

WHEREAS, Metro Nashville and Davidson County is characterized by rolling hills, steep bluffs, valleys, floodplains, forests, and numerous rivers and streams; and



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WHEREAS, NashvilleNext, Metro's General Plan adopted in 2015, identifies such natural areas as important community assets that provide benefits including enhancing air and water quality, moderating temperature, providing wildlife habitat, and better quality of life for residents; and

WHEREAS, NashvilleNext identifies the importance of sensitive development techniques to minimize hazards associated with development in natural areas and to balance preservation and development to create resiliency; and

WHEREAS, allowing for flexibility in development patterns within existing zoning allowances can help to achieve goals to balance development with protection and conservation of sensitive natural areas; and

WHEREAS, updating the standards of the zoning code pertaining to the cluster lot option will help ensure that flexibility of lot size and development pattern are appropriately balanced and linked with the quantity and quality of natural area conservation achieved by the proposed development.

WHEREAS, the creation of 17.12.090 Conservation Development acknowledges that trees are a natural area worthy of protection.

WHEREAS, the consolidation of tree protection standards in a single Chapter of the code ensures the consistent implementation of environmental standards.

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

Section 1. That Chapter 2.226 of the Metropolitan Code is hereby amended by deleting Section 2.226.060 and replacing it with the following:

2.226.060 – Panel review and replacement standards

The panel will review metropolitan government projects and land-management activities on metro government properties of the responsible agencies that include the removal of covered trees over ninety aggregate inches in diameter at breast height ("DBH") or of any single specimen covered tree over thirty inches in DBH. Projects subject to the tree density requirements of Chapter 17.28 shall comply with Section 2.226.080 of the Metropolitan Code and not this section. The removals of covered trees over ninety aggregate inches in DBH or of any single specimen tree over thirty inches in DBH will be subject to the replacement standards contained in this section. Covered trees that are less than six inches in DBH and/or located within a public utility easement will not count toward the aggregate total or the single specimen requirement. Covered trees located in the metro government rights-of-way will not count as removals under this section unless located in a planting strip of at least four feet in width measured from the road or curb to the sidewalk, or they are being removed for a new metro government sidewalk installation. This protocol will not apply to areas within metro parks that are (1) greenways or trails, (2) managed as grasslands or mixed-grass



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meadows, (3) areas designated as protected natural areas in the Metro Parks Natural Resource Management Plan, or (4) impacted by infrastructure maintenance or repair. Metro parks will supply an annual report of the counts to the tree review panel on covered tree removals in these exempted areas for data and public information purposes. The panel will review the projects for compliance with the replacement standards and will pursue retention where feasible. The panel may provide a recommendation of an alternate plan to the department head of the responsible agency that is proposing the removal, or their designee. The tree replacement standards for all covered trees are as follows:

Replacement Standards	
Size of Tree Removed (DBH)	Number of New Canopy Trees Required
≤ 10 inches	1
10.1 to 15 inches	2
15.1 to 20 inches	3
Greater than 20.1 inches	4

If authorized as a substitute for canopy trees, understory trees shall be planted at twice the rate of canopy trees. Replacement trees shall be nurse stock, at least 2.0 inches DBH, and six feet tall. Responsible agencies can track trees planted on their properties or within the metro government right-of-way and may apply them to the replacements required under this section if the planting occurred within one year of the tree removal activity.

Section 2. That Chapter 2.226 of the Metropolitan Code is hereby amended by deleting section 2.226.080 and replacing it with the following:

2.226.080 – Enhanced tree requirements

Metro projects having tree density requirements pursuant to Chapter 17.28 of the Metropolitan Code shall have a twenty percent higher tree density requirement than private development. The urban forester with the department of codes administration will review projects for compliance with this standard.

Section 3. That Chapter 17.04 of the Metropolitan Code is hereby amended to modify section 17.04.060 by deleting the definitions of Tree, heritage; Tree, historic and specimen; Tree, prohibited; and Tree, protected; and replacing them with the following:

Tree, heritage. "Heritage tree" means any tree meeting the criteria established in 17.28.065 of this title.



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Tree, historic and specimen. "Historic and Specimen tree" means any tree meeting the criteria established in Section 17.28.065 of this title.

Tree, prohibited. "Prohibited tree" means any tree which, by the nature of its fruit, root system, brittleness of wood, or susceptibility to disease, is not allowed as a replacement tree.

Tree, protected. "Protected tree" means any tree meeting the criteria established in Section 17.28.065 of this title.

Section 4. That Chapter 17.12.090 of the Metropolitan Code is hereby amended by deleting subsection 17.12.090.D.7 and replacing it with the following:

Tree preservation or removal proposed in a conservation development shall follow the standards of Chapter 17.28.065. If the tree or natural area preservation required in that section is greater than the area required here, then the requirements of that section shall prevail. In no case shall the required natural area preservation be less than that required in this section.

Section 45. That Chapter 17.20 of the Metropolitan Code is hereby amended by deleting subsection 17.20.120.C.2.c.v and replacing it with the following:

v. Trees installed pursuant to this section shall be eligible for credit toward the tree density required by Chapter 17.28 of this title.

Section 56. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting section 17.24.010 and replacing it with the following:

17.24.010 – Purpose and intent.

The general purpose of this chapter is to set standards for landscaping, buffering, and tree requirements in order to implement the precepts of the general plan and the associated subarea plans, as well as the requirements of the various zone districts set out previously, including properties zoned DTC district as set forth in Chapter 17.37. This chapter further establishes standards for screening and landscaping parking areas to reduce their impact on adjacent properties and public thoroughfares, as well as to mitigate the environmental impacts of large areas of unbroken pavement; establishes standards for buffering between different zone districts or selected land uses to mitigate the results of differing activities; and sets standards for plant materials, maintenance of required plants, planning in scenic easements and standards for the screening of unsightly areas.

Section 67. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.075.C.3 and replacing it with the following:



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3. Trees installed pursuant to this section shall be eligible for credit toward the tree density required by 17.28.065 Trees.

Section 78. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.080.B and replacing it with the following:

B. Watering. All required landscaping, excluding trees planted or preserved on residential property in accordance with Section 17.28.065.C of this title, shall be watered by one of the following methods:

1. An underground sprinkler system;
2. An outside hose attachment within one hundred feet of all landscaping.

Section 89. That Chapter 17.28 of the Metropolitan Code is hereby amended to insert a new subsection 17.28.020.E as follows and renumber the subsequent subsections accordingly:

E. Trees are acknowledged to be an important part of the natural environment and as such shall be protected and replaced as provided in this chapter.

Section 910. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting Article II – Tree Protection and Replacement, including sections 17.24.090, 17.24.100, 17.24.110, and 17.24.120, in its entirety and renumbering the subsequent Articles.

Section 911. That Chapter 17.28 of the Metropolitan Code is hereby amended to create a new section as follows:

17.28.065 - Trees

A. Designation of tree types.

1. Designation of Protected Trees. A protected tree is any existing tree with at least a six-inch diameter at breast height (DBH); or any existing tree two inches in DBH or larger located in the public right-of-way. To qualify as a protected tree, the tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List and shall be in fair or better condition with no major insect or pathological problems.

2. Designation of a Heritage Tree.

a. A heritage tree is any tree that meets the one or more of the following criteria:

i. Any tree with a DBH that meets or exceeds the following sizes:

TREE TYPE	DBH	EXAMPLES but not limited to:
Deciduous Canopy	24"	Oak, Maple, Poplar, Planetree, Ginko
Evergreen Tall	10"	Am Holly, So. Magnolia, Pine, Spruce, Cedar
Deciduous Understory	8"	Redbud, Dogwood, Flowering Cherry, Jap. Magnolia, Jap. Maple



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TREE TYPE	DBH	EXAMPLES but not limited to:
Evergreen Low	8"	Dwf. Magnolia, Hemlock, Hybrid Holly, Cherry Laurel (tree form)

ii. Any tree registered in the Metro Historic or Specimen Tree program;
or

iii. Any tree listed on the Tennessee Champion Tree list or the Tennessee Landmark and Historic Tree Registry as maintained by the Tennessee Division of Forestry.

b. In addition to the criteria listed above, to qualify as a heritage tree the tree shall meet all of the following:

i. Shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List;

ii. Must have a life expectancy of greater than fifteen years;

iii. Must have a structurally sound trunk without extensive decay;

iv. Must have no more than one major and several minor dead limbs; and

v. Must have no major insect or pathological problems.

3. Designation of Historic and Specimen Trees. Historic and Specimen Trees program is a volunteer program in which trees shall be designated by the Metropolitan Beautification and Environment Commission based on advice from the Metropolitan Tree Advisory Committee and consent of the property owner. No historic or specimen tree shall be removed without a finding by the Metropolitan Beautification and Environment Commission that the tree is a hazard or a determination that it is not economically or practically feasible to develop the parcel without removing the tree. All trees in the Historic and Specimen Trees program shall also be designated as Heritage trees as defined in Section 17.28.065 Trees.

B. Tree Preservation

1. It is the intent of this section to minimize the removal of trees and to ensure that property owners and developers take reasonable measures to design and locate the proposed improvements so that the number of trees to be removed is minimized. In particular, the design shall attempt to preserve protected, heritage, and specimen and historic trees, which meet the criteria set forth in Section 17.28.065.A, designation of tree types. For purposes of this chapter, the term 'retained tree' means a tree that is selected to be saved or preserved for purposes of being counted toward the required tree density for the property and which is not listed on the most recent edition of the Tennessee Invasive Exotic Plant List and which is in fair or better condition, with no major insect or pathological problems.



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2. Any tree with a diameter at breast height (DBH) of twenty-four inches or more, or that qualifies as a heritage tree under Section 17.28.065.A of this title, shall be survey located and depicted on the final site plan.

C. Replacement of trees.

1. Trees removed pursuant to Section 17.40.470, tree removal permit procedures, shall be replaced at the expense of the property owner or developer to meet the required tree density standard.

2. Any retained tree that is removed without a tree removal permit shall be replaced on an inch for inch basis as specified 17.28.065.D.

3. Tree density.

a. Each property, other than those residential properties provided for below. of this section, shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both.

b. Residential properties shall attain the following tree density factors:

i. Property within a single and/or two-family residential subdivision for which the preliminary site plan is filed with the planning commission after the date of enactment of this subsection shall attain a tree density factor of at least fourteen units per acre using retained or replacement trees, or a combination of both, excluding the area of the building lots. Proof of compliance with this requirement shall be provided prior to the release of any applicable public infrastructure bonds.

ii. Requirements for individual single and two-family residential lots.

(1). Individual single and two-family lots, other than those lots zoned AG or AR2a, shall include at least one two-inch caliper tree for each thirty feet of lot frontage (or portion thereof), excluding alley frontage. Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List, and shall be of a form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).

(2). Individual single and two-family lots on a cul-de-sac shall attain a tree density factor of at least two two-inch caliper trees for each thirty feet of lot frontage (or portion thereof). Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List, and shall be of a form and quality set out in the



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American Standard for Nursery Stock (ANSI Z60.1, latest edition).

(3). If the width of an individual single or two-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least seven units per acre using retained or replacement trees, or both.

(4). Proof of compliance with this subsection shall be provided prior to the issuance of a certificate of occupancy.

iii. Alternative tree density requirements for single and two-family residential lots. In lieu of the requirements of subsection 2.a.ii of this section, a home builder may petition the urban forester for credit for retaining existing trees on the building lot, provided that the overall tree density, including both replacement and retained trees, is not less than seven units per acre. Retained trees used to satisfy this requirement shall be protected according to Section 17.28.065.A. Proof of compliance with this requirement shall be provided prior to the issuance of a certificate of occupancy.

c. Compliance with this subsection 3. Tree density, shall be calculated using gross acreage of the property but shall not include the following:

i. The portion of the land area currently or proposed to be covered by buildings;

ii. The fenced area of any athletic field;

iii. The area of a lake or pond which is covered by water year round; and

iv. Open areas of golf facilities.

v. Natural areas preserved in open space pursuant to 17.12.090 Conservation Development.

d. Retained and replacement trees shall contribute toward the tree density.

e. Tree density schedules shall be calculated according to the following schedules.

Retained Tree Schedule

UNITS represents basal area

DBH refers to diameter at breast height



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DBH	UNITS	DBH	UNITS	DBH	UNITS	DBH	UNITS
6	1.8	20	6.0	34	11.9	48	28.8
8	2.4	22	6.6	36	12.6	50	30.0
10	3.0	24	8.4	38	13.3	52	31.2
12	3.6	26	9.1	40	20.0	54	35.1
14	4.2	28	9.8	42	23.1	56	36.4
16	4.8	30	10.5	44	26.1	58	37.7
18	5.4	32	11.2	46	27.6	60	42.0

Heritage Tree Schedule

UNITS represents basal area

DBH refers to diameter at breast height

DBH	UNITS	DBH	UNITS	DBH	UNITS
8	3.2	14	5.6	20	8.0
10	4.0	16	6.4	22	8.8
12	4.8	18	7.2	24*	9.6

*Greater than 24" equals DBH × 0.5 per inch

Replacement Tree Schedule

UNITS represents basal area

CAL refers to caliper size (a tree's diameter measured six inches from the top of the root ball)

Canopy Trees							
CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.5	5	0.9	8	1.3	11	1.9
3	0.6	6	1.0	9	1.5	12	2.1
4	0.7	7	1.2	10	1.7	14	2.3

Understory and Columnar Trees							
CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.25	5	0.5	8	0.7	11	1.0
3	0.3	6	0.5	9	0.8	12	1.1
4	0.4	7	0.6	10	0.9	14	1.2

4. Existing prohibited trees may be counted for full credit of the tree density requirement if in the opinion of the urban forester, they are healthy existing trees.

5. Single-trunk replacement trees shall be (i) a minimum width of two-inch calipers; (ii) a minimum height of six feet; and (iii) shall consist of



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recommended species listed in the Urban Forestry Recommended and Prohibited Tree and Shrub List.

6. A retained tree moved from one location to another on the site may be given credit upon approval of the urban forester.

7. Except for sites located within the Downtown Code (DTC) zoning district, credit toward the required tree density may be given for the installation of street trees that meet the following criteria:

a. Street trees shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List and shall be a minimum of two-inch caliper and a minimum of six feet in overall height. Canopy trees shall be installed except where conflicts with overhead utility lines exist; in those instances, understory trees may be substituted.

b. Street trees installed for tree density credit shall be depicted on the landscape plan.

c. The proposed location of street trees and planting area dimensions and standards shall be subject to review and approval by the urban forester and metro public works.

d. The owner of the property frontage along which the street trees are installed shall maintain street trees installed per this title to International Society of Arboriculture standards.

8. Subdivision developments, other than single and two-family residential subdivisions required to meet the tree density requirements of subsection B2. of this section, shall be exempt from the tree replacement provisions of this title during the phases of construction to install streets, utilities and drainage structures required to be installed or bonded prior to recording of a final plat, so long as: (1) the tree survey includes the area to be disturbed by the construction of streets, utilities and required drainage facilities; and (2) the removal of protected and heritage trees, as set forth in subsection 17.28.065, is confined to the area of disturbance determined by the planning commission to be the minimum area necessary to install the infrastructure required by the subdivision regulations; and (3) so long as no protected and heritage trees, as set forth in subsection 17.28.065, are to be removed outside of the agreed upon disturbed area. Development of individual parcels within the subdivision must comply with the tree replacement provisions unless exempted by other provisions of this title.

9. Existing developments not otherwise exempted shall comply with the tree replacement provisions of this title when undergoing expansions as follows:

a. No additional compliance is required if there is no enlargement of the lot, or in the improved portion of the existing lot, and either:



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- i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent, of the value of all improvements on the lot prior to expansion; or
 - ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square feet of all improvements on the lot prior to expansion.
- b. When the previously improved portion of a lot is enlarged, or additional area is incorporated into the lot, only the additional area or expanded area of improvement is required to be brought into compliance with the tree replacement requirements, if either:
- i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent of the value of all improvements on the lot prior to expansion; or
 - ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square footage of all improvements on the lot prior to expansion.
- c. Total compliance is required if exemption cannot be claimed under other provisions of this section.

10. Any replacement tree planted for credit shall be replaced by a tree of equal or greater diameter than originally planted if the tree dies. Under no circumstances shall any replacement tree, planted for credit, be removed by the owner or developer without the prior permission of the urban forester. All trees and shrubs required by this code shall be inspected within three years of initial planting. Notwithstanding the foregoing provision of this subsection to the contrary, there is no requirement that a replacement tree planted for credit be replaced if the tree dies as a result of a natural disaster or other act of God. For purposes of this section, 'natural disaster' shall not include drought.

11. Where construction work will be completed under a phased schedule, site work and tree removal for the entire tract may be completed at one time and replacement or addition of trees can be deferred for a maximum of five years, so long as each phase is in compliance with the tree density requirements upon completion of that phase, and so long as the entire site is in compliance with the tree density requirements within five years, or upon completion of the entire project, whichever occurs first.



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12. Notwithstanding any provisions of this title to the contrary, the board of zoning appeals may hear and decide appeals from any order, requirement, decision or determination made by the urban forester in carrying out the enforcement of this chapter.

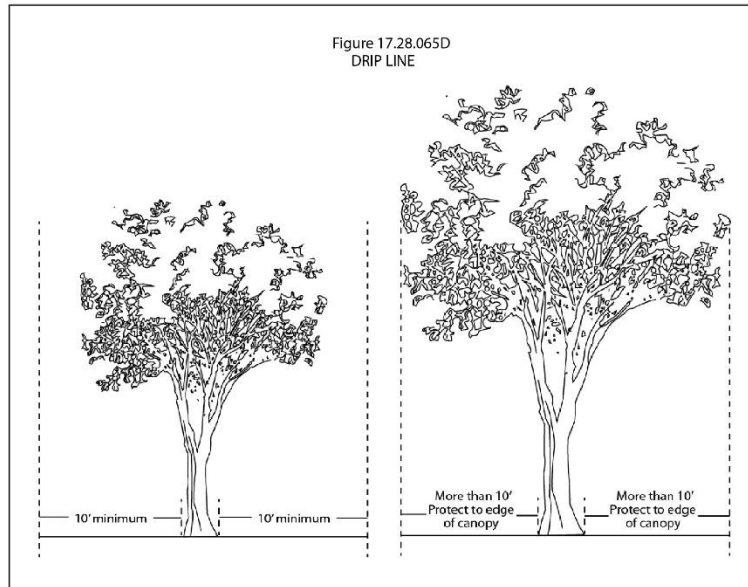
D. Protection of trees during development activities.

1. Generally. To assure the health and survival of retained trees, the following kinds of tree injuries shall be prohibited during all development activities:

- a. Mechanical injuries to roots, trunk and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving.

2. Tree Protection Zone. A circular tree protection zone shall be established around each retained tree as shown in Figure 17.28.065.D.

REVISED ILLUSTRATION



- a. If the drip line is less than ten feet, the protection zone shall be ten feet.
- b. If the drip line is more than ten feet, the protection zone shall be the full drip line of the tree.
- c. The configuration of the tree protection zone may be adjusted upon recommendation of the urban forester and upon verification that



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measures will be taken during construction or installation to protect the well-being of the tree.

3. Development Prohibited within the Tree Protection Zone. All development activities except those specifically permitted by subsection 6 of this section shall be prohibited within the tree protection zone provided for any protected trees or natural area created by section 17.12.090 conservation development, including any construction of buildings, structures, paving surfaces, and storm-water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.

4. Development Prohibited within the Natural Areas. All development activities shall be prohibited within any tree protection zone established for a natural area preserved in open space pursuant to Section 17.12.090 Conservation Development.

5. Fencing of Tree Protection Zone or Natural Area Open Space. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone or natural area open space within a fence as follows:

a. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.

b. During construction, each tree protection zone shall be identified with a temporary sign or signs to clearly demarcate the extent of the zone. Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one sign for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR". The developer shall maintain the protective barrier during the entire construction process and shall make certain that it is observed by the contractor.

c. The location of tree fence shall be coordinated with any required silt fence. Tree fence shall be located toward the tree with the silt fence outside to prevent erosion inside a tree preservation area.

6. Permitted Activities within Tree Protection Zone.

a. Utility Excavation. Excavating or trenching by duly constituted utilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots. The urban forester may propose rules and regulations governing and/or limiting excavation or trenching by duly constituted utilities in the tree protection zone. Upon approval by the metropolitan planning commission of such rules and regulations pursuant to Metropolitan Code of Laws Section



Metro Planning Commission Meeting of 3/24/22

2.104.020, excavation and trenching in the tree protection zone shall be permitted only pursuant to such rules and regulations.

b. Sodding and Groundcover. Placement of sod or other groundcovers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone.

7. Inspections.

a. All retained trees, pursuant to a tree survey shall be inspected by the urban forester one year following completion of the project to ensure that they are surviving in a healthy condition.

b. Retained trees which require repair or replacement shall be determined by the urban forester.

c. Any retained tree which is damaged during construction, or with damage occurring as a result of construction, shall be repaired according to accepted International Society of Arboriculture practices, or replaced on an inch for inch basis. Trees planted to replace damaged or removed protected trees shall not be counted toward the site TDU.

d. The owner shall be notified in writing of the urban forester's determinations.

8. Trees destroyed by natural disaster. There is no requirement that a retained tree be replaced if the tree dies as a result of natural disaster or other act of God, including a drought. For purposes of this subsection, 'drought' means a prolonged period of dryness that has caused extensive damage to, or prevented the successful growth of, crops within the Middle Tennessee area.

E. Less desirable trees.

The urban forester shall compile a list of plants which are considered less desirable in the area of the metropolitan government. Upon adoption following public hearing and comment by the metropolitan planning commission, such list shall have the force and effect of regulation. The metropolitan beautification and environment commission, upon advice of the tree advisory board, may add or delete trees from such list from time to time following public hearing. Once such list of less desirable plants is duly adopted, the plants included therein may not be used to satisfy the requirements of Section 17.28.065.C, except as specifically permitted therein. Use of such trees in excess of the requirements of sections listed above is not prohibited.

Section ~~10~~12. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting section 17.36.160 and replacing it with the following:

17.36.160 – Dedication incentives.



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Development incentives are established by this section to encourage participation in the implementation of a comprehensive greenway network. In return for a development bonus, the landowner shall locate all development outside the overlay district, design and orient all development in a manner which protects the functional and operational integrity of the greenway network, and dedicate all areas within the overlay district for public use by conveyance of easements, property title or equivalent means. The following incentives may be applied to properties lying within a mapped greenway overlay district, and are to be considered bonuses granted above and beyond all other cluster incentives established elsewhere in this title.

- D. Multifamily development in the RM and mixed-use districts may achieve a twenty-five percent bonus in achievable density derived from that amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD development may count one and one-half times towards satisfying the minimum common open space requirement of Section 17.36.070B; all protected trees within the area of dedication may count one and one-half times in satisfying the tree density requirements of Section 17.28.065.
- E. Nonresidential development may be granted a floor area ratio (FAR) bonus of twenty-five percent for that amount of land area dedicated for public greenway use. All protected trees within the area of greenway dedication may count one and one-half times in satisfying the tree density requirements of Section 17.28.065.
- F. Nonresidential development may be granted a floor area ratio (FAR) bonus of twenty-five percent for that amount of land area dedicated for public greenway use. All protected trees within the area of greenway dedication may count one and one-half times in satisfying the tree density requirements of Section 17.28.065.

Section ~~H~~13. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting section 17.40.440 and replacing it with the following:

17.40.440 – General.

Unless exempt from the provisions of this chapter, no person shall remove or in any way damage any retained, protected or heritage tree without first obtaining a permit from the zoning administrator. Any tree which is damaged, destroyed or removed without the required tree permit shall be repaired according to accepted International Society of Arboriculture practices, or replaced with the equivalent density units of replacement trees as provided in Chapters 17.24 and 17.28.

Section ~~H~~14. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting section 17.40.450 in its entirety.

Section ~~H~~15. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting subsection 17.40.470.B and replacing it with the following:

B. Tree Removal Permit Review Criteria. No permit for the removal of a retained, protected or heritage tree shall be granted unless the petitioner demonstrates one or more of the following conditions:



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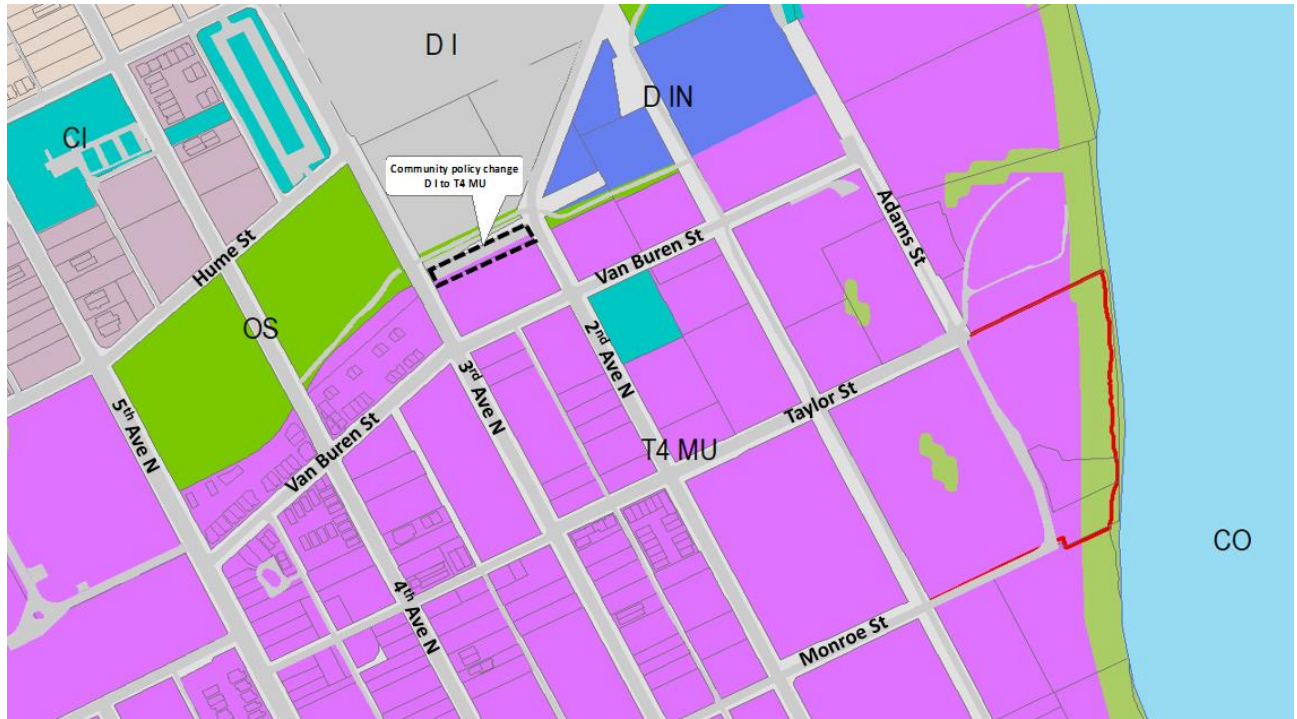
1. The site has received development, site plan or subdivision approval.
2. The tree is located in such proximity to an existing structure that the safety, utility or structural integrity of the structure is materially impaired.
3. The tree materially interferes with the installation, servicing or functioning of existing or infrastructure, utility lines or services for which there is no feasible relocation alternative.
4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
5. The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
6. The removal of the tree is necessary to promote the growth of surrounding protected and heritage trees. Under this provision, the applicant must demonstrate a preference for protecting heritage trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements.
7. Any law or regulation requires the removal.
8. The site will maintain the required tree density after the removal of specified trees either with retained trees or with the installation of replacement trees in accordance with section 17.28.065.C Replacement of Trees.

Section ~~14~~16. Be it further enacted that this ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Angie Henderson, Kathleen Murphy, Brett Withers, Burkley Allen, Thom Druffel, Emily Benedict



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2021CP-008-003

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Map 082-05, Parcel(s) 173

08, North Nashville

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item # 19a
Project Name

Plan Amendment 2021CP-008-003
North Nashville Community Plan
Amendment

Associated Case
Council District
School District
Requested by

2021SP-044-001
19 – O’Connell
01 – Gentry
Martin Construction Company, applicant; MPAG, LLC,
owner.

Deferrals

This item was deferred at the February 10, 2022,
February 24, 2022, and March 10, 2022, Planning
Commission meetings. No public hearing was held.

Staff Reviewer
Staff Recommendation

Clark
Approve.

APPLICANT REQUEST

Amend North Nashville Community Plan to change the community character policy.

Minor Plan Amendment

A request to amend the North Nashville Community Plan by changing from District Impact (D I) policy to T4 Urban Mixed Use Neighborhood (T4 MU) policy for a portion of the property located at Third Avenue North (unnumbered), zoned Industrial Restrictive (IR) (approximately 0.19 acres).

NORTH NASHVILLE COMMUNITY PLAN

Current Policy

District Impact (D I) policy is intended to create and enhance areas that are dominated by one or more activities that have, or can have, a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Permanent residential activities are not appropriate in D I policy areas.

Requested Policy

T4 Urban Mixed Use Neighborhood (T4 MU) policy is intended to maintain, enhance, and create urban mixed-use neighborhoods with a diverse mix of moderate to high density residential, commercial, office, and light industrial land uses. These community policy areas have high levels of connectivity and complete street networks with sidewalks, bikeways, and existing or planned transit. Insufficient or missing transportation infrastructure may require enhancements to improve pedestrian, bicycle, and vehicular connectivity.

BACKGROUND

The community plan amendment was requested in conjunction with Case No. 2021SP-044-001, a request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) for property located at Third Avenue North (unnumbered) to permit five multi-family residential units (approximately 0.33 acres), The current policy for this location, District Impact (D I), does not support



Metro Planning Commission Meeting of 3/24/22

residential activities. As such, the applicant has proposed amending the current community policy to T4 Urban Mixed Use Neighborhood (T4 MU) policy which would support permanent residential activities.

The community plan amendment area (site) is in the Germantown Neighborhood, approximately 0.3 miles west of the Cumberland River. Currently, approximately 0.19 acres of the site is in D I policy and approximately 0.14 acres of the site is in T4 MU policy. In the early 2000s when the policy lines were drawn, an old railroad line was used to distinguish the boundary between the D I and T4 MU policies. Today that rail line is not in use. Third Avenue North, a prominent corridor west of the site, has existing mixed-use developments. In addition, the surrounding neighborhood areas display a consistent mixed-use development pattern. The site is near the Magdeburg Greenway which guides cyclists and pedestrians to an entry for accessing the Cumberland River Greenway.

COMMUNITY PARTICIPATION

This is a minor community plan amendment with no required community meeting facilitated by Planning staff. However, the applicant has held two meetings with the Germantown Neighborhood Association.

ANALYSIS OF URBAN MIXED USE NEIGHBORHOOD COMMUNITY POLICY

The area requested for the community plan amendment is a suitable location to extend T4 MU community policy for the following reasons:

NashvilleNext Growth and Preservation Concept Map

The plan amendment area, identified on the NashvilleNext Growth & Preservation Concept Map as located in a Transition & Infill area and adjacent to a Center, is suitable for amending the policy to allow a mix of uses.

Community Character Policy

The community plan amendment site falls under the scope of the North Nashville Community Plan and is in the Germantown Neighborhood. North Nashville is primarily urban residential in character with walkable neighborhoods along with centers and corridors with a mix of uses. The North Nashville Community Plan recognizes that neighborhoods are the backbone of the community and as such employs elements within the Community Character Policy to maintain stable neighborhoods that offer a variety of housing types for meeting the needs of a diverse and growing population close to the downtown core.

Currently, the development site is split into two policies. Having the entire site in T4 MU policy allows integration of the site into the fabric of the current urban mixed-use neighborhood by providing a housing option to complement housing observed throughout the area. In addition, users of the site would be within walking distance of Morgan Park to take advantage of this green space for enjoying outdoor recreational activities.

Transportation and Connectivity

T4 Urban Mixed Use Neighborhood (T4 MU) areas have high levels of connectivity and complete street networks with sidewalks, bikeways, and existing or planned transit. The site is



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situated between Third Avenue North and Second Avenue North which are both classified as arterial-boulevards by the Major & Collector Street Plan. Users of the site will have vehicle access by side entrances located on either roadway. Nearby to the south is Van Buren Street with the segment between Third and Second Avenues classified as an arterial-boulevard. Fifth Avenue North (due west) and Garfield Street (due north), both classified as collector-avenues, are located 0.18 miles and 0.20 miles respectively from the site. All these roadways, through additional connectivity with local streets, provide access to the west to Rosa L. Parks Boulevard and to the south to Jefferson Street, both arterial-boulevards and two prominent corridors in Nashville.

Sidewalks and bikeways are provided in many areas of the Germantown Neighborhood but currently do not exist on this site. The Magdeburg Greenway, north of the site, provides a path for individuals partaking in outdoor recreational activities such as walking and cycling. The Magdeburg Greenway connects to the Cumberland River Greenway, an approximately 12-mile greenway system connecting Downtown Nashville to numerous parts of North Nashville.

Public transit stops are conveniently located throughout the neighborhood to accommodate users. Local public transit service is provided by the WeGo Route 9. This bus route runs north/south and has several bus stops along Third Avenue North and provides connections for accessing Downtown, East Nashville, the Metro Center/North Rhodes Park neighborhood, and points of interest further west into North Nashville.

Relationship to Surrounding Policies

The site is in the urban Germantown Neighborhood area which is primarily T4 MU policy.

- Open Space (OS) policy is applied to Morgan Park, directly west, and can be accessed from the site by crossing Third Avenue North. OS policy is also applied to the nearby Magdeburg Greenway.
- District Impact (D I) policy, directly north, recognizes a large grouping of Metro Water Service buildings and uses.
- District Industrial (D IN) policy, directly east, has various business activities taking place there.

The site is distinct in that it is divided currently between two community policies, D I and T4 MU. The urban Germantown Neighborhood to the south is all T4 MU community policy with numerous recent completed developments and new developments under construction. Because of the existing and ongoing nature of water infrastructure operations on D I policy land, it is not reasonable to conclude that land use will change anytime in the foreseeable future. The D IN policy area to the east can reasonably be viewed as a more realistic choice for future policy changes as it shares the same key characteristic as this site and abuts existing T4 MU community policy.

Analysis Summary

Amending the current community policy from D I to T4 MU for the northern half of the site is appropriate at this time based on the following:



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- The plan amendment area, identified on the NashvilleNext Growth & Preservation Concept Map as located in a Transition & Infill area and adjacent to a Center, is suitable for amending the policy to allow a mix of uses.
- The urban neighborhood area around the site is primarily T4 MU community policy, and an extension of T4 MU policy to this portion of the property is appropriate.
- Changing to T4 MU policy aligns with the level of transition and infill occurring with residential and mixed-use development taking place throughout the surrounding urban neighborhood area.
- Changing to T4 MU policy to allow residential and other uses is appropriate, adjacent to a park, community center, and greenway.
- The site is suitable for T4 MU policy because the existing Germantown Neighborhood has high levels of connectivity and mobility options for users of the site.
- The site has good nearby street connectivity that provides access, through arterials and local streets, to prominent corridors, including Rosa L. Parks Boulevard and Jefferson Street, and other points of interest.
- The Magdeburg Greenway, north of the site, provides bicycle and pedestrian access to spaces for outdoor recreational activities and connects to the Cumberland River Greenway.
- Local public transit service is near the site and provides access to various employment and entertainment destinations.
- Redevelopment of the site will result in sidewalks being constructed and adding to the overall sidewalk network.

STAFF RECOMMENDATION

Staff recommends approval.



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2021SP-044-001
GERMANTOWN GREEN
Map 082-05, Parcel(s) 173
08, North Nashville
19 (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item #19b	Specific Plan 2021SP-044-001
Project Name	Germantown Green
Associated Case	2021CP-008-003
Council District	19 – O’Connell
School District	01 - Gentry
Requested by	Dale and Associates, applicant; MPAG LLC, owner.

Deferrals This item was deferred from the February 10, 2022, February 24, 2022, and March 10, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer Harrison
Staff Recommendation *Approve with conditions and disapprove without all conditions if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends disapproval*

APPLICANT REQUEST

Preliminary SP to permit 5 multi-family units.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) zoning for property located at 3rd Avenue North (unnumbered), approximately 145 feet north of Van Buren Street (0.33 acres), to permit five multi-family residential units.

Existing Zoning

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

Proposed Zoning

Specific Plan-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.*

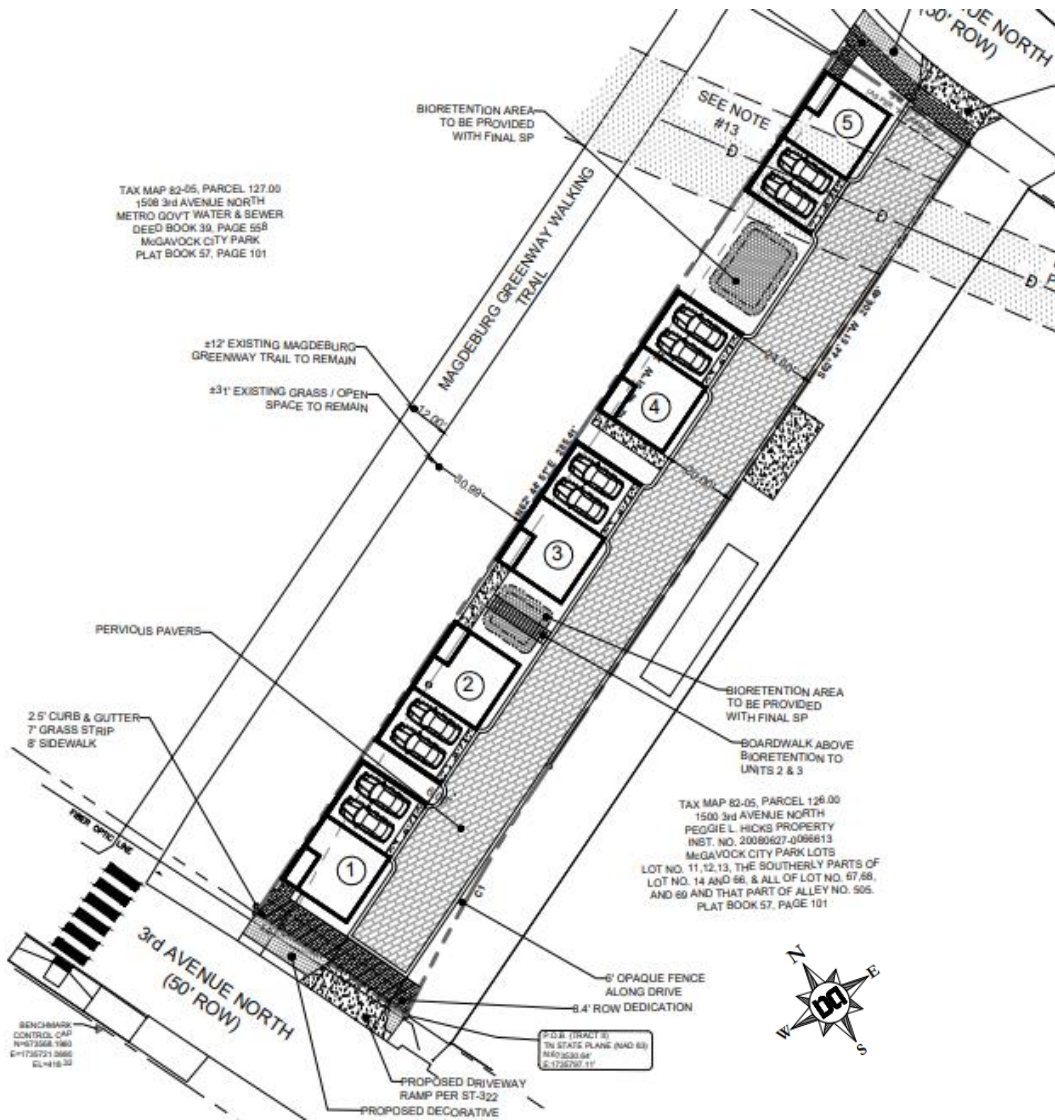
NORTH NASHVILLE COMMUNITY PLAN

Existing Policy

D Impact (D I) is intended to enhance and create areas that are dominated by one or more activities with the potential to have a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Examples of DI areas include hazardous industrial operations, mineral extraction and processing, airports and other major transportation terminals, correctional facilities, major utility installations, and landfills.



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Proposed Preliminary SP



Metro Planning Commission Meeting of 3/24/22

Proposed Policy

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

SITE CONTEXT AND PLAN DETAILS

The approximately 0.33 acre property is located between 3rd Avenue North and 2nd Avenue North, north of Van Buren Street. 3rd Avenue North is designated as an Arterial Boulevard according to the Major and Collector Street Plan (MCSP) and 2nd Avenue North is a local street. The site is currently vacant and utilized as parking occasionally. In the surrounding area are residential and industrial uses, and Morgan Park. Directly north of the site is a greenway.

The proposed SP includes 5 multi-family residential units along a single private drive connecting 2nd Avenue North and 3rd Avenue North. The plan includes one detached housing type, with one unit facing 2nd Avenue North, one unit facing 3rd Avenue North, and the remaining units fronting the existing greenway. The proposed plan includes ROW dedication, sidewalks and planting strips along both frontages as required by the MCSP.

ANALYSIS

The proposed policy of T4 CM calls for high density residential, enhanced building design, and development suitable for all modes of transportation. As the plan is proposed, it is meeting the policy goals of T4 CM. For the size and narrowness of the lot, the plan is proposing a medium density in an area with a variety of density and uses. With the addition of sidewalks connecting to the greenway and sidewalks through the site and along 3rd and 2nd Avenue North, pedestrian connectivity is increasing. The plan proposing frontages and pedestrian connections to the greenway will limit pedestrians along the road, creating a safer environment for the residents. Based on the introduction of sidewalks along 2nd and 3rd Avenue North, increased glazing along the greenway, and higher density development, the plan is consistent with T4 CM.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- 30 feet to eave of pitched roof. Any portion of the structure with less than 5' fire-separation-distance to closest interior lot line shall be of fire rated construction in accordance with 2018 IRC R302.1.

METRO PARKS RECOMMENDATION

Approve with conditions

- As a condition of their Preliminary SP approval and , the applicant must enter into a Participation Agreement with Metro Parks and MWS that identifies the proposed publicly accessible green space, receive Metro Parks and MWS's approval of the design of the green space, have Metro's approval of design and construction as well as maintenance and identify that there will be no cost to Metro. The work must be completed and approved by Metro Parks and Metro Water Service prior to issuance of a Use & Occupancy permit. The Agreement will need Park Board and Metro Council approval.



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STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2021035861&

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.
- Identify waste/recycle disposal plan. 5 units requires a dumpster. An HOA agreement w/private hauler will be required for roll away can pickup.
- Call out ST-324 ramp schedule off 3rd and 2nd.
- Provide 'Now Entering Private Drive' signage at each access.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Extend sidewalk on 2nd Avenue and 3rd Avenue approximately 25' to connect to greenway.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.33	0.6 F	8,625 SF	59	1	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.33	-	5 U	26	1	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-33	-	+2



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METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed SP is not anticipated to generate any additional students beyond what is generated under the current IR zoning. Students would attend Jones Elementary, John Early Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends disapproval.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 5 multi-family units as identified on the proposed SP plan. Short term rental property owner-occupied and short term rental property not owner-occupied shall be prohibited.
2. Units that front onto right-of-way shall address the right-of-way with the buildings architecture and typical architectural elevations shall be provided with the final site application.
3. Interior units are required to front onto Greenway. Elevation will be reviewed by staff with submission of the final site plan
4. Height of structures limited to height of 30' at eave of pitched roof.
5. Replace Architectural Note C with the following: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
6. With the final site plan, submit elevations consistent with the elevations included with the Preliminary SP.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. 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.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.



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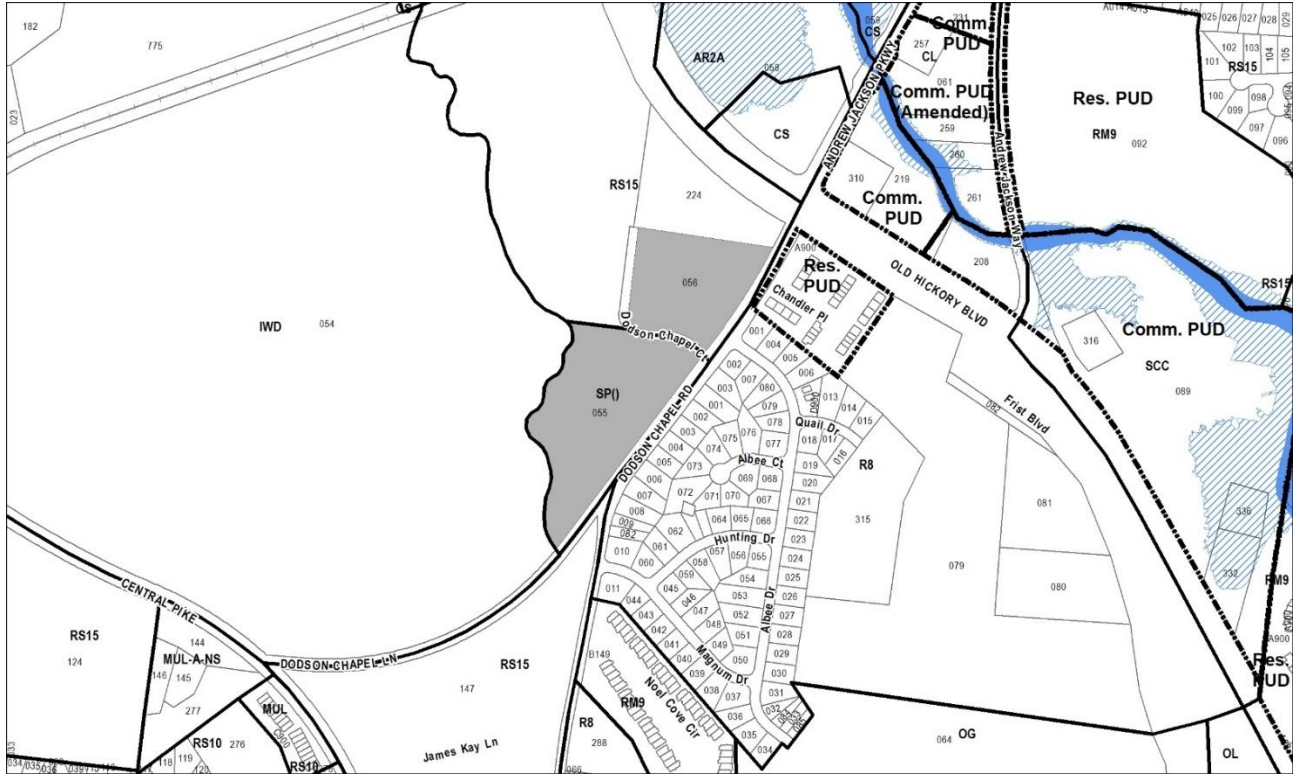
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2021SP-092-001

DODSON CHAPEL

Map 086, Parcel(s) 055-056

14, Donelson – Hermitage – Old Hickory

14 (Kevin Rhoten)



Metro Planning Commission Meeting of 3/24/22

Item #20

Specific Plan 2021SP-092-001

Project Name

Dodson Chapel

Council District

14 – Rhoten

School District

04 – Little

Requested by

Kimley-Horn, applicant; Dodson Chapel United Methodist Church, owner.

Deferrals

This item was deferred from the December 9, 2021, January 13, 2022, February 10, 2022, and February 24, 2022, Planning Commission meetings. A public hearing was held and closed on February 24, 2022.

Staff Reviewer

Shane

Staff Recommendation

Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from Single-Family Residential (RS15) and Specific Plan (SP) to Specific Plan (SP) zoning for properties located at 4107 Dodson Chapel Court and 4186 Dodson Chapel Road, approximately 115 feet southwest of Old Hickory Boulevard (11.47 acres), to permit 200 multi-family residential units.

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 28 units, based on acreage alone.*

Specific Plan-Institutional (SP-INS) 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 institutional uses.

Proposed Zoning

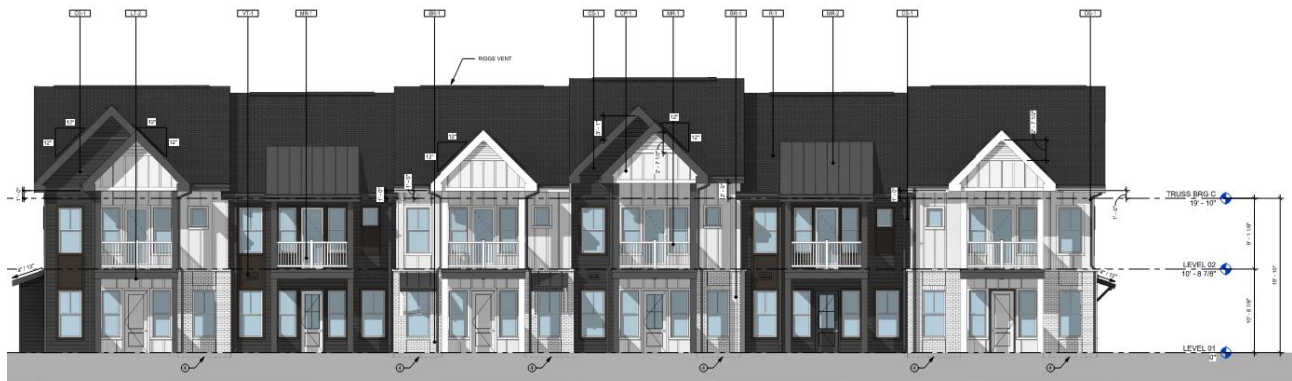
Specific Plan-Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing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

HISTORY

The Planning Commission considered this case at the February 24, 2022, meeting. During the public hearing, a representative from the neighboring Vulcan-operated rock quarry spoke in opposition to the project, citing concerns with the construction timeline. After closing the public hearing, the Planning Commission deferred the item for two meetings and asked the parties to discuss the issues. Since then, the meeting between the parties has taken place.



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Proposed Architecture

southeastern corner of the site. The SP zoning in place on the site allows a childcare center with a capacity of over 75 within the former church buildings.

Site Plan

The SP is intended to create a mixed-residential development. The plan proposes 200 multi-family units (160 stacked flats and 40 townhomes). The SP includes a site plan as well as bulk standards, architectural renderings, and parking and preliminary landscaping. The submitted plans show buffering that doesn't meet the standards of Chapter 17.24, so it is a condition of approval that a note indicating that all standards of this chapter be met for final site plan approval. FAR is limited to 0.51 and building height to 3 stories, with a step-down approach to two story townhomes moving southwest across the site. The buildings will be set back ten feet along Dodson Chapel Road opposite the detached residential homes.

The plan provides a 6-foot-wide sidewalk and 16-foot grass strip along Dodson Chapel Road within the existing right-of-way dimensions which match the MCSP prescription (the overly large grass strip will allow NDOT room to build bike lanes along this corridor in the future). The plans also show a new turn lane within Dodson Chapel Road stretching to Old Hickory Boulevard. Dodson Chapel Court is shown as improved with 70- to 75-foot right-of-way, sidewalks, and grass strips. It is a condition of approval that these improvements be completed by the developer. Another entrance onto Dodson Chapel Road is proposed toward the southern end of the site. (ADA-accessible ramps must be added to this driveway ramp in the final corrected plan set.) A private sidewalk network will connect the residential buildings and parking lots to the proposed public sidewalks along both rights-of-way.

Three-hundred ten (310) parking spaces will be located internal to the site behind and to the side of the buildings to serve the proposed number of units as required by Code. Water quality and quantity areas are sited behind the parking along the stream buffer in the lower-lying portion of the property.

The site layout consists of three apartment buildings wrapping the eastern and northern edges of the site on Parcel 056 while Parcel 055 features three rows of attached townhomes and a detached amenity building for residents. The spaces between the buildings feature pedestrian courtyard areas and landscaping. The architecture proposed is neo-traditional. The original plan



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featured four story stacked flat buildings in the northern half and three story stacked flat buildings in the southern half. After working with the Councilmember, Planning staff, and the neighborhood, the applicant redesigned the site to better fit the context of the neighborhood.

DONELSON – HERMITAGE OLD – HICKORY COMMUNITY PLAN

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

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

ANALYSIS

The site is primarily covered within T3 NE policy with CO policy covering sensitive environmental features (the stream banks along its western boundary). Disturbance is confined to those areas not covered by CO policy. The proposed plan also meets many of the goals of the T3 NE policy, such as featuring higher densities and greater housing variety than classic suburban neighborhoods and moderate setbacks and spacing between buildings with moderate levels of connectivity to the surrounding street network.

The built form is consistent with the policy, which allows for one to three stories generally in T3 NE (with greater height appropriate when abutting a major corridor) and two stories in the southern half opposite detached single-family housing. No parking is being proposed between the buildings and the street per the policy guidance; however, a ten-foot front setback is being incorporated to allow for more space between the development and the detached residential structures across the street. Any differences in height across Dodson Chapel Road will be mitigated, however, by the lower elevations and FFEs (approximately six feet lower) than those of the existing neighborhood.

The stream buffer areas of the site, which are protected by CO policy, will remain undisturbed with the proposed plan. Bioretention and detention ponds will be located near these natural assets in the rear of the development.



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Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows an appropriately intense residential development that achieves the intent of the policy area. The SP includes design standards that are intended to provide for development that is appropriate to a suburban context while bringing focus to pedestrian spaces and relegating automobile uses to the rear. These include, but are not limited to, providing sidewalks and activating streets with pedestrian entryways. The proposal will revitalize an area that was hit particularly hard by a natural disaster and provide more housing opportunities in an area where development pressures are growing.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Council Ordinance shall include the following statement: “Final site design layout and unit count entitlement are contingent on the results of a Flood Study to be completed prior to final site plan approval. The Flood Study will determine the floodway, floodplain, and stream buffer locations as well as areas requiring compensating cut and fill for the site.”
- On the corrected plan set, add note to the first page: “Final site design layout and unit count entitlement are contingent on the results of a Flood Study to be completed prior to final site plan approval. The Flood Study will determine the floodway, floodplain, and stream buffer locations as well as areas requiring compensating cut and fill for the site.”

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private Water and Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% 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. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.
- Upon further review, provide minimum 20 ft. of pavement width up to turning easement on Dodson Chapel Court. Show on final.
- Comply w/ traffic comments.



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TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- At final, parking shall be per code, tandem parking for townhomes is not permitted per 17.20.060.F.3.
- At final, submit striping plans for the intersection of Old Hickory Blvd & Dodson Chapel Rd.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	11.47	2.904 D	28 U	322	25	30

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)	11.47	-	200 U	1,098	68	87

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
-	-	-	+178 U	+776	+43	+57

METRO SCHOOL BOARD REPORT

Projected student generation existing SP and RS15 districts: 3 Elementary 2 Middle 2 High
Projected student generation proposed SP-MR district: 17 Elementary 13 Middle 10 High

The proposed SP-MR zoning district is expected to generate 33 more students than what is typically generated under the existing SP and RS15 zoning districts. Students would attend Tulip Grove Elementary School, Dupont Tyler Middle School, and McGavock 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 200 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Final site design layout and unit count entitlement are contingent on the results of a Flood Study to be completed prior to final site plan approval. The Flood Study will determine the floodway, floodplain, and stream buffer locations as well as areas requiring compensating cut and fill for the site.

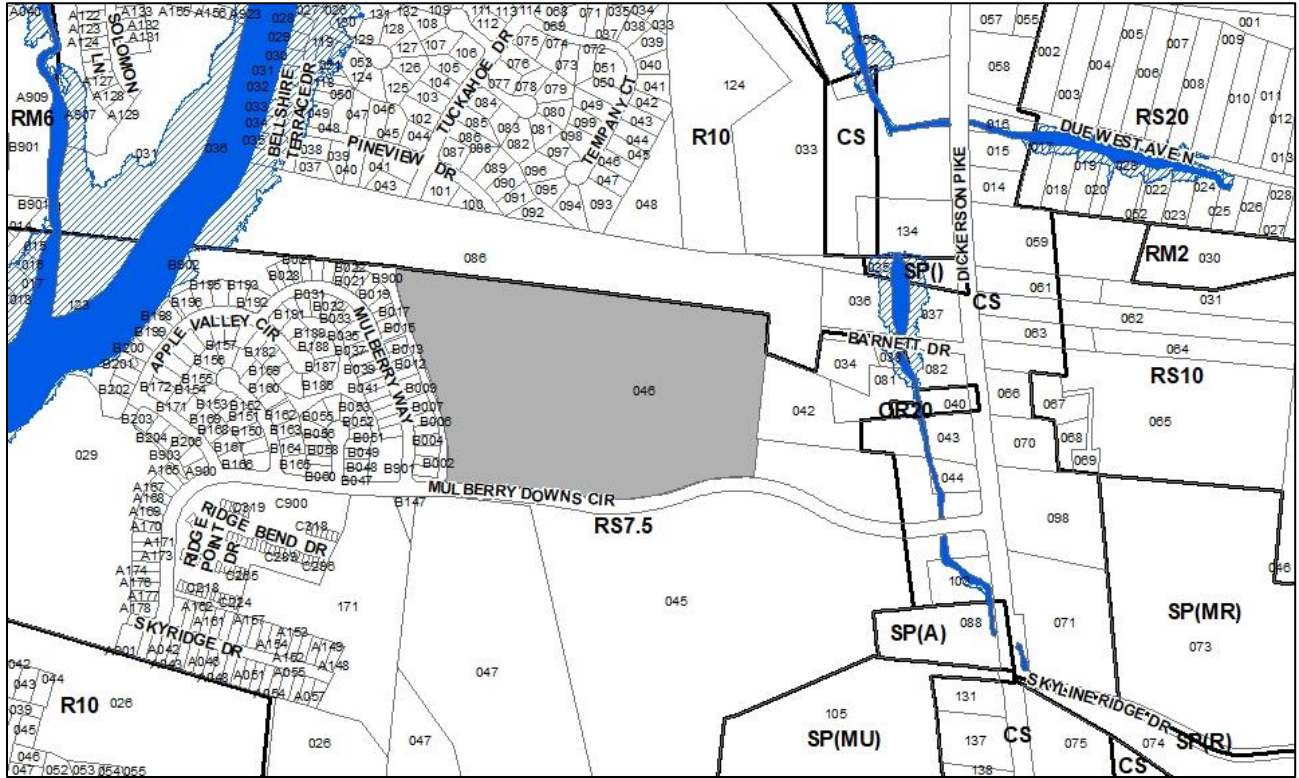


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3. On the corrected plan set, add note to the first page: “Final site design layout and unit count entitlement are contingent on the results of a Flood Study to be completed prior to final site plan approval. The Flood Study will determine the floodway, floodplain, and stream buffer locations as well as areas requiring compensating cut and fill for the site.”
4. On the corrected plan set, add note that landscaping will satisfy all provisions of Chapter 17.24 (not just parking and screening).
5. On the corrected plan set, provide ADA sidewalk ramps at southernmost drive entrance.
6. On the corrected plan set, show improvements to Dodson Chapel Road extending to the intersection with Old Hickory Boulevard.
7. On the corrected plan set, provide private sidewalk connections from the townhomes to the internal sidewalk network.
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. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
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.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. 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.



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2022SP-014-001
MULBERRY DOWNS
Map 050, Part of Parcel 046
02, Parkwood – Union Hill
01 (Jennifer Gamble)



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Item #21

Specific Plan 2022SP-014-001

Project Name

Mulberry Downs

Council District

01 - Gamble

School District

01 - Gentry

Requested by

Alfred Benesch & Company, applicant; Sallie R. Hicks Family, LLC, owner.

Deferrals

This item was deferred from the March 10, 2022, Planning Commission hearing. No public hearing was held.

Staff Reviewer

Lewis

Staff Recommendation

Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Preliminary SP to permit a multi-family development.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (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 149 multi-family units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 125 single family lots for a total of 125 units. This calculation is based on acreage alone and does not account for compliance with the subdivision regulations.*

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 152 multi-family units in attached townhomes.*

PARKWOOD – UNION HILL COMMUNITY PLAN

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



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Proposed Site Plan



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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.

PARKWOOD – UNION HILL COMMUNITY PLAN (cont.)

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

SITE

The subject site is a 25 acre portion of a 30 acre parcel located on the north side of Mulberry Downs Circle, west of the intersection of Mulberry Downs Circle and Dickerson Pike. This report will refer to the “site” or the “subject site” as the portion of the parcel to be rezoned to SP. The property to the north is zoned R10 and developed with one and two-family structures. The property to the west and to the south is zoned RS7.5. The property on the south side of Mulberry Downs Circle, across from the subject site is vacant. To property to the west zoned RS7.5 is also within a Planned Unit Development that resulted in the development of single-family homes. The properties to the east along Dickerson Pike have a range of zoning districts, with a majority being zoned Commercial Services (CS) and the properties being established with primarily non-residential uses.

PLAN DETAILS

The proposed development consists of 149 attached multi-family units across the 25 acre site. The units are broken up into groupings ranging from four units to eight units in several buildings across the site. All units are a maximum of three stories and rear loaded. The rear loaded units are accessed via private alleys. Units located along the southern property line are oriented to Mulberry Downs Circle. The other units on the site are oriented to public roads or open spaces.

A vehicular entrance into the site is located along Mulberry Downs Circle, towards the southwest corner of the site. Internal connectivity is through three public streets on the site: Roads A, B, and C. Road A, the access road into the site, as well as Road C, located internally to the site but further east, continue to the north to connect to a previously approved subdivision. Road B, which runs east to west on the site, connecting Roads A and B before ending in a cul-de-sac. All proposed public roads include 5 foot sidewalks and 4 foot grass strips to provide internal connectivity between units, to the subdivision to the north, and to Mulberry Downs Circle.

Additional features of the site include a club house and pool on the western portion of the property, and private walking trails along the eastern portion of the site. A Type B Buffer is located along the northern property line. It is a condition of the SP that a landscape buffer be added along the western property line where private alleys abut the property line.



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ANALYSIS

There are two policies on the site, Suburban Neighborhood Evolving (T3 NE) and Conservation (CO). The intent of the T3 NE Policy is to create and enhance suburban neighborhoods with the best qualities of classic suburban neighborhoods— greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The site is located between two existing neighborhoods, of which are primarily single-family residential uses. The proposed development will provide a new housing type in the area, increasing housing choice options. Vehicular access is provided by a series of public roads that connect to planned stub roads to the north. With the public roads are new sidewalks along these streets and the existing Mulberry Downs Circle. This also enhances pedestrian connectivity between the surrounding neighborhoods.

The CO Policy on the site is in place due to an existing stream buffer that touches the southeast corner of the site, as well as large portions of contiguous slopes ranging from 15 percent to 25 percent. The applicant has identified these areas on an existing conditions map, and largely shown them as areas of open space on the plan. This is consistent with the guidance of the CO Policy to preserve these features, as well as the T3 NE guidance to create developments that are mindful of the environmental features on the site.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- At final: Include proposed public roadway construction drawings (profiles, grades, drainage). 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



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- Dimension ROW pavement widths for clarity.
- Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Development will be required to construct a sidewalk to NDOT's standards, east to Dickerson Pike. This condition is an offsite requirement and is independent of the ownership of the remaining acreage at the time of final approval. At final, site plan shall show the full extension of the sidewalk down to Dickerson Pike including all required ROW dedications.
- Provide a 3 lane section for the eastbound approach on Mulberry downs at the intersection of Dickerson Pike, which includes two exiting lanes (RTL & LTL) and one receiving lane.
- At final, submit a stamped TIS memo that includes a signal warrant analysis at Mulberry Downs Circle & Dickerson Pike with the background volumes produced by the Meritage Homes subdivision that is currently under construction, in addition to the other background volumes. Note the developer will be expected to make a financial contribution towards a future signal at the Mulberry Downs & Dickerson Pike intersection. The contribution amount will be determined prior to the third reading at council. Additional traffic comments forthcoming following the submittal of the TIS memo.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	25.43	5.808 D	125 U	1,277	93	126

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	25.43	-	149 U	810	50	65

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+24 U	-467	-43	-61

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 district: 18 Elementary 15 Middle 15 High

Projected student generation proposed SP district: 30 Elementary 26 Middle 21 High

The proposed SP zoning is expected to generate 29 additional students than the existing RS7.5 zoning. Students would attend Bellshire Elementary School, Madison Middle School, and



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Hunters Lane School. All schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 149 multi-family residential units. Short term rental property, owner occupied and short term rental property, not-owner occupied shall be prohibited.
2. On the corrected plan set, on page 2, remove the second to last bullet point.
3. On the corrected plan set, revise all references to the fallback zoning as RM9-NS.
4. With the Final SP, a landscape buffer shall be added along the western property line where private alleys abut the property line.
5. A minimum of eight bicycle parking spaces shall be publicly available on the site.
6. With the final site plan, provide a sidewalk connection from the site to Dickerson Pike. If Planning and NDOT determine that it is not feasible to construct the sidewalk, additional pedestrian improvements may be required.
7. Any right-of-way dedication necessary for construction of the sidewalk connection from the site to Dickerson Pike shall be dedicated prior to approval of any final site plan.
8. The existing bike lane shall remain on Mulberry Downs Circle unless otherwise decided by Planning and NDOT at the time of Final SP.
9. With the landscape plan submitted at Final SP, additional screening of alleys and/or surface parking may be required.
10. 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.
11. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
12. 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. Comply with all conditions and requirements of Metro reviewing agencies.
14. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-NS zoning district as of the date of the applicable request or application.
15. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan.



SEE NEXT PAGE



Metro Planning Commission Meeting of 3/24/22



2021NL-003-001
435 OLD HICKORY BOULEVARD
Map 042-12, Parcel(s) 066
04, Madison
08 (Nancy VanReece)



Metro Planning Commission Meeting of 3/24/22

Project No. #22	Neighborhood Landmark 2021NL-003-001
Project Name	435 Old Hickory Boulevard
Council Bill	BL2021-854
Council District	08 – VanReece
School District	03 – Masters
Requested by	Councilmember Nancy VanReece, applicant; Brandon Thornberry, owner.
Staff Reviewer	Harrison
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Apply Neighborhood Landmark Overlay District (NLOD).

Neighborhood Landmark Development Plan

A request to apply a Neighborhood Landmark Overlay District to property located at 435 Old Hickory Boulevard, at the southeast corner of Donna Drive and Old Hickory Boulevard, zoned Single-Family Residential (RS20) (1.44 acres), to permit indoor and outdoor commercial amusement (limited to special events) and not owner-occupied short-term rentals.

Existing Zoning

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

Proposed Overlay

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

MADISON COMMUNITY PLAN

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

PLAN DETAILS

The development plan proposes an special event space, such as wedding venue and art shows, and short-term rental facility on a 1.44 acre site located at 435 Old Hickory Boulevard, also listed as 91 Donna Drive. The site includes a 4,020 square foot house, with an attached 3-vehicle garage, and in ground pool. The existing structure has previously been used as a single-family residence and is currently vacant. The extent of the external changes proposed are the repair of an existing 3-foot fence, new landscaping, and a proposed sign located at the southeast corner of Old Hickory



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Boulevard and Donna Drive. No changes are proposed to the exterior of the building or parking, aside from minor changes such as painting.

The proposed event uses would take place inside the existing structure and outside within a designated area. Total allowable indoor event space would be 2,670 square feet, limited to the first story of the structure. Total allowable outdoor event space would be 7,970 square feet, limited to the fenced area located at the southeast of the parcel, with the pool. Special events would utilize portable sound systems. When not utilized for events, the site will be available for only 1 not owner occupied short-term rental.

This site is also located within a Historic Overlay District, so any exterior modifications to the building will be subject to Metro Historic Zoning Commission.

Parking

Required parking for this site would be 13 spaces for the indoor event space. Parking spaces are required to be at least 18 feet deep and 8.5 feet wide. The driveway on site is approximately 200 feet long and 15 feet wide at the property line, widening to 44 feet before the 3-vehicle garage. Utilizing these numbers, it is estimated to be an available 18 parking spaces available on site.

Although the site meets the minimum parking requirements for indoor commercial amusement (event space), outdoor commercial amusement (event space) is determined by a traffic engineer. To ensure adequate parking for all events, a signed agreement with another location, at 701 Gallatin Pike, has been provided to allow for an additional 58 parking spaces. In total 76 parking spaces would be available.

ANALYSIS

The intent of this Neighborhood Landmark Overlay District to is utilize an existing single-family residence and provide an adaptive reuse. The proposed site is located along Old Hickory Boulevard, which is classed as an arterial boulevard in the Major and Collector Street Plan (MCSP). Based on the location as a corner parcel along an arterial boulevard, this reuse could provide a benefit to the surrounding area with short-term rental for artists and event holders at this and other surrounding commercial locations.

NDOT RECOMMENDATION

Approve with conditions

- Consult with metro zoning/codes on whether sidewalk requirement along frontage required, due to renovations.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Permitted uses are limited to what is allowed in RS20 base zoning, one not owner-occupied short-term rental, indoor and outdoor commercial amusement limited to special events, such as wedding venue and art shows.
2. Indoor commercial amusement is limited to 2,670 square feet, outdoor commercial amusement is limited to 7,970 square feet, and one not owner-occupied short-term rental is permitted.

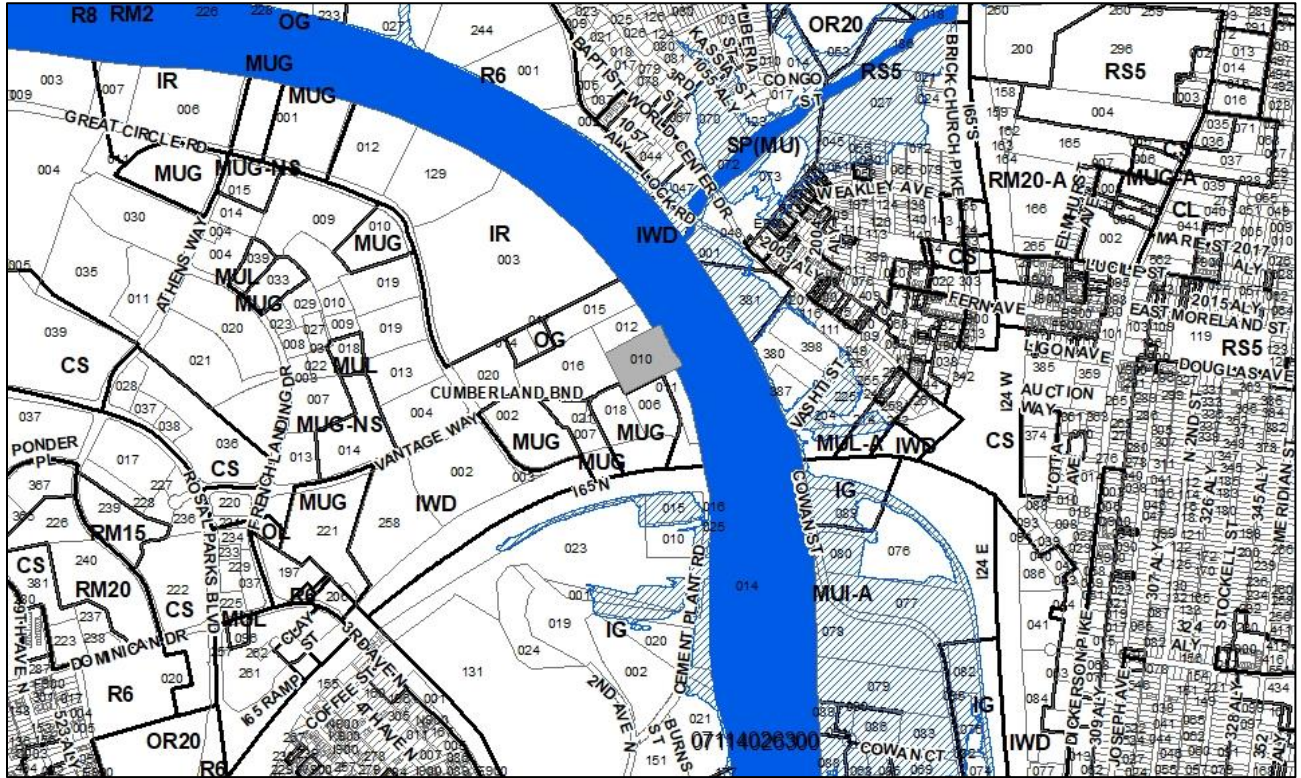


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3. Use of sound systems will be limited to a maximum of 300 watts, microphones, and amplified instruments. These can only be operated between 10:00 a.m. and 9:00 p.m. on weekdays and between 10:00 a.m. and 10:00 p.m. on weekends.
4. A maximum of 70 decibels on the A-weighted scale shall be permitted to occur at the boundary line of the nearest residential property.
5. Max capacity at any event is limited to 100 attendants.
6. Any modifications to the site will be required to comply with Metro requirements.



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2022Z-014PR-001
Map 071-13, Parcel(s) 010
08, North Nashville
02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 3/24/22

Item #23**Council District****School District****Requested by****Zone Change 2022Z-014PR-001**

02 – Toombs

01 - Gentry

Kimley-Horn, applicant; Dore Frog, LLC, owner.

Staff Reviewer

Swaggart

Staff Recommendation*Approve.***APPLICANT REQUEST****Zone change from IWD to MUG.**Zone Change

A request to rezone from Industrial Warehouse/Distribution (IWD) to Mixed-Use General (MUG) zoning for property located at 210 Cumberland Bend, approximately 1,160 feet east of Great Circle Road (5.04 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

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

ANALYSIS

The approximately five-acre site does not have frontage on a public street and is accessed by shared access easements including Cumberland Bend, which is a private drive. The site is generally located north and east of Great Circle Road and the eastern property line abuts the Cumberland River and Metro Center Levee Trail/greenway. Currently the site includes a structure and the use



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on the property is classified as light manufacturing. The surrounding area is comprised of IR, IWD, MUG, and OG, with uses ranging from residential, commercial, and industrial.

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

FIRE MARSHAL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	5.04	0.8 F	175,633 SF	319	30	33

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	2.56	3.0 F	324 U	1,764	108	137

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.24	3.0 F	162,043 SF	6,117	152	617

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	1.24	3.0 F	162,043 SF	18,178	1,611	1,584

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+25,740	+1,841	+2,305



Metro Planning Commission Meeting of 3/24/22

METRO SCHOOL BOARD REPORT

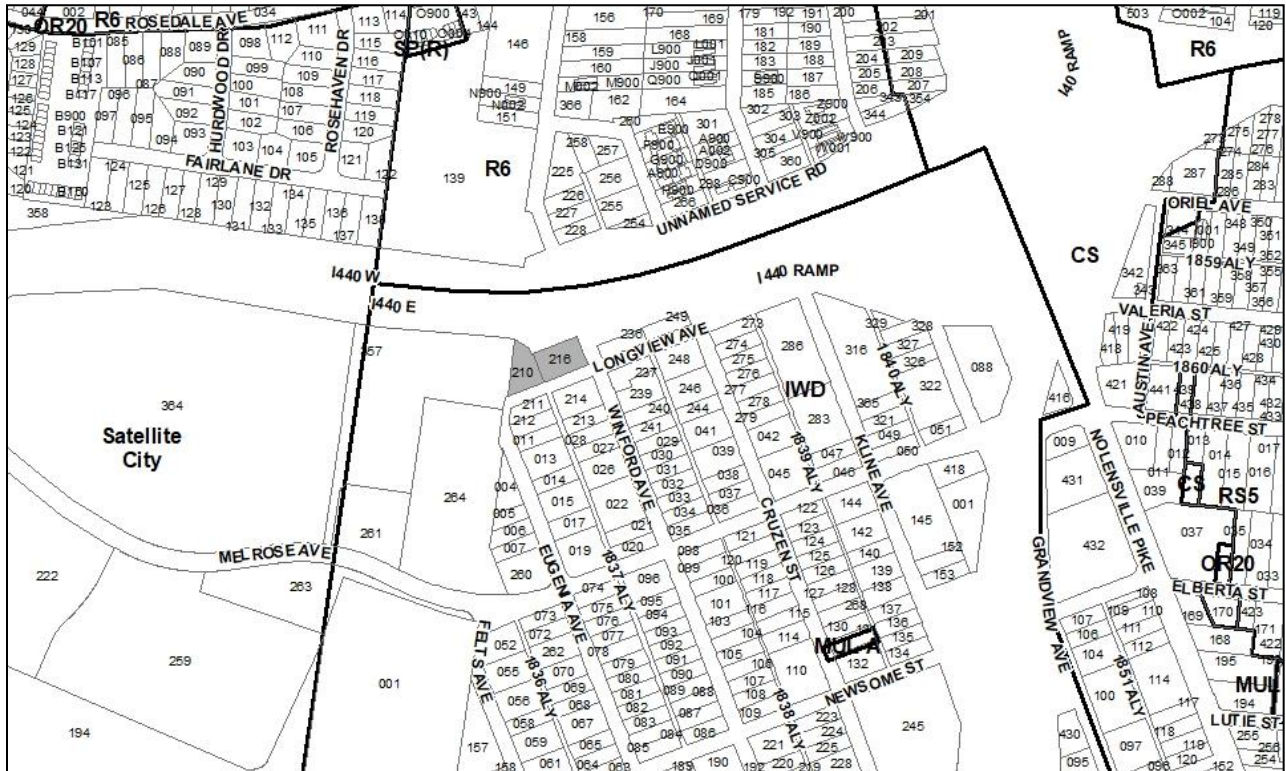
The mix of uses could vary and assumption of impact at this point is premature. Students would attend Jones Elementary School, John Early Middle School, and Pearl-Cohn High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School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

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 3/24/22



2022Z-030PR-001
Map 118-04, Parcel(s) 210, 216
11, South Nashville
17 (Colby Sledge)



Metro Planning Commission Meeting of 3/24/22

Item #24
Council District
School District
Requested by

Zone Change 2022Z-030PR-001
17 – Sledge
7 – Player-Peters
Smith Gee Studio, applicant; William Ruff and
Snyddwood GP, owners.

Staff Reviewer
Staff Recommendation

Rickoff
Approve.

APPLICANT REQUEST

Zone change from IWD to MUL-A-NS.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) zoning for properties located at 2251 Winford Avenue and 802 Longview Avenue, approximately 92 feet north of Eugenia Avenue (0.72 acres).

Existing Zoning

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

Proposed Zoning

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

SOUTH NASHVILLE COMMUNITY PLAN

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

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.



Metro Planning Commission Meeting of 3/24/22

ANALYSIS

The 0.72-acre site includes two parcels located on the north side of Longview Avenue, south of Interstate 440, north of Thompson Lane and west of Nolensville Pike. Winford Avenue wraps the eastern boundary of the site and bypasses the interstate. Eugenia Avenue terminates at the western corner, where it wraps to the east to Longview Avenue. The eastern parcel currently contains an industrial land use, and the western parcel is developed with a residential use. The surrounding area includes primarily industrial, office or medical, and vacant properties, with scattered commercial and single-family residential uses.

The MUL-A-NS district is consistent with the T4 MU policy at this site, which covers a larger area that spans south of the interstate, west of Nolensville Pike. The MUL-A-NS district permits residential and mixed-use development in an area that is intended to evolve into an urban mixed use neighborhood, consistent with the T4 MU policy. Uses permitted by MUL-A-NS will contribute to the mixed use character that is anticipated by the policy, and the Alternative district standards will provide building placement and design standards intended to achieve an urban character and enhance the pedestrian realm. The site is also located within a large Transition area identified by the NashvilleNext Growth & Preservation Map. The Transition area feeds into to a Tier 1 Center to the south, extending along two priority corridors (Thompson Lane and Nolensville Pike). Centers are intended to be the focus of coordinated growth where additional intensity is expected to support existing and future transit service. The proposed rezone would support uses that are appropriate for a Transition area in this location, adjacent to a major center and in proximity to two corridors. The current IWD zoning is not supported by the T4 MU policy.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.72	0.8 F	25,091 SF	85	4	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.36	1.0 F	16 U	85	5	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.18	1.0 F	7,841 SF	296	8	30

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.18	1.0 F	7,841 SF	880	78	76



Metro Planning Commission Meeting of 3/24/22

Traffic changes between maximum: IWD and MUL-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,176	+87	+110

METRO SCHOOL BOARD REPORT

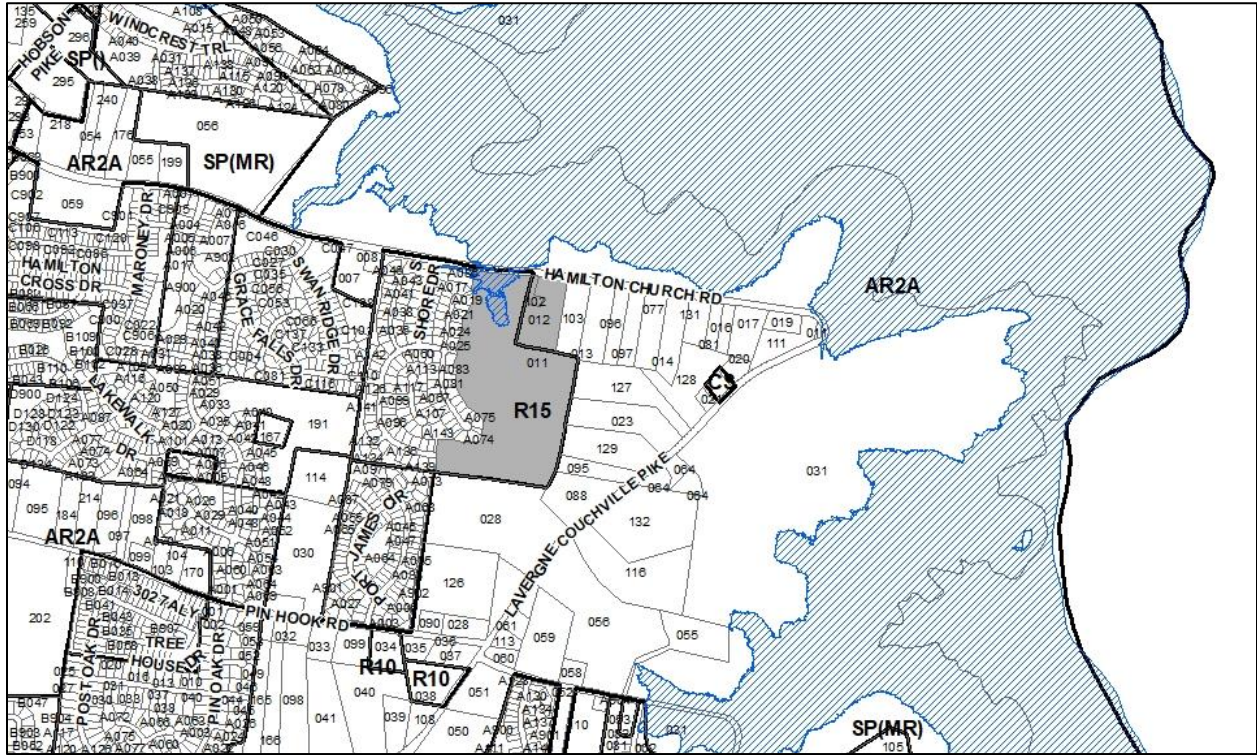
Given the mix of uses permitted by MUL-A-NS, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature.

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 3/24/22



2022Z-035PR-001

Map 165, Parcel(s) 011-012, 102

13, Antioch – Priest Lake

33 (Antoinette Lee)



Metro Planning Commission Meeting of 3/24/22

Item #25a**Associated Case****Council District****School District****Requested by****Zone Change 2022Z-035PR-001**

88P-054-001

33 - Lee

06 - Bush

Dale & Associates, applicant; Pardue Family Hamilton Church Road Partners, owners.

Staff Reviewer

Lewis

Staff Recommendation*Approve.***APPLICANT REQUEST****Zone change from AR2a and R15 to RS10.**Zone Change

A request to rezone from Agriculture/Residential (AR2a) and One and Two-Family Residential (R15) to Single Family Residential (RS10) zoning for properties located at 3807 and 3817 Hamilton Church Road and Hamilton Church Road (unnumbered), approximately 330 feet east of S Shore Drive (37.12 acres), and partially located within a Planned Unit Development (PUD) Overlay.

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. *Approximately 4.41 acres of the site is zoned AR2a. Based on this acreage, AR2a would permit a maximum of two lots with two duplex lots for a maximum of four units. Application of the Subdivision Regulations may result in fewer units. Metro Codes provides final determinations on duplex eligibility.*

One and Two Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *Approximately 32.71 acres of the area to be rezoned is zoned R15. Based on this acreage, R15 would permit a maximum of 80 lots, with 20 duplex lots, for a maximum of 100 units. Application of the Subdivision Regulations may result in fewer lots. Metro Codes provides final determinations on duplex eligibility.*

Proposed Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit up to 137 single-family lots. Application of the Subdivision Regulations may result in fewer lots.*

ANTIOCH - PRIEST LAKE 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



Metro Planning Commission Meeting of 3/24/22

spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

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

SITE AND CONTEXT

The site is comprised of three contiguous parcels with a cumulative acreage of 37.12 acres. All three parcels have frontage on Hamilton Church Road. The properties to the north, across Hamilton Church Road are zoned AR2a, as are the properties to the east and south. The properties to the west are zoned R15 and are within a PUD Overlay. The surrounding land uses are primarily single-family homes in addition to some vacant properties.

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 is in keeping with the residential intent of the policy as well as the surrounding single-family land uses. Additional factors for rezonings in this policy area include the size of the site, character of adjacent transect policies, and the location along corridors. The size of the site would permit a development consistent with surrounding development patterns, the site is surrounded by the T3 NE policy, and is located along Hamilton Church Road, classified as a collector road in the Major and Collector Street Plan (MCSP).

The Conservation (CO) policy on site is in place due to the 100 year floodplain and one small area of steep slopes. The policy states that when balancing the T3 NE and CO policy, lot configuration and right-of-way should not take priority over the preservation of the environmental features. While this application is for rezoning, future development should consider this policy guidance.

FIRE MARSHAL RECOMMENDATION

Approve



Metro Planning Commission Meeting of 3/24/22

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)	4.41	0.5 D	4 U	54	8	5

*Based on two-family lots

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	32.71	2.904 D	100 U	1,040	76	102

*Based on two-family lots

Maximum Uses in Proposed 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)	37.12	4.356 D	137 U	1,389	103	138

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
-	-	-	+33 U	+298	+19	+31

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a/R15 district: 24 Elementary 16 Middle 17 High
Projected student generation proposed RS10 district: 31 Elementary 22 Middle 23 High

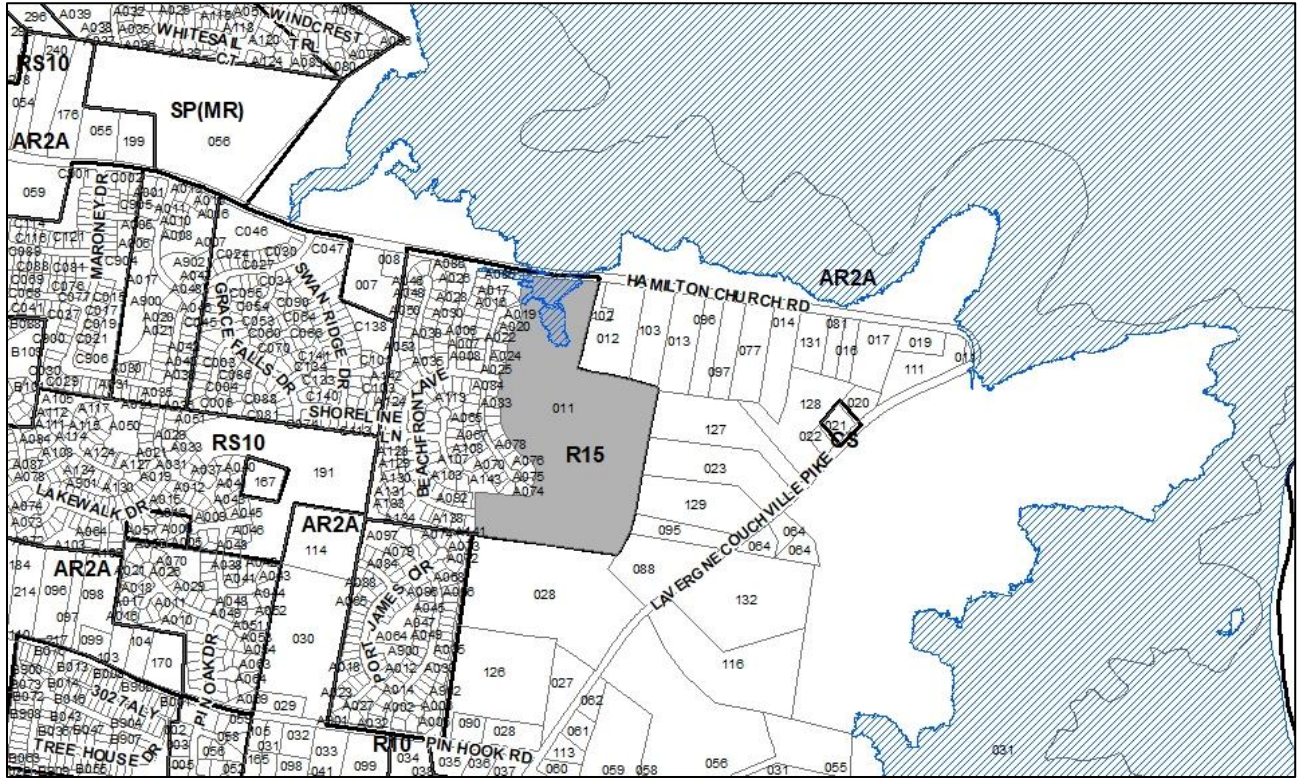
The proposed R10 zoning district is expected to generate two additional students than what is typically generated under the existing RS10 zoning district. Students would attend Mt. View Elementary School, J F. Kennedy Middle School, and Antioch Creek High School. All three schools have been identified 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.



Metro Planning Commission Meeting of 3/24/22



88P-054-001
SOUTH SHORE PUD (CANCELTION)
Map 165, Parcel(s) 011
13, Antioch - Priest Lake
33 (Lee)



Metro Planning Commission Meeting of 3/24/22

Project No. #25b

Planned Unit Development 88P-054-001

Project Name

South Shore (Cancelation)

Associated Case

2022Z-035PR-001

Council District

33 – Lee

School District

06 - Bush

Requested by

Dale and Associates, applicant, Pardue Family
Hamilton Church Road Partners, owner.

Staff Reviewer

Lewis

Staff Recommendation

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

APPLICANT REQUEST

Cancel PUD.

PUD Cancelation

A request to cancel a portion of a Planned Unit Development located at Hamilton Church Road (unnumbered), approximately 335 feet east of S Shore Drive (32.71 acres), zoned One and Two-Family Residential (R15).

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *The Planned Unit Development Overlay District (PUD) permitted a total of 224 residential units across the entire PUD site. A total of 89 residential units were approved for this portion of the site.*

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.

ANTIOCH – PRIEST LAKE 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.



Metro Planning Commission Meeting of 3/24/22

Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

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

ANALYSIS

The preliminary PUD plan was approved in 1988 for a residential development with 224 single-family lots across the approximately 65 acre site. The development was intended to be developed in several phases. Phases 1 and 2, west of this parcel have been completed. The remaining part of the PUD, and portion to be canceled, was identified as Phase 3. A revised preliminary PUD plan for this phase was approved in 2001. Phase 3 was approved for 89 residential lots and extensions of public roads from phases 1 and 2. A final site plan was not approved.

The cancellation of the PUD would permit the development of the site without the previously approved plan. The associated case, 2022Z-035PR-001, would modify the zoning on the site to permit single-family residences. Any future subdivision of the site would be required to meet current Subdivision Regulations, which will include the extension of public stub roads in addition to more refined environmental standards.

STORMWATER RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Future development shall provide connectivity to existing public roadway network.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- See Nashville DOT comments.

WATER SERVICES RECOMMENDATION

Approve



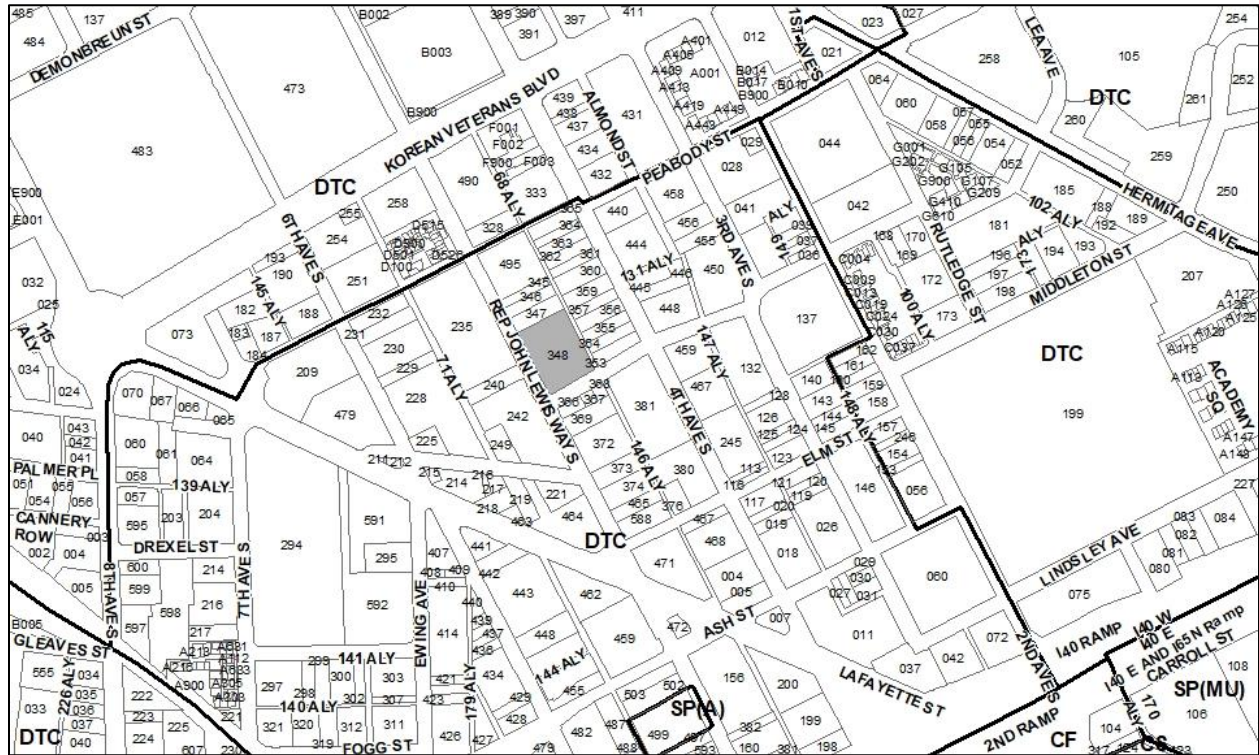
Metro Planning Commission Meeting of 3/24/22

STAFF RECOMMENDATION

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



Metro Planning Commission Meeting of 3/24/22



2022DTC-011-001
MILES NASHVILLE
Map 93-10, Parcel 348
9, Downtown
19 (Freddie O'Connell)



Metro Planning Commission Meeting of 3/24/22

Item #26

DTC Overall Height Modification

2022DTC-011-001

Project Name

Miles Nashville

Council District

19 – O’Connell

School District

05– Buggs

Requested by

ESa, applicant; 522 Fifth Venture, LLC, owner.

Staff Reviewer

Yoo

Staff Recommendation

Approve with conditions or defer without all conditions.

APPLICANT REQUEST

Modification of overall height standards of the Downtown Code (DTC).

DTC Overall Height Modification

A request for a modification of overall building height on property located at 516-526 Rep. John Lewis Way S., within the Lafayette Subdistrict of the Downtown Code (DTC), to allow for a new residential building of 19 stories where eight stories of building height are permitted by right.

Existing Zoning

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

PROJECT OVERVIEW

The project proposes a 19-story mixed-use and residential building consisting of 637 residential units, 10,400 square feet of retail space, an 8,150 square foot pocket park along Rep. John Lewis Way South, 317 below-grade parking spaces, and a rooftop residential pool/amenity area.



Metro Planning Commission Meeting of 3/24/22

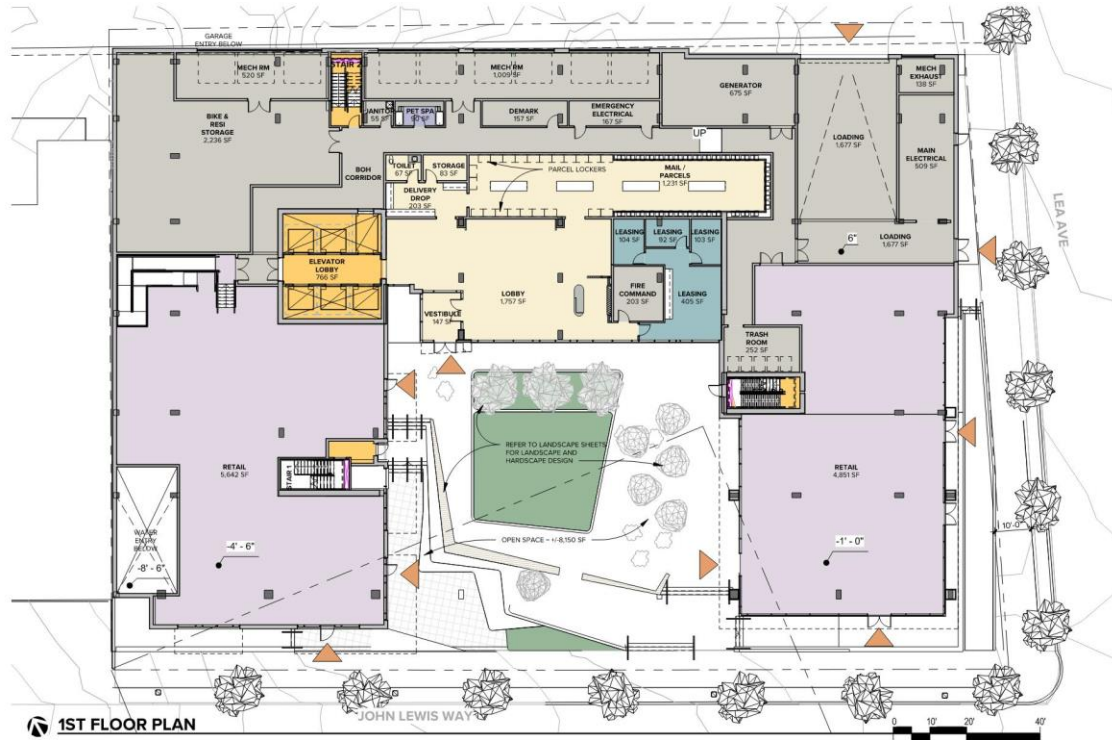


Figure 1: Site Plan



Figure 2: Pocket Park Material Plan



Metro Planning Commission Meeting of 3/24/22

PLAN DETAILS

The general bounds of the property include Lea Avenue to the north, Rep. John Lewis Way South to the west, and Alley #146 to the east. The site contains two street frontages and one alley frontage which serve different functions. The Rep. John Lewis Way S. frontage contains retail and the pocket park, along with the primary entry to the residential lobby of the building. The Lea Avenue frontage contains retail at the corner of Rep. John Lewis Way S., with some back-of-house program toward the corner of Alley #146. Access to parking and loading are located on the alley.

OVERALL HEIGHT MODIFICATION PROCESS

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

1. The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to pursue all appropriate bonuses available in the Bonus Height Program.
2. The applicant shall hold a community meeting providing notices to all property owners within 300 feet.
3. The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

In the Lafayette Subdistrict, an additional three stories may be earned, up to a maximum of 11 stories, through use of the Bonus Height Program. A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has applied various bonuses available in the Bonus Height Program, including application of LEED silver certification, Pervious Surfaces, Open Space, and Underground Parking bonuses. The project has made strides to meet exceptional design criteria by limiting and placing all parking underground, creating a publicly-accessible urban pocket park/plaza at the center of the project, and proposing a deed restriction to prohibit short term rental (STR) conversion.

Community Meeting

The applicant held a virtual community meeting on Monday, February 28 at 5:30 P.M. and sent notices to properties within 300 feet. 12 people were in attendance, including the development team, Planning staff, and one neighboring property owner. A brief presentation was given to the attendees. The adjacent property owner inquired about the alley dimensions and expressed concern that the lack of a step-back on Lea Avenue could leave their property in more shadow



Metro Planning Commission Meeting of 3/24/22

than if the step-back were in place. They were in agreement that the proposed pocket park would be a welcome addition to this area.

DTC Design Review Committee Meeting

The applicant brought the project to the Downtown Code Design Review Committee meeting on March 4, 2022. The Committee discussed the two presented material palettes and reviewed material samples without any objections. They discussed the site plan and the importance of maintaining public access to the proposed pocket park, and recommended a condition be added to the approval regarding public access and hours of operation; that condition is included in the staff recommendation below. The Committee voted (with none opposed) to approve the concept design and proposed DTC modifications, and to recommend approval of the proposed Overall Height Modification.



Figure 3: Rendering looking toward new Pocket Park

Exceptional Design

The architectural massing of the Miles Project creates a courtyard pocket park along Rep. John Lewis Way S. This park will be a welcome addition to area identified in the DTC as having open space deficiencies. The new park will have frontage on approximately 10,400 square feet of retail spaces on two sides, and the lobby entry along the back. In total, the perimeter of the open space provides 248 linear feet of activation along the adjacent retail and lobby spaces. The park will be open to the public and will provide over 200 linear feet of seating in an activated lawn and plaza area where residents, visitors, and passersby can gather. The integration of different paver and seating materials, a variety of plantings, and an accessible path to navigate the level change help ensure that this park makes a strong contribution to the urban fabric of this emerging residential neighborhood.



Metro Planning Commission Meeting of 3/24/22



Figure 4: West Elevation

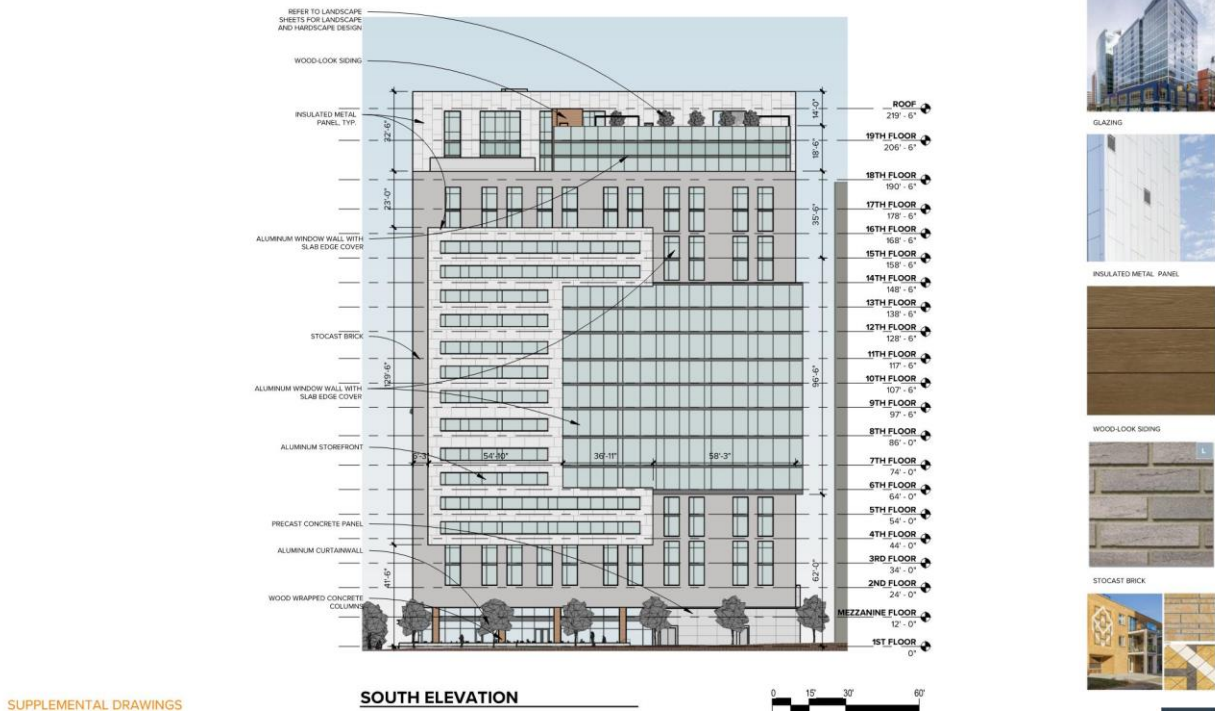
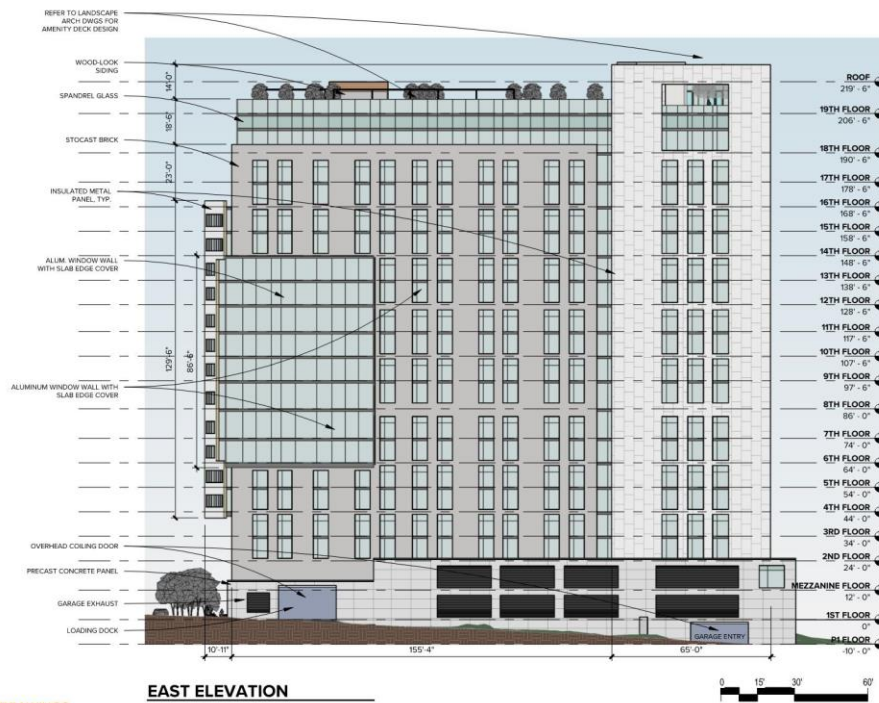


Figure 5: South Elevation



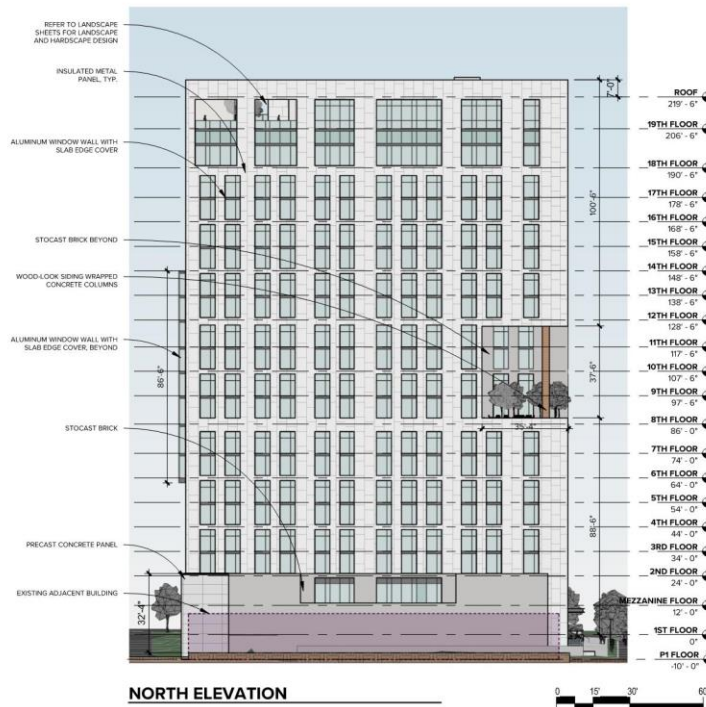
Metro Planning Commission Meeting of 3/24/22



SUPPLEMENTAL DRAWINGS



Figure 6: East Elevation



SUPPLEMENTAL DRAWINGS



Figure 7: North Elevation



Metro Planning Commission Meeting of 3/24/22



SW AXON



SE AXON

ESa | MILES RESIDENCES
PLANNING REVIEW
NASHVILLE, TENNESSEE - 21125.00 - 02.16.2022



Figure 8: Southwest and Southeast Axon Views



NW AXON



NE AXON

SUPPLEMENTAL DRAWINGS
ESa | MILES RESIDENCES
PLANNING REVIEW
NASHVILLE, TENNESSEE - 21125.00 - 02.16.2022



Figure 9: Northwest and Northeast Axon Views



Metro Planning Commission Meeting of 3/24/22

Additionally, the street side façades are articulated with areas that project and peel away allowing for opportunities for material shifts and provide relief and texture to the overall building massing. The north wing includes a carved-out balcony amenity area on upper floors that provides visual interest to the overall composition of the building, and adds a unique articulation to the streetscape.

The project proposes adding 637 housing units, 48% of which will be micro-studios of approximately 350 square feet each on average. The addition of residential units in this area will increase the supply of downtown housing options, responding to the need for more housing units in the urban core. The integration of micro-units embraces the potential for vibrant density in this emerging downtown neighborhood. The applicant has agreed to a deed restriction to prohibit short term rental (STR) conversion.

All vehicular access, including service and loading, occur on the alley to the east of the building. This creates an uninterrupted widened sidewalk that wraps around Rep John Lewis Way S. and Lea Avenue for the building's entire street frontage. All parking is located below grade, and the proposed parking ratio of less than half the number of parking stalls (317) to number of units (637) indicates an emphasis on encouraging pedestrian and multi-modal transit in this central downtown location.

Additionally, the applicant has been working with NDOT to determine any necessary traffic and mobility improvements that need to be made to the surrounding area. A Traffic Impact Study is under review by NDOT and final recommendations are included as conditions of approval.

STAFF RECOMMENDATION

The project offers activated street frontages along Rep. John Lewis Way S. and Lea Avenue, as well as the new pocket park. The project's emphasis on residential use supports the goal of a vibrant urban neighborhood in the downtown core. The design – both massing and architecture – have been thoughtfully considered and respond to the existing and emerging context in a site-specific way.

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

CONDITIONS

1. The applicant must apply for and obtain approval of a mandatory referral to encroach over the Lea Avenue right-of-way, including any and all agreements NDOT deems necessary to allow for required functionality, prior to issuance of building permits.
2. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
3. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
4. The applicant shall coordinate with NDOT on any proposed traffic improvements that result from the project TIS.



Metro Planning Commission Meeting of 3/24/22

5. If implementation of final TIS recommendations has a substantial effect on the building design or site layout, it may be necessary for the plans to be re-reviewed by the Planning Commission. A corrected plan incorporating required improvements shall be submitted to staff prior to submission of any final site plans.
6. The developer shall work with Planning Staff to propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly-accessible open space. This shall be reviewed by Metro Planning and Metro Legal, and recorded prior to the issuance of building permits.
7. All overhead lines along the site's frontages shall be buried.



Metro Planning Commission Meeting of 3/24/22



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

January 26, 2022

Attn: Laura Beene, AIA, NCARB
Earl Swensson Associates, Inc.
1033 Demonbreun Street, Suite 800
Nashville, TN 37203

Re: Determination on DTC Bonus Height Program Efforts for 516-526 Rep John Lewis Way S.

Ms. Beene:

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

The project site is within the Lafayette Subdistrict of the Downtown Code, where 8 stories are permitted by-right and up to 11 stories are permitted through use of available bonuses in the Bonus Height Program. The proposed development includes a 19-story residential building with ground floor retail/restaurant.

The proposed development applies various bonuses available in the Downtown Code's Bonus Height Program. Submitted exhibits demonstrate application of LEED, Pervious Surfaces, Open Space, and Underground Parking bonuses among other stated commitments. The project has made strides to meet exceptional design criteria by limiting and placing all parking underground, creating a publicly accessible urban plaza at the center of the project, and proposing a deed restriction to prohibit short term rental (STR) conversion. The submitted exhibits detail an urban courtyard park space which would add essential open space in an area of Downtown that is identified as deficient.

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

Sincerely,

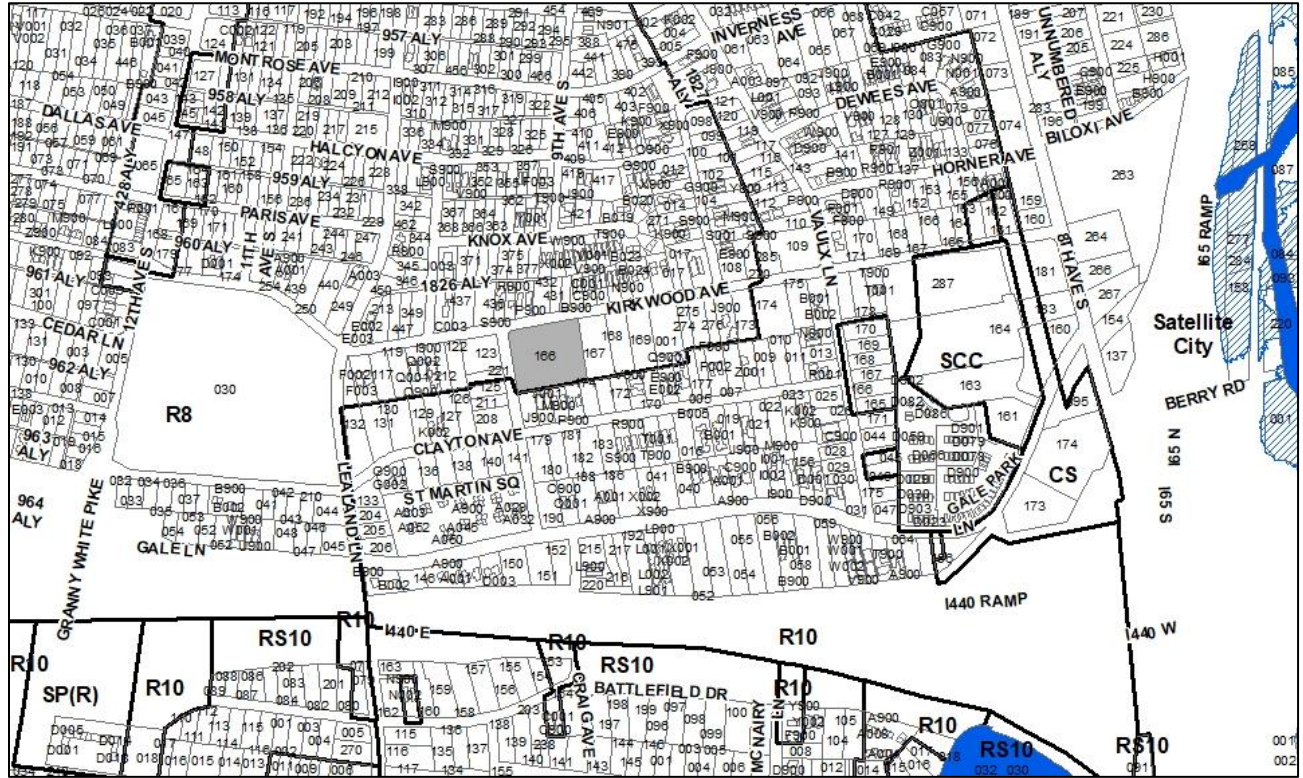
Lucy Kempf
Executive Director
Metro Nashville Planning Department



SEE NEXT PAGE



Metro Planning Commission Meeting of 3/24/22



2022S-017-001
RESUBDIVISION OF LOT 1 DOYLE SUBDIVISION
Map 118-05, Parcel(s) 166
10, Green Hills – Midtown
17 (Colby Sledge)



Metro Planning Commission Meeting of 3/24/22

Item #27

Final Plat 2022S-017-001

Project Name

Resubdivision of Lot 1 Doyle Subdivision

Council District

17 – Sledge

School District

07 – Player-Peters

Requested by

Brown Surveying, applicant; Courtney and Christine Gasper, owners.

Deferrals

This item was deferred from the January 13, 2022, Planning Commission meeting. No public hearing was held.

Staff Reviewer

Harrison

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Request for final plat approval to create five lots.

Final Plat

A request for final plat approval to create five lots on property located at 915 Kirkwood Avenue, at the corner of Kirkwood Avenue and Craig Avenue, zoned One and Two-Family Residential (R8) (2.5 acres).

SITE DATA AND CONTEXT

Location: The site is located at the southwest corner of Kirkwood Avenue and Craig Avenue.

Street Type: The site has frontage onto Kirkwood Avenue and Craig Avenue, and both streets are classified as local streets in the Major and Collector Street Plan.

Approximate Acreage: The proposed area for subdivision is 2.50 acres or 108,965 square feet.

Parcel/Site History: The site is comprised of one parcel, which was created via subdivision in 1995.

Zoning History: The site has been zoned R8 since 1974 (O73-650) and is within two overlays, Urban Zoning Overlay (BL2007-1426) and Historic Landmark Overlay (BL2022-1083).

Existing land use and configuration: The site currently contains one residential structure and several accessory structures.



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Surrounding land use and zoning:

North: One and Two-Family Residential (R8)
South: One and Two-Family Residential (R10)
East: One and Two-Family Residential (R8)
West: One and Two-Family Residential (R8 and R10)

Zoning: One and Two-Family Residential (R8)

Min. lot size: 8,000 square feet
Max. height: 3 stories
Min. street setback: 20'
Min. rear setback for all properties: 20'
Min. side setback for all properties: 5'
Maximum Building Coverage: 0.45

PROPOSAL DETAILS

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

Number of lots: 4 single-family lots and 1 duplex lot

Lot sizes: Lot sizes range from 0.26 acres (11,124 square feet) to 0.57 acres (24,960 square feet).

Access: Lots 1-3 will have frontage on Kirkwood Avenue, Lot 4 will have frontage on Kirkwood Avenue and Craig Avenue, and Lot 5 will have frontage on Craig Avenue.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T4 Suburban Neighborhood Maintenance (T4 NM) policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

Staff finds that all standards are met.



Metro Planning Commission Meeting of 3/24/22

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R8 zoning at the time of building permit. All proposed lots have frontage on Kirkwood Avenue or Craig Avenue.

3-5 Infill Subdivisions

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

Section 3-5.2 requires lots to meet compatibility with the existing lots along Kirkwood Avenue and Craig Avenue. All proposed lots are required to meet compatibility as stated in the Regulations. Compatibility is determined by both lot frontage and lot area of existing lots along the same block face. Along Kirkwood Avenue, the required minimum lot frontage for the proposed lots is about 76 feet and the minimum lot area is 21,490 square feet. Lots 1-4 along Kirkwood Avenue, meet these requirements.

Along Craig Avenue, there are no existing lots oriented to the same block face, but there are 3 lots across the street, from Lot 5, that can be used to determine harmonious development. The minimum lot frontage required would be 60 feet and the minimum lot area would be 10,803 square feet. As proposed, Lot 5 would provide harmonious development with the existing lots across the street.

3-6 Blocks

Not Applicable for this case.

3-7 Improvements

Not Applicable for this case.

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

Any required sidewalks will be completed with the building permit.

3-9 Requirements for Streets

Not Applicable for this case. No new streets proposed.



Metro Planning Commission Meeting of 3/24/22

3-10 Requirements for Dedication, Reservations, or Improvements

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

3-11 Inspections During Construction

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

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

Not Applicable for this case. No new streets proposed.

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

Metro Water Services has reviewed this proposed final plat for sewer and has recommended approval with conditions.

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve



Metro Planning Commission Meeting of 3/24/22

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

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

RECOMMENDED ACTION

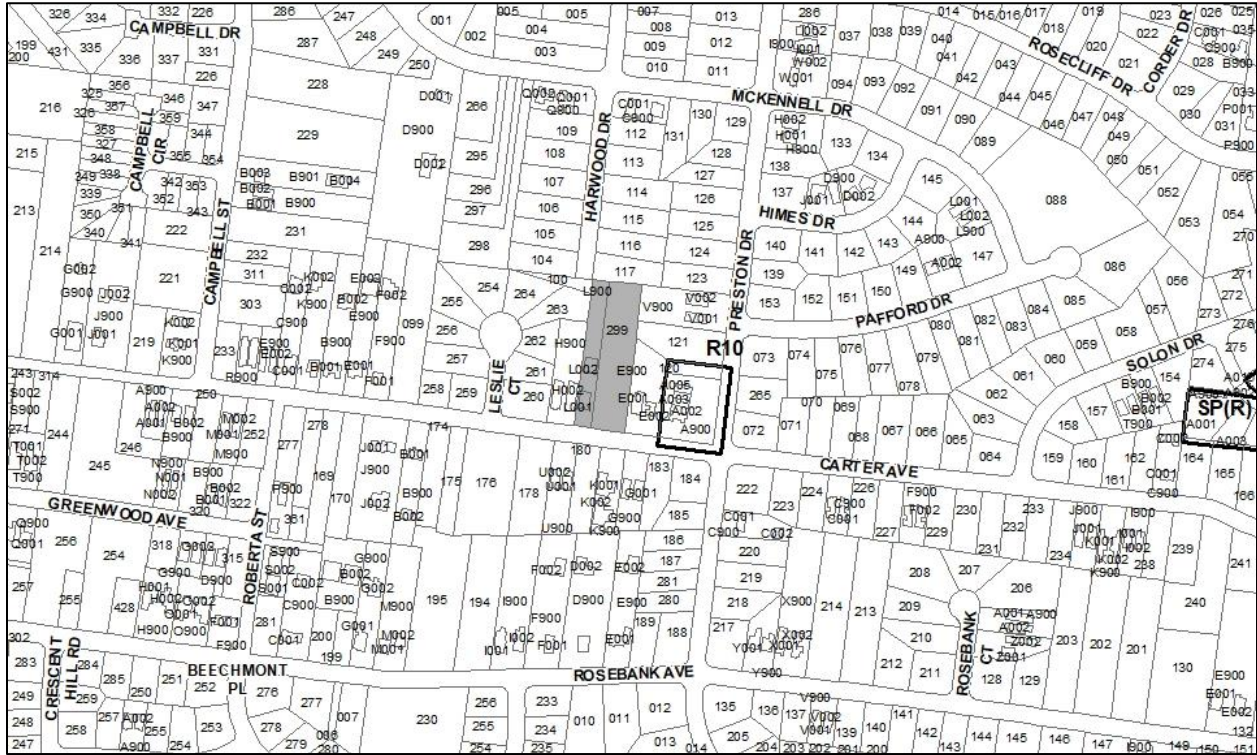
Motion to approve proposed subdivision Case No. 2022S-017-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



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Metro Planning Commission Meeting of 3/24/22



2022S-042-001
ROSEBANK SUBDIVISION RESUB LOT 29
Map 083-04, Parcel 118
05, East Nashville
07 (Emily Benedict)



Metro Planning Commission Meeting of 3/24/22

Item #28**Final Plat 2022S-042-001****Project Name****Rosebank Subdivision Resub Lot 29****Council District**

07 - Benedict

School District

5 - Buggs

Requested by

JW Land Surveying, LLC, applicant; Southgate Development, LLC, owner.

Deferrals

This item was deferred at the March 10, 2022, Planning Commission meeting. No public hearing was held.

Staff Reviewer

Elliott

Staff Recommendation*Approve with conditions including an exception to the compatibility requirements based on the lots being consistent with the larger area for general compatibility***APPLICANT REQUEST****Final Plat approval to create 2 one and two-family lots.**Final Plat

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 One and Two-Family Residential (R10) (1.51 acres).

SITE DATA AND CONTEXT**Location:** The site is located on the north side of Carter Avenue and west of Preston Drive.**Street Type:** The site has frontage onto Carter Avenue, a local street.**Approximate Acreage:** 1.51 acres or 65,775 square feet.**Parcel/Site History:** This site is comprised of two parcels. 2321 C Carter Avenue, parcel 083043L90000CO, was separated from 2323 Carter Avenue, parcel 08304029900 by deed in 2021 and without the proper subdivision application through the Planning Commission.**Zoning History:** The parcel has been zoned R10 since 1974.**Existing land use and configuration:** The land is currently used as a single-family residence with access taken from Carter Avenue.**Surrounding land use and zoning:**

North, South, East, West: One and Two-Family Residential (R10)

Zoning:

One and Two-Family Residential (R10)

Min. lot size: 10,000 square feet



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Max. height: 3 stories
Min. street setback: 20 feet
Min. rear setback for all properties: 20 feet
Min. side setback for all properties: 5 feet
Maximum Building Coverage: 0.40

PROPOSAL DETAILS

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

Number of lots: 2

Lot sizes: Lots range from 31,913 to 32,190 square feet prior to necessary right-of-way dedication.

Access: The proposed lots will draw access from Carter Avenue through a single driveway that is placed within shared access easement that is split between the two proposed lots.

Open space: This application does not propose any open space and the subdivision regulations do not require any open space to be provided.

Subdivision Variances or Exceptions Requested: An exception to the Infill Subdivision (3-5) section of the Subdivision Regulations is requested with this application. This is described in detail below in the respective section.

APPLICABLE SUBDIVISION REGULATIONS

Volume III of NashvilleNext, the General Plan for Nashville and Davidson County, contains the Community Character Manual (CCM) which establishes land use policies for all properties across the county. The land use policies established in CCM are based on a planning tool called the Transect, which describes a range of development patterns from most to least developed. Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the T3 NM policy. For sites within the T3 transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. Staff finds that all standards are met with an exception requested to the Infill Subdivision (3-5) section.



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3-2 Monument Requirements

Permanent monuments, in accordance with this section of the regulations, are shown at the proposed lot corners.

3-3 Suitability of the Land

The application provides a stream buffer for the area of the property unsuitable for development. There are no other sensitive environmental features on the site.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R10 and zoning at the time of building permit. All proposed lots have frontage on Carter Avenue.

3-5 Infill Subdivisions

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

This application proposes lots fronting on an existing street within the Neighborhood Maintenance policy area so the compatibility standards of the infill subdivision regulations apply.

There are two surrounding parcels as defined by the Subdivision Regulations, one on either side of the subject property. The compatibility standards generated from these two parcels require newly created lots to have a minimum lot width of 80', a minimum lot size of 24,362 square feet, a minimum setback of 40' and an orientation of the units to Carter Avenue. The proposed subdivision complies with all compatibility standards except for the minimum lot width. The property has a total frontage of 150' feet and the application proposes to create two 75' wide lots when the compatibility standards would require a minimum width of 80'. The compatibility standards include criteria for considering a larger area to evaluate general compatibility if the proposed subdivision does not comply with these minimum standards.

Staff considered the proposal in the context of the lots immediately across Carter Avenue as well as the lots to the west of the Leslie Court cul-de-sac and staff finds that the proposed lots provide a development pattern that is consistent with the lots in the larger area and supports granting an exception to the compatibility criteria for this subdivision. The proposed lots would be wider than the lots immediately across the street and wider than a majority of the lots west of the Leslie Court cul-de-sac and on the north side and within this block of Carter Avenue.



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3-6 Blocks

This application does not propose to create any new blocks.

3-7 Improvements

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

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

Sidewalks will not be required with the subdivision of this property pursuant to Section 17.20.120 of the Zoning Code.

3-9 Requirements for Streets

This application does not propose to create any new streets.

3-10 Requirements for Dedication, Reservations, or Improvements

The application proposes right-of-way dedication to meet the local street requirements. Staff is recommending a condition that the right-of-way be dimensioned on the plat to demonstrate compliance with the local street requirement.

3-11 Inspections During Construction

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

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

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

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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



Metro Planning Commission Meeting of 3/24/22

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. This is not applicable to this case as no new streets are proposed.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations, outside of the Compatibility Standards that the applicant is requesting an exception to, and the standards of the Metro Zoning Code for a subdivision concept plan. Staff recommends approval with conditions if the Planning Commission approves the exception to the Compatibility Standards.

COMMENTS FROM OTHER REVIEWING AGENCIES

STORMWATER RECOMMENDATION

Approve

FIRE MARSHAL RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- W&S Capacity must be Paid before issuance of building permits for new lot.

STAFF RECOMMENDATION

Staff recommends approve with conditions including an exception to the compatibility requirements based on the lots being consistent with the larger area for general compatibility.

CONDITIONS

1. Provide and dimension the local street standard half right-of-way for Carter Avenue on the corrected set submitted for recording.
2. A street setback of 40 feet shall be shown on the final plat consistent with the compatibility standards minimum setback requirement.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting of 3/24/22

5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-042-001 with conditions including an exception to the compatibility requirements based on the lots being consistent with the larger area for general compatibility.