



METROPOLITAN PLANNING COMMISSION

DRAFT AGENDA

July 28, 2022
4:00 pm Regular Meeting

2601 Bransford Avenue
Metro Nashville Public School
Admin Building

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

Lucy Kempf, Executive Director
George Rooker, Assistant Director
John Houghton, Assistant Director
Lisa Milligan, Planning Manager II
Joni Williams, Planning Manager II
Jason Swaggart, Planner II
Logan Elliott, Planner II
Seth Harrison, Planner II
Abbie Rickoff, Planner II
Amelia Lewis, Planner II
Alex Dickerson, Legal

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

If you intend to speak during a meeting, you will be asked to fill out a short "Request to Speak" form. Items set for consent or deferral will be listed at the start of the meeting. Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

Legal Notice

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



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MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

Mr. Lawson moved and Ms. Johnson seconded the motion to adopt the agenda.

C: APPROVAL OF JUNE 23, 2022 MINUTES

Ms. Blackshear moved and Mr. Clifton seconded the motion to approve the meeting minutes of June 23, 2022.

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Johnston advised she was sitting in for Councilmember Pulley and signed on to the Bill that is being discussed. She pointed to a letter that Mr. Pulley wrote that deleted a loophole as it related to contextual setbacks. She said Councilmember Pulley experienced some negative feedback and met with those people and worked out the issues; that basically means grandfathering them in, which is an Amendment that will be filed later. Further, Councilmember Johnston said the letter codified that the Zoning Administrator had the ability to decide and property purchased on or before July 28, 2022 and building permits made before October 1, 2022 were grandfathered into the existing Code and anything purchased after July 28, 2022 or a permit filed after October 1, 2022 would be subject to this new Ordinance.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3 ,4, 5, 6a, 6b, 7, 8, 9, 10, 11, 12, 17, 21, 32

Ms. Milligan stated that Ms. Blackshear recused herself from Items 3, 6a and 6b.

Mr. Henley moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items.

F: CONSENT AGENDA ITEMS 36, 37, 38, 42

Ms. Milligan advised that the August 25, 2022 and September 8, 2022 meetings will be held at the regular meeting location at the Howard Office Building.

Ms. Milligan stated that Ms. Blackshear recused herself from Items 24, 33, 34 and 37.

Mr. Lawson moved and Ms. Blackshear seconded the motion to approve the Consent Agenda.

Chairman Adkins advised there was a special request from Metro Legal Director Wally Dietz to address the Commission. Mr. Adkins said this was an addition to the agenda and asked if there was any objection. He recognized there was no objection and invited Mr. Dietz up to the podium to speak.

Mr. Dietz spoke regarding Item 27. He stated he was not there to speak on the merits of that proposal but there had been questions raised about procedure and litigation. Mr. Dietz advised there was pending litigation brought by property owners adjacent to this property, and it was the position of Metro Legal that litigation should not cause the Commission to delay or postpone its deliberations of Item 27.

Mr. Dietz stated there were three individuals who filed a petition for a writ of certiorari after the prior decision of the Commission on the height adjustment. The trial court upheld the Commission's ruling and it was now before the Court of Appeals. Those three individuals filed a second lawsuit and Mr. Dietz said that was why he was speaking to the Commission now. He went on to say, the second lawsuit names the property owner but does not name the Commission or Metro as defendants and there was no motion before the court for a temporary injunction and to the extent this came up in the deliberations for Item 27, Mr. Dietz believed it would be a mistake and a dangerous precedent to postpone the Commission's deliberations of that agenda item based on the fact that interested parties have filed a lawsuit.

Ms. Blackshear left the meeting.

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

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

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

G: ITEMS TO BE CONSIDERED

1. 2007SP-048-001

ZION HILL SP (AMENDMENT)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Seth Harrison

A request to amend a Specific Plan on property located at 2433 Buena Vista Pike, approximately 721 feet west of East Ln, zoned SP (5.01 acres), to permit 75 multi-family units, requested by RJX Partners, LLC, applicant; RJX Partners, LLC, owners

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2007SP-048-001 to the August 25, 2022, Planning Commission meeting. (8-0)

2. 2018SP-068-003

0 BUENA VISTA PIKE SP (AMENDMENT)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Seth Harrison

A request to amend a Specific Plan on property located at 2222 Buena Vista and 500 B Cliff Circle, approximately 179 feet west of Kirk Avenue, zoned R8 and SP (3.34 acres), to add an additional parcel to the existing Specific Plan to permit 15 multi-family residential units for a total of 73 multi-family residential units, requested by Catalyst Design Group, applicant; Buena Vista Amigos, LLC, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2018SP-068-003 to the August 25, 2022, Planning Commission meeting. (8-0)

3. 2021SP-091-001

PIN HOOK RIDGE

Council District 33 (Antoinette Lee)

Staff Reviewer: Abbie Rickoff

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

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-091-001 to the August 25, 2022, Planning Commission meeting. (7-0-1)

4. 2022SP-040-001
2635 GALLATIN AVE DOG DAYCARE
Council District 05 (Sean Parker)
Staff Reviewer: Logan Elliott

A request to rezone from MUL-A to SP zoning for property located at 2635 Gallatin Avenue at the corner of Carolyn Avenue and Gallatin Pike (0.13 acres), and within the Gallatin Pike Urban Design Overlay, to permit all uses of MUL-A plus Kennel and to adjust the standards required for a Kennel, requested by Paws Up Capital, applicant; McQuest Properties, LLC, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-040-001 to the August 25, 2022, Planning Commission meeting. (8-0)

5. 2021Z-018TX-001
BL2021-922/Brandon Taylor
Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2021Z-018TX-001 indefinitely. (8-0)

6a. 2022HLI-001-001
518 RUSSELL STREET
Council District 06 (Brett Withers)
Staff Reviewer: Abbie Rickoff

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 R8 and within the Edgefield Historic Preservation District (0.51 acres), requested by Councilmember Brett Withers, applicant; Tulip Street Partners, LLC, owner. (See associated case #2022NL-001-001)

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022HLI-001-001 to the August 25, 2022, Planning Commission meeting. (7-0-1)

6b. 2022NL-001-001
518 RUSSELL STREET
Council District 06 (Brett Withers)
Staff Reviewer: Abbie Rickoff

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 R8 and within the Edgefield Historic Preservation District (0.51 acres), to permit a hotel and special events, requested by Daniels & Chandler Architects, applicant; Tulip Street Partners, LLC, owner. (See associated case #2022HLI-001-001)

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022NL-001-001 to the August 25, 2022, Planning Commission meeting. (7-0-1)

7. **2022S-129-001**
3622 WHITES CREEK PIKE
Council District 03 (Jennifer Gamble)
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create ten lots on property located at 3622 Whites Creek Pike, approximately 430 feet south of Parmley Lane, zoned R10 (7.03 acres), requested by Dale & Associates, applicant; Hoome Capital LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2022S-129-001 indefinitely. (8-0)

8. **2022S-132-001**
MEADOWS END
Council District 09 (Tonya Hancock)
Staff Reviewer: Amelia Lewis

A request for concept plan approval create five lots on property located at 417 Nawakwa Trail, approximately 544 feet west of Mohawk Trail, zoned RS15 and RS40 (9.1 acres), requested by William Logan McCraw, applicant; Shelton, Dexter J. & Kay B., owners.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-132-001 to the August 25, 2022, Planning Commission meeting. (8-0)

9. **2022S-155-001**
1708 CARVELL AVE
Council District 17 (Colby Sledge)
Staff Reviewer: Jafar Ware

A request for final plat approval to create three lots on properties located at 1708 and 1710 Carvel Avenue, approximately 450 feet south of Southgate Avenue, zoned RM20-A-NS and located within the Wedgewood Houston Urban Design Overlay (0.51 acres), requested by Donovan Benson, applicant; BMB Properties, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-155-001 to the August 25, 2022, Planning Commission meeting. (8-0)

10. **2022S-175-001**
SHEFFIELD SUBDIVISION
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Jason Swaggart

A request for final plat approval to consolidate three parcels into two lots and remove the reserve status from one of the three existing parcels for properties located at 3223 and 3229 Curtis Street, approximately 250 feet east of Valley Avenue, zoned R10 (0.8 acres), requested by Jason Garrett, applicant; Miss Jenny's Boarding House, LLC, and Lee O, Molette II, owners.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-175-001 to the August 25, 2022, Planning Commission meeting. (8-0)

11. 2022S-180-001
STABLE COURT CONCEPT

Council District 09 (Tonya Hancock)
Staff Reviewer: Logan Elliott

A request for concept plan approval to create seven lots on property located at Stable Court (unnumbered), approximately 200 feet east of Welworth Street, zoned RS7.5 (2.51 acres), requested by Civil Infrastructure Associates, applicant; MCH Development LLC, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-180-001 to the August 25, 2022, Planning Commission meeting. (8-0)

12. 2022SP-026-001
4046 & 4060 MURFREESBORO PIKE

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

A request to rezone from AR2A to SP on properties located at 4046 & 4060 Murfreesboro Pike, approximately 667 feet northeast of Maxwell RD, (10.12 acres), to permit a mixed use development, requested by RJX Partners, LLC, applicant; Cooper, Louise TN Real Estate Trust, The & Mortie Q. Dickens, owners

Staff Recommendation: Defer to the September 8, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-026-001 to the September 8, 2022, Planning Commission meeting. (8-0)

13. 2022S-076-001
MAGNOLIA EAST

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

A request for concept plan approval to create 18 cluster lots on property located at 3739 Hoggett Ford Road, approximately 190 feet east of Hermitage Point Dr, zoned RS15 (7.81 acres), requested by Gresham Smith, applicant; Beazer Homes, LLC, owner.

Staff Recommendation: Approve with conditions including a variance from Section 3-8 of the Subdivision Regulations.

APPLICANT REQUEST

Concept plan approval to create 18 cluster lots.

Concept Plan

A request for concept plan approval to create 18 cluster lots on property located at 3739 Hoggett Ford Road, approximately 190 feet east of Hermitage Point Dr, zoned Single-Family Residential (RS15), (7.81 acres).

PRIOR ACTION

At the April 14, 2022, Planning Commission meeting, this item was deferred to allow the applicant time for further discussion with neighbors that expressed concerns at the meeting pertaining to traffic and stormwater. Staff has confirmed that the applicant has had at least one additional community meeting following the deferral. Staff has confirmed with the reviewer from Metro Water Services (Stormwater) that the concept plan meets the stormwater requirements and all future construction will be required to meet all Stormwater Regulations.

Two other issues brought up at the meeting were erosion issues in the adjacent Magnolia Farms and possible soil issues. According to the applicant erosion issues should be corrected in the month of June and indicated that the erosion issues are not soil related. It is also important to note that Metro records do not identify any problem soils on the site or within the general area.

The plan presented and recommended for approval by staff on April 14, included extensions of both Pierside Drive and Greenwood Drive, as was intended when those streets were platted. The staff report published for the June 9,

2022, Planning Commission meeting recommended approval of a plan with only 1 full vehicular connection at Pierside Drive and a pedestrian connection at Greenwood Drive. Staff recommended approval of this approach with the understanding that there was consensus among interested parties. After publication, it was determined that there was not agreement.

Because there is not consensus, staff has updated the recommendation to approve with conditions including a condition that full street connections be made to both Greenwood Drive and Pierside as presented on the original plan considered by the Planning Commission and originally recommended by Staff.

SITE DATA AND CONTEXT

Location: The site is located on the north side of Hoggett Ford Road, just west of Hermitage Point Drive. Greenwood Drive stubs into the site from the east. Dodson Chapel Pike is approximately a quarter mile to the east and Pierside Drive stubs into the site from the north.

Street Type: The site has frontage onto Hoggett Ford Road which is classified as a local. Direct access to Hoggett Ford Road is not proposed.

Approximate Acreage: The proposed area for subdivision is approximately 7.81 acres or 340,203 square feet.

Parcel/Site History: This site is comprised of one parcel. The parcel was created in 2019.

Zoning History: The parcel is zoned RS15. Prior to RS15, it was zoned R15.

Existing land use and configuration: The site consists vacant residential land.

Surrounding land use/zoning:

North: Residential/Single-Family Residential (RS15)
South: Residential/Multi-Family Residential (RM9)/UDO
East: Residential/Single-Family Residential (RS15)
West: Residential/Single-Family Residential (SP)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. height: 3 stories

Min. front and rear setback: 20'

Min. side setback: 10'

Maximum Building Coverage: 0.35

PROPOSAL DETAILS

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

Number of lots: 18 single-family lots.

Lot sizes: Lot sizes range from 0.17 acres (7,560 square feet) to 0.18 acres (7,628 square feet).

Access: Access is proposed from Pierside Drive. A pedestrian access is proposed to Greenwood Drive.

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 consider 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 Suburban Neighborhood Evolving (T3 NE) policy. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

This proposal meets Chapter 3 of the Subdivision Regulations and utilizes the cluster provisions allowed by the Zoning Code.

CLUSTER LOT OPTION

Plan Requirements (Section 17.12.090.A)

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

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS15. RS15 requires a minimum 15,000 sq. ft. lot size. The site contains approximately 340,203 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

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

The gross area of this site is approximately 10.63 acres or 340,203 sq. ft. The minimum lot size of the existing zoning district, RS15, is 15,000 sq. ft.

$$\begin{aligned} 340,203 \text{ sq. ft.} \times 0.15 &= 51,030 \text{ sq. ft. (15\% of the gross site area reserved for streets)} \\ 340,203 \text{ sq. ft.} - 51,030 \text{ sq. ft.} &= 289,173 \text{ sq. ft. (85\% of the gross area remaining to yield lots)} \\ 289,173 \text{ sq. ft.} / 15,000 \text{ sq. ft.} &= 19 \text{ lots} \end{aligned}$$

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 2.95 acres or 27% of the site. The proposed open space exceeds the minimum requirement.

Alternative Lot Sizes (Section 17.12.090.C)

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

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. This application does not include any perimeter lots oriented to an existing street.

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

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

Landscape Buffer Yard Requirements (Article IV)

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern and eastern property lines are zoned RS15. The adjacent lots to the north and the east are similar in size to the proposed lots; therefore, a buffer is technically not required on those sides. The plan provides a buffer yard along the eastern property line and is intended to protect existing vegetation including mature stands of trees. Open space is proposed between existing lots to the north and a buffer yard is not required. The property to the west is zoned SP and a buffer yard is not required.

Hillside Development Standards (Section 17.28.030)

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. There are very minimal areas of slope on the site which do not impact any of the lots.

Floodplain/Floodway Development Standards (Section 17.28.40)

In general, new development should stay outside or have limited encroachment into areas designated as floodplain or floodway. This site is not located within floodplain or floodway.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The plan does not call for any recreational facilities. In this case, the plan would permit up to 18 units; therefore, no facilities are required.

SUBDIVISION REGULATIONS – CHAPTER 3

3-1 General Requirements

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

3-2 Monument Requirements

Does not apply to concept plans. Monuments will be set after final plat approval.

3-3 Suitability of the Land

Staff finds that the land is suitable for development consistent with this section.

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 the RS15 zoning district and cluster lot requirements at the time of building permit.

3-5 Infill Subdivisions

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

Not applicable. No lots are proposed on an existing street.

3-6 Blocks

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

3-7 Improvements

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

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

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets. As proposed a sidewalk is provided on only one side of the new street and will require that the Commission approve a variance from the sidewalk requirements (see details under the variance summary).

3-9 Requirements for Streets

All streets as shown on the concept plan meet the minimum requirements for a public street. Additionally, the Subdivision Regulations Section 3-9.4.d indicates that all streets shall be properly integrated with the existing and proposed system of streets. Both Pierside Drive and Greenwood Drive were constructed as stub streets, intended to extend in the future to provide for an interconnected street network. They were not built as permanent dead end streets.

3-10 Requirements for Dedication, Reservations, or Improvements

Right-of-way and easements for this project will be dedicated with final plat.

3-11 Inspections During Construction

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

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

Public Works will require the review and approval of streets with the submittal of the final site plan. Street names for new streets will be reserved at that time.

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

Not applicable to this case. The concept plan does not propose any new private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Metro Water Services has reviewed this proposed concept plan for water and has recommended approval.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The concept plan notes all new utilities will be placed underground as required.

Subdivision Variances or Exceptions Requested: Yes. This request requires a variance from Section 3-8, Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities. Section 3-8 requires that sidewalks be constructed on both sides of a new public street. As proposed, the plan includes a sidewalk on only one side of the new street.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that “such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.” In order to grant a variance, the Commission must find that:

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

Variance Analysis

The intent of having a sidewalk on only one side of the proposed new street is to shrink the development footprint to preserve existing vegetation including large mature trees that run along the eastern property line adjacent to Hermitage Point. As proposed, staff finds that the variance from the sidewalk requirements meets the standards of Section 1-11.

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS & ZONING

With the approval of the necessary variance, 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 regarding setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

Much of the concern around this proposal has been around extension of planned streets. Street connectivity is an important concept in planning and is supported by Nashville Next. An interconnected street network benefits the entire community by connecting neighborhoods and provides shorter and safer routes for pedestrians and cyclists. It provides alternate routes for emergency vehicles such as fire, ambulance and police which can reduce response time. An interconnected network can alleviate traffic congestion by distributing traffic across a wider street network. The Planning Commission considered and approved both adjacent subdivisions with stub streets planned for extension into the subject site. The Greenwood stub was considered and approved in 2019, setting up the extension into this site. Staff is not aware of any change in conditions within the area that would warrant not requiring the connections as previously planned by the Planning Commission.

POLICY CONSIDERATIONS

A recent appeals court decision (*Hudson et al v. Metro*) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan

(NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

The Community Character Manual (CCM) policy applied to the site is primarily Suburban Neighborhood Evolving (T3 NE) with a limited area of Conservation along the very western property boundary. T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NE areas within the suburban transect are intended to provide greater housing choice and improved connectivity.

Moderate to high levels of connectivity with street networks and sidewalks are a key feature of T3 NE areas. The policy speaks to vehicular connections with new development providing for multiple route options to destinations, reducing congestion on primary roads. Lot sizes within the broader policy can vary and zoning districts ranging from RS7.5 up to RM20-A are supported depending on context.

FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Bond will be required for all improvements within the ROW.
- Road will need to be brought to at a minimum binder course prior to plat recording.
- New driveway connections or access points will require a permit from NDOT.
- Adequate sight distance must be provided per AASHTO for new driveway connections.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions including a variance from Section 3-8 of the Subdivision Regulations.

CONDITIONS

1. Provide full street connections to both Pierside Drive and Greenwood Drive.
2. Comply with all conditions and requirements of Metro agencies.
3. The final site plan shall adequately demonstrate that the existing vegetation along the eastern property line is preserved consistent with the intent of the variance to allow for sidewalk on only one side of the proposed street. If it is determined that the existing vegetation is not adequately protected, then a sidewalk may be required on both sides of the proposed street.
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.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-076-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations (with variance), Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Chairman Adkins advised the public hearing for Item 13 has been closed and asked Ms. Milligan for a refresher.

Ms. Milligan reminded the Commission they heard this Item on April 28, 2022. At that time, there was a public hearing held and the Commission heard various concerns from the community, including street extensions, soil erosion and the need for more conversations with the Developer. Since that time, the applicant has had meetings with the community to address those concerns. Ms. Milligan advised that with the original recommendation, staff recommended approval of both stub streets to extend as planned. This Item was placed back on the Agenda on June 9, 2022, but due to a technical issue, had to defer it to June 23, 2022. She explained that between the 9th and 23rd, staff had an understanding there was a consensus to having only one of the connections, but it was found that neighbors were not in agreement to that, so the Item was deferred to this meeting of July 28th. Ms. Milligan said staff has recommended approval of a plan that included both streets being extended as planned, which goes to the original recommendation of both streets being connected.

Councilmember Withers understood that Councilmember Rhoten's and the community's preference was that if there were to be a crash gate installed, it would be at Pierside Drive. He said he saw the point because the neighborhood to the north lacked sidewalks and therefore, having connections going down from this neighborhood would increase the traffic burden on a street that lacked sidewalks; whereas the alternative, leaving the other connection open, maintained traffic flow within an area that does have sidewalks. Mr. Withers felt that of the two, it was safer to have the connection at Greenwood Drive than at Pierside Drive.

Ms. Milligan advised that NDOT would not support crash gates in the middle of a public street. She said if there was any sort of desire to not have both streets connect, there would have to be a permanent dead-end situation where fire trucks can turn around.

Ms. Johnson stated she went to the area and drove around all sides and looked at the streets. She said she was sure it would meet subdivision regulation 3.9 for the requirement for the street connectivity, but to do that will send over thousands to the new connective street through Hermitage Pointe to Pierside then Lakewood to Central Pike. She said it would connect Hogget Ford to Central Pike and all the households south of Hogget Ford Drive has only one access point to the east to Dodson Chapel and then connect to Central Pike. Ms. Johnson felt that connectivity was a good thing since it will give another alternative for traveling; however, was concerned that by doing so, there was conflict with subdivision regulation 1.3 and 1.6, Purpose and Intent of the subdivision. She thought that if they were to send potentially more than a thousand household into local streets without street improvement, it would increase the danger or risk of accident into an established neighborhood. She said she had a hard time consolidating the two requirements, 3.9 and subdivision regulation 1.3 Purpose and Intent. Ms. Johnson felt that in that larger point of view, if they cannot protect the neighborhood from increased traffic, she was inclined to disapprove based on not meeting subdivision regulation 3.9 and conflicts with 1.3.

Vice Chair Farr joined the meeting.

Mr. Tibbs stated he watched the previous video, and its deliberations, on this Item and that at one time he was OK with just the one but agreed with staff recommendation being two. He said after analyzing it, he was inclined to go with staff recommendation based off that deliberation and understanding where they are now.

Chairman Adkins advised that Ms. Farr will abstain on voting on this Item since she entered the meeting late.

Mr. Lawson said he missed the first presentation but in looking at the recording of the hearing and listening to all the issues, he thought the staff recommendation was on point and supported staff recommendation.

Mr. Clifton said that staff analysis mentioned erosion had been a problem and asked if that was OK now.

Ms. Milligan said there were concerns in the adjoining neighborhood in relation to some erosion due to steep slopes. She advised the developer, the same for both properties, has addressed and was working on resolving those issues, but there were not steep slopes on this property.

Mr. Clifton stated he cannot imagine that connectivity was not a good thing overall, as traffic will go somewhere and people will choose one street or the other. He said he was not sure he could vote against it based on the connectivity issue.

Mr. Haynes had no comment.

Mr. Henley asked if there was discussion about traffic calming.

Ms. Milligan said they could add a condition that the applicant look into potential traffic calming solutions and suggested those solutions be acceptable and agreeable to NDOT.

Mr. Henley said after hearing the concerns that have been expressed, and the letter from Councilmember Rhoten, it was a worthy comment he would like to add to the document.

Councilmember Withers moved and Mr. Henley seconded the motion to approve with conditions including a variance from Section 3-8 of the Subdivision Regulations and work with NDOT on traffic calming methods. (7-1-1) Ms. Johnson voted against. Ms. Blackshear recused herself. Ms. Farr abstained.

Resolution No. RS2022-189

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-076-001 is approved with conditions including a variance from Section 3-8 of the Subdivision Regulations and work with NDOT on traffic calming methods. (7-1-1)

14. 2022S-079-001

WILLIAMSON HOMESTEAD

Council District 12 (Erin Evans)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 79 lots on property located at 1053 Tulip Grove Rd, approximately 52 feet south of Rachael's Rdg, zoned RS15 (37.83 acres), requested by CSDG applicant; Robert H & Claudine D Williamson, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to permit 79 single-family lots.

Zone Change

A request for concept plan approval to create 79 lots on property located at 1053 Tulip Grove Rd, approximately 52 feet south of Rachael's Ridge, zoned Single-Family Residential (RS15) (37.83 acres).

SITE DATA AND CONTEXT

Location: The site is located on the east side of Tulip Grove Road, south of Old Lebanon Dirt Road. Rachael's Ridge, Christina Court, and Glenfalls Drive all stub into the site from existing subdivisions. Central Pike is just under a mile to the south.

Street Type: The site has frontage onto Tulip Grove Road which is classified as an Arterial Boulevard in the Major and Collector Street Plan.

Approximate Acreage: The proposed area for subdivision is approximately 37.83 acres or 1,647,874 square feet.

Parcel/Site History: This site is comprised of one parcel. The parcel has existed since at least 1969.

Zoning History: The parcel is zoned RS15 and this zoning has existed since 1974, when it was rezoned from R15.

Existing land use and configuration: The site contains a single-family residential land use.

Surrounding land use/zoning:

North: Residential/Single-Family Residential (RS15)

South: Residential/Single-Family Residential (RS15)

East: Residential/Single-Family Residential (RS15)

West: Residential/Single-Family Residential (RS15)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. height: 3 stories

Min. front setback: 20'

Min. rear setback: 20'

Min. side setback: 10'

Maximum Building Coverage: 0.35

PROPOSAL DETAILS

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

Number of lots: 79 single-family lots.

Lot sizes: Lot sizes range from 0.17 acres (7,540 square feet) to 0.44 acres (19,166 square feet).

Access: Access is proposed from Tulip Grove Road as well as from the three stub streets that are being extended into this development. These stub street connections include Rachael's Ridge, Glenfalls Drive, and Christina Court.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not consider 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 Suburban Neighborhood Evolving (T3 NE) policy. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

This proposal meets Chapter 3 of the Subdivision Regulations and utilizes the cluster provisions allowed by the Zoning Code.

CLUSTER LOT OPTION

Plan Requirements (Section 17.12.090.A)

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

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS15 and requires a minimum 15,000 sq. ft. lot size so the site would need to be a minimum of 150,000 sq. ft. to be eligible. The site contains approximately 1,647,874 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

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

The gross area of this site is approximately 37.83 acres or 1,647,874 sq. ft. The minimum lot size of the existing zoning district, RS15, is 15,000 sq. ft.

$$\begin{aligned} &1,647,874 \text{ sq. ft.} \times 0.15 = 247,181 \text{ sq. ft. (15\% of the gross site area reserved for streets)} \\ &1,647,874 \text{ sq. ft.} - 247,181 \text{ sq. ft.} = 1,400,693 \text{ sq. ft. (85\% of the gross area remaining to yield lots)} \\ &1,400,693 \text{ sq. ft.} / 15,000 \text{ sq. ft.} = 93 \text{ lots} \end{aligned}$$

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 15.60 acres or 41% of the site. The proposed open space exceeds the minimum requirement.

Alternative Lot Sizes (Section 17.12.090.C)

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

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. This application does not include any perimeter lots oriented to an existing street. The lots near Tulip Grove Road have an open space parcel with a landscape buffer separating these parcels from the roadway.

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

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

Landscape Buffer Yard Requirements (Article IV)

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern and eastern property lines are zoned RS15. The adjacent lots to the north, south, and the east are similar in size to the proposed lots; therefore, a buffer is technically not required on those sides. The plan provides a buffer yard along all property boundaries except in locations where steep slopes or other environmental features exist and these areas will be left in their vegetated natural state.

Hillside Development Standards (Section 17.28.030)

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. It is important to note that the Subdivision Regulations also includes hillside development standards. The proposed plan clusters lots on the portions of the site with slopes less than 20% grade, consistent with the hillside development standards and the cluster lot option.

Floodplain/Floodway Development Standards (Section 17.28.40)

In general, new development should stay outside or have limited encroachment into areas designated as floodplain or floodway. This site is not located within floodplain or floodway.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The plan identifies the necessary recreational facilities within common open space for a cluster lot subdivision of this scope.

SUBDIVISION REGULATIONS – CHAPTER 3

3-1 General Requirements

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

3-2 Monument Requirements

Does not apply to concept plans. Monuments will be set after final plat approval.

3-3 Suitability of the Land

Staff finds that the land is suitable for development consistent with this section.

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 the RS15 zoning district and cluster lot requirements at the time of building permit.

3-5 Infill Subdivisions

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

Not applicable. No lots are proposed on an existing street.

3-6 Blocks

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

3-7 Improvements

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

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

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets and sidewalks are provided consistent the Metro local street standard.

3-9 Requirements for Streets

All streets as shown on the concept plan meet the minimum requirements for a public street. Additionally, the Subdivision Regulations Section 3-9.4.d indicates that all streets shall be properly integrated with the existing and proposed system of streets. Rachaels Ridge, Christina Court, and Glenfalls Drive were all constructed as stub streets, intended to extend in the future to provide for an interconnected street network. They were not built as permanent dead end streets.

3-10 Requirements for Dedication, Reservations, or Improvements

Right-of-way and easements for this project will be dedicated with final plat.

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

NDOT will require the review and approval of streets with the submittal of the final site plan. Street names for new streets will be reserved at that time.

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

Not applicable to this case. The concept plan does not propose any new private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Metro Water Services has reviewed this proposed concept plan for water and has recommended approval.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The concept plan notes all new utilities will be placed underground as required.

Subdivision Variances or Exceptions Requested: No variances or exceptions to the Subdivision Regulations are requested with this application.

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 regarding setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

Street connectivity is an important concept in planning and is supported by Nashville Next. An interconnected street network benefits the entire community by connecting neighborhoods and provides shorter and safer routes for pedestrians and cyclists. It provides alternate routes for emergency vehicles such as fire, ambulance and police which can reduce response time. An interconnected network can alleviate traffic congestion by redistributing traffic across a wider street network.

Additionally, the applicant held a community meeting for this project and as a result of the meeting, the applicant has identified some impact mitigation features that are being proposed with this plan. These include extra landscaping and buffering standards, a commitment to apply to the Traffic & Parking Commission to reduce the speed limit of a proposed street extension, and a subdivision monument sign at the street connection of Rachaels Ridge Drive.

POLICY CONSIDERATIONS

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

The Community Character Manual (CCM) policy applied to the site is primarily Suburban Neighborhood Evolving (T3 NE) with Conservation policy recognizing sensitive environmental features such as steep slopes and water features. T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NE areas with the suburban transect are intended to provide greater housing choice and improved connectivity. Conservation policy areas are intended to keep undisturbed environmentally sensitive land features in a natural state and remediate environmentally sensitive features that have been disturbed when new development or redevelopment takes place. The goal of NE is to create projects that concentrate new development away from the sensitive areas of a site.

Moderate to high levels of connectivity with street networks and sidewalks are a key feature of T3 NE areas. The policy speaks to vehicular connections with new development providing for multiple route options to destinations, reducing congestion on primary roads. Lot sizes within the broader policy can vary and zoning districts ranging from RS7.5 up to RM20-A are supported depending on context.

FROM OTHER REVIEWING AGENCIES

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

- Concept site plan is approved with a condition that the hydrologic determination is accepted by TDEC. A rejection of the hydrologic determination application may require revisions to the site plan. Significant revisions to the site plan that are associated with the potential rejection of the hydrologic determination, such as removing or modifying street connectivity, may require a new concept plan application to be applied for.
- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Department of Public Works. Slopes along roadways shall not exceed 3:1.
- Tulip Grove Road – Construct Tulip Grove Road ½ roadway section per Standard Detail ST-253, along the property frontage.
- Tulip Grove Road - Sidewalk construction per the Major and Collector Street plan: an eight (8') foot Planting Strip Width; and a six (6') foot Sidewalk Width.
- Roundabout design to conform to FHWA and AASHTO standards and striping per MUTCD. For reference, see the geometric design reference source prepared by FHWA Turner-Fairbank Highway Research Center - Roundabouts: An Informational Guide. Identify the splitter islands / pedestrian crossing.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Coordinate with NDOT for offsite improvements. See roads comments.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits. (T2021067175) & (T2021067176).

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

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

2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. The applicant shall submit an application to the Traffic & Parking Commission to consider reducing the speed limit of Rachael's Ridge Drive and the proposed connection and extension to 15 MPH. The results of this application shall be provided to Planning prior to approval of the final site plan application.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-079-001 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.

Chairman Adkins advised that Ms. Blackshear recused herself from this Item.

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

Jim Harrison, Project Engineer with CSDG, spoke in favor of the application.

Emily Lamb, Team Member with CSDG, spoke in favor of the application.

MaryAnn Jordan, 5449 Camelot Road, said she is the daughter of Claudine Williamson, who is the property owner of 1053 Tulip Grove Road. She spoke in favor of the application.

Jewel Jones, no address given, said her family grew up at 1061 Tulip Grove Road, and spoke in favor of the application.

Diane Clark, no address given, stated she was MaryAnn Jordan's sister and was speaking on behalf of their mother. She spoke in favor of the application.

Mike Eller, no address given, stated he was the owner of the Hermitage Golf Course. He said he was speaking on behalf of the Williamson family and spoke in favor of the application.

Barbara Eller, no address given, stated she was the other owner of the Hermitage Golf Course, and spoke in favor of the application.

Peggy Peeler, 4104 New Hope Meadow Road, spoke in favor of the application.

Norman Jordan, 5449 Camelot Road, spoke in favor of the application.

Claudine Williamson, 1053 Tulip Grove Road, spoke in favor of the application.

Albert Jones, 1061 Tulip Grove Road, spoke in favor of the application.

Alan Cook, 1525 Rachael's Ridge, stated the homeowners and residents of the Jacksons Grove subdivision asked that any approval of the Williamson Homestead development include a condition that eliminates the connectivity between Williamson Homestead and Jacksons Grove via the proposed stub connection of Rachael's Ridge.

Pam Schmidt, no address given, expressed concerns regarding the road that connects to Jacksons Grove and the new subdivision. She spoke in opposition to the application.

Chris Rhine, 1509 Rachael's Ridge, said he was not opposed to the new development, but he was opposed to the connectivity between Rachael's Ridge and the new development.

Susan Pierman, 1509 Rachael's Ridge, said she was not opposed to the new development. She said her one request was that the Commission reconsider the connector.

Jim Harrison pointed out that the dead end was not created as a permanent dead end and was always intended to extend. He said he wanted to be consistent with Metro policy of making those connections. Mr. Harrison advised the traffic engineer did not estimate a great amount of traffic going up through the existing neighborhood as most of the traffic will go to Tulip Grove Road, and the roundabout near the entrance will be a great traffic calming feature.

Emily Lamb added that the Rachael Street stub street was never intended to be a permanent dead end. She said the policy applicable to this specific area has a wide range of road network and increased connectivity, and having this connection specifically meets that policy goal.

Chairman Adkins closed the Public Hearing.

Ms. Farr said the Commission was considering whether it met the appropriate land use policy and whether it met the subdivision standards or the cluster lot standards and thought the staff analysis demonstrated that it clearly met all the requirements. She stated she supported staff recommendation.

Mr. Lawson said they are there to follow the regulations but also some of the will of the people of Nashville. He thought the regulations have been met in this case and supported staff recommendation.

Mr. Clifton felt this was appropriately zoned for what they want to do. He said the issue was connectivity but agreed with the previous Commissioners.

Mr. Haynes stated he agreed with staff analysis and knows this caused angst for the Rachael Ridge neighbors but said that was why they do this from a long-term planning perspective. He said he supported staff recommendation.

Mr. Henley stated the only issue was connectivity and was looking at other connectivity options. He understood policy and looked at practicality and how needed is it. He thought it seemed like there was a way for it to be eliminated and still function properly. He said he liked the plan but asked if the connectivity was really needed.

Councilmember Withers thought adding sidewalks would be beneficial. He said the roundabout was a neat feature for the traffic calming component. He believed connectivity was needed but thought the roundabout will help to reduce cut through traffic. Mr. Withers stated he was in support of staff recommendation.

Ms. Johnson stated this connectivity had benefits and adverse effects. She thought there may be more traffic going to Rachael's Ridge but also gave relief for the existing neighborhood to come to Tulip Grove, instead of going to Old Hickory and then to Tulip Grove and so, she saw improvement. Ms. Johnson felt it captured the spirit of the cluster lot option utilizing slopes and different lot sizes and internal street connectivity. She said the staff analysis was spot on and it was a well-done subdivision plan.

Mr. Tibbs asked about a 30-mph speed limit and if it was for this plan.

Ms. Milligan said she would have to defer to NDOT as Planning does not set speed limits on roads. She advised there are ways to reduce speed limits on local roads.

Mr. Tibbs said that would be one good thing so that the connectivity made more sense and helped it to be more integrated to the communities in which they were connecting. He agreed with staff recommendation.

Mr. Tibbs moved and Mr. Lawson seconded the motion to approve with conditions including amending condition 3 of the staff report to include all streets. (9-0-1) Ms. Blackshear recused herself.

Ms. Kempf joined the meeting.

Mr. Houghton left the meeting.

Ms. Blackshear rejoined the meeting.

Resolution No. RS2022-190

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-079-001 is approved with conditions including amending condition 3 of the staff report to include all streets. (9-0-1)

15. 2022Z-073PR-001

Council District 10 (Zach Young)

Staff Reviewer: Seth Harrison

A request to rezone from IR to RS3.75 zoning for properties located at 1322, 1324, 1326, 1330, 1334 Plum Street, at the southwest corner of Second Street and Plum Street (0.6 acres), requested by Catalyst Design Group, applicant; Jonathan David Shearon, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from IR to RS3.7.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Single-Family Residential (RS3.75) zoning for properties located at 1322, 1324, 1326, 1330, 1334 Plum Street, at the southwest corner of Second Street and Plum Street (0.6 acres).

Existing Zoning

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

Proposed Zoning

Single-Family Residential (RS3.75) requires a minimum of 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre. *RS3.75 would permit a maximum of five lots based on acreage alone.*

MADISON COMMUNITY PLAN

D Industrial (D IN) is intended to maintain, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, 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. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

ANALYSIS

The 0.60 acre site is location on the south side of Plum Street, east of the Myatt Drive and Plum Street intersection. Plum Street is a local street and will be the primary access point for this site. The site in comprised of 5 parcels, with uses being primarily vacant and one single-family home. The surrounding area consists of R6, IR, and IWD zoning, with uses including, single-family residential, one and two-family residential, vacant land, religious institution, and mineral processing.

The site is located within the D IN policy, which is intended maintain existing industrial areas. The proposed zoning of RS3.75 would not be consistent with the existing policy on the site. While there may be a large number of residential and non-industrial uses in the surrounding area, the existing mineral processing plant would not be appropriate in residential areas. Access for the industrial use would be limited to Plum Street and Myatt Drive, subjecting new residents to industrial traffic.

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)	0.60	0.6 F	15,682 SF	70	3	3

Maximum Uses in Proposed Zoning District: **RS3.75**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.60	11.616 D	6 U	78	3	7

Traffic changes between maximum: **IR and RS3.75**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+8	-	+4

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RS3.75 district: 1 Elementary 1 Middle 1 High

The proposed RS3.75 zoning district is expected to generate any additional 3 students than what is typically generated under the existing IR zoning district. Students would attend Gateway Elementary School, Goodlettsville Middle School, and Hunters Lane High School. Gateway Elementary and Hunters Lane High School have been identified as having

additional capacity. Goodlettsville Middle school has been identified as having no additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval.

Mr. Harrison presented the staff recommendation to disapprove.

Jeff Heinze, Catalyst Design Group, spoke in favor of the application. He stated he understood this did not meet policy and whatever the Board's final decision was, he felt it will end up in Councilmember Young's hands to try to enact the final policy or zoning he believed was appropriate for this area.

Billy Warren, 410 Atlantic Avenue, spoke in opposition to the application.

Rhonda Warren stated she and her husband own 400 – 413 Atlantic Avenue and 1320 Plum Street and spoke in opposition to the application.

Jeff Heinze stated this was zoned IR today and there could be a business use and come in and pull their permits for building on the sites if they combine several of the lots. He understood the concerns and would honor whichever way the Commission decided.

Chairman Adkins closed the Public Hearing.

Ms. Blackshear stated there was no dispute that this was inconsistent with policy, and the applicant seemed to acknowledge that, but their role was to maintain land policy and vote for items to be consistent with the policy. She said when they see these types of items brought before them, they also see a policy change request in tandem and asked if there was any discussion about a policy change for this Item.

Ms. Milligan stated the applicant talked with their policy team about the potential for a policy change. She described this as a pocketed area of industrial that was located south of some mixed-use corridor along Myatt Drive. The properties to the east, that were also zoned industrial, had an intense industrial use that is accessed from this road. Ms. Milligan explained that when they were talking about a possible change in policy, they felt like it may not be appropriate given there were existing industrial uses that would then be pocketed off by themselves, with residential policy separating them from the main road, and the access for the industrial would go through there. She said, given that, they didn't think it was appropriate for a policy change.

Ms. Blackshear said that from Ms. Milligan's summary, a policy change in that area would be inappropriate and they should go with staff recommendation of disapproval. She asked if they disapprove, what does it mean for the Council Bill?

Ms. Milligan advised that typically for rezoning requests that the Commission recommended approval, they automatically send a Bill to Council for their consideration. If they recommended disapproval, they do not automatically send it, but the Councilmember can request that it be sent. If it is sent, with any recommendation of disapproval, it triggers a higher vote threshold. For zoning changes that have been recommended for approval, it requires 21 votes. If there is a disapproval recommendation, then it requires 27 votes of the 40-member body.

Ms. Blackshear said her view was that this would be inappropriate for approval and would go with staff recommendation of disapproval.

Ms. Farr said she agreed and recognized the concern with the industrial use, but there was residential, R-6, directly across the street.

Ms. Milligan said there was R-6 zoning across the street that was primarily a religious institution.

Ms. Farr asked if the existing usage on those lots included residential.

Ms. Milligan answered that the ones that were proposed for rezoning were vacant.

Ms. Farr appreciated the sentiment in the Councilman's letter that affordable housing was needed and they may have to look creatively on where they can get land. She said it does not seem out of place to consider some residential given the surrounding area but understood it would require some sort of policy change.

Mr. Henley stated they owed it to the community to be conscientious of the public realm and if this was an area where people have lived for a long time considered unsafe, he hoped that was championed as they go forward with rezoning for more families to live there.

Ms. Blackshear moved and Mr. Lawson seconded the motion to disapprove. (10-0)

Resolution No. RS2022-191

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-073PR-001 is disapproved. (10-0)

16. 2022Z-009TX-001

BL2022-1270/Russ Pulley

Staff Reviewer: Amelia Lewis

A request to amend Section 17.12.030 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the calculation of required street setbacks for residential areas with an established development pattern.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code to modify the standards related to contextual street setbacks.

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would modify Section 17.12.030, Street Setbacks regarding the limit to contextual setbacks.

Section 1. That Section 17.12.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection C.3 and replacing it with the following section below. The text shown in strike through to be removed.

C. Street Setbacks

3. In residential areas with an established development pattern, the minimum required street setbacks for the R and R-A, RS and RS-A and MHP districts shall be the average setback, ~~up to a maximum of three times the standard setback provided in Table 17.12.030A,~~ of the four nearest single-family or two-family houses on the same block face that are oriented to the same street and that follow the established development pattern. When there are less than four single-family or two-family houses on the same block face that are oriented to the same street and that follow the established development pattern, then the minimum required street setback shall be the average setback of all single-family or two-family houses on the same block face that are oriented to the same street and that follow the established development pattern. When there are no other single-family or two-family houses on the same block face, oriented to the same street and that follow the established development pattern, then the value provided in Table 17.12.030A shall determine the setback. In the MUN and MUL districts, the average street setback of existing structures along the same block face may be applied to new construction on that block, if determined appropriate by the zoning administrator to maintain or reinforce an established form of character of development.

BACKGROUND

A 2014 text amendment, BL2014-725, increased the standard from two times the setback in the table to three times the setback as a maximum for the contextual setback not to exceed.

ANALYSIS

Section 17.12.030 of the Metro Code outlines the minimum requirements for street setbacks. The minimum setback for one and two-family structures from an adjacent street is outlined in Table 17.12.030.A., according to the zoning of the property and the classification of the street. However, when there is an established development pattern along the street, a contextual setback standard is used, according to Section 17.12.030.C.3. In the R, R-A, RS, RS-A, and Mobile Home Park (MHP) zoning districts, the contextual setback is determined by calculating the average setback of the four nearest single-family or two-family houses on the same block face oriented to the same street and follow the established development pattern.

In the current code, the contextual street setback shall not be greater than three times the street setbacks provided in Table 17.12.030.A. For example, a property in the RS30 (Single Family Residential) zoning district along a local street would have a setback of 30 feet, unless there was an existing development pattern on the street, in which case the contextual setback would be calculated by taking the average of the surrounding setbacks along the street. If the contextual setback were to exceed 90 feet, or three times the 30 feet as required by Table 17.12.030.A., the minimum of 90 feet for the street setback would be required.

The proposed amendment would remove the requirement that the contextual street setback shall not exceed three times the setbacks in Table 17.12.030.A. Instead, for setbacks in R, R-A, RS, RS-A, and MHP zoning districts, along streets with an established development pattern, the contextual setback would apply.

In the instance where an individual is requesting an alternative building setback from the code due to existing hardships or unique property characteristics, variances to the code may be permitted by the Board of Zoning Appeals. As the proposed text amendment would keep the provision for contextual setbacks in established neighborhoods, while still offering an opportunity for a variance in unique conditions, staff recommends approval of the requested text amendment.

This proposal was introduced at Council on June 7th, 2022. It is the understanding of the Planning Department that additional language regarding a grandfathering date for the current legislation may be added to the bill after the hearing at Planning Commission. Planning staff does not have objections to this amendment in order to permit those who have already applied for permits to continue their projects with the rules they filed their permit under.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2022-192

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-009TX-001 is approved. (9-0)

17. 2022Z-011TX-001

BL022-1347/Brett Withers
Staff Reviewer: Molly Pike

A request 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 and 17.40 pertaining to lot averaging.

Staff Recommendation: Defer to the September 8, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022Z-011TX-001 to the September 8, 2022, Planning Commission meeting. (8-0)

18. 2021SP-063-001

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

A request to rezone from R40 to SP zoning for property located at Charlotte Pike (unnumbered), at the corner of Charlotte Pike and Old Charlotte Pike, (1 acre), to permit 53 multi-family residential units, requested by Dale & Associates, applicant; Charlotte West Partner, LLC, owner.

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

APPLICANT REQUEST

Rezoned from R40 to Specific Plan to permit 53 multi-family residential units.

Preliminary SP

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 53 multi-family residential units.

Existing Zoning

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 1 duplex lots for a total of 2 units based on acreage alone.*

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.

BELLEVUE COMMUNITY PLAN

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

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. *The site contains steep slopes that were likely created or disturbed with the construction of Charlotte Pike.*

SITE

The subject site includes a single parcel totaling approximately 1 acre on Charlotte Pike, south of River Road. The site has frontage onto Charlotte Pike and onto Old Charlotte Pike. This portion of Charlotte Pike is classified as a Scenic Arterial Boulevard in the Major and Collector Street Plan and Old Charlotte Pike is a local street. The site is currently vacant, and the property is surrounded by a mixture of residential and commercial land uses with some vacant property also existing nearby.

PLAN DETAILS

The application proposes a 5-story multi-family residential building that is accessed from Old Charlotte Pike. Surface parking is provided on site and 4 levels of residential units rise above the parking. The subject site sits lower than Charlotte Pike so the surface parking will be hidden from this roadway and the building will appear to be 4-stories tall from Charlotte Pike. The plan provides a 10 foot wide scenic easement to be planted with a landscape buffer along Charlotte Pike as required for property fronting a Scenic Arterial Boulevard. Otherwise, the plan proposes to improve Charlotte Pike to comply with the Major and Collector Street Plan planned roadway conditions.

The site is accessed from Old Charlotte Pike and surface parking is provided along a one-way private driveway. This parking area will need to comply with the zoning code requirements with the final site plan application.

The application includes architectural standards and landscaping standards to be reviewed for compliance with the final site plan application. In addition, elevations and renderings have been provided to demonstrate how the proposed building would navigate this challenging site. The elevations show that the building would have a series of tiers so that the building maintains 4 levels of structure (as measured from Charlotte Pike) as the elevation of Charlotte Pike changes. The elevations also show that the parking would be screened from Charlotte Pike. Also, the elevations show that the building will address both Charlotte Pike and Old Charlotte Pike with the architecture of the building. A rooftop amenity deck is proposed and is limited to 50% of the proposed rooftop.

The plans include right-of-way improvements to Charlotte Pike, Old Charlotte Pike, and the associated intersections of these two roadways adjacent to this site.

ANALYSIS

The application proposes a development pattern that is consistent with the policy guidance for T3 CM and NE policy areas in consideration of the context of this site and the more intense District Industrial policy that exist across Old Charlotte Pike. Staff finds the scale of the proposed residential use to be consistent with the guidance given in both the T3 CM and NE policies. Both the T3 CM and T3 NE policy identifies that a higher-density residential land use

than what is found in classic suburban neighborhoods is potentially appropriate and staff finds this site to be an appropriate location to provide a higher-density residential development. The property across Charlotte Pike is within the more intense T3 CM policy and this subject site

Both policies identify one to three stories as typically being appropriate with additional building height being potentially appropriate in consideration of specific factors. The applicant responded to these specific factors and staff finds the proposal to satisfy the factors for considering additional building height and supports the proposed building height. The proposed development will have similar massing and building height to the recently constructed development across Charlotte Pike. The plans include architectural standards, in addition to the elevations, that will provide for a high-quality suburban development that appropriately addresses the right-of-way that completely wraps this site. In addition to the required right-of-way improvements that are included with the application, the plan includes infrastructure improvements that will benefit the area's stormwater management.

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

- 40 acre drainage basin will be reviewed by Metro Engineering Staff during the time of Final Submittal. Channels identified on Metro's GIS layer as streams or as draining 40 acres or more must be buffered unless the developer can clearly demonstrate the watercourse in question is not a community water. MWS staff will also accept hydrologic determinations that have been accepted by TDEC or determinations as warranted by the Stormwater Management Committee.
- In the event the channel is determined to be a buffered area, revisions to the site plan may be required. Significant revisions to the site plan that are associated with the potential rejection of the hydrologic determination or ruling from the Stormwater Management Committee, such as removing or modifying street connectivity, may require a new preliminary SP application to be applied for.
- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- See Traffic Comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Due to the topography of this area we are going to require an additional stamped exhibit showing the sight line along the vertical curvature of Charlotte Pike that follows AASHTO standards for SSD and ISD for the Eastern intersection of Old Charlotte.
- Continue to work with NDOT on improving these intersections and their safety operations.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	1.00	1.089 D	2 U	15	5	1

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	1.00	-	53 U	287	19	24

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+51 U	+272	+14	+23

METRO SCHOOL BOARD REPORT

Projected student generation existing R40 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP district: 2 Elementary 1 Middle 1 High

The proposed SP zoning is expected to generate 4 additional students than what is typically generated under the existing R40 zoning. Students would attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. Gower Elementary School and Hillwood High School are identified as having additional capacity. H.G. Hill Middle School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

- Permitted uses shall be limited to a maximum of 53 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
- 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.
- 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.
- 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.
- Comply with all conditions and requirements of Metro reviewing agencies.
- If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
- 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.
- Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2022-193

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-063-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

- Permitted uses shall be limited to a maximum of 53 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
- 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.
- 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.
- 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.
- Comply with all conditions and requirements of Metro reviewing agencies.

6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
7. 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.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

19. 2022SP-023-001

AUTUMN GLEN

Council District 15 (Jeff Syracuse)

Staff Reviewer: Seth Harrison

A request to rezone from RS10 to SP zoning for properties located at 2001 Lebanon Pike and Lebanon Pike (unnumbered), approximately 300 feet southwest of Quinn Circle, (12.67 acres), to permit a mixed-use development, requested by Dale & Associates, applicant; Tennestate Enterprises, Inc., owner.

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 (RS10) to Specific Plan (SP) zoning for properties located at 2001 Lebanon Pike and Lebanon Pike (unnumbered), approximately 300 feet southwest of Quinn Circle, partially within a Historic Landmark Overlay District (12.67 acres), to permit a mixed use development.

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 46 units.*

Proposed Zoning

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

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

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

SITE CONTEXT AND PLAN DETAILS

The 12.67 acre site is located on the southern side of Lebanon Pike, east of the Willowen Drive and Lebanon Pike intersection. Currently the property consists of a single-family residence to be maintained. The surrounding area consists of RS10, RS15, and SP zoning, with uses consisting of and permitting single-family residential and multi-family residential.

The proposed preliminary SP permits 3,000 square feet of office use within the existing single-family structure, located within a Historic Landmark Overlay District, and 97 multi-family units. The office use will be oriented towards Lebanon Pike and the multi-family units shall be oriented towards the interior along private drives and parking areas. The multi-family units are comprised of townhomes with either a garage attached, or no garage provided, with a max height of 3 stories.

The SP proposed two access points off Lebanon Pike, with improvements along Lebanon Pike per the Major and Collector Street Plan (MCSP). Sidewalks have been provided throughout the site connecting to the sidewalks along Lebanon Pike. With the abutting zoning consisting of RS10, a B type landscape buffer is required along the perimeter of the site. In parts of this buffer, existing vegetation will be utilized. The site also contains numerous sensitive features including a stream bisecting the site and Mills Creek along the southern boundary. These areas are to be left undisturbed.

ANALYSIS

The site consists of two policies, T3 NM and CO. The CO portions of the site are due to water features and slopes greater than 20%. The areas of slope are largely being left undisturbed as with the streams within and along the site where buffers are being provided. T3 NM calls for development similar in character with the surrounding neighbor with minor changes. While the area consists of primarily single-family residential, multi-family development has been approved in the area. For the proposed office use, while non-residential uses are generally not permitted within the T3 NM policy, when an adaptive re-use of a structure worthy of conservation is proposed flexibility within the policy is permitted. Based on the proposal and character of the surrounding area, the proposed SP would be consistent with both the T3 NM and CO policies on the site.

FIRE MARSHAL RECOMMENDATION

Approve

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

Approve

- One June 15, 2022, The Historic Zoning decided that the portion of the SP surrounding the Historic Landmark did not negatively affect the Landmark and the Landmark designation, previously requested, has been accomplished. Associated changes to the Landmark itself received an administrative permit.

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction 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.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Parking for development shall be per metro code.
- Approval with the condition that the following will be satisfied prior to submission of final SP (coordination with WeGo & NDOT will be required):
- Relocate the existing outbound bus stop at the intersection of Quinn Circle & Lebanon Pike to the western edge of property frontage, directly across from the inbound bus stop. The Western access is to be gated.
- Bus landings and shelters are to be installed at both inbound and outbound stop locations.
- An enhanced pedestrian crossing is to be installed along frontage to provide safe access across Lebanon Pike to both bus-stops. To ensure proper countermeasures are taken, a speed study will need to be conducted along Lebanon Pike. Consult with a traffic engineer to submit a stamped speed study to determine the appropriate type of enhanced crossing. Reference 'FHWA's Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations.'
- Additional comments forthcoming after review of speed study.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	12.67	4.356 D	46 U	509	37	48

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)	12.67	-	97 U	527	34	43

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	12.67	-	3,000 SF	35	29	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+53	+26	-1

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 4 Elementary 3 Middle 3 High

Projected student generation proposed SP-MU district: 11 Elementary 8 Middle 5 High

The proposed SP is anticipated to generate 14 additional students beyond what is generated under the current RS10 zoning. Students would attend McGavock Elementary, Two Rivers 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

- Permitted uses shall be limited to a maximum of 97 multi-family residential units and 3,000 square feet of office. Short term rental property owner-occupied and short term rental property not owner-occupied shall be prohibited
- Structures are to be located outside of stream buffers.
- With the final site plan, indicate landscape buffering along property to meet standards for a Class B Landscape Buffer. Existing landscaping may be used to meet this requirement.
- Comply with all conditions and requirements of Metro reviewing agencies.
- On the corrected copy indicate a Conservation Greenway Easement over the floodway and the 75' zone one and zone 2 buffers.
- Applicant shall work with Parks to dedicate the Conservation Greenway Easement prior to the last final use and occupancy permit.
- 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.
- 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 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

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. 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.
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.

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

Resolution No. RS2022-194

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-023-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 97 multi-family residential units and 3,000 square feet of office. Short term rental property owner-occupied and short term rental property not owner-occupied shall be prohibited
2. Structures are to be located outside of stream buffers.
3. With the final site plan, indicate landscape buffering along property to meet standards for a Class B Landscape Buffer. Existing landscaping may be used to meet this requirement.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. On the corrected copy indicate a Conservation Greenway Easement over the floodway and the 75' zone one and zone 2 buffers.
6. Applicant shall work with Parks to dedicate the Conservation Greenway Easement prior to the last final use and occupancy permit.
7. 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.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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. 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.
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.

**20. 2022SP-024-001
903 MASSMAN DR**

Council District 13 (Russ Bradford)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS10 to SP zoning for properties located at 903 and 925 Massman Drive and Massman Drive (unnumbered), at the corner of Massman Drive and Frontage Road, (7.61 acres), to permit 55 multi-family residential units and 15 single-family lots, requested by Catalyst Design Group, applicant; McRedmond Family Partners, L.P., owner.

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

APPLICANT REQUEST

Preliminary SP to permit 55 multi-family residential units and 15 single-family residential lots.

Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan (SP) zoning for properties located at 903 and 925 Massman Drive and Massman Drive (unnumbered), at the corner of Massman Drive and Frontage Road, to permit 55 multi-family residential units and 15 single-family lots (7.61 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 28 units, based on the acreage only. Application of the Subdivision Regulations may result in fewer units at this site.*

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.

SITE CONTEXT AND PLAN DETAILS

The 7.61-acre site includes four parcels and is located on the west side of Massman Drive, a collector-avenue designated by the Major and Collector Street Plan (MCSP), just south of I-40. The largest parcel, located on the northern half of the site, is developed with a single-family residential use located at the rear, buffered by heavy vegetation towards the front. The remaining parcels are vacant and also contain heavy vegetation. Frontage Road spans the northern boundary before terminating into a private drive that provides access to adjacent parcels to the west. The surrounding area includes mixed residential uses on the east side of Massman Drive, including larger single-family residential properties located directly opposite the site, transitioning to smaller single- and two-family residential lots towards the east, and multi-family uses to the south. A recently-approved subdivision, Massman Heights, was approved across the street and includes smaller lots that span a new public street, located directly behind some of the larger Massman Drive properties.

Site Plan

The SP proposes 15 single-family residential lots and 55 attached multi-family residential units. Lots 1-8 are located at the front of the site along Massman Drive, and Lots 9-15 are located along the southern boundary, spanning the south side of a proposed east/west public street which will extend from Massman Drive to the western property line for future connectivity. A second point of access is provided near the northern boundary, where an internal driveway network will extend through the site to the south, connecting to the north side of the proposed public street in two locations, and providing access to the multi-family units and to the rear of Lots 1-8. The driveway network identifies on-site parallel spaces for guest parking.

The attached units are clustered together in several buildings, located behind Lots 1-8. Exterior-facing attached units are oriented towards the new public street (Building K) and Frontage Road (Buildings E and F). Interior-facing attached units front common open spaces located between the buildings. A larger central open space is proposed south of Building A, where units are proposed to be oriented towards the open space. Common area is also identified along the southern boundary, south of Lots 13-15. A 6' tall fence and supplemental landscaping is proposed along the rear boundary of Lots 9-12, separating the lots from adjacent properties to the south. The plan identifies an existing tree line along the western boundary that is indicated to be preserved.

The SP includes a district plan with two Districts (Districts 1 and 2). District 1 encompasses the 55 multi-family residential units, and District 2 encompasses the 15 single-family lots. Development standards are proposed for each district, including bulk regulations and maximum height. The District 1 maximum height is proposed to be 3 stories in 42 feet, intended to accommodate a pitched roof. The District 2 maximum height is proposed to be 2 stories in 35 feet. The minimum lot size for District 2 is proposed to be 6,000 square feet. Architectural standards, including raised foundations and glazing, are included in the plan.

Pedestrian connections are provided via the internal sidewalk network to the interior units and open spaces, tying into the public sidewalks proposed along the public streets. The new east/west street will include a 5' sidewalk and 4' planting strip on either side, connecting to Massman Drive which will be improved along the frontage, per the MCSP requirements. Frontage Road is also identified to be improved along the northern boundary.

SOUTH NASHVILLE COMMUNITY PLAN

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

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

ANALYSIS

The proposed SP is consistent with the T3 NE policy, as the plan provides a mixture of housing types, providing more housing choice appropriate for suburban residential neighborhoods. The single-family lots are located along the frontage, serving as a transition between the proposed multi-family units to the rear and the larger, established single-family lots located on the east side of Massman Drive. The northern access drive will align with a public road included in the recently-approved Massman Heights Subdivision, located to the east, enhancing connectivity in the area. The proposed public road on the southern portion of the site is proposed to extend to the western boundary, where a temporary turnaround will be provided until such time that the public road is extended to the west. The plan provides a central open space amenity and a connected pedestrian network that extends to the public sidewalks, enhancing the pedestrian experience.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Concept plan only. Building details have not been provided. Future submittal must include items noted on Fire Department Master Site Plan requirements sheet attached to this application. Items to be included for review of Final SP: Scaled civil site plan including utility plan, fire hydrant flow test report, architectural elevations, and fire apparatus access plan.

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Label/dimension required sidewalks, grass strip along all ROW, per the MCSP and NDOT standard details. Note: There are to be no vertical obstructions in new public sidewalks along ROW. Note: A private hauler will be required for waste/recycle disposal. On final: For proposed public roadways, include proposed public roadway construction drawings (profiles, grades, drainage) (cont.) Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. On final, provide temporary turning 'hammer head' at terminus of new public road proposed on site plan. Provide ADA ramps at the corner of public road intersections. Provide private drive signage where applicable off public roads. Call out a ST-324 commercial ramps for any private drives off public roads.

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	7.61	4.356 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
Single-Family Residential (210)	7.61	-	11 U	136	12	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	7.61	-	63 U	342	22	28

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+46 U	+156	+9	+11

METRO SCHOOL BOARD REPORT

**Projected student generation existing RS10 district: 6 Elementary 6 Middle 5 High
 Projected student generation proposed SP district: 15 Elementary 10 Middle 8 High**

The proposed SP zoning district is expected to generate 16 additional students than what is typically generated under the existing RS10 zoning district. Students would attend Glenview Elementary School, Cameron College Prep Middle School, and Glencliff High School. Cameron College Prep Middle School is over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 55 multi-family residential units and 15 single-family residential lots. Short Term Rental Property (STRP) – owner occupied and not-owner occupied shall be prohibited.
2. On the corrected copy, remove the “Where feasible...” sentence from the District 1 Bulk Regulations, Architectural Standards Note #3.
3. On the corrected copy, the plan shall include a sign at the western terminus of the proposed public street that reads as follows: “Temporary Dead-End Street, Street to be extended by the authority of the Metro Government of Nashville and Davidson County.”
4. Staff may consider the raised foundations exceptions proposed in the Bulk Regulations charts. Final details to be reviewed and approved by staff with the final SP.
5. Maximum building heights for District 2 shall be limited to two stories in 35 feet. Maximum building heights for District 1 shall be limited to three stories in 42 feet. Final details to be reviewed and approved by staff with the final SP.
6. Changes to the plan to accommodate requirements of NDOT may be required at the final SP.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. 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 RM15-A-NS zoning district for District 1, and the R6-NS zoning district for District 2, as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. 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.
13. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners’ Association.
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.

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

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

Jeff Heinze, Catalyst Design Group, spoke in favor of the application.

Ann Waddey, 2205 Hampton Avenue, spoke in favor of the application.

JoAnn Crowell, 5013 Darlington Drive, spoke in favor of the application.

Carol Nadler, 3620 Bellwood Avenue, spoke in favor of the application.

John Ditto, 4212 Sneed Road, spoke in favor of the application.

Maurine Ledet, 914 Massman Drive, spoke in opposition to the application.

Tom McRedmond, 907 Massman Drive, said he would have no objection to develop the property under the present zoning.

Louis McRedmond, 911 Massman Drive, agreed what his cousin Tom, in that there was no need to change the zoning.

Tina Alocko said she was speaking on behalf of her mother who lives at 915 Massman Drive. She spoke in opposition to the application.

Male, no name or address given, stated he was speaking on behalf Ben and Gloria Jones who live at 935 Massman Drive. He spoke in opposition to the application.

Anita Sheridan, 915 Massman Drive, spoke in opposition to the application.

Linda Orsagh, 919 Massman Drive, spoke in opposition to the application.

Charlie Sheridan, 919 Massman Drive, stated he was not against development but wanted the zoning to stay as it is.

Jeff Heinze addressed the traffic and storm water concerns and reminded that they are in keeping with policy on this plan.

Chairman Adkins closed the Public Hearing.

Mr. Clifton said he understood the density concerns. He thought it was the purpose of Nashville Next and the Commission to accommodate more people and to provide options. Mr. Clifton felt that when it was first presented, it was an interesting combination. His said this has been well thought through and planned to support it.

Mr. Haynes said there was a choice of the existing zoning of 28 lots with more expensive housing, or this plan in this policy area, that supported more density and more housing at different price points, which was needed. He felt this was an area where they can support the density and said he supported staff recommendation.

Mr. Henley said he couldn't say it better than his fellow Commissioners.

Councilmember Withers thought it was an interesting plan in that it preserves the single family lots along Massman Drive and preserves the continuity of the frontage while concealing the density in the rear. He understood the neighbors' concerns about future encroachment into the area, but when getting closer to the creek, there was conservation policy in place. He said that overall, it is a thoughtful plan and supported staff recommendation.

Ms. Johnson said the property to the west has neighborhood evolving policy and west of that has a large conservation policy. She thought that planning a stub street to the west made sense but looking at the actual make up of the surrounding area, the west side with a stub street utilized seemed like it would take generation after generation and then maybe never happen. Ms. Johnson said if she saw the microscopic of just two lots, it seemed like a nice plan but if she saw the larger plan, then this plan could use a little bit of improvement. She felt multi housing was nice but the density could be reduced to help the concerns of the surrounding neighbors. She said she would like more discussion to have a better transition to accommodate surrounding neighbors.

Mr. Tibbs agreed with Mr. Haynes' assessment. He thought that the existing zoning would probably go in the opposite direction if it was kept that way. He said he could live with a little less density but was OK with it and said it was appropriate with policy.

Ms. Blackshear asked about their role, and the State's role, with a development near an endangered species.

Ms. Milligan stated she did not have an answer for that. This property does not have any of the conservation on it and was not within the floodway or floodplain from Mill Creek, so it was outside of that area. She said they would have to seek answers from Storm Water or the State.

Ms. Blackshear stated she would be interested to know what their role would or could be in relation to the protection of endangered species. She agreed with Commissioners Tibbs' and Haynes' assessments regarding the property and felt empathetic to the neighbors who live in surrounding areas. She said that looking with an impartial view, she saw the benefit of housing with different price points. She said she would be in favor of staff recommendation.

Ms. Farr stated they have seen a lot of plans come before them that do not have this kind of thoughtful transition and did a good job of trying to integrate this into the neighborhood. She said she was sensitive to the concerns of the existing residents but was in favor of staff's report.

Ms. Farr moved and Mr. Lawson seconded the motion to approve with conditions and disapprove without all conditions. (9-0-1) Ms. Johnson abstained.

Chairman Adkins called for a short break.

Resolution No. RS2022-195

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-024-001 is approved with conditions and disapproved without all conditions. (9-0-1)

CONDITIONS

1. Permitted uses shall be limited to 55 multi-family residential units and 15 single-family residential lots. Short Term Rental Property (STRP) – owner occupied and not-owner occupied shall be prohibited.
2. On the corrected copy, remove the "Where feasible..." sentence from the District 1 Bulk Regulations, Architectural Standards Note #3.
3. On the corrected copy, the plan shall include a sign at the western terminus of the proposed public street that reads as follows: "Temporary Dead-End Street, Street to be extended by the authority of the Metro Government of Nashville and Davidson County."
4. Staff may consider the raised foundations exceptions proposed in the Bulk Regulations charts. Final details to be reviewed and approved by staff with the final SP.
5. Maximum building heights for District 2 shall be limited to two stories in 35 feet. Maximum building heights for District 1 shall be limited to three stories in 42 feet. Final details to be reviewed and approved by staff with the final SP.
6. Changes to the plan to accommodate requirements of NDOT may be required at the final SP.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. 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 RM15-A-NS zoning district for District 1, and the R6-NS zoning district for District 2, as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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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.
15. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.

21. 2022SP-047-001

PENNINGTON MILLS SP

Council District 15 (Jeff Syracuse)

Staff Reviewer: Dustin Shane

A request to rezone from R15 to SP zoning for property located at 2600 Pennington Bend Road, approximately 110 feet south of Lock Two Road, (11.64 acres), to permit 42 single-family lots, requested by CSDG, applicant; St. Mina Coptic Orthodox Church of Tennessee, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-047-001 to the August 25, 2022, Planning Commission meeting. (8-0)

22. 2022COD-002-001

BL2022-1357/Taylor

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to apply a Contextual Overlay District to various properties located north of Buchanan Street, zoned RS5 (56.33 acres), requested by Councilmember Brandon Taylor, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District to various properties located north of Buchanan Street, zoned Single-Family Residential (RS5) (56.33 acres).

Existing Zoning

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

Proposed Zoning Overlay

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

NORTH NASHVILLE COMMUNITY PLAN

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

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

CONTEXTUAL OVERLAY STANDARDS

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

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

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located along portions of 28th Avenue North, O'Neal Drive, Vance Avenue, Deerfield Drive, 26th Avenue North, Salem Mason Drive, Aspen Drive, Jenkins Street, Jenkins Court, Buchanan Street, 24th Avenue North, Seifried Street, 25th Avenue North Court, and 25th Avenue North. The majority of the parcels were platted as phases of the Cumberland Gardens, dating from the late '50s and early '60s. Several older subdivisions are represented with parcels created by deed subdivision around the same time. The neighborhood character has been firmly established for about sixty years. Most of the homes are modest Minimal Traditional or Ranchettes with a few Craftsman-styled bungalows. There is a predominant development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary, with a few recent exceptions.

The proposed Overlay is located within both the T3 Suburban Neighborhood Maintenance and T4 Urban Neighborhood Maintenance policy areas, which are intended to maintain the general character of developed suburban and urban residential neighborhoods. Application of the Overlay would help to preserve the existing character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T3 and T4 NM policies. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2022-196

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022COD-002-001 is approved. (9-0-1)

23. 2022Z-066PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Amelia Lewis

A request to rezone from R8 to IWD zoning for properties located at 423 Woodfolk Avenue and 410 Haynie Avenue, approximately 519 feet west Brick Church Pike (0.86 acres), requested by Start LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R8 to IWD.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Industrial/Warehousing Distribution (IWD) zoning for properties located at 423 Woodfolk Avenue and 410 Haynie Avenue, approximately 519 feet west Brick Church Pike (0.86 acres), requested by Start LLC, applicant and owner.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of three duplex lots for a total of six units, based on the acreage alone. This calculation does not account for compliance with the Metro Subdivision Regulations*

Proposed Zoning

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

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

D Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, 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. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

SITE AND CONTEXT

The properties to be rezoned include two adjacent parcels, located west of Brick Church Pike and north of Woodfolk Avenue. The northern parcel is approximately 0.36 acres and has frontage along Haynie Avenue. The southern parcel is approximately 0.5 acres with frontage along Woodfolk Avenue. A ten foot wide portion of unbuilt ROW bisects the two properties. Haynie Avenue and Woodfolk Avenue are both local roads.

The properties to the south are zoned IWD. The properties to the north, east, and west are zoned R8 and IWD. The property to the south is zoned IWD. The land uses in the immediate area include industrial, non-residential, vacant land uses, and some single-family parcels.

ANALYSIS

The intent of the District – Industrial (D-IN) policy is to maintain, enhance, and create districts that are dominated by one or more industrial activities, 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. As the surrounding parcels have been rezoned to IWD, the goal of the policy to create a cohesive industrial district is being realized. The requested zoning district, IWD, would permit a range of industrial and non-residential uses consistent with the intent of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.86	5.445 D	5 U	66	8	6

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.86	0.8 F	29,969 SF	93	5	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+27	-3	-

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 zoning districts: 1 Elementary 1 Middle 1 High

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

The proposed IWD zoning is expected to generate three fewer students beyond the existing R8 zoning. Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2022-197

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-066PR-001 is approved. (9-0)

24. 2022Z-067PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to R6-A zoning for property located at 907 30th Avenue North, approximately 184 feet south of Clare Avenue (0.17 acres), requested by Wendy Warren, applicant; Waha Real Investment LLC, owner.

Staff Recommendation: Approve.

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 907 30th Avenue North, approximately 184 feet south of Clare Avenue (0.17 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

SITE AND CONTEXT

The subject property is located on the west side of 30th Avenue North between Clare Avenue and Batavia Street. The surrounding area is zoned for single-family (RS5). The property and surrounding area were rezoned from R6 to RS5 in 2007. While the area is zoned for single-family, the area includes numerous duplex and multi-family uses. The three lots immediately north of the subject site include duplex units and the property to the south includes a quadplex. The lot across the street at the southeast corner of Clare Avenue and 30th Avenue North includes a triplex.

ANALYSIS

The T4-NM policy that applies to the area is intended to maintain the general character of the area. The area includes a diverse assortment of housing including single-family, two-family and multi-family. While the area includes a wide variety of housing options, it is important that the area maintain an appropriate balance of housing options. Given that this short stretch of 30th Avenue North consist of mostly duplexes, then allowing for another duplex should have no negative impact on the street or offset the balance of housing options in the area. It is important to note, that additional zonings in the area to allow for additional non-single-family housing may not be appropriate and any future request will be reviewed on their own merits.

FIRE MARSHAL RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

No traffic table is required as the proposed zoning district will not generate more trips than what is generated by the existing zoning district.

METRO SCHOOL BOARD REPORT

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

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

The proposed R6 zoning district is not expected to generate any additional students than what is typically generated under the existing RS5 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0-1)

Resolution No. RS2022-198

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-067PR-001 is approved. (8-0-1)

25. 2022Z-069PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to rezone from RS5 to R6-A zoning for property located at 725 25th Ave N, approximately 150 feet north of Merry Street (0.18 acres), requested by 2J General Partnership, applicant and owner.

Staff Recommendation: Approve.

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 725 25th Ave N, approximately 150 feet north of Merry Street (0.18 acres)

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The application consists of one parcel (Map 092-06, Parcel 620) totaling 0.18 acres in size located on the western side of 25th Avenue North just west of the intersection with Merry Street. The property contains a brick triplex home built in 1960. Surrounding uses include single-family residential, commercial, and institutional (a church). The parcel to the south is vacant residential land. All surrounding properties are zoned RS5. The properties on both sides of 25th Avenue North are within the TR Transition policy. Properties across the alley to the west are within a T4 NE policy area. The TR policy acts as a transitional buffer between this T4 NE policy and the adjacent T4 MU policy to the south along 25th Avenue North.

The application proposes to rezone the property from RS5 to R6–A. The requested R6-A zoning is supported by the TR Transition policy. According to the Community Character Manual, TR areas “serve a limited function of providing transitions in scale, intensity, and use at locations between high-intensity and low-intensity policy categories or development. The predominant uses in TR areas are small-scale offices and moderate to high density residential in various building types ... Housing in TR areas can include a mix of building types and is especially appropriate for ‘missing middle’ housing such as plex houses, house courts, and multifamily housing with small to medium-sized footprints.” The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area and contribute to the provision of missing middle options. The standards for building placement, parking, and access included in the R6-A district would also improve the relationship of development to the street, creating a more walkable neighborhood consistent with the goals of the TR policy and NashvilleNext as a whole.

The R6-A zoning district is less intense than the zoning districts listed as appropriate under TR policy but is suitable in this case given that the west side of 25th Avenue North is still heavily single-family.

FIRE RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.18	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.18	7.260 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 districts: 0 Elementary 0 Middle 0 High
 Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High

The proposed R6-A zoning is not expected to generate any more students than the existing RS5 zoning district. Any additional students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2022-199

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-069PR-001 is approved. (9-0)

26. 2022Z-072PR-001

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

A request to rezone from RS10 to R10 zoning for property located at 1813 Ashton Avenue, approximately 278 feet southwest of John Mallette Drive (0.23 acres), requested by C & H Properties, applicant; C & W Ashton Partners, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 1813 Ashton Avenue, approximately 278 feet southwest of John Mallette Drive (0.23 acres)

Existing Zoning

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

Proposed Zoning

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

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density

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

ANALYSIS

The 0.23 acre site is located on the north side of Ashton Avenue, east of Hydes Ferry Road. Ashton Avenue is a local street and will be the primary access point for this site. The surrounding area is comprised of R10 and RS10 zoning with single-family and one and two-family uses.

This site is located in the T3 NE policy, which calls for enhancement of existing suburban neighborhoods to permit additional housing types and density than what is currently present, while maintaining the character of the surrounding area. The proposed zoning will maintain the existing residential character of the surrounding area with a small incremental increase in density.

The predominant zoning in the surrounding area is single-family; however, there have been recent zone changes from single-family to one and two-family. Most of these zone changes were from RS10 to R10 although there are some SPs and other two-family zoning districts as well. While the evolving policy likely anticipated a change in zoning districts within this area, staff and the community are becoming increasingly aware of an increase in rezoning activity. While the T3 NE policy supports diversity of housing types and increased density within the policy area, it is not intended for all to transition away from single-family.

To balance the needs of the current residents and the existing infrastructure and to maintain the housing diversity called for in the policy, staff has analyzed an area bounded by John Mallette Drive to the north, Hydes Ferry Road to the west, the Cumberland River to the south, and Clarksville Pike to the east, which consists of 286 parcels. Since 2021, 41 parcels in the area have been rezoned. For the analysis, staff looked at the study area as if it were not developed and consisted of vacant land and zoned for one and two-family. Under this scenario, a subdivision that included 286 lots would be limited to 25% duplex lots. The 25% limit for duplex lots is dictated by current Zoning Code requirements and is intended to maintain a variety of housing options. The 25% limitation results in 71 lots being appropriate for duplexes. This would allow for the rezoning of 30 additional parcels. Staff recommends that when the 71-parcel mark is reached, further analysis regarding the land uses, infrastructure, and policy should occur to determine if further rezoning is appropriate.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.30	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.30	4.356 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

The proposed R10 zoning district is not expected to generate any additional students than what is typically generated under the existing RS10 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2022-200

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-072PR-001 is approved. (9-0)

**27. 2022SP-044-001
2ND & PEABODY**

Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to rezone from DTC to SP zoning for properties located at 507, 509, 511, 515, 517, 519, and 521 2nd Avenue South, 203 Peabody Street and 518 3rd Avenue South, at the southwest corner of Peabody Street and 2nd Avenue South and located within the Rutledge Hill Redevelopment District, (2.12 acres), to permit two multi-family residential buildings and one hotel building, requested by Second Avenue Nashville Property, LLC, applicant and owner.

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

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Downtown Code (DTC) to Specific Plan (SP) zoning for properties located at 507, 509, 511, 515, 517, 519, and 521 2nd Avenue South, 203 Peabody Street and 518 3rd Avenue South, at the southwest corner of Peabody Street and 2nd Avenue South and located within the Rutledge Hill Redevelopment District, (2.12 acres), to permit two multi-family residential buildings and one hotel building.

Existing Zoning

Downtown Code (DTC) is a zoning district category that is intended for high intensity office, retail, restaurant, amusement, and residential use and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Proposed Zoning

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

DOWNTOWN COMMUNITY PLAN

T6 Downtown Neighborhood (T6 DN) is intended to maintain and create diverse Downtown neighborhoods that are compatible with the general character of surrounding historic developments and the envisioned character of new Downtown development, while fostering appropriate transitions from less intense areas of Downtown neighborhoods to the more intense Downtown Core policy area. T6 DN areas contain high density residential and mixed use development.

SITE

The project is located on the full block encompassed by 2nd Avenue South, Peabody Street, 3rd Avenue South, and Lea Avenue. 3rd Avenue South is classified as a Collector Avenue and 2nd Avenue South is classified as an Arterial Boulevard in the Major and Collector Street Plan. Peabody Street and Lea Avenue Both sites are both local streets. The site currently contains a variety of non-residential uses with some vacant land. The surrounding area contains a variety of residential, non-residential, and civic land uses.

PLAN DETAILS

The project proposes a 32-story and a 36-story residential building consisting of 830 residential units total, one 18-story hotel building consisting of 286 rooms, 16,250 square feet of retail space and underground parking with a total of 991 vehicular parking spaces. The ground floors of the three buildings are lined with active retail/restaurant uses and pedestrian entrances. The primary drop-off area and lobby access is located along 3rd Avenue South, with entry to the below-grade parking garage located at that drop-off, and an additional garage entry/exit point on Peabody Street. All loading and service operations will be located in the below-grade parking garage.

This project includes 1.37 acres of publicly accessible open space. The publicly accessible open space borders the full edge of 2nd Avenue South, with additional open space and pathways located between the buildings, as well as along the proposed realignment of Lea Avenue. The ground levels of each building will be activated through retail and restaurant use and will be open to the public.

ANALYSIS

The application proposes a development pattern that is consistent with the policy guidance for T6 DN considering the context of the site. The T6 DN policy describes that the role of the T6 DN policy is to transition the surrounding neighborhoods that are not downtown to the intensity of development in the T6 Downtown Core policy (T6 DC), which is the most intense policy in the county. The adjacent property to the north is within the T6 DC policy and the SoBro subdistrict of the Downtown Code and these properties have an unlimited building height allowance, if certain conditions are satisfied. This SP proposal provides an appropriate transition from the development potential of the SoBro and T6 DC area to the surrounding neighborhood to the south. The T6 DN policy also describes that appropriate building heights should be based on a number of factors that are specified in the Community Character Manual.

Staff finds the proposal to satisfy or provide the majority of these factors for considering additional building height. Some of the factors that staff finds to be particularly relevant to this project are the following: the proximity to other policy areas and the role of the building in transitioning between policies; planned height of surrounding buildings and the impact on adjacent historic structures; contribution that the building makes to the overall fabric of the neighborhood in terms of creating pedestrian-friendly streetscapes, plazas and open space, public art, innovative stormwater management techniques, etc.; relationship of the height of the building to the width of the street and sidewalks, with wider streets and sidewalks generally, and ability to provide light and air between buildings and in the public realm of streets, sidewalks, internal walkways, multi-use paths, and open spaces.

The ground level of the proposed development is consistent with the intent of the T6 DN policy to provide pedestrian-friendly design at the street with a formally landscaped open space. The proposed access is consistent with the policy to limit vehicular access to less prominent streets.

The plan proposes to improve the existing street network and block structure with a re-alignment of Lea Avenue, consistent with the Major and Collector Street Plan for this area. Dialogue is ongoing regarding the realignment given the impact on existing Metro facilities. No decision or design has been finalized at this time. Should the realignment not move forward, the project plans can be updated to reflect the current configuration. This should have minimal impact on the plan.

MDHA REVIEW

- The applicant team presented the project to the MDHA Design Review Committee (DRC) on Tuesday, August 17, 2021. The Committee voted (with none opposed) to grant the project concept-level approval before it proceeds to Planning Commission, with the understanding that the applicant will return to the MDHA DRC when the design has been further developed, for a vote on final approval.

FIRE MARSHAL RECOMMENDATION

- Fire Code issues to be reviewed at final site plan.

STORMWATER RECOMMENDATION

Approved

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

- A mandatory referral will be required to abandon alley #149. MR approval will be required, prior to final SP approval (typ.).

- A mandatory referral will be required for below grade parking garage encroachments(decks P1-P5; 9 ft. +/-) into sidewalks/furnishing zones along 3rd Ave ROW.
- Submit truck loading/unloading exhibit. Additional road comments forthcoming following review of truck exhibit off Peabody.
- Submit valet and vehicle circulation exhibit.
- Site access and ramps off the ROW's shall comply with ST-324 standard widths(24-35' max).
- Traffic and Parking commission approval for removing existing on-street parking from Lea Ave.
- Coordinate w/ planning on ROW frontage streetscapes, sidewalks/furnishing zones. Reference Major Street Collector Plan(MCSP) for road sections, sidewalks/furnishing zones, bikeways and on-street parking along ROW frontages. (cont.) Confirm ROW dedication along each frontage meets MCSP requirements.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- See roads comments for parking garage encroachment.
- Ensure all MCSP requirements are being met for all roads.
- Increase sidewalk width on Lea Ave and 3rd Ave S to 10 feet total.
- Entire planting strip and sidewalk required by MCSP should be included in public ROW.
- Coordinate with NDOT on reducing curb radius for north-eastern curb corner on Lea Ave & 3rd Ave S to avoid a vehicle slip lane.
- Include a page in site plan with a list detailing all off-site improvements planned and at what intersections as detailed in the traffic study recommendations.
- Ensure amount of bicycle parking is per code and call out number of spaces provided for the site.
- Refer to Connect Downtown Study for any changes to existing curb-side use.
- Coordinate with NDOT on potential consolidation of site driveways/curb cuts to three total instead of four to reduce pedestrian vehicle conflicts.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 10+ (222)	0.86	-	923 U	3,848	271	323

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.22	-	46,174 SF	1,743	43	175

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.22	-	46,174 SF	5,180	459	451

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 10+ (222)	0.86	-	830 U	3,482	245	290

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.22	-	16,250 SF	613	15	62

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
Hotel (310)	0.86	-	286 R	2,802	137	188

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-3,874	-376	-409

METRO SCHOOL BOARD REPORT

Projected student generation existing DTC district: **18 Elementary 18 Middle 9 High**

Projected student generation proposed SP district: **17 Elementary 17 Middle 8 High**

The proposed SP zoning is expected to generate 3 fewer students than what is typically generated under the existing DTC zoning. Students would attend Jones Paideia Magnet Elementary School, John Early Museum Magnet Middle School, and Pearl-Cohn Magnet High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be per the Downtown Code – South Area. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
2. The maximum building height of Tower 1 shall be 32 stories, of Tower 2 shall be 36 stories, and of Tower 3 shall be 18 stories.
3. The project shall obtain a minimum of LEED Silver certification, or equivalent, as described within the LEED section of the DTC.
4. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to the issuance of building permits.
5. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 2nd Avenue South and 3rd Avenue South prior to final site plan approval.
6. On the corrected copy of the plan, indicate that existing overhead lines along all frontages shall be buried.
7. The proposed open spaces shall be included in a public access easement. Provide recorded easement documentation prior to issuance of a building permit.
8. The final site plan shall include a minimum of 34,000 square feet of pervious area as identified on Section 0.5. H. of the Preliminary SP plan set. The amount of pervious area may be reduced commensurate with the amount of pervious area provided off-site and associated with the Lea Avenue realignment should the Lea Avenue realignment not move forward with the final site plan application. If the realignment does not move forward with the final site plan application, then the amount of pervious area shall be a minimum of 24,715 square feet.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. 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 DTC – Lafayette Subdistrict as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Woods Drinkwater stated he was an attorney and represented the applicant. He explained why the applicant was pursuing SP zoning. The applicant sought and was granted an administrative height modification. That decision was appealed to the Courts. The Chancery Court affirmed that decision and it was now pending in Court of Appeals. A decision was not expected this year and because of the continued delay, the developer incurs millions of dollars; therefore, they are exploring the legislative option of SP zoning.

Jonathan Cardello, CUBE 3, 111 Southwest 3rd Street, Miami, FL, presented a video of an overview of the development plan. He spoke in favor of the application.

Brian Taylor, 5317 Overton Road, spoke in favor of the application.

Ann Waddey, 2205 Hampton Avenue, spoke in favor of the application.

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

Chairman Adkins closed the Public Hearing.

Ms. Kempf shared a text message that Councilmember O'Connell sent to the Commission, which indicated he was fully supportive of the Second Avenue and Peabody Street SP.

Mr. Dickerson gave the legal background of the case. He advised they can consider this case as there was no effect on the pending lawsuit. Also, there was nothing in the Code that prohibits anyone from applying for an SP, even if they already have an approved overall height modification. He asked if it was staff's position that if SP was approved, it takes it out of the DTC zoning.

Ms. Milligan answered that if this rezoned to SP, then DTC was no longer the zoning.

Mr. Dickerson pointed out that there were different standards for an SP but some overlap. He encouraged the Commission to make this as an independent assessment and review it on its merits to make the decision.

Ms. Blackshear asked if they have previously done an SP to have this type of height modification.

Ms. Milligan stated this was not a height modification but was a rezoning to an SP which determined the zoning standards and negated the height modification process, if it were to be approved.

Ms. Blackshear asked if they have done an SP, were they allowed such a large jump in height that would otherwise be allowed.

Ms. Williams responded that there is an SP on 12th and Demonbreun that predates the Downtown Code. It was one that wanted to do a taller building that existing zoning allowed, so its within boundaries of the inner loop but its zoned SP because it was advancing faster than the Downtown Code was originally. The other one was 505 Church Street and it was an SP, within the boundaries of the Downtown Code, and was specifically to allow greater height than DTC subdistrict allowed.

Ms. Blackshear asked why it was done in that manner.

Ms. Williams said that was done when she was not at the Planning Department so it was hard to answer specifically but said she can pull it up to find out.

Ms. Blackshear felt it would be helpful to have that background information. She thought this was technically a different analysis, but although it was hard to ignore what was heard previously, this was a new item. She appreciated that an SP, that allowed a similar type of item to move forward, has been done before, but knew analysis would be different when thinking about a DTC, height modification and an SP. Ms. Blackshear said she is not sure she disagrees with opponents' perspective on this but thought the project was beautiful. She said it was different and would not have contemplated it to be something of this magnitude in that area.

Mr. Tibbs thought the design was appropriate especially for this border. He said he was OK with the height and liked the design. Mr. Tibbs said he wished this type of urban design could be done in other areas, like how it hit the ground and how it integrated into the urban fabric. He stated he was in support of it.

Ms. Johnson pointed out that there was adjacent to the district that allowed unlimited height and thought additional height was appropriate. She really liked the design and thoughtfulness of the plan as it was not a typical rectangular glass building. Ms. Johnson said she also liked the shape of the building, air flow, sound flow, added green space and community benefit and felt this was the appropriate plan for the appropriate location and was in support.

Councilmember Withers agreed that this project was a great enhancement over most buildings that have popped up in the downtown and midtown areas in the last few years. He said the quality of architecture and greenspace are great and was in support of the proposal.

Mr. Henley stated in looking at it from the perspective of an SP, he thought it was appropriate. He said that Nashville's growth has really put them on the trajectory to have buildings of this height and the SP was something that recognized and created a specific level of quality. Mr. Henley thought of how they bring people to the Convention Center and how people will move through our city and in the heart of downtown. He thought there was an interwovenness that this brought at the pedestrian level and the feel and context was very appropriate.

Mr. Haynes and Mr. Clifton did not comment.

Mr. Lawson said he agreed with staff recommendation.

Ms. Farr pointed out that directly across the street was unlimited height. She felt this was an appropriate place to put an SP because they were trying to manage a transition. She said there was some question about what the zoning and appropriate height should be for this entire area and as they were figuring that out, the SP was the appropriate way to do that as it helped to achieve that transition from the core of the unlimited height to the development potential on this side.

Chairman Adkins said he appreciated both sides and knew the SP was different than the height difference. He stated when they first created SPs, it was to look at projects that had good design and open space and that cost money, especially in the Downtown Code area. He said it seemed like the perfect place for density, which they need in the city.

Ms. Farr moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions. (8-2) Mr. Haynes and Ms. Blackshear voted against.

Resolution No. RS2022-201

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-044-001 is approved with conditions and disapproved without all conditions including modified conditions. (8-2)

CONDITIONS

1. Permitted uses shall be per the Downtown Code – South Area. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
2. The maximum building height of Tower 1 shall be 32 stories, of Tower 2 shall be 36 stories, and of Tower 3 shall be 18 stories.
3. The project shall obtain a minimum of LEED Silver certification, or equivalent, as described within the LEED section of the DTC.
4. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to the issuance of building permits.
5. The applicant shall coordinate with NDOT and WeGo Transit on future mobility needs on 2nd Avenue South and 3rd Avenue South prior to final site plan approval.
6. On the corrected copy of the plan, indicate that existing overhead lines along all frontages shall be buried.
7. The proposed open spaces shall be included in a public access easement. Provide recorded easement documentation prior to issuance of a building permit.
8. The final site plan shall include a minimum of 34,000 square feet of pervious area as identified on Section 0.5. H. of the Preliminary SP plan set. The amount of pervious area may be reduced commensurate with the amount of pervious area provided off-site and associated with the Lea Avenue realignment should the Lea Avenue realignment not move forward with the final site plan application. If the realignment does not move forward with the final site plan application, then the amount of pervious area shall be a minimum of 24,715 square feet.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. 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 DTC – Lafayette Subdistrict as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses

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

**28. 2022DTC-036-001
621 MIDDLETON**

Council District 19 (Freddie O'Connell)
Staff Reviewer: Jared Islas

A request for an overall height modification for properties located at 621, 623, 625, and 633 Middleton Street, zoned DTC (1.2 acres), to allow a 25-story residential building with retail space on the ground floor and a pedestrian paseo, requested by Hastings Architecture, applicant; Nashville Panorama I, LLC, owner.

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

APPLICANT REQUEST

Modification of overall height standards of the DTC, Lafayette Subdistrict, to allow twenty-five stories of building height where eight are permitted by-right and 11 are allowed with bonus height.

DTC Overall Height Modification

A request to for a modification of overall building height on properties located at 621, 623, 625, and 633 Middleton Street, zoned Downtown Code (DTC) (1.2 acres) and within the Lafayette Subdistrict of the DTC.

Existing Zoning

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

PROJECT OVERVIEW

This project is located at the southeast intersection of 7th Avenue South and Middleton Street and includes a mixed-use development consisting of 405 rental units (no STR), 14,770sf of retail, a pedestrian paseo, and 439 parking spaces across three levels of underground parking.

PLAN DETAILS

The project site has frontage on 7th Avenue South and Middleton Street – both of which are classified as tertiary streets in the DTC. Pedestrian entrances to the residential lobby and various retail spaces are located off Middleton Street. Many of the pedestrian entrances, including the residential lobby, are significantly recessed into the building's front façade to provide expanded outdoor areas along the streetscape. This project also provides a tighter curb radii and double directional sidewalk ramps at the intersection of 7th Avenue South and Middleton Street.

A 20' wide pedestrian paseo is located to the immediate east of the building and on the project's property. This paseo will include seating areas, planters, a resident access point, and a retail entrance. The pedestrian paseo advances NDOT's ongoing Pie Town Mobility Study by becoming the first segment of a pedestrian-prioritized passage that runs through Pie Town, connecting Lafayette Street to Fogg Street.

The building's underground parking is accessed from 7th Avenue South, while a limited number of parking spaces reserved for the public are accessible from the alley, behind the property. This alley will also serve as space for service and loading.

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

A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The LEED bonus has been earned by pursuing LEED accreditation. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.

Community Meeting

The applicant held a community meeting on Tuesday, June 28 at 6:30 P.M. and sent notices to property owners within 300 feet. Six members of the public, and six people associated with the project, attended the community meeting. The public voiced strong support of the project. All questions asked were related to clarifying details of the project. This included questions about the visual screening element at the end of the paseo, materials, sidewalks and MCSP requirements, number of units, unit mix, and affordability.

Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on July 14, 2022. The Committee voiced support of the project, inquired about the viewshed shown from Fort Negley, and received clarification regarding the pedestrian paseo and alley access. 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.

Exceptional Design

The tower of the project is broken up into three sections – staggered in plan and elevation, which creates visual interest in the skyline and creates vertical articulation of the tower massing. At the podium level, portions of the building are carved away to break up the overall length of the building. Activated outdoor spaces, such as storefronts, outdoor dining area, and amenity terraces, fill these voids. The use of accent color along the base creates additional visual interest on the first three floors of the building.

The tower exhibits exceptionally strong streetscape. Sidewalks and planting zones along Middleton Street and 7th Avenue South will be built to MCSP standards. In some areas, these standards will be exceeded by 10'-20' due to the carving out of the podium level. These areas are used to activate the space for pedestrians and improve the quality of the public realm. A 20' wide pedestrian paseo, with access off Middleton Street, will be provided along the east perimeter of the property. These external spaces are activated with landscaping, public art, and 14,000 sf of retail uses within the building.

Back of house operations will be kept to the alley behind the building, and existing above-ground utility lines will be buried underground. Additionally, the 621 Middleton project team has made an offer to upgrade the sidewalk section on the north side of Middleton Street along the Nashville Rescue Mission property.

The proposed pedestrian paseo is an infrastructure improvement comes out of NDOT's Pie Town Mobility Study. This segment would be the first of a planned pedestrian-prioritized passage that would run through Pie Town, connecting Lafayette Street to Fogg Street.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with conditions and deferral without all conditions.

CONDITIONS

1. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
2. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
3. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. Prior to building permit approval, final exterior art design shall be reviewed by Planning staff. Planning staff may require the DTC DRC review of the design, if deemed necessary.

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

Resolution No. RS2022-202

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022DTC-036-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.

2. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
3. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. Prior to building permit approval, final exterior art design shall be reviewed by Planning staff. Planning staff may require the DTC DRC review of the design, if deemed necessary.

**29. 2021S-179-001
RESUB OF LOT 90 T.M. NALL'S SUBDIVISION**

Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Amelia Lewis

A request for final plat approval to create two lots on property located at 5917 Maxon Avenue, approximately 235 feet east of Stevenson Street, zoned R8 (1 acre), requested by Delle Land Surveying, applicant; Monica N. Slater & Melissa L. Haney & ET AL, owners.

Staff Recommendation: Approve with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f.

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 5917 Maxon Avenue, approximately 235 feet east of Stevenson Street, zoned One and Two-Family Residential (R8) (1.0 acre).

SITE DATA AND CONTEXT

Location: The site is located on the north side of south side of Maxon Avenue, east of Stevenson Street.

Street type: The site has frontage on Maxon Avenue, which is a local street with a half of standard right-of-way width of 25 feet.

Approximate Acreage: 1.0 acre or approximately 43,560 square feet.

Parcel/Site History: This site is comprised of one parcel that was created by plat in 1914 (Book 421, Page 63).

Zoning History: The parcel has been zoned R8 since at least 1974.

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

Surrounding land use and zoning:

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

Zoning: One and Two-family Residential (R8)

Min. lot size: 8,000 square feet

Max. building coverage: 0.50

Min. rear setback: 20'

Min. side setback: 15'

Max. height: 20' at setback line

Min. street setback: 71.4' (approximate contextual setback - to be confirmed by Metro Codes at the time of building permit)

PROPOSAL DETAILS

Number of lots: 2

Lot sizes: The proposed Lot 1 is 21,495 square feet and the proposed Lot 2 is 21,486 square feet. Both proposed lots are 0.49 acres each.

Access: To meet the minimum half right-of-way along Maxon Avenue, a 5 foot wide dedication is proposed. Access is provided from Maxon Avenue by a proposed 16' wide shared access easement. Unimproved Alley 1517 is located along the southern property line. A condition of approval is that the alley width meet 10 feet, the minimum half right-of-way for an alley. A four foot wide dedication is shown for the property line abutting the alley.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. The proposed subdivision does not meet all of the standards as outlined below.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

The proposed lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R8 zoning at the time of building permit. Both of the proposed lots are greater than 8,000 square feet and have frontage on a public street, Maxon 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. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

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

- a. *All minimum standards of the zoning code are met.*
Complies. All lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
Complies. All lots front on Maxon Avenue.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T4 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying R8 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*

1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 66 feet. The proposed frontage width for both lots is 50 feet.
2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.49 acres, or 21,383 square feet. The proposed Lot 1 is 21,495 square feet and the proposed Lot 2 is 21,486 square feet. Both proposed lots are 0.49 acres each.
3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes will be required to meet the contextual setback standards per the Metro Zoning Code.
4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*
All lots are oriented to Maxon Avenue, consistent with surrounding lots.
- e. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions.
- f. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*

The proposed lots do not meet the minimum frontage requirement for compatibility. There are no apparent unique geographic, topographic and environmental factors that would affect compatibility.

Along the north side of Maxon Avenue, the R8 lots oriented to Maxon Avenue and located between Stevenson Avenue to the west and Elaine Avenue to the east provide the following average frontage and lot sizes for comparison: The average frontage of these lots is 58' and the average size is 0.23 acres. Eighty percent of the lots on the northern side of Maxon Avenue have a frontage of 50 feet. The proposed subdivision would provide frontage consistent with this pattern, with increased area given the depths of the lots on the south side of Maxon Avenue. Staff finds that the subdivision of this lot and the adjacent lot (2021S-180-001) can provide for harmonious development.

3-5.3 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.
Not applicable to this case.

3-5.4 Criteria for Determining Compatibility for Designated Historic Districts.
Not applicable to this case.

3-5.5 Infill Subdivision Frontage
Not applicable to this case.

3-5.6 Reasonable Conditions
Not applicable to this case.

3-6 Blocks

No changes to the existing block structure are proposed with the subdivision.

3-7 Improvements

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

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

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalk requirements will be reviewed at the time of building permit, pursuant to Section 17.20.120 of the Zoning Code. The Metro Sidewalk Calculator has identified the site as requiring sidewalks as the parcel is located within the Urban Zoning Overlay (UZO).

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

Maxon Avenue is classified by the MCSP as a local street with 50' of required right-of-way. The plat proposed to dedicate 5' across the frontage of the site to meet the required half of standard right-of-way width of 25'. The minimum right-of-way required for alleys is 20'. A proposed width of 4' across the southern property line is dedicated to meet the minimum half right-of-way of 10'.

3-11 Inspections During Construction

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

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

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

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

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 – SUBDIVISION REGULATIONS

With the exception for the frontage of the compatibility criteria, the proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setback, building heights, etc. Staff recommends approval with conditions based on a finding that the proposal can provide for harmonious development.

POLICY CONSIDERATIONS

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally. If the Planning Commission would like to consider policy, staff is providing summary points related to policy.

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to a majority of this property is T4 NM (Urban Neighborhood Maintenance). The goal of the T4 NM Policy is to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. The policy states that these policy areas will experience change over time, and when such change occurs, efforts should be made to retain the existing character of the neighborhood. Appropriate land uses in the T4 NM Policy include single-family, one and two-family residential, and in some cases low intensity multi-family development.

According to the T4 NM Policy, density is secondary to the form of development; however, these areas are intended to be moderate- to high-density. Since T4-NM policy is applied to predominantly developed neighborhoods whose character is intended to be maintained, the appropriate density is determined by the existing character of each

individual neighborhood in terms of characteristics such as the mix of housing types, building setbacks and spacing, and block structure.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f.

CONDITIONS

1. Remove critical lot designation and note 14 on plat.
2. Remove contour lines from the proposed plat prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

Ms. Lewis stated she was presenting Items 29 and 30 together but separate motions will need to be made on each Item.

Ms. Lewis presented staff recommendation to approve with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f.

Chairman Adkins reminded the Commissioners that they were considering the two Items together but discussion was on both and voting was separate.

Joe Haney, no address given, said he has been a firefighter with the city of Nashville for 30 years, his family has lived in this neighborhood for over 50 years and this property has been in the family for a long time. He spoke in favor of the application.

Chuck Smith, 6207 Robertson Avenue, spoke in favor of the application.

Tavis Kimble, 509 Snyder Avenue, spoke in favor of the application.

Ms. Kempf advised that the Commission received a note in opposition from Councilmember Mary Carolyn Roberts. She said Ms. Milligan tried to reach out to Ms. Roberts to determine how she would want this hearing handled and to make sure it was understood this was a Commission action; however, Ms. Milligan was unable to contact Ms. Roberts.

Chairman Adkins closed the Public Hearing

Councilmember Withers said he understood Councilmember Roberts' concern from the perspective of the lots as there was a different lot pattern on the south block face. He said it was not so much the density question but more about what the rhythm and pattern of spacing of houses would be along that street as you move into the larger lots to the east. Mr. Withers thought about whether someone contemplated a more creative layout, so there would be the same number of units but with a different layout. He said that after hearing from the property owners and neighbors, he was inclined to support staff recommendation on both Items.

Ms. Johnson understood Councilmember Roberts' concern because the southside had a different pattern. She said she drove the neighborhood and felt that the 50 feet frontage was appropriate in this context. Ms. Johnson wanted to make sure Councilmember Roberts' concern was heard but thought that staff recommendation was spot on.

Mr. Clifton moved and Ms. Blackshear seconded the motion to approve with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f. (10-0)

Resolution No. RS2022-203

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-179-001 is approved with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f. (10-0)

CONDITIONS

1. Remove critical lot designation and note 14 on plat.
2. Remove contour lines from the proposed plat prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**30. 2021S-180-001
RESUB OF LOT 91 T.M. NALL'S SUBDIVISION**

Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Amelia Lewis

A request for final plat approval to create two lots on property located at 5915 Maxon Avenue, approximately 330 feet east of Stevenson Street, zoned R8 (1.03 acres), requested by Delle Land Surveying, applicant; Monica N. Slater & Melissa L. Haney & ET AL, owners.

Staff Recommendation: Approve with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f.

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 5915 Maxon Avenue, approximately 330 feet east of Stevenson Street, zoned One and Two-Family Residential (R8) (1.03 acres).

SITE DATA AND CONTEXT

Location: The site is located on the north side of south side of Maxon Avenue, east of Stevenson Street.

Street type: The site has frontage on Maxon Avenue, which is a local street with a half of standard right-of-way width of 25 feet.

Approximate Acreage: 1.03 acre or approximately 44,867 square feet.

Parcel/Site History: This site is comprised of one parcel that was created by plat in 1914 (Book 421, Page 63).

Zoning History: The parcel has been zoned R8 since at least 1974.

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

Surrounding land use and zoning:

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

Zoning: One and Two-family Residential (R8)

Min. lot size: 8,000 square feet

Max. building coverage: 0.50

Min. rear setback: 20'

Min. side setback: 15'

Max. height: 20' at setback line

Min. street setback: 71.4' (approximate contextual setback - to be confirmed by Metro Codes at the time of building permit)

PROPOSAL DETAILS

Number of lots: 2

Lot sizes: The proposed Lot 1 is 21,546 square feet and the proposed Lot 2 is 21,523 square feet. Both proposed lots are 0.49 acres each.

Access: To meet the minimum half right-of-way along Maxon Avenue, a 5 foot wide dedication is proposed. Access is provided from Maxon Avenue by a proposed 16' wide shared access easement. Unimproved Alley 1517 is located along adjacent to the southern property line. A condition of approval is that the alley width meet 10 feet, the minimum half right-of-way for an alley. A four foot wide dedication is shown for the property line abutting the alley.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

This subdivision is required to meet the standards of Chapter 3. The proposed subdivision does not meet all of the standards as outlined below.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

The proposed lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R8 zoning at the time of building permit. Both of the proposed lots are greater than 8,000 square feet and have frontage on a public street, Maxon 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. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO or cluster lot subdivision by approval of the rezoning or concept plan.

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

- g. All minimum standards of the zoning code are met.*
Complies. All lots meet the minimum standards of the zoning code.

- h. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
Complies. All lots front on Maxon Avenue.
- i. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T4 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying R8 zoning district and its prescribed density.
- j. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 - 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 66 feet. The proposed frontage width for both lots is 50 feet.
 - 2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.49 acres, or 21,383 square feet. The proposed Lot 1 is 21,546 square feet and the proposed Lot 2 is 21,523 square feet. Both proposed lots are 0.49 acres each.
 - 3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes will be required to meet the contextual setback standards per the Metro Zoning Code.
 - 4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*
All lots are oriented to Maxon Avenue, consistent with surrounding lots.
- k. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions.
- l. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*
The proposed lots do not meet the minimum frontage requirement for compatibility. There are no apparent unique geographic, topographic and environmental factors that would affect compatibility.

Along the north side of Maxon Avenue, the R8 lots oriented to Maxon Avenue and located between Stevenson Avenue to the west and Elaine Avenue to the east provide the following average frontage and lot sizes for comparison: The average frontage of these lots is 58' and the average size is 0.23 acres. Eighty percent of the lots on the northern side of Maxon Avenue have a frontage of 50 feet. The proposed subdivision would provide frontage consistent with this pattern, with increased area given the depths of the lots on the south side of Maxon Avenue. staff finds that the subdivision of this lot and the adjacent lot (2021S-179-001) can provide for harmonious development.

3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.*
Not applicable to this case.

3-5.4 *Criteria for Determining Compatibility for Designated Historic Districts.*
Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*
Not applicable to this case.

3-5.6 *Reasonable Conditions*
Not applicable to this case.

3-6 Blocks

No changes to the existing block structure are proposed with the subdivision.

3-7 Improvements

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

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

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalk requirements will be reviewed at the time of building permit, pursuant to Section 17.20.120 of the Zoning Code. The Metro Sidewalk Calculator has identified the site as requiring sidewalks as the parcel is located within the Urban Zoning Overlay (UZO).

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

Maxon Avenue is classified by the MCSP as a local street with 50' of required right-of-way. The plat proposed to dedicate 5' across the frontage of the site to meet the required half of standard right-of-way width of 25'. The minimum right-of-way required for alleys is 20'. A proposed width of 4' across the southern property line is dedicated to meet the minimum half right-of-way of 10'.

3-11 Inspections During Construction

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

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

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

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

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 – SUBDIVISION REGULATIONS

With the exception for the frontage of the compatibility criteria, the proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setback, building heights, etc.

POLICY CONSIDERATIONS

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally. If the Planning Commission would like to consider policy, staff is providing summary points related to policy.

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to a majority of this property is T4 NM (Urban Neighborhood Maintenance). The goal of the T4 NM Policy is to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. The policy states that these policy areas will experience change over time, and when such change

occurs, efforts should be made to retain the existing character of the neighborhood. Appropriate land uses in the T4 NM Policy include single-family, one and two-family residential, and in some cases low intensity multi-family development.

According to the T4 NM Policy, density is secondary to the form of development; however, these areas are intended to be moderate- to high-density. Since T4-NM policy is applied to predominantly developed neighborhoods whose character is intended to be maintained, the appropriate density is determined by the existing character of each individual neighborhood in terms of characteristics such as the mix of housing types, building setbacks and spacing, and block structure.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f.

CONDITIONS

1. Remove critical lot designation and note 14 on plat.
2. Remove contour lines from the proposed plat prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

Mr. Lawson moved and Mr. Clifton seconded the motion to approve with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f. (10-0)

Resolution No. RS2022-204

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-180-001 is approved with conditions based on a finding that the subdivision is providing harmonious development per Section 3-5.2.f. (10-0)

CONDITIONS

1. Remove critical lot designation and note 14 on plat.
2. Remove contour lines from the proposed plat prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

31. 2022S-137-001

BELLETERRA

Council District 28 (Tanaka Vercher)

Staff Reviewer: Seth Harrison

A request for concept plan approval to create 79 cluster lots and open space on property located at Rural Hill Rd. (unnumbered), approximately 35 feet east of Highland Ridge Dr., zoned R15 and RS7.5, and located with a PUD (25.22 acres), requested by Dale & Associates, applicant; M&D Development LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 79 lots.

Concept Plan

A request for concept plan approval to create 79 cluster lots and open space on property located at Rural Hill Rd. (unnumbered), approximately 35 feet east of Highland Ridge Drive, zoned One and Two-Family Residential (R15) and Single-Family Residential (RS7.5), and located within a PUD (25.22 acres)

SITE DATA AND CONTEXT

Location: The site is located on the east side of Rural Hill Road. Highland Ridge Drive, Ellen Way, and Pippin Drive all stub into the site from existing subdivisions.

Street Type: The site has frontage onto Rural Hill Road which is classified as a Collector Avenue in the Major and Collector Street Plan.

Approximate Acreage: The proposed area for subdivision is approximately 25.22 acres or 1,098,583 square feet.

Parcel/Site History: This site is comprised of one parcel. The parcel has existed since at least 2003.

Zoning History: The parcel is split zoned RS15 with a PUD and RS7.5. The RS15 with PUD has been zoned as such since 1987. The RS7.5 portion has been zoned since 1998.

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

PUD Requirements: A portion of the site is located within a PUD overlay. This portion of the approved plans showed a stub connection to the west. As the proposed development does not impact the last approved PUD plan, the PUD plan does not need to be modified.

Surrounding land use/zoning:

North: Single-Family Residential (RS7.5)

South: Agricultural/Residential (AR2a)

East: Single-Family Residential (RS10)

West: Single-Family Residential (RS7.5)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. height: 3 stories

Min. front setback: 30'

Min. rear setback: 20'

Min. side setback: 20'

Maximum Building Coverage: 0.40

Zoning: Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. height: 3 stories

Min. front setback: 20'

Min. rear setback: 20'

Min. side setback: 15'

Maximum Building Coverage: 0.50

PROPOSAL DETAILS

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

Number of lots: 77 single-family lots.

Lot sizes: Lot sizes range from 0.11 acres (5,000 square feet) to 0.26 acres (11,200 square feet).

Access: Access is proposed from the three stub streets that are being extended into this development. These stub street connections include Highland Ridge Drive, Ellen Way, and Pippin Drive.

CLUSTER LOT OPTION

Plan Requirements (Section 17.12.090.A)

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

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS7.5 and requires a minimum 7,500 sq. ft. lot size so the site would need to be a minimum of 75,000 sq. ft. to be eligible. The site contains approximately 1,098,583 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

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

The gross area of the RS7.5 zoned site is approximately 23 acres or 1,001,880 sq. ft. The minimum lot size of the existing zoning district, RS7.5, is 7,500 sq. ft.

$$\begin{aligned} 1,001,880 \text{ sq. ft.} \times 0.15 &= 150,282 \text{ sq. ft. (15\% of the gross site area reserved for streets)} \\ 1,001,880 \text{ sq. ft.} - 150,282 \text{ sq. ft.} &= 851,598 \text{ sq. ft. (85\% of the gross area remaining to yield lots)} \\ 851,598 \text{ sq. ft.} / 7,500 \text{ sq. ft.} &= 113 \text{ lots} \end{aligned}$$

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 11.79 acres or 46.75% of the site. The proposed open space exceeds the minimum requirement.

Alternative Lot Sizes (Section 17.12.090.C)

Lots within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned RS7.5 and a reduction of two base zone districts would be down to the RS3.75 zone district. The RS3.75 zoning district requires a minimum lot size of 3,750 sq. ft. The smallest lot proposed in this subdivision exceeds the minimum 3,750 sq. ft. lot size requirement.

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. This application does not include any perimeter lots oriented to an existing street. The lots near Rural Hill Road have an open space parcel with a landscape buffer separating these parcels from the roadway.

Minimum lot size for perimeter lots not oriented to an existing subdivision depend on the abutting residential zoning district and the buffering that is provided on site. Lots may be reduced in size the equivalent of one zoning district (RS7.5 to RS5) with the installation of a standard B landscape buffer yard located within common open space or reduced the equivalent of two zoning districts (RS7.5 to RS3.75) with the installation of a standard C landscape buffer yard located within common open space. As proposed, all lots abutting a residential zoning district either meet the minimum lot size requirement or include a standard C landscape buffer.

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

Landscape Buffer Yard Requirements (Article IV)

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning district abutting the western property line is zoned AR2a. The proposed plan does not include lots abutting this portion of the neighboring parcel and a buffer yard would not be required. A large open space has been retained in this area.

Hillside Development Standards (Section 17.28.030)

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. It is important to note that the Subdivision Regulations also includes hillside development standards. The proposed plan

clusters lots on the portions of the site with slopes less than 20% grade, consistent with the hillside development standards and the cluster lot option.

Floodplain/Floodway Development Standards (Section 17.28.40)

In general, new development should stay outside or have limited encroachment into areas designated as floodplain or floodway. This site is not located within floodplain or floodway.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The plan identifies the necessary recreational facilities within common open space for a cluster lot subdivision of this scope.

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 Suburban Neighborhood Evolving (T3 NE) policy. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

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

3-2 Monument Requirements

Does not apply to concept plans. Monuments will be set after final plat approval.

3-3 Suitability of the Land

Staff finds that the land is suitable for development consistent with this section.

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 the RS7.5 zoning district and cluster lot requirements at the time of building permit.

3-5 Infill Subdivisions

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

Not applicable. No lots are proposed on an existing street.

3-6 Blocks

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

3-7 Improvements

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

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

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets and sidewalks are provided consistent the Metro local street standard.

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

Right-of-way and easements for this project will be dedicated with final plat.

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

NDOT will require the review and approval of streets with the submittal of the final site plan. Street names for new streets will be reserved at that time.

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

Not applicable to this case. The concept plan does not propose any new private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Metro Water Services has reviewed this proposed concept plan for water and has recommended approval.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The concept plan notes all new utilities will be placed underground as required.

Subdivision Variances or Exceptions Requested: No variances or exceptions to the Subdivision Regulations are requested with this application.

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 regarding setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Add Project Number to cover sheet.
- Add bearing reference.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Nashville Department of Transportation / Public Works. Slopes along roadways shall not exceed 3:1.
- Rural Hill Road - Confirm any sidewalk construction requirements with the Planning Department. Sidewalk construction per the MCSP.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Ensure MCSP requirements are being met and appropriate ROW is dedicated if needed.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

CONDITIONS

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-137-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2022-205

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-137-001 is approved with conditions. (9-0)

CONDITIONS

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

32. 2022S-151-001

0 OLD HICKORY BOULEVARD

Council District 04 (Robert Swope)

Staff Reviewer: Dustin Shane

A request for concept plan approval to create five lots on property located at Old Hickory Blvd (unnumbered), approximately 84 feet west of Windypine Drive, zoned R15 (2.54 acres), requested by Michael Garrigan, applicant; Tesfaye, Alemayehu, owner.

Staff Recommendation: Defer to the August 25, 2022, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-151-001 to the August 25, 2022, Planning Commission meeting. (8-0)

33. 2022S-160-001

THE ORVILLE EARHART SUBDIVISION RESUB LOT 2

Council District 12 (Erin Evans)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to create three lots on property located at 4141 Smotherman Lane, at the corner of Stewarts Ferry Pike and Smotherman Lane, zoned RS15 (4.47 acres), requested by Dale & Associates, applicant; Robert Lee, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 4141 Smotherman Lane, at the corner of Stewarts Ferry Pike and Smotherman Lane, zoned Single-Family Residential (RS15) (4.47 acres).

SITE DATA AND CONTEXT

Location: The site is located on the east side of Smotherman Lane, at the corner of Stewarts Ferry Pike and Smotherman Lane.

Street type: The site has frontage on Smotherman Lane, a local street, and Stewarts Ferry Pike, a collector-avenue identified by the Major and Collector Street Plan (MCSP). The existing half of standard right-of-way width varies along Smotherman Lane, ranging from approximately 20 feet to 25 feet. The existing half of standard right-of-way width along Stewarts Ferry Pike varies from approximately 25' to 26.3'.

Approximate Acreage: 4.47 acres or approximately 194,651 square feet.

Parcel/Site History: This site is comprised of one lot that was last platted in 2019.

Zoning History: The parcel has been zoned RS15 since 1998, when Metro's current zoning ordinance was adopted.

Existing land use and configuration: The site currently is developed with a single-family residential unit that is located on the back half of the site, oriented towards Smotherman Lane. The existing residence takes access from Smotherman Lane, where the frontage is approximately 100 feet wider than the frontage along Stewarts Ferry Pike.

Surrounding land use and zoning:

- North: Single-Family Residential (RS15)
- South: Single-Family Residential and Vacant (RS15)
- East: Single-Family Residential (RS15)
- West: Single-Family Residential (RS15)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

Max. height: 3 stories

Min. street setback: 30' along local streets; 40 feet along all other streets

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Proposed Lot 1 is approximately 2.95 acres (128,664 square feet), Lot 2 is approximately 0.80 acres (34,816 square feet), and Lot 3 is 0.69 acres (29,925 square feet). Lot 1 is located on the back half, where the existing residence is proposed to be retained, and is oriented towards Smotherman Lane. Lot 2 is located at the street corner, with frontage along Smotherman Lane and Stewarts Ferry Pike. Lot 3 is located at the southeastern corner, fronting Stewarts Ferry Pike.

Access: Access is identified to be retained along Smotherman Lane for Lot 1. Access to Lot 2 will be limited to Smotherman Lane and access to Lot 3 will be limited to Stewarts Ferry Pike, as noted on the plat, consistent with the requirement to minimize curb cuts along collector streets. Areas of right-of-way dedication are proposed along Smotherman Lane to meet the 25' half of standard right-of-way requirement. Along Stewarts Ferry Pike, a small area of right-of-way dedication is proposed along the southern half to meet the 25.5' half of standard right-of-way requirement.

Subdivision Variances or Exceptions Requested: None

APPLICABLE SUBDIVISION REGULATIONS

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

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

Evolving (T3 NE) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T3 Suburban transect, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

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

3-2 Monument Requirements

Staff finds that the monuments comply with monument requirements for subdivisions.

3-3 Suitability of the Land

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

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS15 zoning at the time of building permit. All proposed lots have frontage on a public street. Lot 1 has frontage along Smotherman Lane, Lot 2 has frontage along Smotherman Lane and Stewarts Ferry Pike, and Lot 3 has frontage along Stewarts Ferry Pike. Future development on Lot 2 will be oriented towards Stewarts Ferry Pike, consistent with the approach for lots fronting arterial or collector streets.

3-5 Infill Subdivisions

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

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

m. All minimum standards of the zoning code are met.

Complies. Lots 1, 2, and 3 meet the minimum standards of the zoning code.

n. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.

Complies. All lots front Smotherman Lane or Stewarts Ferry Pike.

o. Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:

1. Within T3 Suburban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.

Complies. Lots 1, 2, and 3 exceed the minimum frontage requirement of 50 feet. The proposed frontage of Lot 1 is 308.68 feet; the proposed frontage of Lot 2 is 208.57 feet along Stewarts Ferry Pike and 161.05 feet along Smotherman Lane; and the proposed frontage of Lot 3 is 159.63 feet.

2. Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.

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

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

3-5.5 Infill Subdivision Frontage

Not applicable to this case.

3-5.6 Reasonable Conditions

Not applicable to this case.

3-6 Blocks

Not applicable to this case. This proposal is for an infill subdivision.

3-7 Improvements

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

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

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

3-9 Requirements for Streets

Not applicable to this case. The proposal is for an infill subdivision located along existing streets.

3-10 Requirements for Dedication, Reservations, or Improvements

Smotherman Lane is identified as a local street with 50' of required right-of-way, and Stewarts Ferry Pike is identified as a collector-avenue on the MCSP with 51' of required right-of-way. Areas of right-of-way dedication are proposed along Smotherman Lane to comply with the required half of standard right-of-way width of 25 feet, and along Stewarts Ferry Pike to comply with the half of standard right-of-way width of 25.5 feet.

3-11 Inspections During Construction

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

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

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

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve 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

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-160-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (8-0-1)

Resolution No. RS2022-206

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-160-001 is approved with conditions. (8-0-1)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

34. 2022S-168-001

RESUBDIVISION OF LOT 2 AND LOT 3 JOHN THOMAS SUBDIVISION

Council District 09 (Tonya Hancock)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to shift lot lines on properties located at 1706 and 1716 Hudson Road, approximately 100 feet south of Pawnee Trail, zoned RS40 (2.19 acres), requested by Kevin Edmonson, applicant; Michael & Tonya Bradford and Elizabeth Kurowski, owners.

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

APPLICANT REQUEST

Request for final plat approval to shift lot lines.

Final Plat

A request for final plat approval to shift lot lines on properties located at 1706 and 1716 Hudson Road, approximately 100 feet south of Pawnee Trail, zoned Single-Family Residential (RS40) (2.19 acres).

SITE DATA AND CONTEXT

Location: The site is located on the west side of Hudson Road, south of Pawnee Trail.

Street type: The site has frontage on Hudson Road, identified as a local street with an existing standard right-of-way width of 50 feet.

Approximate Acreage: 2.19 acres or approximately 95,347 square feet.

Parcel/Site History: This site is comprised of two existing lots that were platted in 1985.

Zoning History: The site has been zoned RS40, Single-Family Residential, since 1987. Prior to the current RS40 zoning, the site was zoned R40, One and Two-Family Residential. The site is also located in the Airport Impact Overlay.

Existing land use and configuration: Each existing lot has frontage on Hudson Road and contains a single-family residential unit. The southern Lot (Lot 3) is rectangular-shaped and currently comprises approximately 0.92 acres. The northern lot (Lot 2) resembles an L-shape, with additional area that spans the Hudson Road frontage. Lot 2 currently comprises approximately 1.27 acres.

Surrounding land use and zoning:

- North & South: Vacant and Single-Family Residential (RS40)
- East: Single- and Two Family Residential (RS40)
- West: Single-Family Residential (RS40)

Zoning: Single-Family Residential (RS40)

Min. lot size: 40,000 square feet

Max. building coverage: 0.25

Min. rear setback: 20'

Min. side setback: 15'

Max. height: 3 stories

Min. street setback: 40'

PROPOSAL DETAILS

Number of lots: 2. The plat proposes to shift lot lines at the back of the site, resulting in Lot 3 becoming slightly larger and Lot 2 becoming slightly smaller. No additional lots are proposed beyond the two that currently exist.

Lot sizes: Lot 2 is proposed to be approximately 0.98 acres (42,600 square feet) and Lot 3 is proposed to be approximately 1.21 acres (52,747 square feet). Both lots are oriented to Hudson Road, a local street.

Access: Access is provided to each lot from Hudson Road, a local street identified with an existing right-of-way width of 50 feet. Access is not proposed to change with the proposed plat.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Rural Maintenance (T2 RM) policy. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

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

4-2. Development Standards

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

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

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

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

4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designed as the Development Footprint. A preliminary grading plan is required with all concept plan applications.

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

4-2.3 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.

Each existing lot is developed with a residential use. Existing building envelopes have been shown on the plat.

4-2.5 Rural Character Design

- a. *Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.*
 1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*
 - a. *Building Setback along existing public streets.*

Does not comply. The building setbacks are required to be varied, and a minimum setback line is required to be platted when the average setback of abutting parcels is more than the minimum required street setback established by the zoning. The average front setback of the abutting parcels is approximately 193.5 feet, greater than the 40-foot minimum required setback required by the Zoning Code. The existing building setback on Lot 2 is approximately 69 feet, and the existing setback on Lot 3 is approximately 107.6 feet. Neither of the proposed lots comply with the 193.5-foot minimum setback line.
 - b. *Lot Depth along existing public streets.*

Does not comply. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 493.5-foot lot depth for both lots. As proposed, the depth of Lot 2 is approximately 168.74 feet and the depth of Lot 3 is 264.05 feet. Neither of the proposed lots comply with the 493.5-foot minimum lot depth.
 - c. *Lot size along existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size required for both lots is approximately 4.42 acres or 192,535 square feet. The area of Lot 2 is proposed to be 0.98 acres, or 42,600 square feet. The area of Lot 3 is proposed to be 1.21 acres, or 52,747 square feet. Neither of the lots comply with the 4.42-acre minimum lot size.
 - d. *Lot frontage abutting existing public streets.*

Lot 2 complies. Lot 3 does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along Hudson Road required for both lots is 210.66 feet. The frontage of Lot 2 is proposed to be 266.43 feet, which exceeds the minimum 210.66-foot minimum requirement. The frontage of Lot 3 is proposed to be 152.37 feet and does not comply with the 210.66-foot minimum requirement.
 - e. *Street lights.*

Not applicable to this case.
 - f. *Cluster lot option.*

Not applicable to this case.

Subdivision Variances or Exceptions Requested: Yes. This request requires a variance from Section 4-2.5.a.1.a (minimum building setback), Section 4-2.5.a.1.b (minimum lot depth), and Section 4-2.5.a.1.c (minimum lot size) pertaining to Lots 2 and 3, and Section 4-2.5.a.1.d (minimum lot frontage) pertaining to Lot 3 only.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that “such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.” In order to grant a variance, the Commission must find that:

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

Variance Analysis

Variance Request #1 (Lots 2 and 3)

Section 4-2.5.a.1.a requires that the minimum building setback along existing public street be platted when the average setback of abutting parcels (193.5 feet, in this case) is more than the minimum required street setback established by the zoning (40 feet). In this case, Lot 2 and Lot 3 have previously developed with a single-family structure on each lot. The established setbacks of the existing structures are 69 feet (Lot 2) and 107.6 feet (Lot 3). It would not be possible to meet the 193.5-foot minimum setback requirement unless the existing structures were removed from the site. Staff finds that the existing setbacks do not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

Variance Request #2 (Lots 2 and 3)

Section 4-2.5.a.1.b requires that the minimum lot depth along existing public streets be 300' plus the required front setback. In this case, the minimum required lot depth is 493.5 feet. As proposed, the depth of Lot 2 will be approximately 168.74 feet and the depth of Lot 3 will be retained at 264.05 feet. However, neither of the existing lots, in their current form, would comply with the 493.5-foot depth requirement, as each existing lot comprises approximately 264.05 feet of depth. The plat is simply proposing to shift area at the rear amongst two existing lots. Lot 3 would become the "L" shaped lot, wrapping behind Lot 2 at the rear corner. This is similar to the current configuration at the adjacent property to the north, where that property wraps around the opposite rear corner of Lot 2. The end result would be in keeping with the existing character to the north. Staff finds that the proposed depth does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

Variance Request #3 (Lots 2 and 3)

Section 4-2.5.a.1.c requires the minimum lot size along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot size is approximately 4.42 acres or 192,535 square feet. However, neither of the existing lots currently comply with the minimum size requirement. The lots, as they currently exist, are 1.27 acres (Lot 2) and 0.92 acres (Lot 3). The lots, as proposed, will be 0.98 acres (Lot 2) and 1.21 acres (Lot 3). The proposed lot line shift will result in the back yard becoming larger at Lot 3 and smaller at Lot 2, but the combined lot area is not proposed to change. Additionally, there is a wide range of lot sizes in the area, including similarly-sized properties located to the north and across the street on the east side of Hudson Road. Staff finds that the proposed lot sizes do not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

Variance Request #4 (Lot 3 only)

Section 4-2.5.a.1.d requires the minimum lot frontage along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot frontage along Hudson Road lots is 210.66 feet, and proposed Lot 3 does not comply. However, the existing frontage of Lot 3 is not changing with the proposed plat because the shift is occurring at the back of the site. The existing frontage of 266.43 feet will be retained for proposed Lot 2, and the existing frontage of 152.37 feet will be retained for proposed Lot 3. Given that the lot frontage is not proposed to change with this application, staff finds that the proposed Lot 3 frontage does not conflict with the intent of the Rural Subdivision Regulations and meets all the requirements for the Commission to grant the variance.

PLANNING STAFF COMMENTS

Staff finds that the proposed subdivision is consistent with the intent of the Rural Subdivision Regulations. Furthermore, staff finds that the variances necessary to permit the proposed subdivision are appropriate and meet the standards for the Commission to approve the variance requests.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

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

CONDITIONS

1. On the corrected copy, remove the "To the Applicant" sentence from Note #8.
2. On the corrected copy, surveyor's electronic seal must be signed and dated.
3. On the corrected copy, add Note: Parcels number shown thus (00) pertain to Tax Map 063.
4. On the corrected copy, add "To be retained" next to each existing structure.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
7. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-168-001 with conditions including a variance from Section 4-2.5.a.1.a, Section 4-2.5.a.1.b, Section 4-2.5.a.1.c, and Section 4-2.5.a.1.d of the Metro Subdivision Regulations, based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions including variance Section 4-2.5.a.1.a Section 4-2.5.a.1.d of the Metro Subdivision Regulations. (8-0-1)

Resolution No. RS2022-207

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-168-001 is approved with conditions including a variance from Section 4-2.5.a.1.a Section 4-2.a.1.d of the . (8-0-1)

CONDITIONS

1. On the corrected copy, remove the "To the Applicant" sentence from Note #8.
2. On the corrected copy, surveyor's electronic seal must be signed and dated.
3. On the corrected copy, add Note: Parcels number shown thus (00) pertain to Tax Map 063.
4. On the corrected copy, add "To be retained" next to each existing structure.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
7. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

35. 2022S-169-001
BELLAR SUBDIVISION RESUB LOT 1
Council District 09 (Tonya Hancock)
Staff Reviewer: Dustin Shane

A request for final plat approval to shift lot lines on properties located at 440, 500 Menees Lane, approximately 1,400 feet west of Hudson Road, zoned RS40 (3.03 acres), requested by Galyon Northcutt, applicant; Robert M. & Tonya Hancock, owners.

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

APPLICANT REQUEST

Request for final plat approval to shift lot lines.

Final Plat

A request for final plat approval to shift lot lines on properties located at 440, 500 Menees Lane, approximately 1,400 feet west of Hudson Road, zoned RS40 (3.03 acres).

SITE DATA AND CONTEXT

Location: The site is located on the north side of Menees Lane, east of the Neelys Bend Road and Menees Lane intersection.

Street type: The site has frontage onto Menees Lane, which is classified as a local street in the Major and Collector Street Plan.

Approximate Acreage: 3.028 acres or 131,895.39 square feet.

Parcel/Site History: This site is comprised of two parcels. The parcels were created by plat in 1981.

Zoning History: This site has been zoned RS40 since 1987 (O87-1840).

Existing land use and configuration: The site is developed with one single-family use on Lot 1 (Parcel 182). The existing residential structure, located near the center of the parcel, will be retained, as well as several accessory structures.

Surrounding land use and zoning:

North: Agricultural/Residential (AR2a)
South: Single-Family Residential (RS80)
East: Single-Family Residential (RS40)
West: Single-Family Residential (RS40)

Zoning: Single-Family Residential (RS40)

Min. lot size: 40,000 square feet

Max. height: 3 stories

Min. street setback for properties on Menees Lane: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 15'

Maximum Building Coverage: 0.25

PROPOSAL DETAILS

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

Number of lots: 2 single-family lots

Lot sizes: Lots are approximately 65,860.33 square feet (1.512 acres) (Lot 1) and 66,035.06 square feet (1.516 acres) (Lot 2).

Access: The lots have frontage along the existing Menees Lane and will maintain existing access.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Rural Maintenance (T2 RM) policy. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

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

4-2. Development Standards

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

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

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

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

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

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

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

All existing residential buildings have been shown on the plat.

4-2.5 Rural Character Design

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

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

Lots 1 and 2 are located along an existing street and were reviewed against (a) through (d) below.

a. *Building Setback along existing public streets.*

Complies. The building setbacks are required to be varied, and a minimum setback line is required to be platted when the average setback of abutting parcels is more than the minimum required street setback established by the zoning. The average front setback of the abutting parcels is approximately 129 feet, greater than the 40-foot minimum required setback required by the Zoning Code. The existing building setback on Lot 1 is approximately 254 feet and Lot 2 does not contain a primary structure. The existing setback on Lot 1 exceeds the 129-foot minimum setback line.

b. *Lot Depth along existing public streets.*

Complies. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 429-foot lot depth. As proposed, the depth of Lot 1 is approximately 585.48 feet, and the depth of Lot 2 is approximately 573.85 feet. The proposed lots exceed the 429-foot minimum lot depth.

c. *Lot size along existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size required for Lots 1 and 2 is approximately 1.707 acres or 74,356.92 square feet. The area of Lot 1 is proposed to be 1.512 acres, or 65,860.33 square feet, and the area of Lot 2 is proposed to be 1.516 acres, or 66,035.06 square feet. The proposed lots do not meet the 1.707-acre minimum lot size.

d. *Lot frontage abutting existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along Menees Lane required for Lots 1 and 2 is 132.88 feet. The frontage of Lot 1 is proposed to be 113 feet, and the frontage of Lot 2 is proposed to be 110.4 feet. Neither lot meets the minimum lot frontage length of 132.88 feet.

e. *Street lights.*

Not Applicable for this case.

f. *Cluster lot option.*

Not Applicable for this case.

Subdivision Variances or Exceptions Requested: Yes. This request requires a variance from Section 4-2.5.a.1.c.2 (minimum lot size) and Section 4-2.5.a.1.d (minimum lot frontage) pertaining to Lots 1 and 2.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that “such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.” In order to grant a variance, the Commission must find that:

5. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
7. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

8. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

Variance Analysis

Variance Request #1

Section 4-2.5.a.1.c.2 requires the minimum lot size along existing public streets be equal to or greater than 70% of the average size of surrounding parcels or equal to or greater than the smallest, whichever is greater. In this case, the minimum required lot size is approximately 1.707 acres. As proposed, the size of Lot 1 is approximately 1.512 acres, and the size of Lot 2 is approximately 1.516 acres. Because the existing lots do not meet the minimum lot size requirement currently, and this application merely shifts the property line between them, this request will not change the character of the neighborhood, even if the resulting lots fall short somewhat of the minimum required lot size. Staff finds that the proposed lot sizes do not conflict with the intent of the Rural Subdivision Regulations and meet all the requirements for the Commission to grant the variance.

Variance Request #2

Section 4-2.5.a.1.d requires the minimum lot frontage along existing public streets be either equal to or greater than 70% of the average frontage of the surrounding parcels or equal to or greater than the smallest of the surrounding parcels, whichever is greater. In this case, the minimum required lot frontage is approximately 132.88 feet. As proposed, the frontage of Lot 1 is approximately 113 feet, and the frontage of Lot 2 is approximately 110.4 feet. The existing parcels feature similar noncomplying lot frontage measurements. Shifting the shared lot line will not result in any increase in nonconformity with regard to lot frontage. Given this, Staff finds that the proposed lot frontages do not conflict with the intent of the Rural Subdivision Regulations and meet all the requirements for the Commission to grant the variance.

PLANNING STAFF COMMENTS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING

Approve

WATER SERVICES RECOMMENDATION

Approve

- No objection to shift lot line 13ft.
- Water provided by Madison Suburban Utility District.
- Sewer for lot is provided by Septic System.

MADISON SUBURBAN UTILITY DISTRICT

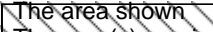
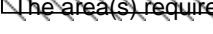
Approve

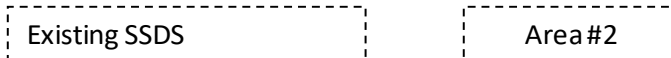
METRO DEPARTMENT OF HEALTH RECOMMENDATION

Approve with conditions

- Lot 2 is labeled as such.
- Insert the septic table and include lot 1 and lot 2. Talk to the homeowner for the number of bedrooms the current house has.

Lot #	Max # Bdrms	Disp. Field Area Available (Sq. Ft.)	Disp. Field Area Required (Sq. Ft.)	Type of System	Restricted Trench Depth	System Size (Sq. Ft./Bdrm)	Pump Required?
1	?	1. Existing System					
		2. 5250		Conv.	24"	330	
2	See note 10 of Health Department Notes						

- Include the following required notes:
 - 1) The Lot 1 has been approved for single family residence(s) only.
 - 2)  thus is to be used for the building site.
 - 3)  The area(s) required for the disposal fields for the sub-surface sewage disposal system (SSDS) are shown thus



- This initial system is to be installed within the boundaries of area #1 and area #2 is to be held in reserve for future use if necessary.
- The areas indicated for the installation of the disposal field piping are to remain undisturbed, in their natural condition. No fill material, driveway, waterline or underground utilities installation is to be allowed within these areas. Cutting or excavating soil within twenty-five (25) feet of the outlined sewage disposal areas may void Metro Public Health Department (MPHD) approval.
- Depending upon house location and finish floor elevation, it may be necessary to install a pump. If a pump is required, contact MPHD at (615) 340-5604 for design specifications.
- MPHD gives no assurance that the SSDS will function satisfactorily. The owner remains responsible for keeping generated sewage from creating a health hazard.
- Any wells located within fifty (50) feet of the outlined sewage areas may void MPHD approval.
- MPHD's approval expires two (2) years after MPHD approval date. At that time, the lot would have to be inspected for disturbances of the soil absorption field areas and conform to all new policies and regulations governing SSDS.
- The area labeled as "Existing SSDS" on the plat is believed to be involved in the septic system serving the existing residence.
- Lot 2 has not received approval for installation of a SSDS from MPHD and cannot obtain building permits until approved.

- Include the MPHD signature block.

STAFF RECOMMENDATION

Staff recommends approval with conditions including a variance from Section 4-2.5.a.1.c.2 and Section 4-2.5.a.1.d of the Metro Subdivision Regulations.

CONDITIONS

- Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
- Comply with all conditions and requirements of Metro reviewing agencies.
- 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.
- The final site plan/building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 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.
- On the corrected plat, label Parcel 56 as Lot 2.
- On the corrected plat, comply with all Metro Health Department requirements.
- On the corrected plat, show zoning boundary with AR2A zone to the north and northwest.
- On the corrected plat, include the surveyor's stamp.
- On the corrected plat, revise drawing and label Parcel 52 which abuts the subject property to the northwest.
- After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-169-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions including variance Section 4-2.5.a.1.c Section 4-2.5.a.1.d of the Metro Subdivision Regulations. (8-0-1)

Resolution No. RS2022-208

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-169-001 is approved with conditions including a variance from Section 4-2.5.a.1.c Section 4-2.5.a.1.d of the . (9-0)

CONDITIONS

1. Prior to any land disturbance within the development footprint, a tree survey shall be provided consistent with the provisions of Rural Character Design, Sec.4-2.5(d) of the Metro Subdivision Regulations.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. The final site plan/building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
5. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
6. On the corrected plat, label Parcel 56 as Lot 2.
7. On the corrected plat, comply with all Metro Health Department requirements.
8. On the corrected plat, show zoning boundary with AR2A zone to the north and northwest.
9. On the corrected plat, include the surveyor’s stamp.
10. On the corrected plat, revise drawing and label Parcel 52 which abuts the subject property to the northwest.
11. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.

H: OTHER BUSINESS

36. Contract Amendment for Matt Schenk, New Employment Contract for Erin McGowan and a 10% Annual Salary Adjustment for Director Based on Executive Committee Recommendation

Resolution No. RS2022-209

“BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Amendment fot Matt Schenk, New employment Contract for Erin McGowan and 10% Annual Salary Adjustment for Director Based on Executive Committee Recommendation is **approved. (9-0)**

37. Bonus Height Certification Memo for Nashville Yards 3a

Resolution No. RS2022-210

“BE IT RESOLVED by The Metropolitan Planning Commission that the Bonus Height Certification Memo for Nashville Yards 3a is **approved. (8-0-1)**

38. Set Public Hearing Date for Amendments to the Subdivision Regulations on September 8, 2022.

Resolution No. RS2022-211

“BE IT RESOLVED by The Metropolitan Planning Commission that the Public Hearing Date for Amendments to the Subdivision Regulations on September 8, 2022 is **approved. (9-0)**

39. Historic Zoning Commission Report
40. Board of Parks and Recreation Report
41. Executive Committee Report
42. Accept the Director's Report

Resolution No. RS2022-212

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved**.
(7-0)

43. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

August 25, 2022

MPC Meeting

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

September 8, 2022

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 7:55 p.m.