

Metropolitan Planning Commission



Staff Reports

October 27, 2022



Metro Planning Commission Meeting of 10/27/2022

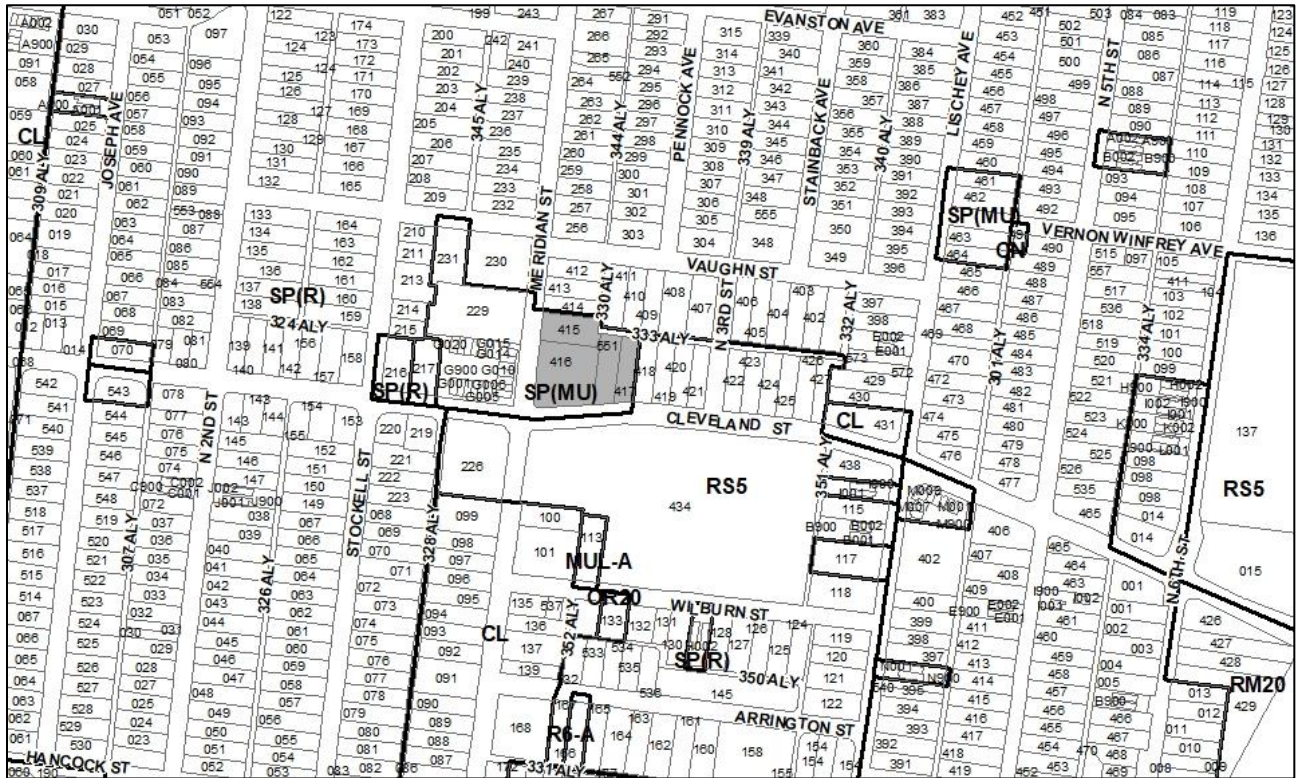
Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure,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



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Metro Planning Commission Meeting of 10/27/2022



2016SP-024-005
MCGAVOCK HOUSE (AMENDMENT)
Map 082-03, Parcel(s) 415-417, 551
05, East Nashville
05 (Sean Parker)



Metro Planning Commission Meeting of 10/27/2022

Item #1	Specific Plan 2016SP-024-005
Project Name	McGavock House (Amendment)
Council District	05 – Parker
School District	05 – Buggs
Requested by	Fulmer Lucas Engineering, applicant; Invent Communities, owner.
Staff Reviewer	Lewis
Staff Recommendation	<i>Defer to the November 10, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Amend SP to increase number of hotel rooms permitted.

Zone Change

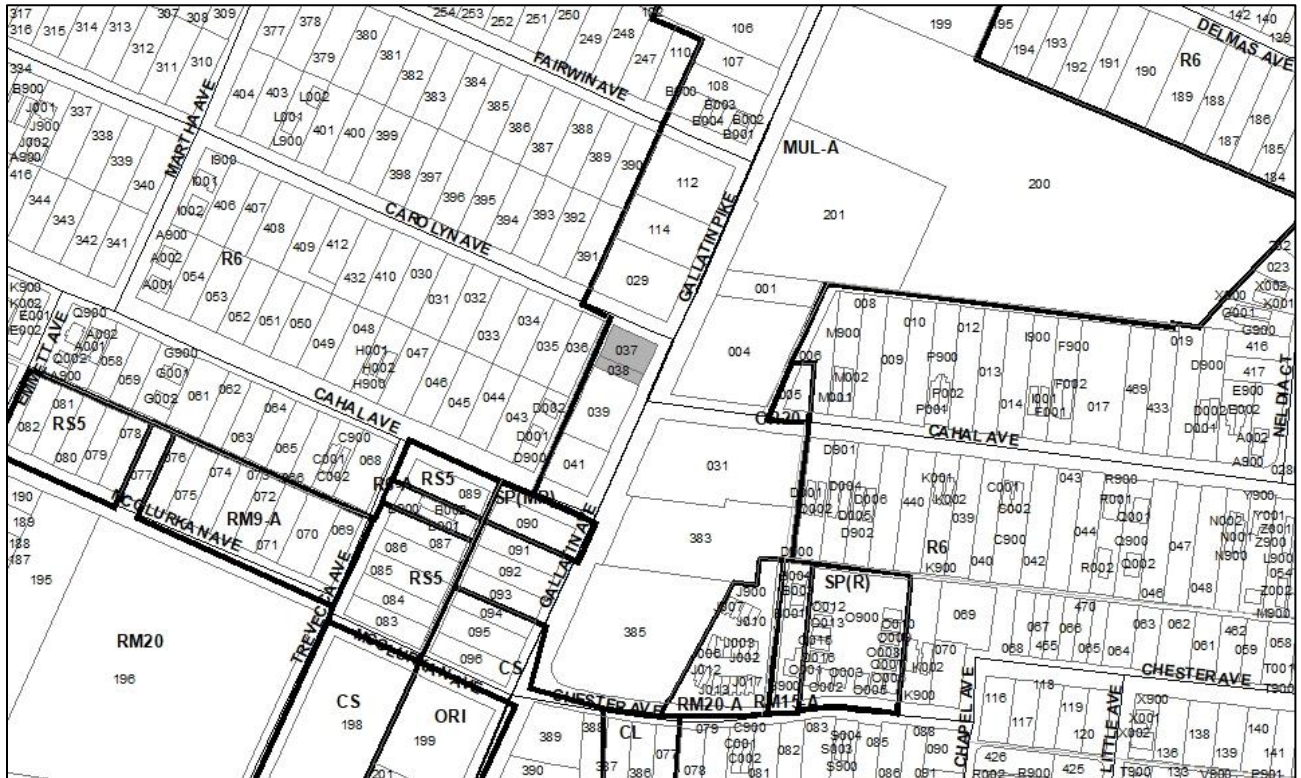
A request to amend a Specific Plan (SP) on property located at 901 and 903 Meridian St & 307 and 309 Cleveland St, at the northeast intersection of Cleveland Street and Meridian Street (1.35 acres), zoned SP, to permit a new hotel structure and increase the number of permitted hotel rooms from 35 to 54.

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



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2022SP-040-001
2635 GALLATIN AVE DOG DAYCARE
Map 072-13, Parcel(s) 037, 038
05, East Nashville
05 (Sean Parker)



Metro Planning Commission Meeting of 10/27/2022

Item #2
Project Name Specific Plan 2022SP-040-001
Council District 2635 Gallatin Ave Dog Daycare
School District 05 - Parker
Requested by 5 – Buggs
Paws Up Capital, applicant; McQuest Properties, LLC,
owner.

Deferrals This item was deferred at the October 13, 2022, Planning Commission meeting. No public hearing was held.

Staff Reviewer Elliott
Staff Recommendation *Defer to the November 10, 2022, Planning Commission meeting.*

APPLICANT REQUEST

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

Preliminary SP

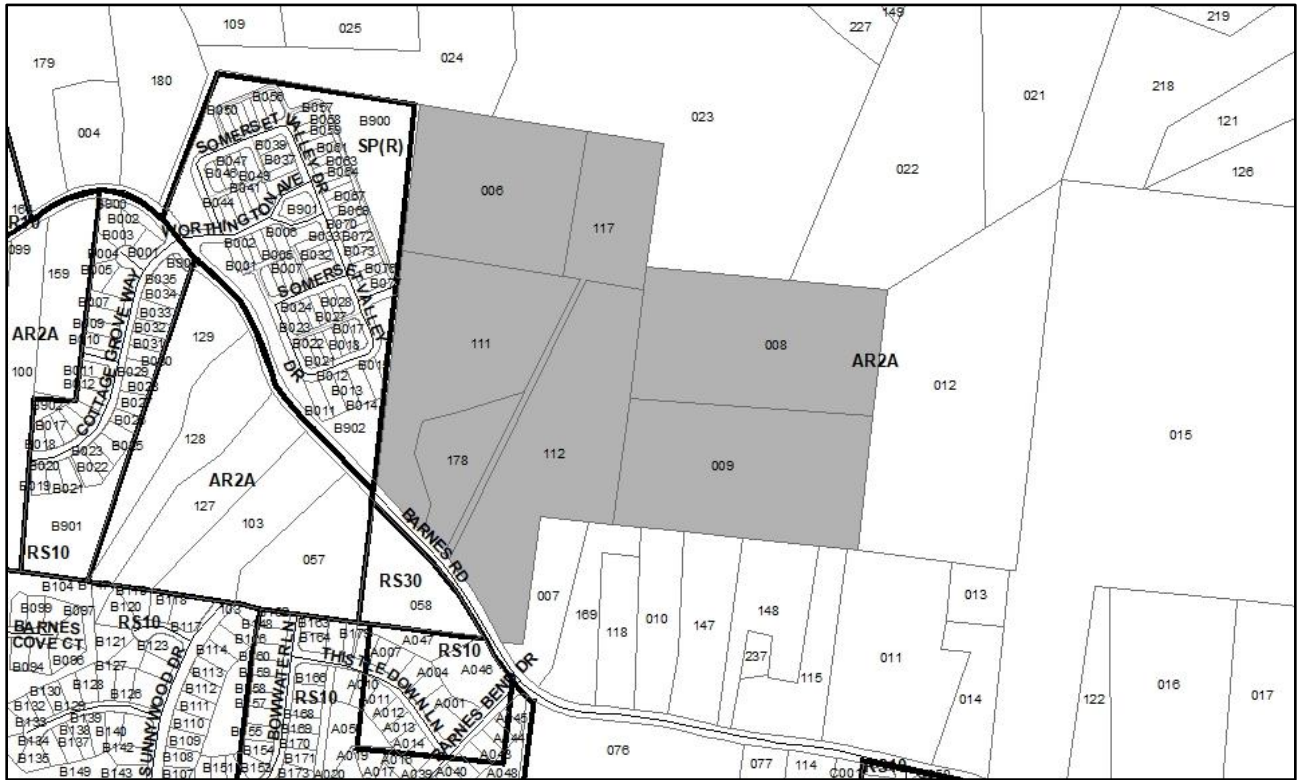
A request to rezone from Mixed-Use Limited-Alternative (MUL-A) to Specific Plan (SP) zoning for property located at 2631 and 2635 Gallatin Avenue at the corner of Carolyn Avenue and Gallatin Pike (0.19 acres), and within the Gallatin Pike Urban Design Overlay, to permit all uses of MUL-A plus Kennel and to adjust the standards required for a Kennel.

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/27/2022



2022SP-065-001

BARNES ROAD

Map 173, Parcel(s) 006, 008-009, 111-112, 117, 178

12, Southeast

31 (John Rutherford)



Metro Planning Commission Meeting of 10/27/2022

Item #3	Specific Plan 2022SP-065-001
Project Name	Barnes Road
Council District	31 – Rutherford
School District	02 – Elrod
Requested by	Dale & Associates, applicant; Stonewall Jackson, Jr., Ralph M. Wair, Jr., Ralph M. Wair, Sr., and Lisa May Wair, owners.
Staff Reviewer	Anthony
Staff Recommendation	<i>Defer to the November 10, 2022, Planning Commission meeting</i>

APPLICANT REQUEST

Preliminary SP to permit 152 residential units.

Preliminary SP

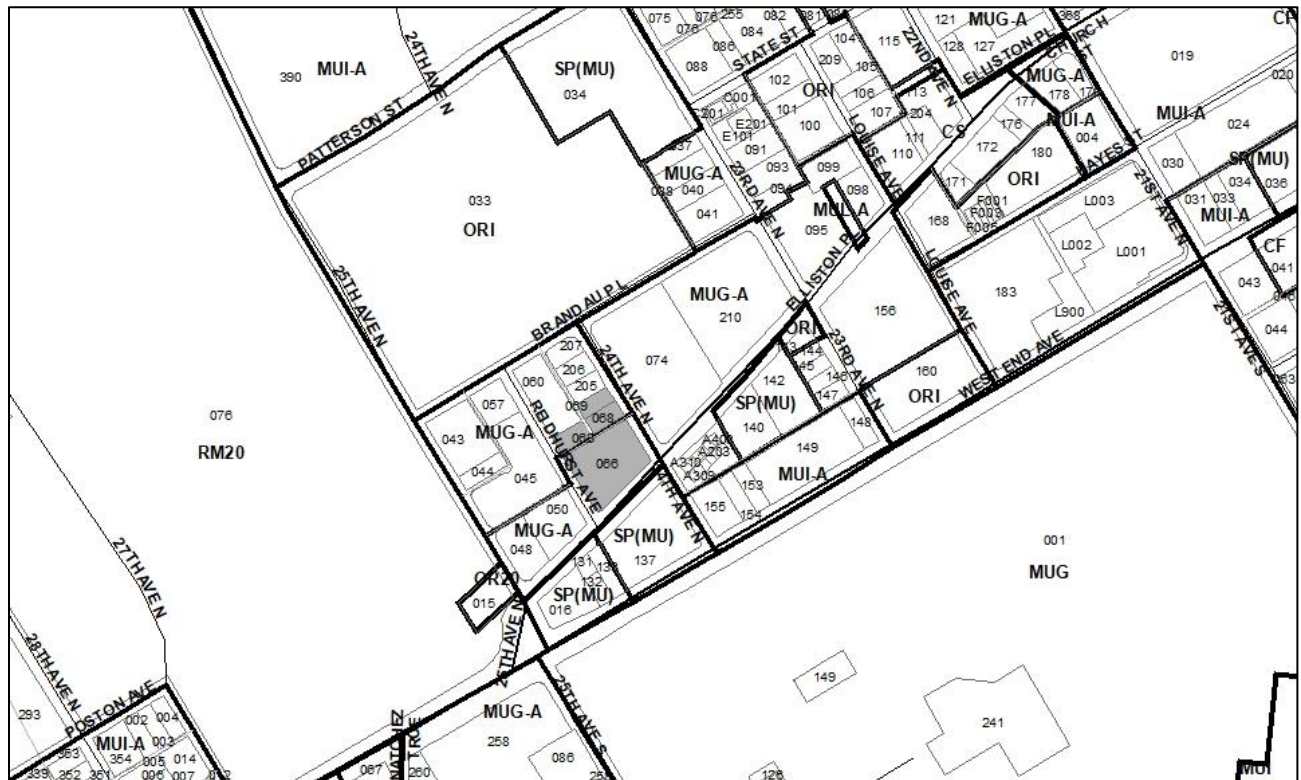
A request to rezone from Agricultural/Residential (AR2a) to Specific Plan-Residential (SP-R) zoning on properties located at 1094, 1098, 1104, and 1110 Barnes Road and Barnes Road (unnumbered), approximately 36 feet east of Sidney Drive (54.05 acres), to permit 16 single-family units and 136 detached multi-family units.

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



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2022SP-069-001

2400 ELLISTON PLACE SP

Map 092-15, Parcel(s) 066, 068-069

10, Green Hills – Midtown

21 (Brandon Taylor)



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Item #4	Specific Plan 2022SP-069-001
Project Name	2400 Elliston Place SP
Council District	21 – Taylor
School District	05 – Christiane Buggs
Requested by	Catalyst Design Group, applicant; Lorlyn, LLC and RMRTN, LLC, owners.
Staff Reviewer	Shane
Staff Recommendation	<i>Defer to the November 10, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

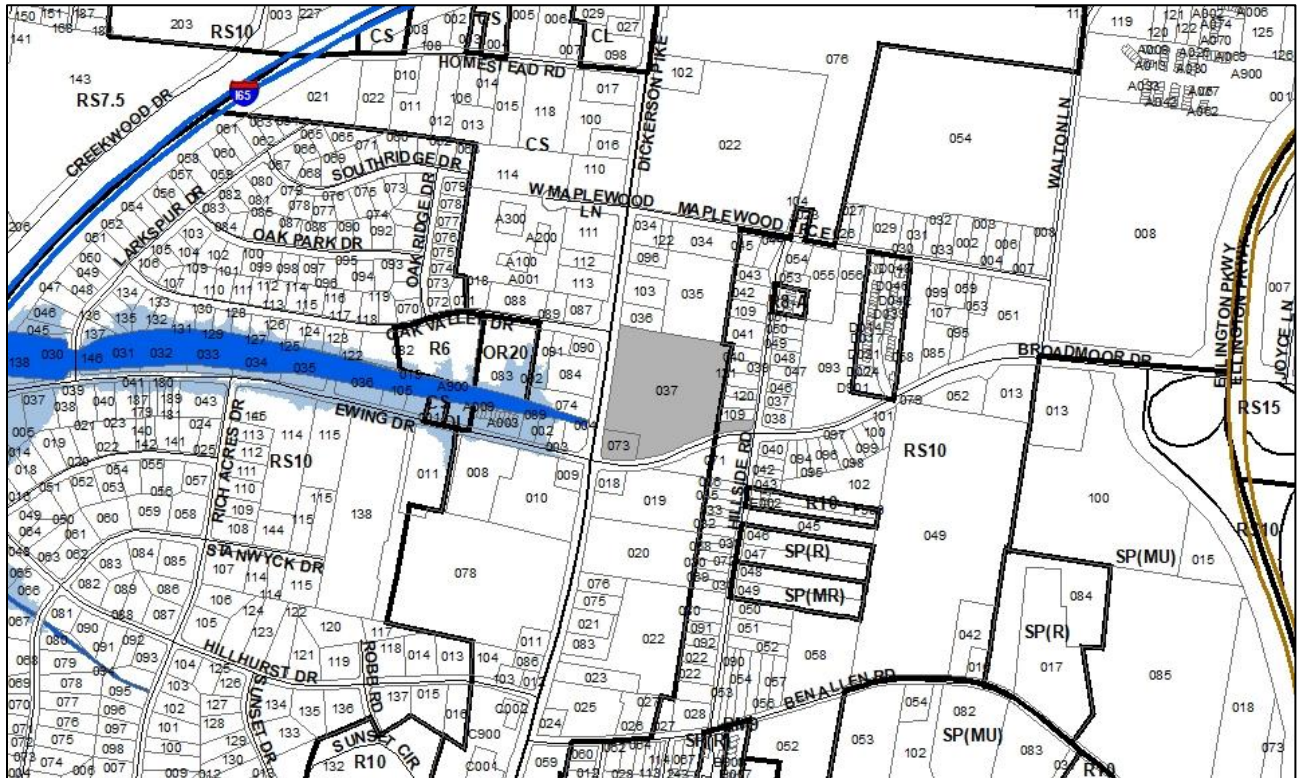
A request to rezone from Mixed Use General-Alternative (MUG-A) to Specific Plan (SP) zoning for properties located at 2400 Elliston Place, 207 and 209 24th Avenue North, and 206 Reidhurst Avenue, at the corner of Elliston Place and 24th Avenue North (1.38 acres), to permit 350 multi-family residential units and 12,500 square feet of commercial use.

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting at the request of the applicant.



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2022Z-098PR-001

Map 060-04, Parcel(s) 037

Map 060-08, Parcel(s) 073

05, East Nashville

08 (Nancy VanReece)



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Item #5	Zone Change 2022Z-098PR-001
Council District	08 – VanReece
School District	03 – Masters
Requested by	Councilmember Nancy VanReece, applicant; Hill Revolver, LLC, owner.
Staff Reviewer	Elliott
Staff Recommendation	<i>Defer to the December 8, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Rezone from CS to MUG zoning.

Zone Change

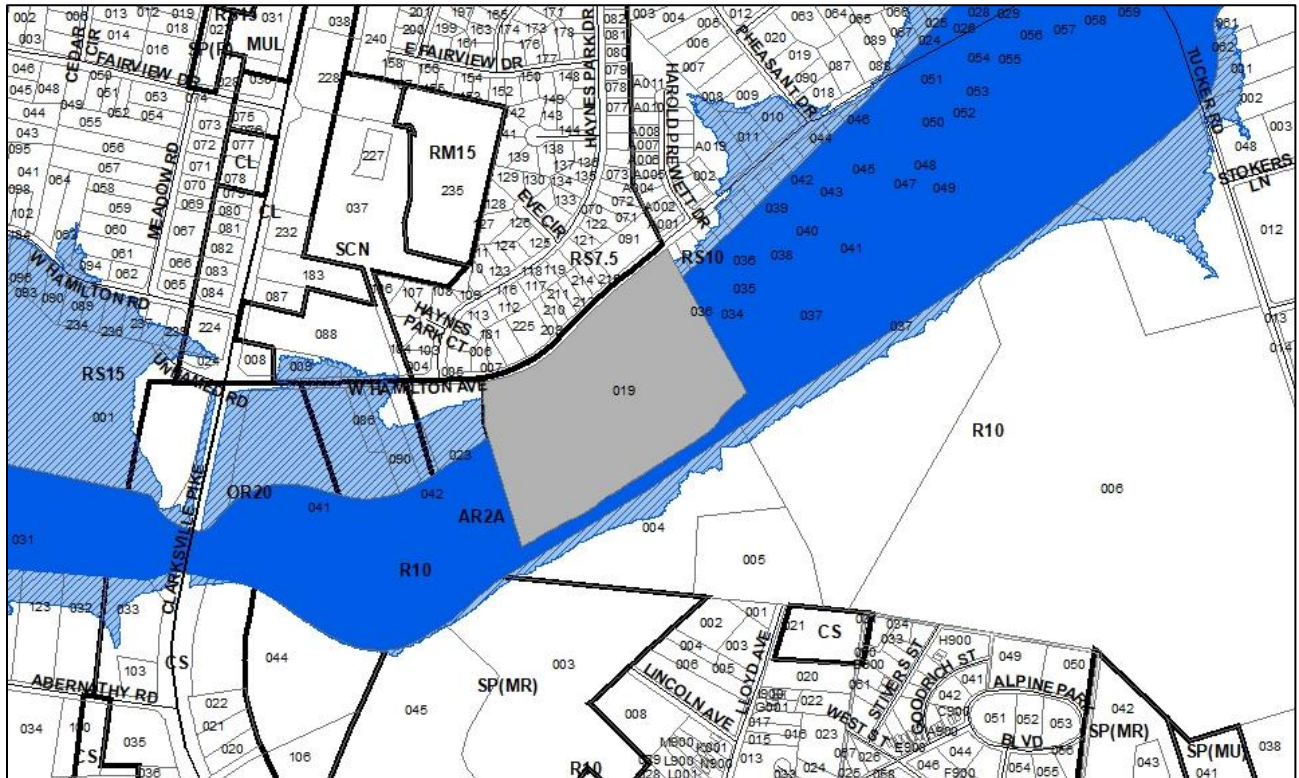
A request to rezone from Commercial Service (CS) to Mixed Use-General (MUG) zoning for properties located at 3101 and 3105 Dickerson Pike, at the northeast corner of Dickerson Pike and Broadmoor Drive (9.13 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 8, 2022, Planning Commission meeting at the request of the applicant.



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2022S-200-001
PLAN OF HAMILTON PLACE
Map 069-08, Parcel(s) 019
03, Bordeaux-Whites Creek-Haynes Trinity
01 (Jonathan Hall)



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Item #6	Final Plat 2022S-200-001
Project Name	Plan of Hamilton Place
Council District	01 – Hall
School District	01 – Gentry
Requested by	Clint Elliott Survey, applicant; Thomas G. Williams, owner.
Deferrals	This request was deferred from the September 8, 2022, Planning Commission meeting. No public hearing was held.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Defer to the November 10, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for final plat to create 12 residential lots.

Final Plat

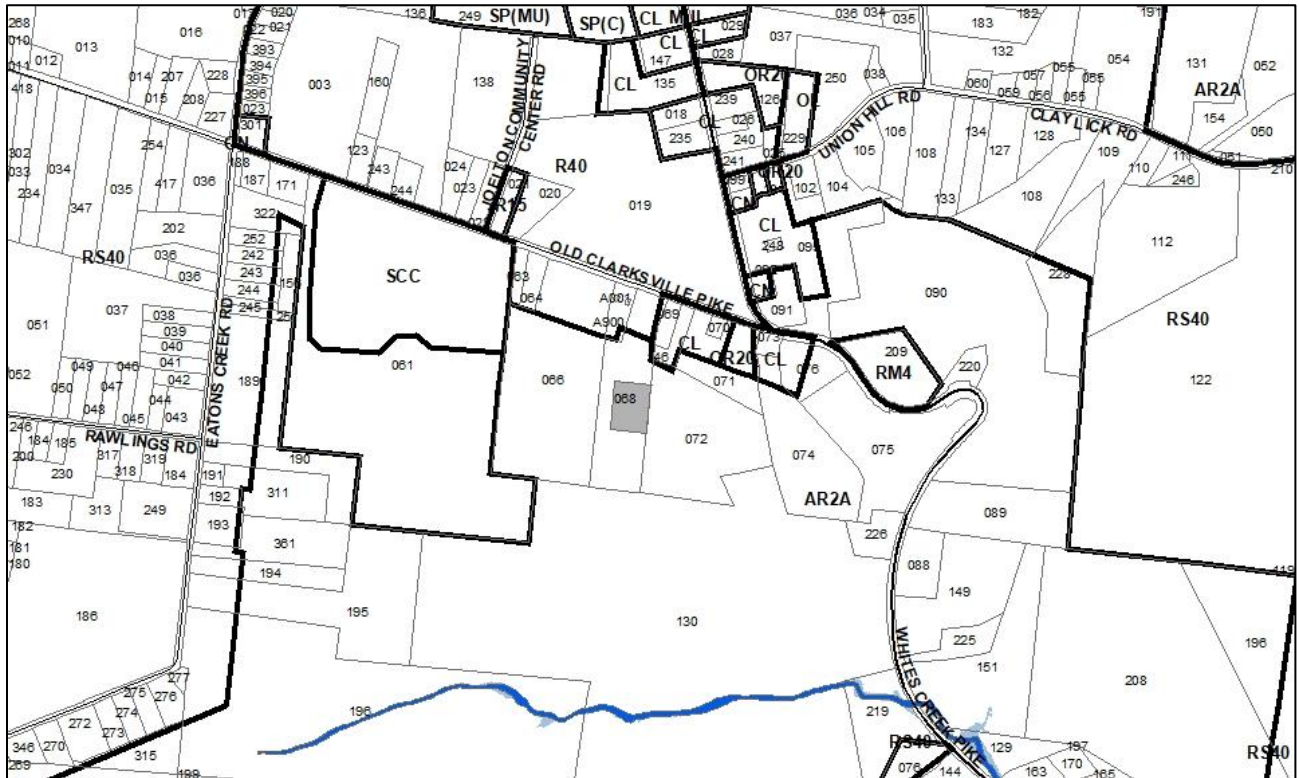
A request for final plat approval to create 12 lots on property located at 3465 W Hamilton Avenue, approximately 223 feet southeast of Haynes Park Court, zoned Single-Family Residential (RS10) (20.85 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



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2022S-247-001

MILLIE SWEENEY & KIRK M. SWEENEY

Map 022, P/O Parcel 068

01, Joelson

01 (Jonathan Hall)



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Item #7	Final Plat 2022S-247-001
Project Name	Millie Sweeny & Kirk M. Sweeny
Council District	01 – Hall
School District	01 – Gentry
Requested by	Chap Surveyors, applicant; Millie & Kirk M Sweeny, owners.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Defer to the November 10, 2022, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for final plat to create one residential lot.

Final Plat

A request for final plat approval to create one lot on a portion of property located at 3525 Old Clarksville Pike, approximately 606 feet west of Whites Creek Pike, zoned Agricultural and Residential (AR2A), (2.05 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



NO SKETCH



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Item #8	Text Amendment 2022Z-013TX-001
Project Name	Parking Minimums in the UZO
Council Bill No.	BL2022-1412
Council District	UZO Districts
School District	UZO Districts
Requested by	Councilmembers Colby Sledge, Freddie O’Connell, Brett Withers, Ginny Welsch, Angie Henderson, and Tonya Hancock
Staff Reviewer	Shane
Staff Recommendation	<i>Approve with a substitute.</i>

APPLICANT REQUEST

Amend the Zoning Code relative to parking minimums in the UZO.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend Section 17.20.040 of the Zoning Code to eliminate parking minimums in the Urban Zoning Overlay (UZO).

These proposed changes of the bill as filed are shown below:

Section 1. That Section 17.20.040 of the Metropolitan Code of Laws is hereby amended by deleting Subsection G in its entirety and substituting the following:

G. Within the Urban Zoning Overlay, no parking shall be required.

BACKGROUND

Minimum parking requirements legally bind property- and homeowners to build and maintain a certain number of automobile parking spaces onsite to be granted development permits and operate. At a time when the Mayor’s Sustainability Advisory Committee Report lists reducing vehicle miles travelled as a key mitigation strategy of the city’s climate change action plan, requiring parking assumes universal car ownership and promotes private automobile travel as the preferred means of transportation. The consequences for urban form, traffic congestion, and environmental impacts are well documented: mandatory parking increase sprawl, encourage travel by personal car (thereby worsening traffic), and release more greenhouse gasses into the atmosphere than any other use (51%) according to the latest greenhouse gas inventory. More importantly for Nashville, requiring parking lots reduces the amount of housing that can be provided on any given property, contributing to the housing shortage and the rapidly increasing home prices that disproportionately affect low-income Nashvillians.

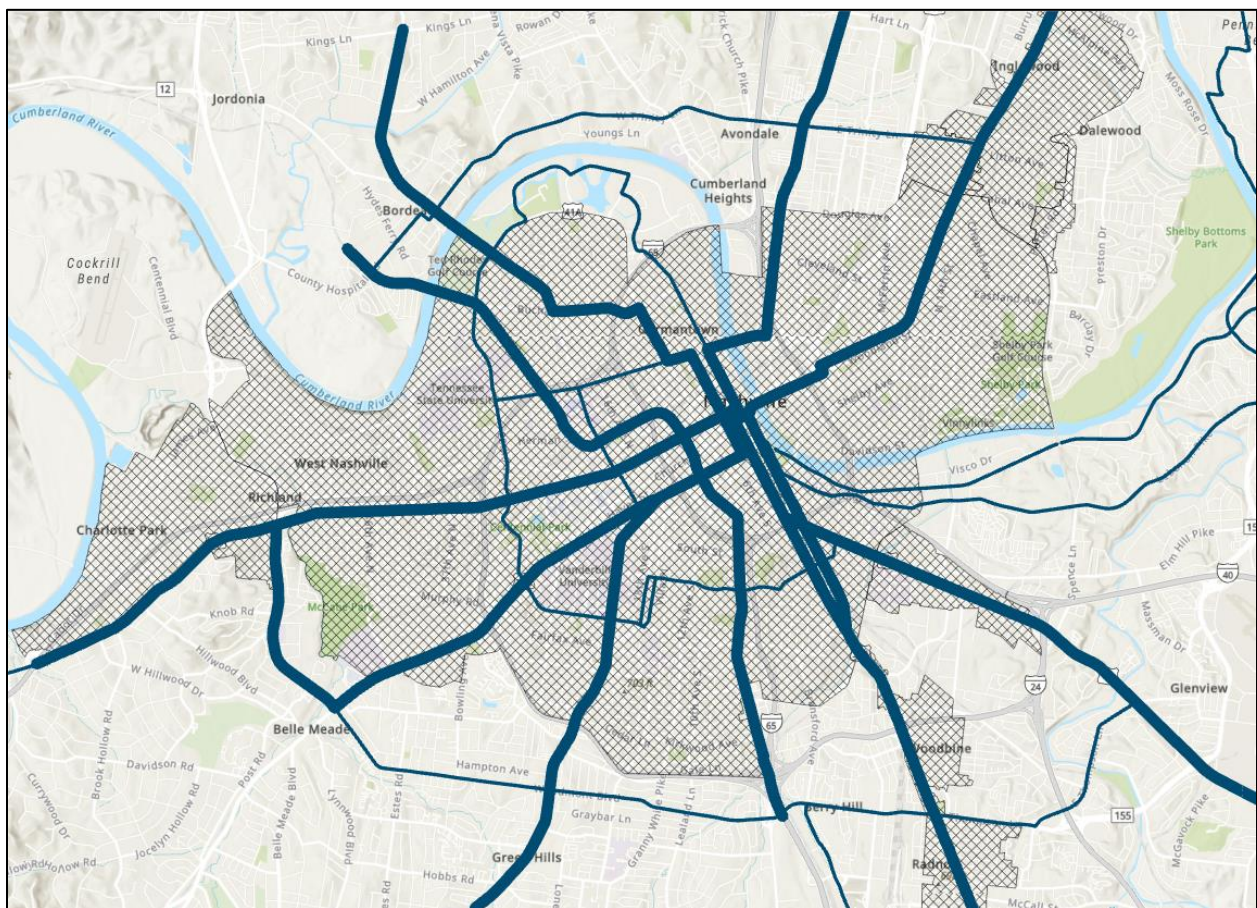
For larger projects, economics can justify the provision of structured parking to meet these requirements (though usually by increasing the cost of housing). However, many smaller and “missing middle” developments, which historically were the most important sources of low-cost housing, have neither the financial margin nor the physical space to provide parking at the required ratio, and so never get built. NashvilleNext offers that alternatives to parking minimums “can



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reduce the cost of residential units, free up property space for other activities, make some development much more profitable, and support walkability and transit use.”

Despite these benefits, many have concerns about ease of access for motorists and potential spillover effects in neighborhoods adjacent to commercial areas if parking is not mandated. It’s worth noting, though, that the Zoning Code currently requires no parking within areas zoned DTC (the Downtown Core), or within the UZO along multimodal corridors as designated in the Major and Collector Street Plan (MCSP) if the lot or parcel has a majority of its frontage on the multimodal corridor. These multimodal corridors are shown below. Nearly all of the major commercial corridors within the UZO are designated multimodal corridors, meaning parking is already not required for many commercial developments within this area.



Multimodal Corridors and the UZO

ANALYSIS

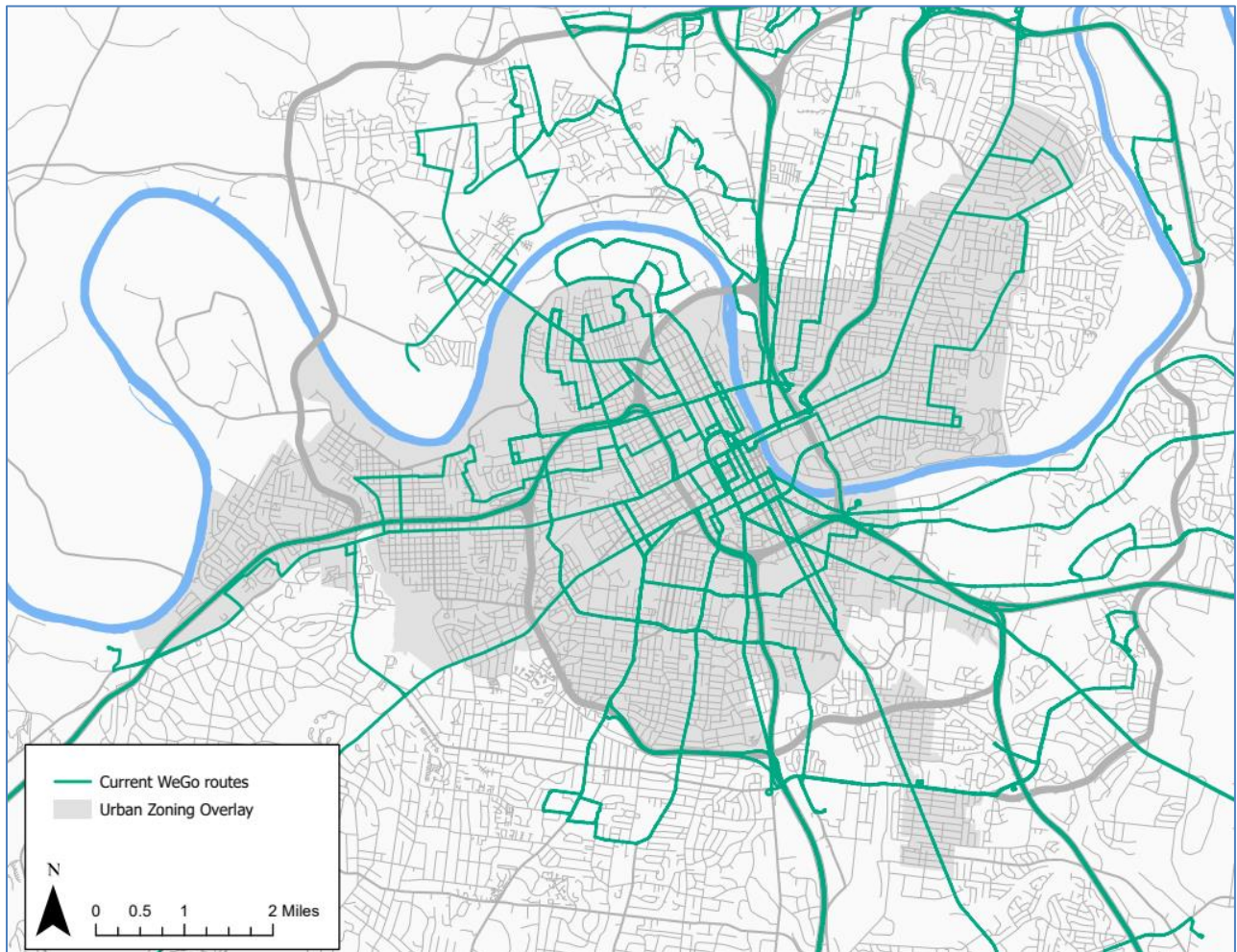
The bill as filed removes minimum parking requirements within the UZO. The substitute also removes minimum parking requirements within the UZO but retains the UZO parking standards as parking maximums within the UZO. In other words, no parking would be required but if parking is provided the standards are now a maximum within the UZO. For all approved SPs and any UDOs outside the UZO which reference the UZO parking standards, the UZO standard will continue to act as a parking minimum. A related amendment is also included in the substitute that establishes the



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UZO parking standard as the threshold when calculating floor area ratio (FAR) exemptions for uses that do not require parking. Structured parking provision up to and including the UZO standard is not counted as floor area for the purposes of determining the building area allowable on a site, even when parking is not required.

As stated above, a significant percentage of development within the UZO is already exempt from these requirements by virtue of being located along a multimodal corridor, but other factors also support the rationale behind the bill. The UZO is well-served by WeGo bus routes, as seen below.

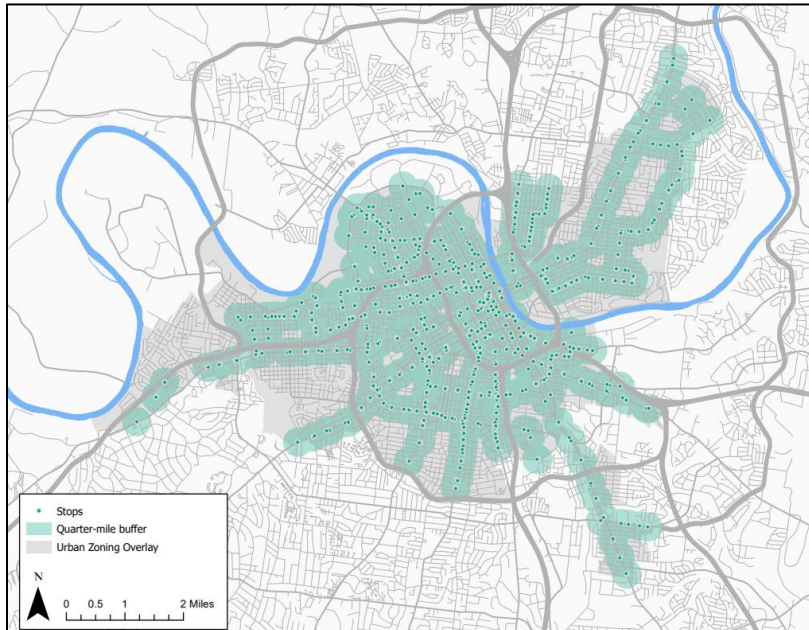


WeGo Bus Routes in the UZO



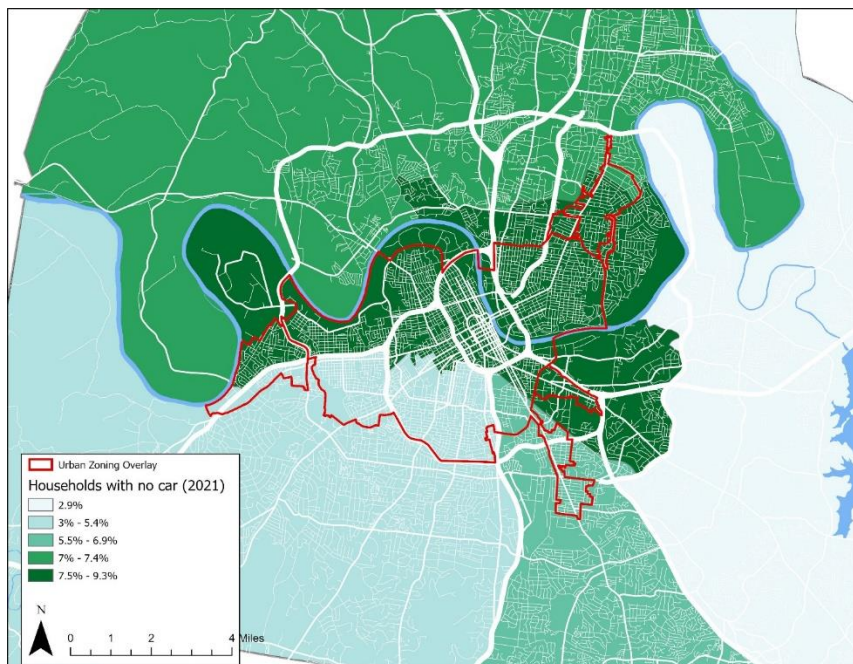
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GIS analysis reveals that the vast majority of the properties within the UZO are within a quarter mile of a WeGo bus stop.



Area within a Quarter-Mile of WeGo Bus Stops in the UZO

Car ownership is lowest within the UZO, signaling that many within Nashville's core already choose alternate means of transportation for many trips.



Households with no car in the UZO



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As land becomes more valuable in Nashville, minimum parking requirements represent an increasingly onerous cost on residents and property owners. Recent trends indicate that more people are ridesharing, riding transit, and walking to their destinations within dense urban cores across the country. Removing the parking requirements set by Code within the densest part of the city will allow owners and developers to set their own parking levels based on their anticipated needs, up to a certain threshold. This can help to reduce costs by allowing a more responsive development environment. It can also help to reduce sprawl, divert trips away from congestion-causing personal automobiles, and lower greenhouse gas emissions.

Potential overflows of parking onto neighborhood streets could be mitigated by an expansion of NDOT's Residential Parking Permit program which helps ease the impacts of non-resident parking in neighborhoods along streets where space is limited (usually adjacent to commercial properties).

WeGo public transit provides reliable service in much of the urban core to handle the growing volume of trips resulting from Nashville's growth. Ignoring transit, existing no- and low-car households, and innovations like ridesharing by mandating parking nudges more people into reliance on cars and car ownership. When residents with options to walk, bike, or take transit default to driving, it worsens congestion and requires more space and public funding for roadways. The proposed amendment allows Nashville to adapt to this new reality and gives owners and developers the ability to fit modestly scaled density into appropriate areas. For these reasons, planning staff recommends approval of the proposed text amendment with a substitute.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17 with a substitute

SUBSTITUTE ORDINANCE NO. BL2022-1412

An ordinance to amend Sections 17.12.070, 17.20.030, and 17.20.040 of the Metropolitan Code of Laws relative to parking minimums (Proposal No. 2022Z-013TX-001).

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

Section 1. That Section 17.12.070 of the Metropolitan Code shall be modified as follows:

D. Parking Exemptions. In all districts the floor area used for the provision of off-street parking spaces or loading berths (and the driveways and maneuvering aisles for those spaces and berths) shall not be counted as floor area for the purpose of calculating floor area ratio when such spaces or berths are used to satisfy the parking demands for the principal use(s) on the parcel. When no parking is required, provision of off-street parking spaces shall not be counted as floor area for the purpose of calculating



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floor area ratio when such spaces or berths do not exceed the parking maximum set by the UZO District standard in Table 17.20.030.

Section 2. That the Parking Requirements Table in Section 17.20.030 of the Metropolitan Code is hereby amended as shown in Exhibit A.

Exhibit A:

TABLE 17.20.030: PARKING REQUIREMENTS	
Land Use	Minimum Parking Spaces <u>Outside the UZO</u> <u>UZO District: Maximum Parking Spaces</u>

Section 3. That Section 17.20.040 of the Metropolitan Code of Laws is hereby amended by deleting Subsection G in its entirety and substituting the following:

G. Within the Urban Zoning Overlay, no parking shall be required. UZO parking standards and requirements in this Section shall be construed as parking maximum requirements within the UZO and parking minimum requirements within any UDOs outside the UZO or SPs which reference these requirements. The UZO parking requirement shall also be used to determine floor area ratio exemptions as set out in Section 17.12.070.D of this Ordinance for uses that are not required to provide parking.

Section 4. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 5. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.



SEE NEXT PAGE



NO SKETCH



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Item #9	Text Amendment 2022Z-014TX-001
Project Name	Tree Canopy Preservation
Council Bill No.	BL2022-1409
Council District	Countywide
School District	Countywide
Requested by	Councilmember Kathleen Murphy
Staff Reviewer	Pike and Harrison
Staff Recommendation	<i>Disapproval as filed and approval with a substitute.</i>

APPLICANT REQUEST

Amend Titles 2 and 17 of the Metropolitan Code of Laws, to amend Chapters 17.04, 17.20, 17.24, 17.28 and 17.40 pertaining to the Tree Preservation, Protection and Replacement.

PROPOSED AMENDMENTS TO TITLE 2

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

BACKGROUND

In 2010, Nashville completed its first assessment of the city’s tree canopy, which included an understanding of where trees exist and recommendations on where trees could be planted. This was followed in 2012 by the creation of the Metro Landscape Coordination program, which spearheaded preparation of the Metropolitan Nashville Urban Forestry and Landscape Master Plan (Master Plan) finalized in 2016. The Master Plan established tree canopy goals based on the Community Character Transects, which divides the county into categories ranging from T1 Natural to T6 Downtown. To ensure that tree canopy targets match the characteristics of each transect, the tree canopy goal ranges from 65% canopy in T1 Natural and T2 Rural areas, to 35% canopy in T4 Urban Areas, and 10% canopy in the T6 Downtown transect.

NashvilleNext, Metro’s General Plan adopted in 2015, identifies protection and enhancement of Nashville’s tree canopy as a county-wide goal due to the benefits trees provide in terms of enhancing air and water quality, moderating temperature, providing wildlife habitat, and enhancing the beauty and livability of Nashville’s built areas. Action items identified to achieve this goal include implementation of the Master Plan and its tree canopy goals.

According to analysis provided by Metro Water Services and Stormwater, Metro Nashville lost approximately 918 acres of tree canopy to development between 2008 and 2016, which is an approximately 13% decrease over an eight year period. The loss of trees was concentrated in the Urban Zoning Overlay (UZO), encompassing the urban core, which experienced a loss of 739 acres of tree canopy. Although the Metro tree canopy has not been measured since 2016 Staff can assume that the loss of canopy has, at a minimum, continued at the previous pace and an additional 10% of the tree canopy has been lost. The urban tree canopy is flown every 5 years and will again be analyzed in 2023.

To begin to address the loss of tree canopy and take steps toward meeting the goals outlined in *NashvilleNext* and the Master Plan, Councilmember Murphy introduced legislation to amend



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portions of Chapter 17.20, 17.24, 17.28 and 17.40 of the Metro Zoning Ordinance. Chapter 17.24 establishes requirements for landscaping and buffering to provide for screening of development and parking areas and buffer yards separation between varying intensities of uses. Chapter 17.28 establishes tree types, tree preservation, replacement of trees removed during development, protection of trees and less desirable trees. Article X of Chapter 17.40 establishes the tree protection and replacement procedures, and tree removal permit process.

PROCESS AND STAKEHOLDER ENGAGEMENT

The proposed legislation was introduced at Council on September 6, 2022, referred to the Planning Commission and deferred to the October 27 Planning Commission meeting. The bill was drafted by Nashville tree advocate groups in conjunction with Councilmember Murphy. Prior to filing, advocates spoke with conservation groups, council members, and the Realtor Association. They indicated that continued outreach and engagement would be held during the formal review period. Metro Staff worked closely with tree advocates and Councilmember Murphy to revise the filed bill.

Beginning in September, Planning staff met twice weekly with Urban Forestry staff of the Metro Codes Department who will implement the proposed legislation if adopted. Feedback from these meetings was considered in the development and refinement of staff's recommendations and the proposed substitute bill.

SUMMARY OF CURRENT CODE, LEGISLATION AND PROPOSED SUBSTITUTE

The legislation as originally filed proposed amendments to Section 2.104.070 and Chapters 17.20, 17.24, 17.28 and 17.40 of the Zoning Code. Based on analysis and discussion with Urban Forestry, staff a substitute ordinance which expands the scope of the amendments to include portions of Chapter 17.04, General Provisions and Definitions.

ANALYSIS

Analysis focused on a few key areas of the amendment including tree preservation requirements, replacement of trees, perimeter and interior parking lot requirements, the proposed 5-year look back period, buffers, and single-family residential requirements.

Generally, the proposed updates will bring various sections of the Zoning Ordinance closer in line with *NashvilleNext* goals to protect and enhance Nashville's tree canopy. More detailed analysis of each topic area and discussion of staff's recommended substitute follows.

The table on the following pages highlight the key elements of the existing code, the ordinance as filed by Council in September 2022, and the substitute proposed by staff. While there are more changes in some sections, the "Proposed Substitute" column is focused on the more critical aspects within their respective sections.



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The section numbers in the chart are shown with the strikethrough and underline protocol to indicate the proposed changes in these numbers with the deletion and insertion of sections in the bill. Bill Section, Code Location and Title	BL2022-1409 (September referral from Metro Council)	Proposed Substitute
Section 1 - 2.104.070 Metro arborist license	<ol style="list-style-type: none"> 1. Adds requirements to increase liability coverage 2. Adds ability to rescind permit if not following specific standards 3. Allows for Codes to set permit fee 	Changed term ‘permit’ to ‘license’ and changed appeals process to match existing language in code.
Section 2– Added Section to Amend 17.04.060 Definitions of general terms		New section added to relocate proposed new definitions and additional terms
Section 2 - 17.020.120.C.2 Sidewalk design standards	<ol style="list-style-type: none"> 1. Requires street trees in all developments, instead of MF and NR 2. Street trees in DTC and R/RS will not count toward Tree Density Units (TDU) 3. Requires street trees or to be paid to tree bank as determined by Codes Admin 	Deleted this section
Section 3- 17.20.090.B.2.h		Housekeeping to match other amendments
Section 3 - 17.24.020 Landscape plan required	Increases the requirements for items to be shown on a landscape plan, including proposed removals and tree protection zones	No changes
Section 5– 17.24.030 Plant Standards		Created a new section on Plant Standards
Section 4 - 17.24.050 Exemptions Landscape requirement exemptions	Removes tractor trailer staging and parking from exemptions of this chapter	Clarified applicability
Section 5 - 17.24.060 Special screening requirements	Increases buffers when lots back up to local, collector, and arterial	No changes
Section 6 - 17.24.070 Scenic landscape easements	<ol style="list-style-type: none"> 1. Removes Major and Collector Street Plan (MCSP) language and renames it to one with no definition 2. Requires all T2 subdivisions along MCSP roads to add a scenic buffer instead of only along Scenic Arterials 3. Increases buffer width and type 4. Requires invasive species removal and maintenance 	Deleted this section.
Section 7 - 17.24.075 Plans for Street Trees and Streetscape	1. Removes urban forester and NDOT from determination relies on Codes Admin and Planning Director	Deleted this section.



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	2. Does not permit waivers, still required to plant elsewhere	
Section 8 - 17.24.080 Maintenance of required landscape materials	<ol style="list-style-type: none"> 1. Adds language about watering requirements 2. Requiring constant invasive plant species removal 3. Adds requirements for how to maintain landscaping per ANSI standards 4. Adds requirement for species replacement if plant material dead within a year 	Modified language relating to how watering should occur. Removed invasive removal language.
Bill Section, Code Location and Title	BL2022-1409 (September referral from Metro Council)	Proposed Substitute
Section 9 - 17.24.090 Landscape Bonds		Created a new section on Landscape Bonds
Section 910 - 17.24.150 Perimeter screening requirements	<ol style="list-style-type: none"> 1. Increases tree requirements from every 50' to 30' of frontage 2. Requires canopy tree instead of any tree 3. If canopy tree is not possible, understory tree for every 20' frontage 	Changed spacing from 30' to 40'. Allowed 1:1 replacement of understory trees for canopy trees in the event of utility conflicts.
Section 1011 - 17.24.150-1&2 Figures for Perimeter screening requirements	Modifies figures based on changes to 17.24.150	Updated figure to match 40' requirement. Removed Figure 2 since no edits were being proposed.
Section 1112 - 17.24.160 Interior planting requirements	Increases interior parking lot trees from one per 15 parking spaces to one tree per 10 spaces	<p>Removed proposed changes to increase interior tree planting within parking areas.</p> <p>Added language to increase square footage for islands and Urban Forestry approval for trees when proposed to be located adjacent to lighting and transformers.</p> <p>Removed language related to dripline. The dripline tree preservation standard has been modified in section 17.28.065.F which is in Section 14 of the proposed substitute.</p>
Section 12 - 17.24.190 Exemptions Landscape buffer exemptions	Requires buffers when zone change occurs along alley	Deleted this section.
Section 13 - 17.24.200 Determination of landscape buffer yard requirements	<ol style="list-style-type: none"> 1. Removes language allowing Zoning Administrator to consider future rezonings to determine buffer requirements 2. Requires site be fully brought into compliance if there are changes to the site 	No changes
Section 14 - 17.24.210 Landscape buffer yard design and materials	Requires continuous removal of invasive plant	Relocated to 17.24.030



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Section 15 - 17.24.230 Landscape buffer yard requirements	Requires buffers between same zoned residential districts	Deleted this section.
Section 1614 - 17.24.240 Landscape buffer yard standards	Increases tree and shrub amounts required within 'A' buffer yards	No changes
Section 17.A - 17.28.065.A Trees	New proposed section - Adds definitions	Relocated definitions to new section to amend 17.04.060.
Bill Section, Code Location and Title	BL2022-1409 (September referral from Metro Council)	Proposed Substitute
Section 1715.BA - 17.28.065.BA Trees Applicability	New proposed section - Takes away sites that are normally exempt from certain requirements	Modified this section to clarify exemptions.
Section 1715.CB - 17.28.065.CB Designation of tree types	Capitalizes heritage trees	Revisions made to match other amendments
Section 1715.DC - 17.28.065.DC Tree preservation	<ol style="list-style-type: none"> 1. Requires a tree survey for all developments 2. Requires tree retention based on current canopy coverage and transect 3. Requires Tree Save areas on all developments which includes SF lots 	Updated chart to reflect zoning based tree preservation. Removed infill language.
Section 1715.ED - 17.28.065.ED Replacement of trees	<ol style="list-style-type: none"> 1. Adds 5 year look back language 2. Increases TDU on SF development from 14 to 22 3. Removes exemption for already approved plans and AR2a lots 4. Requires more trees in 1-2 Family and to be located 15' from building envelope 5. Applies to all 1-2 Family seeking final approvals in Codes 6. Requires bonds for landscaping 7. Counting 50% of building area towards landscape calculations 8. Only 50% of buffer trees to count toward TDU 9. Invasive removal requirement for credit 10. Street trees in 1-2 family development will not count toward TDU 	<p>Modified language to match related code changes.</p> <p>17.28.065.E.3.c.ii – Added in site plan language that was previously in the code. Included exemptions for AG and AR2a. Removed language requiring trees to be a certain distance from building envelope. Removed infill language.</p> <p>17.28.065.E.3.d – Deleted the section regarding planting times and bonds. Planting season now defined and relocated to appropriate section, and bonds are in a new section 17.24.092</p> <p>17.28.065.E.3.e.i - Deleted the section concerning 50% building coverage counted toward TDU determination.</p> <p>17.28.065.E.3.g – Removed allowance for only 50% of buffer trees to count toward TDU.</p> <p>17.28.065.E.4 – Deleted the section allowing prohibited trees to count toward TDU.</p>



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		<p>17.28.065.E.7 – Removed SF language related to street trees not being counted toward TDU.</p> <p>17.28.065.E.10 – Deleted the section concerning landscape maintenance. Was duplication of requirement.</p> <p>17.28.065.E.11 – Removed language allowing SF to utilize tree bank for tree planting on private property.</p>
Bill Section, Code Location and Title	Filed Bill Amendments to Current Code	Proposed Substitute
<p>Section 1715.FE - 17.28.065.FE Protection of trees during development activities</p> <p>Section 1715.GF - 17.28.065.GF Less desirable trees</p>	<ol style="list-style-type: none"> 1. Includes language of possible dangers to tree during site construction 2. Includes language to prevent damage to trees 3. Adds language for utility lines near trees in preservation areas 4. Removes language regarding trees killed during natural disasters 	<p>Removed language allowing for work to be performed in tree preservation areas.</p> <p>Modified language to match related code changes.</p> <p>Included standards for critical root zone size.</p>
Section 1816 - 17.40.440 General	Adds language on illegal removal of trees and ANSI pruning standards	Modified language to match related code changes.
Section 1917 - 17.40.450 Exemptions	<ol style="list-style-type: none"> 1. Includes language stopping certain state classified trees from being removed 2. Adds language pertaining to SF developments 	Modified language to exempt all AG/AR2A less than 2 acres and exempt all R/RS less than an acre.
Section 2018 - 17.40.460 Tree removal permit procedures	<ol style="list-style-type: none"> 1. Adds language referencing new additions to Code and electronic submittal 2. Includes language on how a tree survey should be prepared 3. Adds requirements to demonstrate existing tree protections 4. Removes language on maintaining TDU after tree removals 5. Requires tree removal permit prior to grading permit 6. Allows for retroactive permits only in the event of a hazard tree 7. Requires all tree removal permits to be listed and tracked online, similar to development tracker 8. Requires a Metro urban forestry website 9. Requires signage on site where tree removal is taking place, like building permit signage 	<p>Added language regarding removal of Heritage Trees.</p> <p>Deleted section related to hazard trees since it is included in the previous section.</p> <p>Deleted section D related to tree permit efficiency.</p> <p>Modified Section E concerned with tree removal permit signs to be more in line with Building Permit signs</p>
Section 2119 - 17.40.470 Tree Removal Violations	<ol style="list-style-type: none"> 1. Includes 5 year language for tree removal prior to development 	Changed title to Tree Removal Violation.



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	<ol style="list-style-type: none"> 2. Requires replacement based on previous removed plant material 3. Requires an establishment period for new plantings 	<p>Revised to match TDU language.</p> <p>Removed repeated language.</p>
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The proposed amendment includes updates to several sections of Chapter 17.24 and 17.28, but centers on tree preservation, tree density requirements, maintenance of required material, buffer standards, establishment of a section on tree removal permit violations, interior and perimeter tree standards for parking lots, add plant quality section. Additional information on the proposed edits included in the substitute follow.

Section 1 – 2.104.070 Metro arborist license

This section includes minor modifications relating to insurance, industry standards, and license fees. The substitute bill modifies language to license and directs appeals to the correct legislative body.

Section 2 – 17.04.060 Definitions of general terms - New Section

This section was added to relocate items in the bill located in 17.28.065. Staff also included definitions that were added in the substitute bill and some that were missing in the current code.

~~Section 2~~ – 17.020.120.C.2 Sidewalk Design Standards (Removed from bill)

In the bill as filed, there are several proposed changes to this section relating to street trees in single and two-family residential and allowing for some alternative options if there are site constraints. Staff has removed this section from the substitute bill due to allow for further discussion that may result in future proposed legislation.

Section 3 – 17.20.090 Conservation development - New Section

This section is a housekeeping amendment to update a section reference. No other changes were made.

Section 34 – 17.24.020 Landscape plan required

The section includes additional items that should be included with all landscape plans. Staff has amended for clarity.

Section 5 – 17.24.030 Plant Standards - New Section

This section was included in the substitute bill for multiple reasons. Staff has removed some language that was repeated in multiple sections of the current code and proposed bill. The information has been relocated to this new section to ensure quality plant material on all developments. Additional standards have been added to create a plant diversity requirement to prevent monocultures and add language regarding light poles, transformers and fire hydrants as it relates to distance and planting locations. This addition will foster a healthier landscape for all developments utilizing these standards.

Section 46 – 17.24.050 Exemptions (Landscape)



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This section includes only one change to the current code relating to trees in tractor trailer staging, loading, and parking areas. Staff modified this section to include 17.28.065. Landscaping for tractor trailer areas was modified within 17.24.160 to ensure feasibility in these types of developments.

Section 57 – 17.24.060 Special screening requirements

This section increases the landscape buffer required along double frontage lots up to the next higher standard. Staff has proposed no changes.

Section 6 – 17.24.070 Scenic Landscape Easements (Removed from bill)

This section of the bill includes amendments to require landscape easements on certain rural developments, increased planting requirements, and maintenance requirements. Staff has removed this section from the substitute bill due to conflicting information with the state, introducing policy to an area of the zoning code where policy is not preferred, and the effect it would have on multiple properties within the T2 transect.

Section 7 – 17.24.075 Plans for Street Trees and Streetscape (Removed from bill)

Additions to this section are largely administrative based decisions. This chapter, which was adopted in 2021, already requires multiple agency approvals prior to enactment. Due to these reasons, Staff removed this section in the substitute bill.

Section 8 – 17.24.080 Maintenance of required landscape materials

This section was modified to include additional requirements for watering, invasive species management, maintenance following industry standards, and guarantee of plant life. Staff made minor changes in the substitute to encourage planting in seasons and removal of invasive language which was relocated to the new plant standards section.

Section 9 – 17.24.090 Landscape Performance Bonds - New Section

In 17.28.065.E of the filed bill, there is language relating to bonds required for landscaping and seasonal planting. The substitute bill includes this new section to create proper language, as it relates to bonds, and allows Staff to grant temporary Use and Occupancy permits on sites that are delaying plant material installation to the proper planting seasons for Middle Tennessee. This allows developments to begin utilizing their sites prior to landscape installation but ensures that plant material will be installed by the next planting season, promoting healthier plants and reducing mortality.

Section 910 – 17.24.150 Perimeter screening requirements

The filed bill includes regulations to increase required trees from every 50 feet of street frontage to every 30 feet, and requires that tree to be a canopy tree. When a canopy tree is not possible due to site constraints, understory trees are permitted, but they are required to be installed every 20 feet of street frontage. Staff recommends amending this section to still require canopy trees, but every 40 feet, and to allow understory trees in the event of site constraints.

Section 10 11– 17.24.150-1 and 17.24.150-2 Perimeter screening figures

The figures in this section have been modified to match the new requirements.



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Section ~~11~~12 – 17.24.160 Interior Parking Requirements

Within this section there are several changes, but the most significant change is the requirement for a canopy tree every 10 parking spaces as opposed to the existing code requirement of a canopy tree every 15 spaces. An increase this large will result in a higher percentage of property devoted to parking lots. The second change in this section is the removal of properties located within the Urban Zoning Overlay District (UZO) with fewer than 30 spaces from an exemption, requiring these sites to have an 8% landscaping requirement and trees for every 15 spaces. Staff has proposed to remove this requirement from the bill and maintain the existing language of the code.

Staff has also proposed a few additional changes based on current requirements for trees and industry standards for tree health. The first amendment is the addition of language relating to the location of light poles or transformers in tree islands. The second amendment is related to requirements for interior parking islands to increase the required area to 120 square feet as compared to the currently required 90 square feet. This is to ensure the canopy trees have adequate space for root growth and promote a healthier tree. Staff also made changes to the language regarding driplines and critical root zones.

Section ~~12~~ – 17.24.190 Exemptions (Buffers) (Removed from bill)

The section removed language relating to buffer exemptions along alleys within the UZO. Staff removed this section because the current requirements are adequate, and any additional buffers would impact the function of alleys.

Section 13 – 17.24.200 Determination of landscape buffer yard requirements

The filed bill removes information regarding the Zoning Administrator's ability to determine buffer requirements based on possible rezonings, and includes changes regarding buffers with building expansion. Staff has made no changes in the substitute bill.

Section ~~14~~ – 17.24.210 Landscape buffer yard design and materials (Removed from bill)

In the filed bill, this section would require the continuous removal of invasive plant species from a landscape buffer. This requirement is not currently feasible and could potentially create a major enforcement issue. In the substitute bill, Staff has included the provision that invasive plants that are located in a buffer will not be counted toward the buffer landscape requirements. This provision has been included in the new Plant Standards section 17.24.030 which is Section 4 of the substitute bill.

Section ~~15~~ – 17.24.230 Table of Landscape Buffer Yard Requirements (Removed from bill)

In the filed bill, a A-type buffer is required between all similarly zoned and density districts. Staff removed this with the substitute bill due the significant impact it would have on all residential development.

Section ~~16~~ 14 – 17.24.240 Landscape buffer yard standards

This section increases tree and shrub amounts required within 'A' buffer yards. Staff has made no changes in the substitute bill.



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Section 17.15 – 17.28.065 Trees

~~Section 17.A~~ – 17.28.065.A Definitions

Relocated definitions to 17.04.060.

~~Section 17.B~~ 15 A - 17.28.065.~~BA~~ Applicability

In the filed bill, the portion of 17.28.065 would remove exemptions as permitted by 17.28.20. These exemptions include work related to an already approved building permit or site plan, site access for essential services such as utilities, roads or systems, repairs to existing building or expansions less than 25%, and construction of single-family or two-family dwelling units on currently platted lots or concept plans approved by the Metro Planning Commission. When the Trees section was relocated from 17.24 to 17.28 these exemptions were not originally required. In the substitute, Staff has retained this amendment to the current code, and added language to 17.24.050 to utilize exemptions previously applied to trees.

~~Section 17.C~~ 15 B- 17.28.065.~~AB~~ Designation of tree types

In the filed bill, the term heritage tree is capitalized. In the substitute bill, Staff has made minor changes to match other revised sections of the bill.

~~Section 17.D~~ 15 C - 17.28.065.~~BC~~ Tree preservation

The filed bill calls for the preservation of trees on all property in Metro Nashville. Staff reviewed the proposed tree preservation requirements and determined that a transect based review system was not the most affective system approach.

To analyze an alternative approach to tree preservation, Staff organized the existing zoning districts within each transect and discovered there are a variety of zoning districts located in each transect. A blanket percentage would not be the best option, particularly when some zoning districts allow for a variety of intensities of development.

To determine how tree preservation might be required but ensure development is allowed on a parcel, Staff organized all zoning districts into multiple categories: Floor Area Ratio (FAR), Impervious Surface Ratio (ISR), building coverage, development category (Single-family and two-family, Multi-family, and Nonresidential), and tree canopy coverage (as of 2016). Utilizing this data, Staff determined that criteria should be primarily focused on building coverage for single and two-family development, and FAR and ISR for multi-family, and nonresidential development.

Since there are several zoning districts with a wide variety of uses, the tree preservation requirements are determined by the type of development proposed.

Staff determined that the proposed levels of tree preservation are low enough to allow development, but high enough to ensure mature tree canopy is preserved.

This proposed tree preservation requirement will require an additional financial commitment from property owners and developers to retain more trees, and additional creativity to design



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sites that can healthily accommodate tree preservation. In combination with other proposed amendments, staff finds this proposal to be a reasonable step toward meeting Nashville's tree canopy goals, one that appropriately balances competing priorities with a nuanced approach. Staff has developed tree preservation requirements respond to varying zoning districts and tree canopy goals, in order to treat the building coverage differently in different zoning districts. This process has taken a detailed look at allowances in each zoning district, analyzed typical lot patterns and site configurations, and considered current tree canopy in order to arrive at a set of standards that are calibrated to achieve the correct balance of built form and tree cover in different areas, by zoning district.

Section ~~17.E.15 D~~ - 17.28.065.ED Replacement of trees

Within the filed bill, this section contains some of the largest changes from the existing code. These changes include introducing language looking back at the property history to determine what tree canopy was previously existing and basing tree replacement requirements on what has been removed or is proposed to be removed. Also, there are proposed changes in heritage tree replacement requirements, the requirement for additional TDU within single and two-family development, changes to tree frontage calculation requirements for existing single and two-family lots, seasonal planting and bond information, TDU requirement calculations, and allotment towards TDU.

Staff understands the advocacy groups' interest in improving Nashville's tree canopy by requiring preservation and increasing tree planting. To that end, staff agrees that the tree density requirement for residential development be increased from 14 TDU to 22 TDU, but that the building coverage exemption provided in the current code remain in effect. The outcome would be a 57% increase in the number of trees required to be provided by each residential development, regardless of zoning designation or site location. Staff removed language related to counting building coverage area for site TDU requirements because areas where buildings exist are normally unavailable for tree planting unless done so by green roof would create large amounts of TDU unable to be planted on site. Staff also removed language reducing TDU credits in buffers.

There is a need for incentives or requirements that would do more to protect existing mature trees. The filed bill includes requirements for the replacement of heritage trees, by adding replacement trees on sites when large mature trees are removed.

In the substitute bill, Staff has changed the look back period language to reflect that if no approval of any kind from Metro was previously given to a site, any removal of trees without a permit would be required to follow tree removal violations. This change allows for the date of enactment to start at the 5-year clock for properties, instead of retroactive enforcement.

For residential properties, Staff has amended the language to require TDU to be met within the common area rather than individual lots, removed any language requiring trees to be planted a specific distance from the building envelope, removed requirements for existing lots, and removed information relating to seasonal plantings and bonds.



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Any other changes in this section by Staff were done to add clarity, reduce repeating requirements across the code, and to add back sections from the current code that should be maintained. With the proposed increased replacement requirements, the tree bank option may be more frequently utilized.

~~17.F.15 E~~ - 17.28.065.~~FE~~ Protection of trees during development activities

This section includes language related to potential damage to tree that could occur during site construction and the prevention of this damage, it adds language about utility lines near trees in preservation areas and removes language regarding trees killed during natural disasters. The substitute bill removes language allowing for work to be performed in tree preservation areas, modifies language to match related code changes, and includes standards for critical root zone size.

~~17.G.15 F~~- 17.28.065.~~GF~~ Less desirable trees

There are no changes in existing text of the code.

Section 16 – 17.40.440 General

Adds language on illegal removal of trees and ANSI pruning standards while the substitute modifies language to match related code changes.

Section 17 – 17.40.450 (Exemptions)

The filed bill proposes if single and two-family developments were to request a tree removal permit, no request for permitting or plan approval (including building permits) can be sought within 5 years of applying for a tree removal permit. This would have major implications on sites that currently exist and would be requesting tree removal permits to construct homes, accessory structures, or building additions. The substitute bill retains the language to require tree removal permits in single and two-family but has amended the applicability, and removed language relating to 5 year restrictions. The substitute bill proposes to exempt all AG and AR2A properties less than two acres, and all R/RS properties less than one acre from the tree removal permit process. This would still require tree removal permits on these large lots prior to a subdivision or site plan application and ensure a greater protection of trees for now without heavily impacting already existing lots.

Section 18 – 17.40.460 Tree removal permits

The filed bill proposes multiple additions to the content provided in permit application, what determines applicability, how applications are filed, how permits are reviewed, and how permits are noticed to the public.

The filed bill proposes requirements for a tree removal permit in all zoning districts for any retained, protected, or heritage tree that are not exempt under 17.40.460. There are also several additions relating to what information should be provided with an application, including additional maps, surveys, inventories, and license information of who is conducting the work. Staff has proposed no changes to this subsection.



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The filed bill proposes minor changes to the permit criteria to ensure compliance with other areas within 17.28.065. Staff has amended this area to include information regarding trees that may pose a threat to the public, or have health issues.

The filed bill requires an electronic submittal and review process for tree removal permits, information be uploaded within a day of submittal, and mapping information be updated regularly with tree removals. Administrative processes and available technology are generally not found in the zoning code. This section has been removed in the substitute bill.

to the filed bill includes requirements for tree removal permit signage and the information that is required to be posted prior to tree removal. The signage is to ensure a general awareness of the public of any proposed tree removal. The language is similar to what is currently utilized with building permit signage, which is required to be posted on site undergoing construction/renovation. Staff has slightly amended the language in this section to match the other proposed amendments, and to align with the requirements for building permit signage.

Section 19 – 17.40.470 Tree removal violations

The filed bill includes a new section addressing reforestation requirements if tree removal occurs prior to the approval of a development plan or building permit. This section also includes information concerning the review period for these violations with the look back of 5 years. Staff has proposed changes in the substitute bill including a name change for the section, measurement requirements, and removal of language that is included in 17.40.460.

Staff recommends an effective date of March 15, 2023 to align with Planning Commission filing deadlines and allow time for dissemination of new standards to staff and applicants. The proposed standards, if adopted with this effective date, would apply to those applications filed for the March 15, 2023 filing deadline and thereafter. Any cases already under review prior to the March 15, 2023 filing deadline would be reviewed under the regulations in place at the time of application submittal. If the overall Council schedule for consideration of this proposal shifts, the effective date should also shift.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

FISCAL IMPACT RECOMMENDATION

The Metro Codes Department anticipates the yearly fiscal impact of the substitute bill will be a minimum of \$1.5 million. This calculation includes employees' salaries/benefits (15 new employees), vehicle cost, and technology costs.

STAFF RECOMMENDATION

Staff recommends disapproval as filed and approval with a substitute.



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Substitute Ordinance No. BL 2022-1409

An Ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws relative to trees (Proposal No. 2022Z-014TX-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County’s urban tree canopy is a utility that improves air quality, manages stormwater, supports public health, provides economic benefits, mitigates the heat island effect, and increases quality of life for Nashville’s residents and visitors; and

WHEREAS, Nashville seeks to keep pace with neighboring and peer cities in protection of the urban canopy and green spaces for both quality of life and economic benefit; and

WHEREAS, Nashville’s forests provide benefits including enhancing air and water quality, reducing storm surges, flood attenuation, moderating temperature, providing wildlife habitat, providing recreational opportunities, offsetting carbon emissions, promoting tourism and economic opportunity, and enhancing the beauty and livability of Nashville; and

WHEREAS, Nashville’s forests are natural ecosystems that take hundreds of years to develop, the value of these forests depends upon the continuity of intact forested areas, and fragmentation of these forests into small isolated remnants undermines the benefits; and

WHEREAS, NashvilleNext, Metro’s General Plan adopted in 2015, identifies protection of forest as a county-wide goal; and

WHEREAS, the NashvilleNext Volume II Natural Resources & Hazard Adaption plan NR Policy 1.4 states “create a street tree policy, residential tree ordinance, maintenance program, and preservation policy”;

WHEREAS, the Metropolitan Nashville Urban Forestry and Landscape Master Plan Goal #1 is to update and implement landscape standards and “develop a landscape ordinance that includes tree protection for healthy mature existing trees”; and

WHEREAS, the Nashville Open Space Plan – Nashville Naturally, sets a goal of acquiring 6,000 acres of new public parks and green spaces, conserving 6,000 acres of privately protected land, and conserving an additional 10,000 acres through planning tools for a total of 22,000 acres of new conserved open space by 2035; and

WHEREAS, the NashvilleNext- Growth Preservation Survey responses show a strong majority of Nashville citizens support preservation of the urban forest; and

WHEREAS, the Metropolitan Planning Commission has the responsibility of guiding development that is consistent with adopted policy documents and established community goals; and

WHEREAS, updates to the zoning code pertaining to forest will help ensure that the benefits provided by forests are experienced by all citizens and visitors of Nashville and Davidson County.

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



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Section 1. That Section 2.104.070 of the Metropolitan Code of Laws is hereby deleting in its entirety and replaced with the following:

2.104.070 -- ~~Permitting of arborists~~ Metro arborist license.

- A. All individuals and firms conducting tree care and removal as a business shall be required to obtain a ~~permit~~ license to engage in tree care and removal activities. An application for such ~~permit must~~ license shall be submitted to the urban forester by the individual or firm. Such ~~permit~~ license shall be issued by the urban forester upon proof by the applicant that the applicant or an employee of the applicant with supervisory power over other employees ~~has successfully completed a test of tree knowledge given by the International Society of Arboriculture (ISA Certified Arborist or Board Certified Master Arborist)~~ is an ISA Certified Arborist, and proof that the applicant has a minimum of one million dollars of liability insurance.
- B.
1. ~~A permit~~ The Metro Arborist license issued under this section shall be valid for two years from the date of the ~~permit~~ license issuance and ~~shall~~ may be eligible for renewal.
 2. The urban forester may suspend, revoke, or refuse to issue or renew any permit under this chapter for any of the following causes:
 - a. Fraud in procuring a permit,
 - b. A violation of the ANSI A-300 standards for tree care,
 - c. A violation of this chapter or Chapter 2.226, and
 - d. Unprofessional, immoral, or dishonorable conduct.
 3. Applicants may appeal a suspension, revocation or, a refusal to issue or to renew a ~~permit~~ license by the urban forester ~~in Chancery court in Davidson County, Tennessee to the board of property standards and appeals.~~
- C. Individuals and firms ~~permitted~~ licensed pursuant to this section shall ensure that trees are maintained in an appropriate and professional manner, according to the most recent industry standards as described in the ANSI A-300 Standards for Tree Care Operations. Trees that have been severely pruned, sheared, topped, or that no longer meet their intended function in the landscape shall require replacement per Section 17.28.065-~~C~~. Individuals and firms conducting tree care and removal as a business without first obtaining a ~~permit~~ license, or ~~permittees that do not adhere~~ adhering to the outlined professional standards may be subject to a fine.
- D. The fee for this ~~permit~~ license shall be set by the director of codes.

Section 2. That Section 17.04.060 of the Metropolitan Code of Laws is amended by adding the following definitions in alphabetical order:

“ANSI” means American National Standards Institute, a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.



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“Critical root zone” (CRZ) means the area of soil around a tree where the minimum area of roots considered critical to the structural stability or health of the tree are located. The CRZ is to be determined by measuring one foot per each inch of tree diameter at breast height, with a minimum of ten feet. For example, six inch DBH tree would have a CRZ of at least 10 feet.

"Existing tree canopy" means a contiguous area of 5,000 square feet or greater which consists of the crowns of healthy, self-supporting trees with a diameter at breast height (DBH) of three inches or greater, and which are not listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

“Forest” means a natural ecosystem with a contiguous tree canopy that is at least 80% closed and that contains some trees of at least 10 inches diameter at breast height.

“Interior Forest” means an area of forest that is more than a 500 foot buffer distance from any road, building, or other area not covered by forest.

“Interior parking” means the area of a parking lot 40 feet away from the property line

“ISA” means the International Society of Arborists.

“Owner” means the person primarily responsible for the subject property. This may include but is not limited to the lot owner, builder, developer, project proponent, project manager, contractor, and owner’s representative.

“Planting season” means the dormant time of the year for trees beginning with leaf drop and ending with bud break; which is generally late fall (November) to early spring (March), excluding winter months when the ground is frozen.

Section 3. That Section 17.12.090, Subsection B.2.h, of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

h. Protected, heritage and historic and specimen trees, as defined by Section 17.28.065 of the Metro Zoning Code.

Section 2. That Section 17.20.120.C.2 of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

2. — Sidewalk Design Standards:

a. — Sidewalk dimensions and required elements shall comply with the major and collector street plan or, for a street not in the major and collector street plan, the adopted standards of the metropolitan government. Design of sidewalks shall comply with approved standards established by the department of public works.

b. — Obstructions are prohibited within the required pedestrian travelway but may be located within a grass strip/green zone or frontage zone. Prior to the



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~~issuance of use and occupancy permits, existing obstructions shall be relocated outside of the required pedestrian travelway.~~

- e. ~~For development or redevelopment, street trees shall be required within the grass strip/green zone or frontage zone for any sidewalk constructed.~~
 - i. ~~Trees shall be installed according to the provisions of the Metro Nashville Street Tree Specifications prepared and maintained by Metro Water Services in conjunction with Metro Public Works, Planning, and Codes.~~
 - ii. ~~Street trees shall be chosen from the Urban Forestry Recommended Tree List. Canopy trees shall be installed, except where conflicts with overhead electrical power lines exist. In those instances, understory trees may be substituted.~~
 - iii. ~~The owner of the property frontage along which the street trees are installed shall maintain the trees installed per this title according to the provisions of the Metro Nashville Street Tree Specifications. The owner of the property frontage shall execute and record a restrictive covenant agreeing to these maintenance responsibilities.~~
 - iv. ~~Required street trees shall be depicted on a landscape plan, which shall be submitted with construction drawings for the sidewalks. The landscape plan and specifications shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee. Redevelopment or infill development located on a single and two family residential lot shall be exempt from the landscape architect seal requirement.~~
 - v. ~~Trees installed pursuant to this section shall be eligible for credit toward the tree density required by Chapter 17.28.065.C of this title, except on a single and two family residential lot and within the DTC.~~
 - vi. ~~In cases where the zoning administrator allows the building permit applicant to make the in lieu contribution for all or a portion of the street frontage as an alternative to sidewalk construction, the street tree requirement still applies; however, such trees may be located either on the parcel or within the public right of way.~~
 - vii. ~~Where the existing grass strip/green zone or right of way is insufficient, existing physical features on the property such as utilities, a ditch or drainage ditch, historic wall(s) or stone wall(s), tree(s), steep topography, or other hardship exists that makes to compliance with the foregoing requirements of this subsection C.2.e infeasible, the zoning administrator may allow an application for a contribution to the Tree Bank, as provided for in Section 17.40.480 in lieu of compliance with this section.~~



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Section 34. That Section 17.24.020 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.020 -- Landscape plan required.

A landscape plan shall accompany any application for final site plan approval under Section 17.40.170 and any application for a tree removal permit under Section ~~17.40.470~~17.40.460, unless exempted by Section 17.24.050, Exemptions. Applications shall include all necessary drawings, specifications, studies or reports as required by the Planning Commission and Codes Department. The plan shall show location, size, spacing, species, health condition, form and quality of all existing and proposed materials intended to fulfill the requirements of this chapter. The plan shall also show lot lines, development footprint, preserved areas, topography, location of all utilities, proposed tree protection zones, and locations of either an under ground sprinkler system or hose bib attachments. Proposed removal of trees in accordance with 17.40.470 must be included in the landscape plan. The plan submittal shall include but not be limited to; site features such as lot lines, topography, location of all utilities, development footprint, buffers, existing vegetation, Heritage Trees (17.28.065), proposed tree preservation zones, Tree protection fence, and locations of either a sprinkler system or hose bib attachments. Proposed removal of trees in accordance with 17.40.460 must be included in the landscape plan.-The plan shall show location, size, spacing, species, health condition, form and quality of all existing and proposed materials intended to fulfill the requirements of this chapter. The plans and specifications submitted pursuant to this section shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee for all developments which include five thousand square feet or more of permanent structures. Plans and specifications submitted pursuant to this section for developments with less than five thousand square feet of permanent structures shall be exempt from the landscape architect seal requirement.

Section 5. That Section 17.24.030 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.030 Plant Standards

A. Minimum quality and size standards

1. Newly planted landscape plant materials shall conform to the latest version of the American Standard for Nursery Stock, ANSI Z60.1-2014.
2. Type 1, 2, and 3 Trees, shall meet the planting and size requirements as defined in ANSI Z60.1.
 - a. Canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004.
 - b. Understory trees shall have a caliper of two inches in caliper at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1. For multi-stem varieties caliper shall be determined by taking one-half (1/2) of the caliper of the three largest required trunks.
 - c. Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.
 - d. Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting and shall typically grow to a minimum height



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of thirty inches for perimeter shrubs and five to six feet for buffer shrubs within four years.

3. Plant material used to meet the requirements of this Code shall be selected from the Urban Forestry Recommended and Prohibited Tree and Shrub List, unless otherwise approved by the Planning or Codes Departments, as applicable.

4. Plants listed on the current edition of the Invasive Exotic Pest Plants of Tennessee, as published by the Tennessee Exotic Pest Plant Council, shall not be credited toward the minimum requirements of this Code.

B. Plant diversity

To maintain plant species diversity and health, new plantings shall meet the following:

<u>Number of required trees</u>	<u>Minimum number of different genuses in roughly equal proportions</u>
<u>Less than 20</u>	<u>2 Genuses</u>
<u>20-39</u>	<u>3 Genuses</u>
<u>40 or more</u>	<u>4 Genuses</u>

C. Stabilization. Landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

D. Planting in easements.

1. Groundcover may be planted or installed within any utility or drainage easement. Trees and shrubs require approval by the easement holder.

2. In areas that require canopy trees where overhead utilities prevent the use of canopy trees, understory trees may be substituted. Multi-stemmed understory trees may be used provided they meet the minimum size at time of planting.

E. Planting near light poles and transformers. Trees shall be a minimum of fifteen feet from light poles and transformers. Trees may be clustered or moved to a more appropriate location if light poles or transformers conflict with tree locations, as long as all other tree location requirements are met.

F. Planting near fire hydrants. Tree locations near fire hydrants shall comply with the Fire Code, as applicable. Shrubs shall be a minimum of five feet from a fire hydrant.

Section 46. That Section 17.24.050 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.050 Exemptions.

The requirements of ~~this chapter~~ 17.24 and 17.28.065 shall not apply to:

- A. Improvements or repairs to interior and exterior features of existing structures, including the conversion of a non-residential building to residential use either in whole or in part, as provided by this title.
- B. Construction previously authorized by a building permit, a final site plan of a planned unit development approved by the planning commission, or an approved



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subdivision construction plan, any one of which remains valid on the effective date of the ordinance codified in this title. Any development whose permit or approval expires shall not be exempt.

- C. In the event of emergencies, which may include but are not limited to snow, ice and rain storms, tornadoes, floods, and similar natural disasters which cause excessive tree damage throughout the community, the mayor may invoke additional exceptions as necessary to deal with the emergency.
- D. The interior planting requirements of Section 17.24.160 shall not apply to service loading areas.

Section 57. That Section 17.24.060, Subsection C, of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

- C. Landscape Buffer Yard Required for Double Frontage Lot. In cases where residential lots are developed with frontage and access to a street within the subdivision and the rear of the lot is oriented toward a public right-of-way, the rear of such double frontage lots shall be screened from the public right-of-way by a landscape buffer yard according to the following standards:

Street Type	Buffer Standard
Local street	B
Collector street	C
Arterial street	D

Section 6. That Section 17.24.070 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

~~17.24.070 Scenic landscape easements.~~

~~New developments on property abutting a street designated as scenic, or any major street located within a T2 Rural Transect area, as designated by the major and collector street plan, shall comply with the following requirements:~~

- ~~A. — The area of a lot located within twenty feet of the right of way shall be designated as a "scenic landscape easement" and shall be planted with a Standard C landscape buffer yard. Existing vegetation may be used, in part or in whole to meet this requirement.~~
- ~~B. — No grading, cutting of trees or shrubs exceeding one inch in diameter, or disturbance of prominent natural features shall be performed within a scenic landscape easement except for: 1) minimal disturbance necessary to permit streets, driveways or utility corridors, 2) removal of species listed on the most recent edition of the Tennessee Invasive Exotic Plant List, 3) removal of specimens that are in less than fair or better condition as determined by a permitted arborist, or 4) removal of specimens with major insect, pathogenic, or structural disorders or deficiencies as determined by a permitted arborist. Only~~



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~~those improvements allowed in a landscape buffer yard shall be permitted within the scenic landscape easement.~~

- ~~C. Within the scenic landscape easement, the property owner shall be responsible for removing all trees, shrubs, and vines listed on the most recent edition of the Tennessee Invasive Exotic Plant List.~~

Section 7. That Section 17.24.075, Subsections D and E, of the Metropolitan Code of Laws are deleted and replaced with the following:

- ~~D. Modifications and amendments. The urban forester shall have the authority to grant minor modifications to the adopted street tree plan including, but not limited to, adjustments in spacing or planting location that do not alter the overall concept of the adopted street tree/streetscape plan, so long as the modifications still comply with this chapter. Minor modifications may be granted based on existing physical site conditions such as utilities, a ditch or drainage ditch, historic wall(s) or stone wall(s), existing trees, or steep topography. Modifications that alter the overall concept of the adopted plan shall be considered major and require amendment of the plan by the metro planning commission.~~

- ~~E. Waivers and compliance. The zoning administrator may waive the requirements of this section upon request by the property owner or its agent due to existing physical features on the property such as utilities, a ditch or drainage ditch, historic wall(s) or stone wall(s), existing trees, steep topography, or other hardship. The zoning administrator shall consult with the executive director of the planning department, or their designee, and the director of water services, or their designees, prior to making any final determination. Such waiver is limited only to the location of such plantings, and shall not result in any waiver of planting responsibility or reduced planting requirement; the waiver may only authorize the planting to occur at alternate locations.~~

Section 8. That Section 17.24.080 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.080 Maintenance of required landscape materials.

The property owner shall maintain landscaping required by ~~this chapter or by 17.28.065.C~~ Title 17 and 2.226 in accordance with the following standards:

- A. Use of Required Landscape Area. No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this article.
- B. Watering. To ensure survival All all required landscaping, planted plant material installed or preserved in accordance with this chapter or Section 17.28.065.C of this title, shall be watered and maintained have watering infrastructure that allows for watering by one of the following methods:
1. ~~An underground sprinkler irrigation system, so long as the addition or installation of a sprinkler~~ the irrigation system does not damage existing trees;



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2. An outside hose attachment within one hundred feet of all landscaping,
- C. ~~All required landscaping shall be watered to ensure survival of the landscaping.~~ While installation of one of the above watering infrastructure systems is required, the means of watering may be by any practical method.
- D. ~~The property owner shall be responsible for the ongoing removal of any trees, shrubs, and vines listed on the most recent edition of the Tennessee Invasive Exotic Plant List. Planting season. Plant material installation is encouraged during the planting season.~~
- E. All required landscape plant materials shall be maintained in an appropriate and professional manner, according to the most recent industry standards as described in the ANSI A-300 Standards for Tree Care Operations. Required trees shall not be shaped as shrubs. landscape plant materials required by this section or by 17.28.065:~ that have been severely pruned, sheared, topped, shaped as shrubs, or that no longer meet their intended function in the landscape shall be considered damaged vegetation in need of replacement and shall be ~~replaced~~ within one year of the date of notice of noncompliance from the metropolitan government.
- F. Replacement of Dead Materials. The property owner shall replace required plants which die. Replacements shall be installed at the earliest possible time within a planting season, and ~~replacements~~ shall be as shown on the approved landscape plan.

Section 9. That Metropolitan Code of Laws is amended by adding the following new Section 17.24.090:

17.24.090 – Landscape Performance Bonds

- A. The applicant shall complete all required provisions related to landscape installation prior to issuance of a Certificate of Occupancy. The reviewing Metro Department may provide a temporary Certificate of Occupancy, in lieu of completed work, in either of the following circumstances:
 1. The applicant may post a bond in the amount of 125% of the estimated cost of the landscape installation based on a schedule of fees provided by the reviewing department stipulated as sufficient to secure the satisfactory plant materials, related equipment, installation, and maintenance of such material for 3 years. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in this title.
- B. A performance bond shall mean two documents: a Performance Agreement and an accompanying security document.
 1. The Performance Agreement shall stipulate the work to be performed by general categories and the estimated value or cost of each category. The Performance Agreement shall also stipulate a completion date for all of the work to be performed. The Performance Agreement shall only be entered into by owner of the property.



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2. The security document may be in a form as follows and shall express the value in a total amount equaling the sum of all work categories:
 - a. A Surety Bond issued by an insurance company licensed in the State of Tennessee and shall be non-expiring
 - b. An Irrevocable Letter of Credit issued by or confirmed by a financial institution located in Davidson County, Tennessee, or an adjoining county. Any such letter of credit shall contain an auto-renewal clause.
 - c. Cashier or Certified Check issued by a financial institution located in Davidson County, Tennessee and shall be non-expiring.
 3. The Surety Bond and Letter of Credit options shall not be available to an applicant whose past performance has resulted in breached or expired bonds.
 4. An entity whose past performance has resulted in non-payment of a bond may be excluded from providing a surety bond for an applicant for a period of one year from the date of breach.
- C. All required plant materials, related equipment, installation, and maintenance shall be the responsibility of the applicant at the applicant's expense or cost sharing. Any provisions for reimbursement by the county, or any utility district shall be by separate agreement with the applicable Metro Department or other governmental entity.
- D. Governmental agencies to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a letter from an agent authorized to act in their behalf agreeing to comply with the provisions of this title
- E. In those cases in which a performance bond has been posted and required plant material and related equipment has not been installed within the terms of such performance bond agreement, the reviewing Metro Department may declare the bond to be in default and require that all the plant material and related equipment be installed regardless of the extent of the building development at the time the bond is declared to be in default. The funds of the bond shall be used to install all required plant materials and related equipment.
- F. If the reviewing Metro Department finds that any of the required plant materials and related equipment have not been installed in accordance with this title, the applicant shall be responsible for completing the plantings to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company or financial institution shall be liable severally and jointly for completing said plantings according to specifications.
- G. The reviewing Metro Department shall not release a performance bond until all required plant material and related equipment have been installed correctly. There shall be no release of a bond if there are any outstanding administrative penalties or violations related to the bonded site. The performance bond shall only be released by the reviewing department upon successful completion of the installation as indicated by a site inspection.
- H. The reviewing Metro Department, upon proof of extenuating circumstances by the applicant and acknowledged and agreed to by the reviewing Metro Department, may extend the completion date set forth in such bond and may require an increase in the bonded amount to cover increases in costs.
- I. Should the bond lapse or expire for any reason prior to installation of plant material and related equipment, the temporary Use and Occupancy Certificate shall be



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revoked, and the reviewing Metro Department shall, through the Metropolitan Department of Law, take any or all appropriate legal action necessary to assure installation of plant material and related equipment. The bond may be declared in default and the security shall be held by Metro. Only after completion of all improvements or posting of a new bond, shall a temporary Use and Occupancy certificate be issued.

- J. Funds derived from liquidation of securities, as a result of performance agreement default, shall be used by the applicable Metro Department to complete the required work. Project administration fees may be charged by the departments or against liquidated funds to offset actual personnel or equipment costs utilized in the accomplishment of required work. Any surplus funds shall be returned to the security provider after all charges and expenses are paid and required work is accepted.

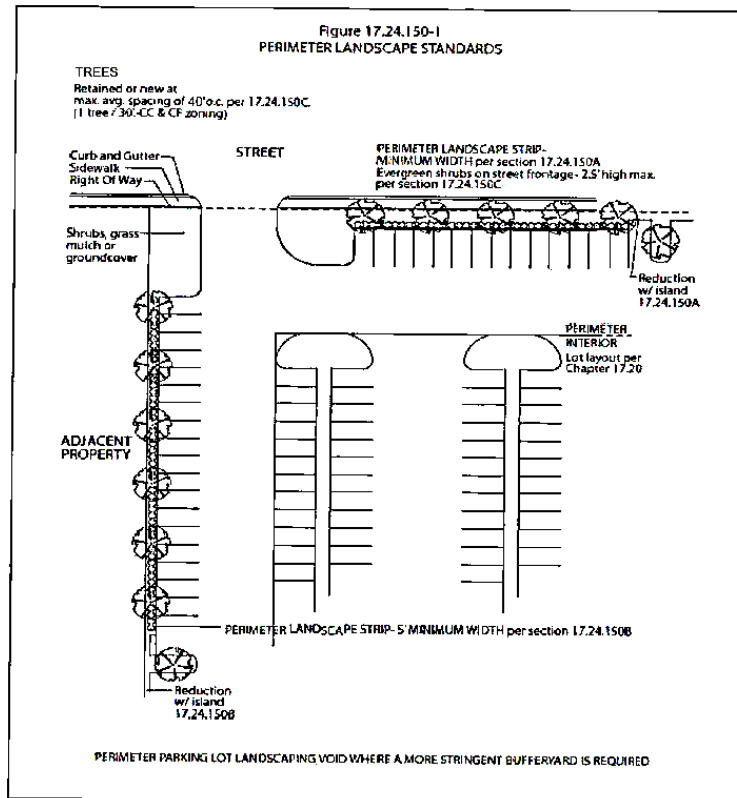
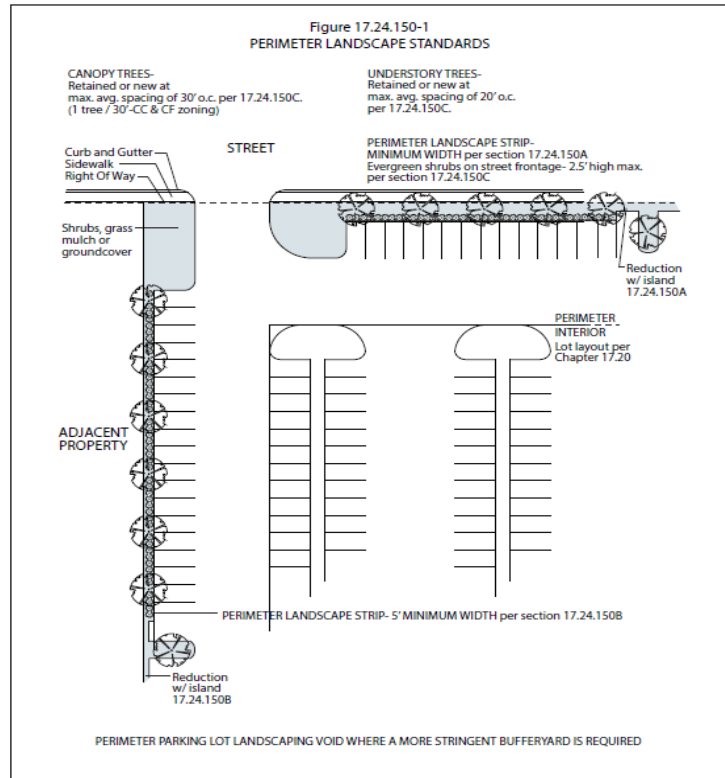
Section 910. That Section 17.24.150, Subsection C, of the Metropolitan Code of Laws is deleted and replaced with the following:

- C. Landscape Materials. A minimum of one canopy tree shall be preserved or planted for each ~~thirty~~ forty feet of parking area perimeter, or portion thereof; in cases of utility conflicts, understory trees shall be substituted, ~~and shall be preserved or planted for each twenty feet of parking area perimeter. Trees planted to meet this requirement shall measure a minimum of two inches in caliper, and six feet in height, as applicable for the type of material specified.~~ The remaining area within the perimeter landscape strip which fronts on a street right-of-way shall be planted with one continuous row of evergreen shrubs which shall be ~~expected to mature~~ maintained at a height not greater than two and one-half feet, except as modified for berms or walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. The use of concrete, asphalt or other impervious surfaces shall be prohibited.

Section ~~10~~11. That Figure 17.24.150-1 ~~and Figure 17.24.150-2~~ in Section 17.24.150 of the Metropolitan Code is replaced with the following:

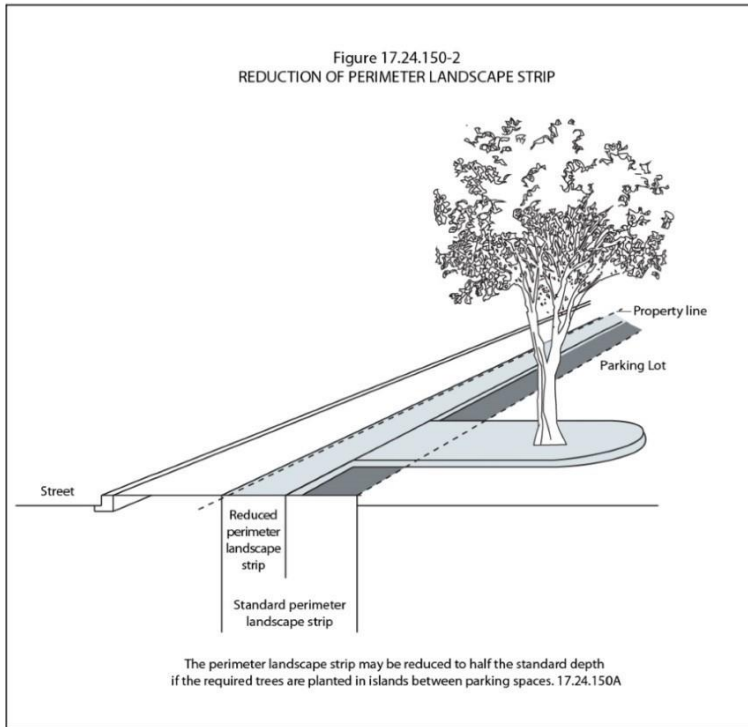


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Section ~~11~~12. That Section 17.24.160.B of the Metropolitan Code of Laws is deleted and replaced with the following:

17.24.160 Interior planting requirements.

A. ~~General Requirements. At least eight percent of the gross area of the parking area shall be landscaped and interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays or inside seven foot wide or greater medians (where the median area is to be included as a part of the calculations for the interior planting area). Parking lots containing fewer than thirty parking spaces within the urban zoning overlay district shall be exempt from the eight percent area requirement and the seven foot median size requirement, but shall be required to install trees as described in this section.~~

- ~~1. Trees shall be required at the minimum of one canopy tree for every ten parking spaces. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least six feet in height and two inch caliper. (See Figure 17.24.160) For principal use parking areas located in the CF and CF-NS districts not otherwise exempt from the interior planting requirements, street frontage trees planted to satisfy the requirements of Section 17.24.150 shall count towards the interior planting requirements of this section.~~



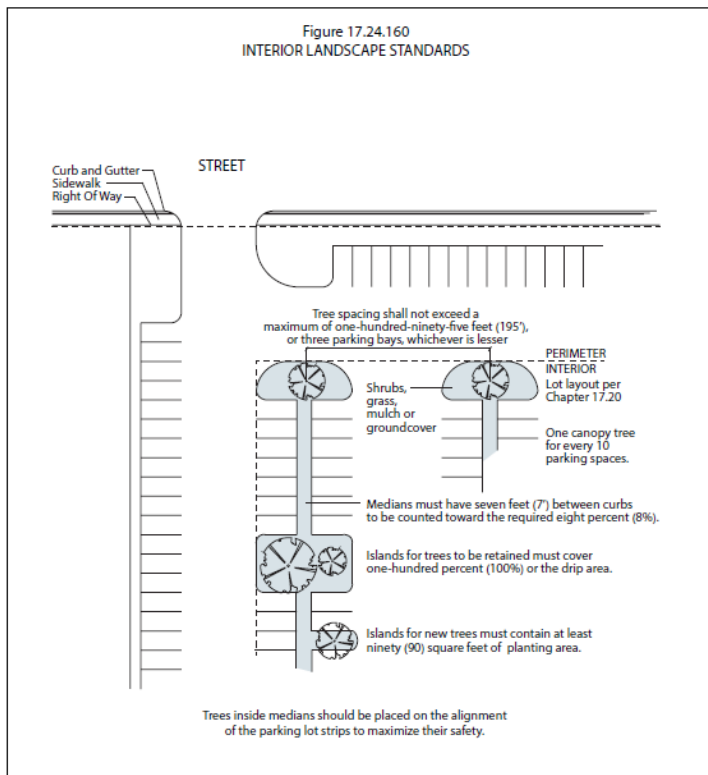
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Interior planting areas shall be located so as not to impede stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

B. Minimum Size of Interior Planting Areas.

1. ~~Outside the urban zoning overlay district, and for parking lots containing thirty or more parking spaces within the urban zoning overlay district, a Interior parking islands shall be a minimum of ninety one hundred twenty square feet of planting area shall be required for each new canopy tree (See Figure 17.24.160), and a minimum planting area of one hundred percent of the drip line area of the tree shall be required for all existing trees to remain. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred percent, lesser area may be approved by the urban forester. (See Figure 17.24.160)~~

The applicant has the option in a surface lot used for tractor trailer staging, loading and parking areas to meet the interior planting requirement by placing the required trees in a pattern other than one every 15 spaces so long as the minimum number of trees planted complies with the total requirement. Interior tree islands with light poles or transformers shall be approved by the Urban forester or Planning department prior to the issuance of a building permit.



2. ~~For parking lots containing fewer than thirty parking spaces within the urban overlay zoning district, a minimum planting or tree grate area of one hundred~~



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~~percent of the drip line area of the tree shall be required for all new and existing trees. If the applicant can demonstrate that the tree can remain healthy with an area less than one hundred percent, lesser area may be approved by the urban forester. (See Figure 17.24.160)~~

~~Section 12. That Section 17.24.190 of the Metropolitan Code of Laws is deleted and replaced with the following:~~

~~17.24.190 Exemptions:~~

~~No landscape buffer yard shall be required in the following situations:~~

- ~~A. — When a zoning boundary falls along a public street containing four or more travel lanes, or along an elevated railroad bed, utility line easement of fifty feet wide or greater, navigable river, or controlled access highway.~~
- ~~B. — When a zoning boundary falls along a public street within the urban zoning overlay district.~~

~~Section 13. That Section 17.24.200 of the Metropolitan Code of Laws is deleted and replaced with the following:~~

~~17.24.200 Determination of landscape buffer yard requirements.~~

~~Generally, a landscape buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened and shall not be located in any portion of a public right-of-way. When a zoning district boundary falls along a public street of less than four travel lanes, a B-2 landscape buffer yard may be substituted in lieu of the standard buffer required by Table 17.24.230. When the gross floor area of a building legally existing on the effective date of the ordinance codified in this section is enlarged by more than twenty-five percent, the property shall be brought into conformance with the landscaping buffer yards standard of this code to the greatest extent considered reasonable by the zoning administrator. When incremental expansions occur over time, the total of all expansions shall be used by the zoning administrator in applying the provisions of this section. The following procedure shall be followed to determine the standard of landscape buffer yard required along a zoning district boundary:~~

- ~~A. Identify the zone district for the proposed site as well as for the abutting site(s);~~
- ~~B. Determine the landscape buffer yard standard required on each building site boundary (or portion thereof) by referring to Table 17.24.230;~~
- ~~C. Select the desired width/screening option from those listed in Section 17.24.240, landscape buffer yard standards. Any of the listed width or screening variations shall satisfy the requirement between abutting zone districts.~~

~~Section 14. That Section 17.24.210 of the Metropolitan Code of Laws is amended by adding the following new Subsection B and redesignating the subsequent subsections accordingly:~~

- ~~B. — Existing Invasive Plant Material. Existing trees, shrubs, and vines listed on the most recent edition of the Tennessee Invasive Exotic Plant List shall be removed from~~



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the buffer.

Section 15. That Table 17.24.230, as referenced in Section 17.24.230 of the Metropolitan Code of Laws, is deleted and replaced with the following:

Table 17.24.230 TABLE OF LANDSCAPE BUFFER YARD REQUIREMENTS

		ZONING DISTRICT PROVIDING BUFFER YARD						
		1	2	3	4	5	6	7
A B U T T I N G Z O N I N G D I S T R I C T	1	AG, AP2a, RS80, R80, RS40, R40, RS40, R30, RS30, R30, RS15, R15, RS10, R10, RM2, RM2 NS, RM4, RM4 NS						
	2							
	3							
		AG, AP2a, RS80, R80, RS40, R40, RS40, R30, RS30, R30, RS15, R15, RS10, R10, RM2, RM2 NS, RM4, RM4 NS	R8, R8 A, RS7.5, RS7.5 A, R6, R6 A, RS5, RS5 A, RS3.75, RS3.75 A, RM6, RM6 NS, RM9, RM9 NS, RM9 A, RM9 A NS	RM15, RM15 NS, RM15 A, RM15 A NS, RM20, RM20 NS, RM20 A, RM20 A NS, RM40, RM40 NS, RM40 A, RM40 A NS, RM60, RM60 NS, RM60 A, RM60 A NS, RM80 A	ON, CN, CN NS, CN A, CN A NS, MUL, MUL NS, MUL A, MUL A NS, SCN, SCN NS, OL, OR20, OR20 NS, OR20 A, OR20 A NS, OR40, OR40 NS, OR40 A, OR40 A NS	CL, CL NS, CL A, CL A NS, CS, CS NS, CS A, CS A NS, MUL, MUL NS, MUL A, MUL A NS, SCC, SCC NS	CA, CA NS, CF, CF NS, SCR, SCR NS, MUG, MUG NS, MUG A, MUG A NS, MUL, MUL NS, MUL A, MUL A NS, ORI, ORI NS, ORI A, ORI A NS, OG, OG NS	IWD, IR, IG



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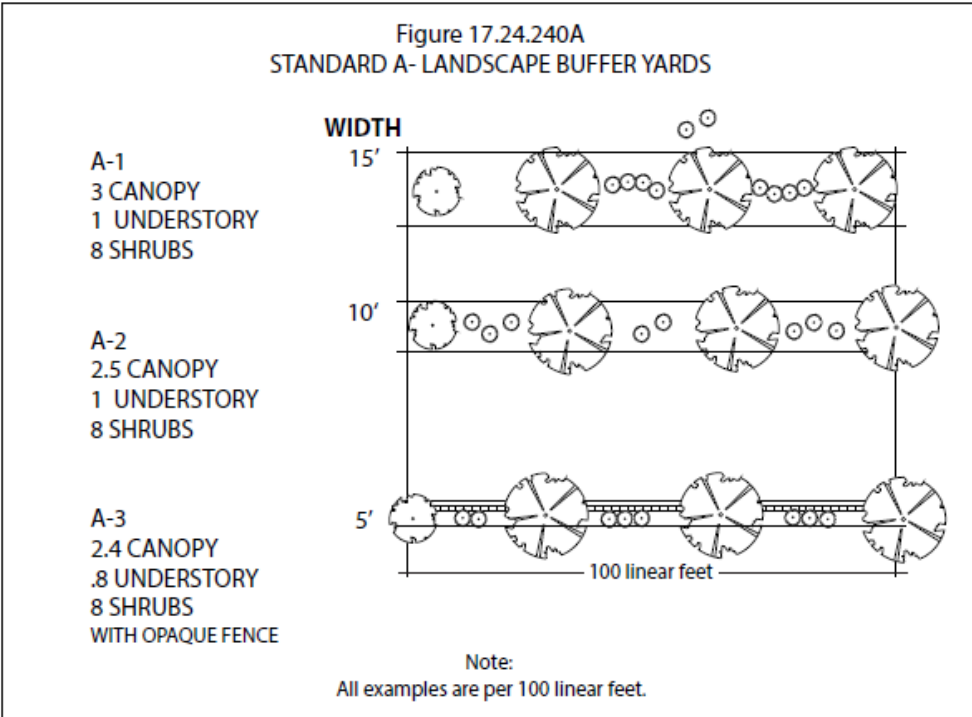
RM80 A NS, RM100 A, RM100 A NS, MHP							
4 ON, CN, CN NS, CN A, CN A NS, MUN, MUN NS, MUN A, MUN A NS, SCN, SCN NS, OL, OR20, OR20 NS, OR20 A, OR20 A NS, OR40, OR40 NS, OR40 A, OR40 A NS	-	-	-	-	A	B	C
5 CL, CL NS, CL A, CL A NS, CS, CS NS, CS A, CS A NS, MUL, MUL NS, MUL A, MUL A NS, SCC, SCC NS	-	-	-	-	-	A	B
6 CA, CA NS, CF, CF NS, SCR, SCR NS, MUG, MUG NS, MUG A, MUG A NS, MUL, MUL NS, MUI A, MUI A NS, ORI, ORI NS, ORI A, ORI A NS, OG, OG NS	-	-	-	-	-	-	B
7 IWD, IR, IG	-	-	-	-	-	-	-

Note 1: ~~The zoning administrator may allow a necessary adjustment to the landscape buffer yard located along a rear property line to provide for necessary building area after determining an adjustment to a required build to zone is necessary as permitted by Table 17.12.020.D. The zoning administrator may allow a necessary adjustment to the landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department.~~

Section ~~16~~14. That Figure 17.24.240.A in Section 17.24.240 of the Metropolitan Code is replaced with the following



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Section 17.15. That Section 17.28.065 of the Metropolitan Code is deleted in its entirety and replaced with the following: 17.28.065 - Trees

A. The following definitions shall apply to this Section:

1. "Owner" means the person primarily responsible for the subject property. This may include but is not limited to the lot owner, builder, developer, project proponent, project manager, contractor, and owner's representative.
2. "Forest" means a natural ecosystem with a contiguous tree canopy that is at least 80% closed and that contains some trees of at least 10 inches diameter at breast height.
3. "Interior Forest" means an area of forest that is more than a 500 foot buffer distance from any road, building, or other area not covered by forest
4. "Existing tree canopy" means a contiguous area of 10,000 square feet or greater which consists of the crowns of healthy, self-supporting trees with a diameter at breast height (DBH) of three inches or greater, and which are not listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

BA. Applicability. Notwithstanding any provision to the contrary, the applicability standards in Section 17.28.020.E shall not apply to this section.

CB. Designation of tree types.

1. Designation of Protected Trees. A protected tree is any existing tree with at least a six-inch diameter at breast height (DBH); or any existing tree two inches in DBH or larger located in the public right-of-way. To qualify as a protected tree, the tree shall not be listed on the most recent edition of the Tennessee Invasive



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Exotic Plant List and shall be in fair or better condition with no major insect or pathological problems.

2. Designation of a Heritage Tree.

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

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

TREE TYPE	DBH	EXAMPLES but not limited to:
Deciduous Canopy	24"	Oak, Maple, Poplar, Planetree, Ginko <u>Ginkgo</u>
Evergreen Tall	10"	Am Holly, So. Magnolia, Pine, Spruce, Cedar
Deciduous Understory	8"	Redbud, Dogwood, Flowering Cherry, Jap. Magnolia, Jap. Maple
Evergreen Low	8"	Dwf. Magnolia, Hemlock, Hybrid Holly, Cherry Laurel (tree form)

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

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

b. In addition to the criteria listed above, to qualify as a heritage tree the tree shall meet all of the following as determined by a Metro Licensed Arborist and approved by the Urban Forester:

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

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

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

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

v. Must have no major insect or pathological problems.

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



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DC. Tree Preservation.

1. It is the intent of this section to minimize the removal of trees and to ensure that property owners and developers take reasonable measures to design and locate the proposed improvements so that the number of trees to be removed is minimized. In particular, the design shall attempt to preserve protected, heritage, and historic and specimen trees, which meet the criteria set forth in Section ~~17.28.065.A~~17.28.065, designation of tree types. ~~For purposes of this chapter, the term 'retained tree' means a tree that is selected to be saved or preserved for purposes of being counted toward the required tree density for the property and which is not listed on the most recent edition of the Tennessee Invasive Exotic Plant List and which is in fair or better condition, with no major insect, pathogenic, or structural disorders or deficiencies as determined by a permitted arborist.~~
2. Tree Inventory and Map. Prior to beginning any tree clearing, development work, or land disturbing activity impacting trees, a tree inventory and map shall be completed per the requirements described in Section ~~17.40.470.A~~17.40.460 -Tree removal permit procedures.
3. Minimum tree canopy retention. A percentage of the existing tree canopy shall be retained on a site in accordance with the table below:

Existing Tree Canopy Cover (as a percentage of the total development site size)	Minimum Tree Canopy Retention by Transect (as a percentage of total tree canopy cover)		
	T1, T2	T3	T4, T5, T6
80-100%	48%	24%	10%
60-79%	54%	27%	11%
40-59%	60%	30%	12%
20-39%	66%	33%	13%
19% or less	72%	36%	14%



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~~iv. Heritage and specimen trees.~~

~~eb. Tree Save Areas~~ save areas shall be depicted as an open space lot, conservation easement, or deed restriction on the concept plan, development plan, preliminary SP, site plan, or preliminary plat, landscape plan and recorded on the final plat or documentation as accepted by the Planning or Codes departments, as appropriate.

~~d. Individual single and two-family residential lots with Tree Save Areas in conservation easements or deed restrictions shall be identified on the site plan as Critical Lots, pursuant to Section 17.28.030, and shall be platted on the final plat with denotation on an individual lot.~~

~~ec. Consideration shall be given to the following when determining Tree Save Areas~~ tree save areas:

- i. Interior Forests;
- ii. Riparian buffers, natural drainage courses, or wetlands;
- iii. Land with naturally occurring slopes of 20 percent or greater;
- iv. Habitat used by endangered or threatened species;
- v. Heritage and specimen trees;
- vi. Scenic corridors and viewsheds;
- vii. Tree rows.

~~fd. Tree Save Areas~~ save areas shall be protected per the requirements of Section 17.28.065. ~~D~~ - Protection of trees during development activities.

~~5. Removal of existing vegetation shall not occur on a proposed or future development site until such time as the development has been approved and the tree removal permit has been issued. Grading permits shall not be approved until after the development plans have received all appropriate approvals.~~

~~65.~~ In the event ~~vegetation~~ any trees requiring protection pursuant to this section ~~is~~ are removed from a site, including within five-years prior to application for development, without a tree removal permit, such development shall be subject to the ~~revegetation~~ requirements of Section ~~17.40.470~~ 17.40.490 ~~Unauthorized Activities and Preparatory Land Clearing.~~

ED. Replacement of trees.

1. Trees removed pursuant to Section ~~17.40.470~~ 17.40.460, tree removal permit procedures, shall be replaced at the expense of the property owner to meet the required tree density standard described in subsection E.3 of this section.
2. Any tree that is removed without a required tree removal permit ~~shall be replaced as specified in 17.40.490. On or on a parcel where a tree removal permit has been issued, or trees have been removed on the site, within five years prior to a building permit, grading permit, site plan, subdivision, or other development, approval, not including such changes occurring prior to the enactment of this~~



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ordinance, the property shall be subject to the revegetation requirements of Section ~~17.40.490~~17.40.470.

3. Tree density.
 - a. Each Heritage Tree to be removed shall be replaced according to the 'Heritage Tree Schedule' in this section. The replacement of Heritage Trees may be utilized toward the site tree density requirements.
 - b. Each property, other than those residential properties provided for in E.3.c of this section, shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both. ~~The replacement of Heritage Trees provided for in E.3.a. may be utilized towards this tree density requirement. Any trees located on a green roof may be utilized toward the required tree density units of a site as approved by the Urban Forester.~~
 - c. Residential properties shall attain the following tree density factors:
 - i. Property within a single and/or two-family residential subdivision for which the preliminary site plan is filed with the planning commission after the date of enactment of this subsection shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both, within the common area and excluding the area of the building lots. ~~The replacement of Heritage Trees provided for in subsection E.3.a may be utilized towards this tree density requirement.~~ Proof of compliance with this requirement shall be provided prior to the release of any applicable public infrastructure bonds. ¶
 - ii. Requirements for individual single and two-family residential lots.
 - (1). Individual single and two-family lots, other than those lots zoned AG or AR2A, shall include at least one new two-inch caliper canopy tree for each twenty feet of frontage (or portion thereof), excluding alley frontage ~~only placed a minimum of fifteen feet from the building envelope,~~ not to exceed a total of eight trees per lot. ~~Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List, should be included within the canopy trees list wherever possible, and shall be of a form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).~~
 - (2). Unless otherwise approved by the Urban Forester ~~Individual~~ individual single and two-family lots on a cul-de-sac shall include at least two new two-inch caliper canopy trees for each twenty feet of lot frontage (or portion thereof), ~~placed a minimum of fifteen feet from the building envelope. Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List, should be included within the canopy trees list wherever possible and shall be of a form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).~~



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- (3). If the width of an individual single or two-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least ~~twenty-two~~ eleven units per acre using retained or replacement trees, or both.
- (4). Proof of compliance with this subsection shall be provided prior to the issuance of a certificate of occupancy.

~~iii. This subsection shall apply to new and existing single and two family lots where there is new construction of a principal structure or accessory dwelling unit, or an addition to an existing structure equal to or greater than fifty percent of the total square footage of all structures of the lot.~~

~~iv. The replacement of Heritage Trees provided for in subsection E.3.a may be utilized to satisfy this tree density requirement.~~

~~d. In order to reduce mortality rates of newly planted trees during summer months, the owner may opt to plant trees in the fall or winter months of the season. The following actions must occur in order to defer tree planting to a later date:~~

~~i. Proof of purchase must be supplied to the Urban Forester showing that the trees are fully paid for, and scheduled to be planted in the fall or winter.~~

~~ii. A bond is paid per property and is held until proof of planting is shown to the urban forester; the value of the bond must meet or exceed 125% of the metro tree bank value of the required trees.~~

~~iii. where proof of planting is not supplied to the Urban Forester within one calendar year of the bond submission, the bond shall be deposited in the metro tree bank described in section 17.40.490.~~

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

~~i. 50% of the The portion of the land area currently or proposed to be covered by buildings~~

~~ii. The fenced area of any athletic field;~~

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

~~iv. Open areas of golf facilities.~~

~~v. Natural areas preserved in open space pursuant to section 17.12.090 of this title if trees in the natural areas shall not be counted toward TDU.~~

~~fe. Retained and replacement trees shall contribute toward the tree density.~~

~~g. Trees within required landscape buffer yards shall only contribute toward 50% of the required tree density.~~

~~hf. Tree density schedules shall be calculated according to the following schedules.~~



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Retained Tree Schedule

UNITS represents basal area
DBH refers to diameter at breast height

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

Heritage Tree Schedule

UNITS represents basal area
DBH refers to diameter at breast height

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

*Greater than 24" equals DBH × 0.5 per inch

Replacement Tree Schedule

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

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

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



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4. Existing prohibited trees may be counted for full credit of the tree density requirement if in the opinion of the urban forester, they are healthy existing trees, and if the species is not listed on the most recent edition of the Tennessee Invasive Exotic Plant List. Trees to be counted for credit must be cleared of vines listed on the Tennessee Invasive Exotic Plant List.
54. Single trunk replacement trees shall be (i) a minimum width of two inch caliper; (ii) a minimum height of six feet; and (iii) shall consist of recommended species listed in the Urban Forestry Recommended and Prohibited Tree and Shrub List. Replacement trees shall be selected from the list and shall meet the total required TDU value.
65. A retained tree moved from one location to another on the site may be given credit upon approval of the urban forester.
76. Except for sites located within the Downtown Code (DTC) zoning district ~~and individual single and two-family residential lots~~, credit toward the required tree density may be given for the installation of street trees that meet the following criteria:
- a. Street trees ~~shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List and~~ shall be a minimum of two-inch caliper ~~and a minimum of six feet in overall height~~. Canopy trees shall be installed except where conflicts with overhead utility lines exist; in those instances, understory trees may be substituted.
 - b. Street trees ~~installed for tree density credit~~ shall be depicted on the landscape plan.
 - c. The proposed location of street trees and planting area dimensions and standards shall be subject to review and approval by the urban forester and ~~metro public works~~ Nashville Department of Transportation.
 - d. The owner of the property frontage along which the street trees are installed shall be responsible for maintenance and replacement, when necessary, of street trees installed per this title to ANSI A300 tree care industry standards.
87. Subdivision developments, other than single and two-family residential subdivisions required to meet the tree density requirements of subsection C.3.c. of this section, shall be exempt from the tree replacement provisions of this title during the phases of construction to install streets, utilities and drainage structures required to be installed or bonded prior to recording of a final plat, so long as: (1) the tree survey includes the area to be disturbed by the construction of streets, utilities and required drainage facilities; and (2) the removal of protected and Heritage Trees, as set forth in subsection 17.28.065-A, is confined to the area of disturbance determined by the planning commission to be the minimum area necessary to install the infrastructure required by the subdivision regulations; and (3) so long as no protected and Heritage Trees, as set forth in Section 17.28.065-A, are to be removed outside of the agreed upon disturbed area. Development of individual parcels within the subdivision must comply with the tree replacement provisions unless exempted by other provisions of this title.



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98. Existing developments not otherwise exempted shall comply with the tree replacement provisions of this title when undergoing redevelopment or expansions as follows:
- a. No additional compliance is required if either:
 - i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent, of the value of all improvements on the lot prior to expansion; or
 - ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square feet of all improvements on the lot prior to expansion.
 - ~~b. Unless excluded from compliance under Subsection E.9.a, when the previously improved portion of a lot is enlarged, or additional area is incorporated into the lot, the entire lot is required to be brought into compliance with the tree replacement requirements.~~
 - b. When the previously improved portion of a lot is enlarged, or additional area is incorporated into the lot, only the additional area or expanded area of improvement is required to be brought into compliance with the tree replacement requirements, if either:
 - i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent of the value of all improvements on the lot prior to expansion; or
 - ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square footage of all improvements on the lot prior to expansion.
 - c. Total compliance is required if exemption cannot be claimed under other provisions of this section.
- ~~10. Replacement trees planted for credit shall be properly maintained per the requirements described within 17.24.80 Maintenance of Required Landscape Materials.~~
149. Any replacement tree planted for credit shall be replaced by a tree of equal or greater diameter than originally planted if the tree dies. Under no circumstances shall any replacement tree, planted for credit, be removed by the owner or developer without the prior permission of the urban forester. All trees and shrubs required by this code shall be inspected within three years of initial planting.



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Where a replacement tree dies as a result of a natural disaster or other unforeseeable event, ~~excluding drought, owners of single and two family properties may be eligible to receive funding from the tree bank for tree replacement, where determined appropriate by Metro Water Services. or as invoked by the mayor as necessary to deal with an emergency, there may be no requirement that a replacement tree planted for credit be replaced.~~

~~1210.~~ Where construction work will be completed under a phased schedule, site work and tree removal for the entire tract may be completed at one time and replacement or addition of trees can be deferred for a maximum of five years, so long as each phase is in compliance with the tree density requirements upon completion of that phase, and so long as the entire site is in compliance with the tree density requirements within five years, or upon completion of the entire project, whichever occurs first.

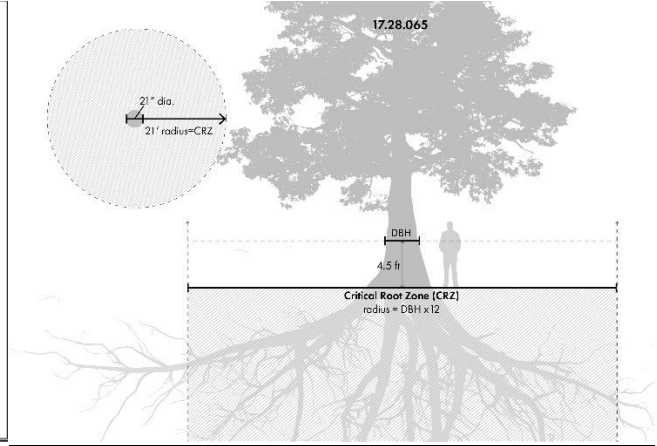
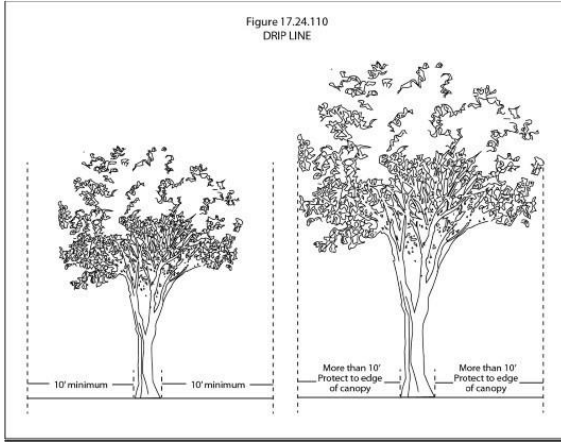
~~1311.~~ Notwithstanding any provisions of this title to the contrary, the board of zoning appeals may hear and decide appeals from any order, requirement, decision, or determination made by the urban forester in carrying out the enforcement of this chapter.

FE. Protection of trees during development activities.

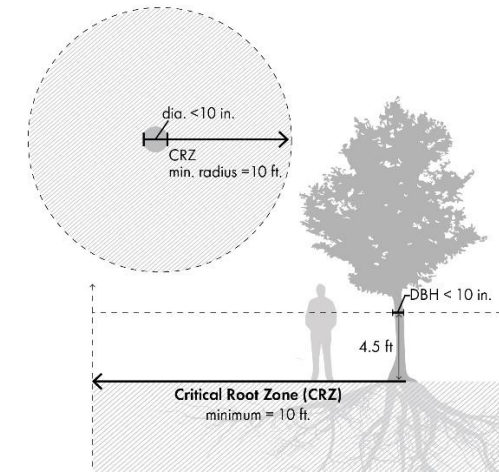
1. Generally. To assure the health and survival of retained trees, the following kinds of tree injuries shall be prohibited during all development activities:
 - a. Mechanical injuries to roots, trunk and branches;
 - b. Injuries by chemical poisoning or soil flooding;
 - c. Injuries by grade changes;
 - d. Injuries by excavations, trenching, or soil compaction; and
 - e. Injuries by paving or other soil covering or material storage.
2. Tree Protection Zone. A tree protection zone shall be established around each retained tree, ~~and Tree Save Area (Section 17.28.065.B.4)~~ tree preservation area and protected natural area as shown in Figures ~~17.28.065.D~~ 17.28.065. ~~All permitted construction within the Critical Root Zone must use pier and beam construction to cause no damage to the tree. If the critical root zone is less than ten feet, the protection zone shall be a minimum of ten feet. The configuration of the tree protection may be adjusted upon approval of the urban forester.~~



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17.28.065 Small Trees



- a. ~~If the drip line is less than ten feet, the protection zone shall be ten feet.~~
 - b. ~~If the drip line is more than ten feet, the protection zone shall be the full drip line of the tree.~~
 - c. ~~The configuration of the tree protection zone may be adjusted upon recommendation of the urban forester and upon verification that measures will be taken during construction or installation to protect the well-being of the tree.~~
3. Development Prohibited within the Tree Protection Zone. All development activities ~~except those specifically permitted by subsection D.6 of this section~~ shall be prohibited within the tree protection zone provided for any protected trees or natural area created by section 17.12.090 Conservation Development, including any construction of buildings, structures, paving surfaces, and storm-water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.



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4. Development Prohibited within the Natural Areas. All development activities shall be prohibited within any tree protection zone established for a natural area preserved in open space pursuant to Section 17.12.090 Conservation Development.
5. Fencing of Tree Protection Zone or Natural Area Open Space. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone or natural area open space within a fence as follows:
 - a. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.
 - b. During construction, each tree protection zone shall be identified with temporary signs to clearly demarcate the extent of the zone. Signs shall be made of a recyclable material and installed on the tree protection fence, visible on all sides of the fenced-in area at a rate of at least one sign for every 50 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR". The owner shall maintain the protective barrier during the entire construction process and shall make certain that it is observed by the contractor.
 - c. The location of tree fence shall be coordinated with any required silt fence. Tree fence shall be located toward the tree with the silt fence outside to prevent erosion inside a tree preservation area.
 - d. Tree fence shall be maintained until the Urban Forester has completed a final inspection and released the project.
6. ~~Permitted Activities within~~ Tree Protection Zone Encroachment.
 - a. Utility Excavation. Excavating or trenching ~~by duly constituted utilities may shall not~~ be permitted within the tree protection zone. Utilities ~~should~~ shall be located away from the tree protection zone ~~wherever possible~~. If trees are damaged or destroyed during excavation or trenching, the damaged or destroyed trees shall be replaced in accordance with section 17.40.470 ~~the tree density tables in this section~~. ~~The urban forester may propose rules and regulations governing and/or limiting excavation or trenching by duly constituted utilities in the tree protection zone. Upon approval by the metropolitan planning commission of such rules and regulations pursuant to Metropolitan Code of Laws Section 2.104.020,~~ excavation and trenching in the tree protection zone shall be permitted ~~only pursuant to such rules and regulations~~.
 - b. Sodding and Groundcover. Placement of sod or other groundcovers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone, so long as tree roots in the area are not damaged by the method of preparation.



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7. Inspections.
 - a. All retained trees, pursuant to a tree survey shall be inspected by the urban forester one year following completion of the project to ensure that they are surviving in a healthy condition.
 - b. Retained trees which require repair or replacement shall be determined by the urban forester.
 - c. Any retained tree which is damaged during construction, or with damage occurring as a result of construction, shall be ~~repaired according to accepted ANSI A300 standards or replaced on an inch for inch basis~~ replaced as provided in Section 17.40.470. Trees planted to replace damaged or removed protected trees shall not be counted toward the site TDU.
 - d. The owner shall be notified in writing of the urban forester's determinations.

~~GE~~ F. Less desirable trees.

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

Section ~~18~~16. That Section 17.40.440 of the Metropolitan Code is deleted in its entirety and replaced with the following:

17.40.440 General.

Unless exempt from the provisions of this chapter, no person shall remove or in any way damage any retained, protected or Heritage Tree without first obtaining a permit from the zoning administrator. Any tree which is damaged, destroyed or removed without the required tree permit shall be ~~repaired according to accepted ANSI A300 tree care industry standards, or~~ replaced as provided in Section ~~17.40.490~~ 17.40.470.

Section ~~19~~17. That Section 17.40.460 of the Metropolitan Code is deleted in its entirety and replaced with the following:

~~17.40.460~~ 17.40.450 General exemptions.

The following uses or activities shall be exempt from the tree removal requirements of this article; however, these exemptions do not apply to any tree registered in the Historic or Specimen Tree program, any tree listed on the Tennessee Champion Tree list, or any tree listed on the Tennessee Landmark and Historic Tree Registry as maintained by the Tennessee Division of Forestry:

- A. Commercial Growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only



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as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

- B. Surveyors and Engineers. A Tennessee-licensed land surveyor or engineer in the performance of duties, provided such alteration or removal is limited to a swath of three feet or less in width.
- C. Activities conducted on any AG and AR2A zoned property of less than two acres or on R/RS zoned property of less than one acre, shall be exempt. ~~at individual single and two-family residential lots where a building permit, grading permit, site plan, subdivision, or other development are not to be sought within the current or upcoming five-year periods.~~

Section ~~2018~~. That Section 17.40.470 of the Metropolitan Code is deleted in its entirety and replaced with the following:

~~17.40.470~~ 17.40.460 Tree removal permit procedures.

The application procedures and standards for review of tree removal permit applications shall be as follows:

- A. Application Requirements. Unless exempt under Section ~~17.40.460~~ 17.40.450 – General exemptions, no person shall remove or in any way damage any retained, protected, or Heritage Tree without first obtaining a permit from the zoning administrator; ~~this requirement applies within all zoning districts. Any person desiring a tree removal permit, including any person or entity engaged in the business of tree removal services, shall make application to the zoning administrator upon forms provided by the zoning administrator along with the following information: A tree removal application shall be submitted to the Codes or Planning Department as applicable for the type of proposed development. Applications shall include all necessary drawings, specifications, studies or reports as required by by the Planning Commission and Codes Department.~~
 - 1. The application shall include the name, address, telephone number, email address, and signature of the landowner and/or agent. If a tree removal permit is desired for a boundary tree, such information ~~must~~ shall be included within the application for all boundary landowners and/or agents. For the purposes of this section, “boundary tree” means a tree in which a property line passes through any part of its trunk.
 - 2. Except for development approved pursuant to Section 17.12.090, each application for a tree removal permit shall be accompanied by a tree inventory and map based upon current information and a landscape plan that includes the tree replacement requirements. An application for a tree removal permit for a Conservation Development approved pursuant to Section 17.12.090 shall submit a tree inventory and map based upon current information and a landscape plan that includes the tree replacement requirements for any trees located outside of the natural areas required to be preserved in open space. Any tree inventory and map



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and landscape plan required by this section, at sites which include five thousand square feet or more of ~~permanent~~ proposed structures, shall be prepared by, or under the direction of, a permitted arborist or registered forester and bear the seal of a landscape architect, ~~surveyor, or engineer~~ registered in Tennessee. The map shall have an accuracy of plus or minus three feet for all sites which include five thousand square feet or more of permanent structures. Any tree inventory and map and landscape plan submitted pursuant to this section for sites with less than five thousand square feet of permanent structures shall not require professional credentials as described within this subsection. The tree inventory and map shall show the location, size, health, and type of retained, protected and Heritage Trees, including common or scientific names. The inventory and map shall indicate which retained, protected and Heritage Trees are intended for removal and/or grubbing and which will be left undisturbed. The inventory and map and final site plan shall illustrate the following:

- a. The locations of existing and proposed buildings, property boundaries, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.
- b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected and Heritage Trees and appropriate tree protection fencing for those trees.
- c. For a conservation development approved pursuant to 17.12.090 survey plans shall locate and label all natural areas to be preserved and show and label the limits of disturbance.
- d. For a conservation development approved pursuant to 17.12.090, the site analysis plan shall be included with the submittal.
- e. All trees six inches diameter at breast height (DBH) and above, within the area of disturbance ~~must~~ shall be inventoried and shown on the inventory and map or final site plan. All trees twenty-four inches DBH and greater, or those that qualify as Heritage Trees under Section 17.28.065-A-2 of this title, ~~must~~ shall be inventoried and shown on the map or final site plan whether they are within the area of disturbance or not.
- f. The inventory and map ~~must~~ shall depict the location, species, size, and health of each tree. Any proposed tree protection zones and Tree Save Areas ~~must~~ shall be depicted. In instances of large, established tree stands, the zoning administrator may accept an approximation of the location, species, size, and health of such trees, utilizing a scientifically defensible methodology.
- g. The inventory and map shall include a recent and accurate



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photograph or representation with the date the photograph or representation was taken or created and shall include the location and extent of the existing onsite tree canopy, including an estimate of the total percentage. Publicly available images are acceptable but any portion of the publicly available image which is no longer accurate shall be noted with supplemental images or descriptions

3. Each application for a tree removal permit shall include a plan for disposal of the tree.
 4. The application shall include sufficient information to demonstrate that the activity is designed and constructed to avoid and minimize adverse effects to retained, protected and Heritage Trees, to the maximum extent practicable at the site.
 5. The application shall include a tree replacement proposal that complies with the requirements of Section 17.28.065-~~E~~.
 6. The application shall include sufficient information to demonstrate that the activity complies with the requirements of section 17.28.065-~~D~~.
 7. The application shall include the contact information, business license, and arborist permit obtained pursuant to Section 2.104.070 for the person or entity to be engaged in the business of tree removal services at the site.
 8. The application and accompanying documents shall be submitted in copies sufficient to administer this article.
 9. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purpose of evaluating the application.
 10. Tree permits allowing for pruning or removal of trees necessitated by the installation and/or on-going maintenance of public utilities and communications facilities may be issued by the urban forester to public utilities and communications facilities for a period of one year and may be renewed annually subject to continued compliance with the conditions of this article.
- B. Tree Removal Permit Review Criteria. No permit for the removal of a retained, protected or Heritage Tree shall be granted unless the demonstrates compliance with sections 17.28.065-~~D~~ and 17.28.065-~~E~~, and satisfies one or more of the following conditions:
1. The site has received development, site plan or subdivision approval.
 2. The tree is located in such proximity to an existing structure that the safety, utility or structural integrity of the structure is materially impaired.
 3. The tree materially interferes with the installation, servicing or functioning of existing or infrastructure, utility lines or services for which there is no feasible relocation alternative.



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4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
5. The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
6. ~~The removal of the tree is necessary to promote the growth of surrounding protected and Heritage Trees. Under this provision, the applicant must demonstrate a preference for protecting Heritage Trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements.~~
76. Any law or regulation requires the removal.

C. Tree Removal Permit Review Procedures.

1. If the site requires a grading permit and/or development plan approval, tree removal permits shall not be issued until after the grading permit and/or development plans have received all appropriate approvals.
2. ~~Where a tree poses a threat of harm to inhabitants or guests of the property, such as when a tree is diseased, insect ridden, weakened, or damaged, the landowner or agent may remove the tree immediately and retroactively file the removal permit within three months after the removal. Tree replacement requirements shall be the same as tree removals that required removal permits prior to removal.~~
32. Applications that involve subdivision review or any form of site plan review before the planning commission, shall be reviewed by the planning commission in accordance with the applicable review procedures.
43. Applications that do not involve final site plan review, but only the issuance of grading or building permits shall be reviewed by the zoning administrator and urban forester in accordance with the review procedures already in effect for the review and approval of such permits.
54. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purposes of evaluating the application.
65. Unless otherwise specified, a tree removal permit shall automatically expire and become void if the work authorized by such permit is not commenced within six months after the date of the permit or if, once commenced, removal work is suspended, discontinued, or abandoned for a period equal to or greater than six months.
76. Tree removal authorized by the approval of a final site plan or by approved subdivision construction plans shall remain valid concurrent with the approved plans.
87. Notice of commencement and completion of the work or other activity



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authorized by the tree permit shall be made by signed affidavit to the urban forester as stated on the permit issued.

~~D. Tree Removal Permit Efficiency and Transparency.~~

- ~~1. The zoning administrator shall use an electronic permitting process for all tree removal permit applications, including all accompanying materials required by this section.~~
- ~~2. All tree removal permit applications, and all approved tree removal permits, including all accompanying materials required by this section, shall be made electronically accessible to the public within one business day through an electronic permitting system and through an interactive mapping system.~~
- ~~3. The zoning administrator shall be responsible for maintaining a functional, comprehensive, and current webpage for the urban forestry program within the Metro Nashville website. The website must include:
 - ~~a. Requirements and procedures for applying for tree removal permits,~~
 - ~~b. Requirements and procedures for licensure and permitting of arborists,~~
 - ~~c. Most current version of the Urban Forestry Recommended and Tree and Shrub List,~~
 - ~~d. All applicable tree density worksheets,~~
 - ~~e. Procedures related to planting, maintenance, and removal of street trees,~~
 - ~~f. Requirements for protection of trees during development activities,~~
 - ~~g. Information on tree topping restrictions,~~
 - ~~h. Information related to consequences of unauthorized removals of protected tree canopy, and~~
 - ~~i. Current and accurate contact information for all urban forestry staff members.~~~~

- ED. Notification. Any person obtaining a tree removal permit shall provide notice to the public by posting signage on the subject property a minimum of seven days prior to the start of work. Such signage shall remain posted on the property until completion of tree removal activities. The signage shall include the address of the removal, name and phone number of the applicant, permit number for the tree removal permit, the permit number for the permitted licensed Metro arborist, and phone number of the urban forester, ~~number of trees to be removed, number of replacement trees, and the applicable tree removal permit tracking number.~~ The ~~size of each sign must~~ shall be 24" (vertical) × 36" (horizontal) and shall contain the following language "TREE REMOVAL PERMIT". ~~The signage shall have~~



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~~a bright yellow background with large, bold, dark text and shall be constructed of weather resistant materials. Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.~~

~~Section 21. That Metropolitan Code of Laws is amended by adding the following new Section 17.40.490:~~

~~Section 19. That Section 17.40.470 of the Metropolitan Code is deleted in its entirety and replaced with the following:~~

~~17.40.490 17.40.470 Unauthorized Activities and Preparatory Land Clearing Tree Removal Violations.~~

~~In cases where tree clearing, development work, land disturbance, or intentional damage to trees occurs in violation of the standards of this section, including tree removals or damage on a parcel within five years prior to receiving a building permit, grading permit, site plan approval, subdivision approval, or other development approval, not including such changes occurring prior to the enactment of this ordinance, the following shall apply:~~

~~A. Tree replacement shall be required at a rate of 80 trees 44 TDU for each acre disturbed or at a rate of two caliper inches for each caliper inch of removed tree based on the diameter of the remaining tree trunk or stump, whichever rate is higher.~~

~~B. Replacement trees shall have a minimum of two inch caliper at the time planted, and shall be planted within 12 months of the removal, or prior to issuance of use and occupancy permits in cases of permitted development activities.~~

~~C. In the cases of unauthorized a tree removals or preparatory land clearing violation, the required replacement trees shall not count towards tree density units required by this Article nor by section 17.28.065 title. For the purposes of this section, "preparatory land clearing" means the removal, destruction, or irreparable damage of Protected Trees from a parcel within five years prior to receiving a building permit, grading permit, site plan approval, subdivision approval, or other development approval.~~

~~D. Replacement trees shall be maintained through an establishment period of three years. If the replacement trees do not survive the establishment period, the owner shall purchase and install new replacement trees, and the establishment period shall reset.~~

~~E. In addition to any other penalty imposed for failure to obtain a required permit, where work for which a permit is required, is commenced before a prior to the issuance of a permit is issued, a fine of fifty dollars per violation per day of violation shall be imposed.~~

~~Section 2220. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.~~



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Section ~~2321~~. This Ordinance shall take effect ~~upon publication of above said notice announcing on March 15, 2023 and such change shall be published in a newspaper~~ of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.



NO SKETCH



Metro Planning Commission Meeting of 10/27/22

Item #10	Text Amendment 2022Z-015TX-001
Project Name	Downtown Code NDOT Amendment
Council Bill No.	BL2022-1472
Council District	19 – O’Connell
School District	5, 1 – Buggs, Gentry
Requested by	Metro Planning Department
Staff Reviewer	Hammer
Staff Recommendation	<i>Approve.</i>

PROPOSED AMENDMENTS TO TITLE 17

Section 1: That Section 17.37 of the Metropolitan Code is hereby amended by deleting the first sentence under “Application Process” on page 14 of the DTC and substituting the following new sentence:

The DTC DRC shall review and approve a DTC Concept Plan for a site prior to approval of a DTC Final Site Plan. A recommendation from the Nashville Department of Transportation and Multimodal Infrastructure shall be required for a DTC Concept Plan.

Section 2: That Section 17.40.170 of the Metropolitan Code is hereby amended by deleting subsection C in its entirety and substituting with the following new subsection C:

- C. Final Approval by the Planning Department. Planning Department approval shall be required for a final site plan within the DTC zoning district.
 - 1. Application for Final Approval. A final site plan application filed with the Planning Department shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable provisions of this title and accurately represent the resulting form of construction. Applications shall include all necessary drawings, specifications, studies or reports as required by a submittal checklist adopted by the Planning Department.
 - 2. Basis for Final Site Plan Approval. Approval of a final site plan shall be based on demonstrated compliance with all applicable provisions of this title and shall also be subject to review and approval by the Nashville Department of Transportation and Multimodal Infrastructure based on demonstrable compliance with all applicable provisions.
 - 3. Planning Department Action. The Planning Department shall act to approve, conditionally approve or disapprove a final site plan application.
 - 4. Overlapping Requirements: If a final site plan is also required by 17.40.170.B, the procedures within this section shall control.

BACKGROUND

The Downtown Code (DTC) Final Site Plan process was amended into the Metropolitan Code by BL2015-1053. The proposed amendments to Chapters 17.37 and 17.40 of the zoning code formally integrate the Nashville Department of Transportation and Multimodal Infrastructure (also known as NDOT) into the Concept Plan and Final Site Plan processes of the DTC.



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ANALYSIS

First, the bill requires a formal recommendation from NDOT on Concept Plans reviewed by the Downtown Code Design Review Committee (DTC DRC). A Concept Plan is the first step in the approval process for projects within DTC zoning and Planning staff make a recommendation to the DTC DRC. Currently, NDOT staff attends DTC DRC and MDHA DRC meetings to answer questions regarding the status of a project but lack a formal role in the review process.

Second, the bill requires DTC Final Site Plans to be approved by both the Planning Department and NDOT. Unlike other final site plan processes within Chapter 17.40, which are reviewed by either the Zoning Administrator or the Planning Commission, DTC Final Site Plans are only reviewed by the Planning Department, with no formal role for any other Metro Department until building permits are sought. Due to the technical complexity of right-of-way, access, and transportation decisions within Downtown, a formal requirement for approval by NDOT is necessary.

The bill also clarifies that the Downtown Code Final Site Plan review process shall be followed when Downtown Code and Urban Design Overlay zoning are present on the same property, as both types of zoning have final site plan requirements with different review processes.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

NDOT will implement the provisions of this text amendment by giving formal recommendations and reviews of final site plans. NDOT anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval.



SEE NEXT PAGE



NO SKETCH



Metro Planning Commission Meeting of 10/27/22

Item #11
Project Name

Text Amendment 2022Z-016TX-001
Mailed Notice of Reasonable Accommodation

Council Bill No.
Council District
School District
Requested by

BL2022-1473
Countywide
Countywide
Councilmember Dave Rosenberg

Staff Reviewer
Staff Recommendation

Anthony
Approve with a substitute.

APPLICANT REQUEST

Amend the Zoning Code to require mailed notice of reasonable accommodation decisions made by the Zoning Administrator

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would amend Section 17.40.010 of the Zoning Code to add a requirement that written notice of any decision by the Zoning Administrator to grant or deny a reasonable accommodation be mailed to property owners within 1,000 feet of the affected property. The notice would be required to include information on how to appeal the Zoning Administrator's decision.

The following text shows the proposed amendment as filed (added text is shown with underline).

Section 1. That Section 17.40.010 by deleting Subsection I.1 and replacing it with the following:

- I.1. For purposes of this section "person" shall mean an individual, group or institution. Any person who has a handicap or disability recognized by federal law, provides housing for such a person or whose religious exercise is burdened by a provision of this title, or a representative of any such person, may request in writing a reasonable accommodation as contemplated in this section. The right to request a reasonable accommodation shall be prominently displayed in the public area under the supervision of the zoning administrator and on the publicly accessible portion of any Internet website maintained by the metropolitan government and devoted to local codes enforcement and zoning matters. The zoning administrator shall make, and document in writing, specific findings of fact in support of every decision to grant or deny an accommodation sought under this paragraph and issue a determination within thirty days of the request being made. The zoning administrator's decision shall be reviewable by the board of zoning appeals upon the filing of a notice of appeal by any person or entity aggrieved by the decision. In addition, written notice of the zoning administrator's decision to grant or deny a reasonable accommodation shall be mailed to all property owners within one thousand feet of the subject property and such notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Any appeal brought under this subsection must be in writing and filed with the



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board of zoning appeals not more than thirty days after issuance of the zoning administrator's decision. Documents comprising the record of any determination made with respect to the grant or denial of a request for an accommodation by the zoning administrator or the board of zoning appeals shall be kept on file for not less than three years from the date of final decision and available for public inspection upon reasonable notice.

BACKGROUND

The Zoning Code establishes a right to request a reasonable accommodation to the standards set forth in the Code. Parties permitted to seek reasonable accommodation are a person or person's representative: who has a disability recognized by federal law; who provides housing for a person with a disability recognized by federal law; or whose religious exercise is burdened by a provision of the Code. "Person" is defined broadly to include an individual, group, or institution. The Zoning Code regulates where the right to reasonable accommodation is to be displayed, the manner in which the Zoning Administrator must make a determination on a reasonable accommodation, and the process for appealing the Zoning Administrator's decision to the Board of Zoning Appeals.

ANALYSIS

The proposed amendment to the Zoning Code adds a requirement that the Zoning Administrator provide written notice of a decision to grant or deny a reasonable accommodation to all property owners within 1,000 feet of the affected property. The proposed amendment further requires that the notice include information about the reasonable accommodation and the procedures for filing an appeal to the Board of Zoning Appeals.

The Zoning Code currently requires that the Zoning Administrator review a reasonable accommodation request and issue a written report within 30 days of making a decision on the request. There is no requirement that notification be sent to surrounding property owners. The proposed amendment would ensure that surrounding property owners are notified of the Zoning Administrator's decision as well as the process for filing an appeal of the decision. Aggrieved parties have a 30-day window from the date of the Zoning Administrator's decision to file an appeal with the Board of Zoning Appeals. The proposed amendment does not include a time requirement for the mailing of notices.

Recommended Substitute

Staff recommends a substitute that adds a time requirement for the mailing of notices. The substitute clarifies that the Zoning Administrator has five business days to mail notices to property owners within 1,000 feet of the affected property. Barring extended delays in mail delivery, this would ensure that recipients of the mailed notices have sufficient time to file appeals to the Board of Zoning Appeals within the 30-day window.

The following text shows the substitute. Staff recommended text to be added to the bill as filed is shown in underline.

Section 1. That Section 17.40.010 by deleting Subsection I.1 and replacing it with the following:



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- I.1. For purposes of this section "person" shall mean an individual, group or institution. Any person who has a handicap or disability recognized by federal law, provides housing for such a person or whose religious exercise is burdened by a provision of this title, or a representative of any such person, may request in writing a reasonable accommodation as contemplated in this section. The right to request a reasonable accommodation shall be prominently displayed in the public area under the supervision of the zoning administrator and on the publicly accessible portion of any Internet website maintained by the metropolitan government and devoted to local codes enforcement and zoning matters. The zoning administrator shall make, and document in writing, specific findings of fact in support of every decision to grant or deny an accommodation sought under this paragraph and issue a determination within thirty days of the request being made. The zoning administrator's decision shall be reviewable by the board of zoning appeals upon the filing of a notice of appeal by any person or entity aggrieved by the decision. In addition, written notice of the zoning administrator's decision to grant or deny a reasonable accommodation shall be mailed to all property owners within one thousand feet of the subject property within five business days of the zoning administrator's decision, and such notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Any appeal brought under this subsection must be in writing and filed with the board of zoning appeals not more than thirty days after issuance of the zoning administrator's decision. Documents comprising the record of any determination made with respect to the grant or denial of a request for an accommodation by the zoning administrator or the board of zoning appeals shall be kept on file for not less than three years from the date of final decision and available for public inspection upon reasonable notice.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

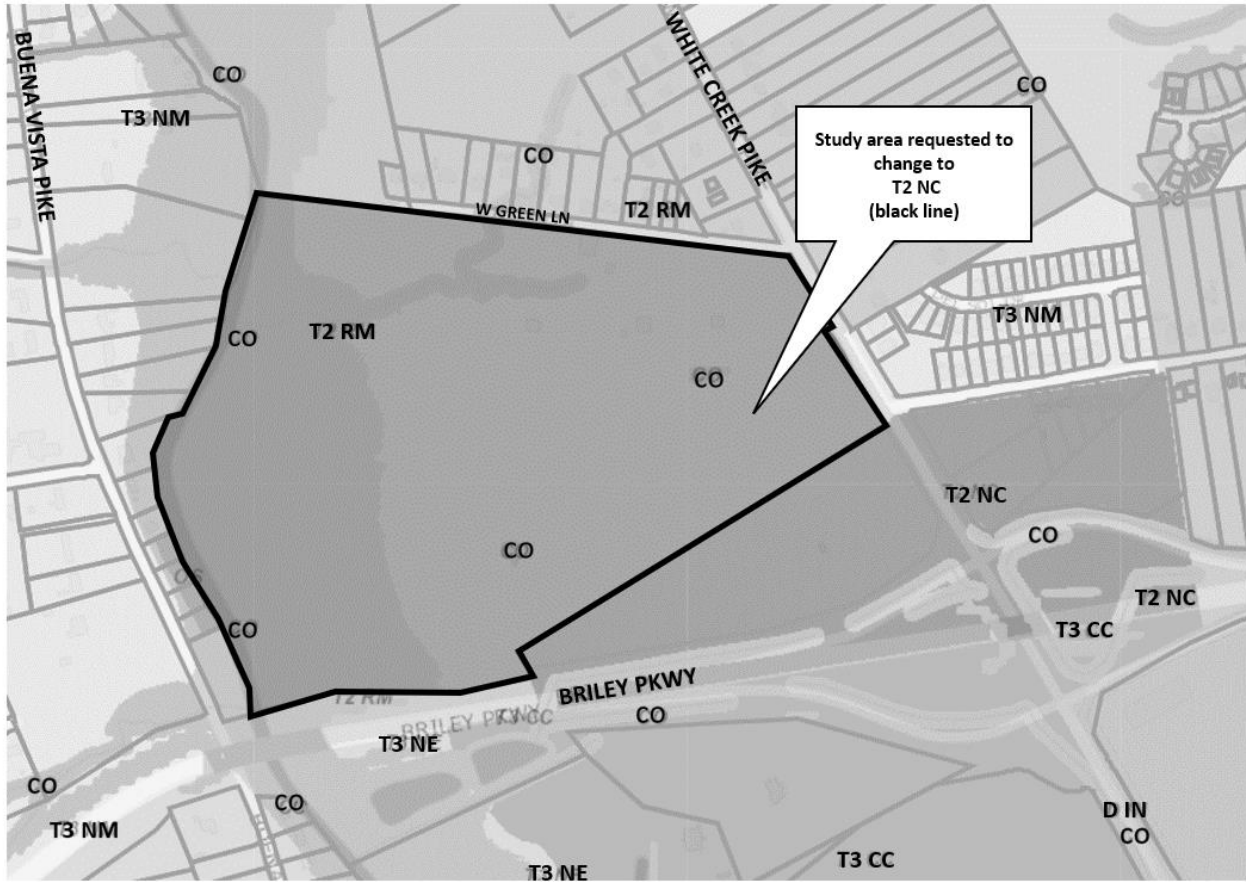
The Codes Department anticipates the proposed amendment to be revenue neutral.

STAFF RECOMMENDATION

Staff recommends approval of a substitute



Metro Planning Commission Meeting of 10/27/22



2022CP-003-002

Map 049, Parcel(s) 129

03, Bordeaux-Whites Creek-Haynes Trinity

03 (Jennifer Gamble)



Metro Planning Commission Meeting of 10/27/22

Item #12a
Project Name

Plan Amendment 2022CP-003-002
Bordeaux-Whites Creek-Haynes Trinity
Community Plan Amendment

Associated Cases
Council District
School District
Requested by

2022SP-043-001
03 – Gamble
01 – Gentry
West Green Land Partners, LLC; 1033 Demonbreun
Street Suite 300, owners. Catalyst Design Group,
Jeffrey Heinze; 5100 Tennessee Avenue, applicant.

Staff Reviewer
Staff Recommendation

Barbour
Defer to the November 10, 2022, Planning Commission meeting.

APPLICANT REQUEST

Amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan to change the policy.

Plan Amendment

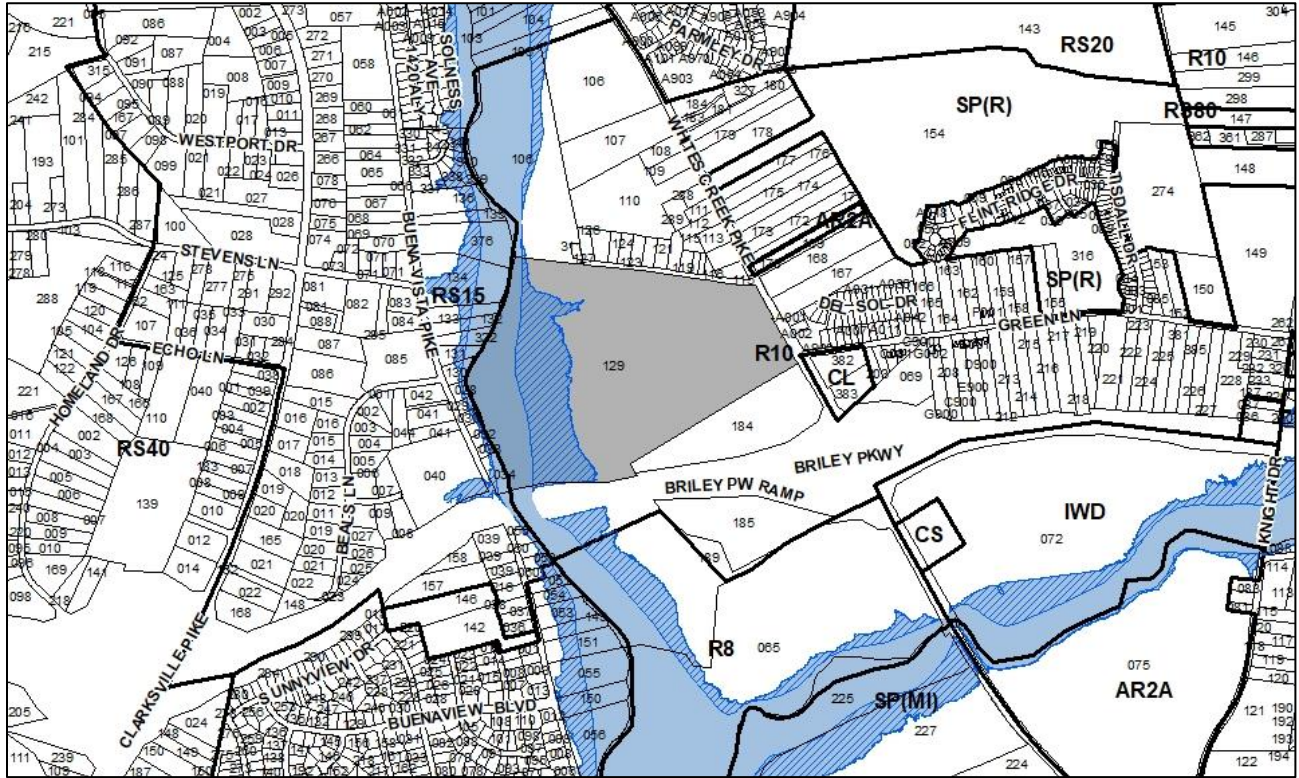
A request to amend the Bordeaux/Whites Creek/Haynes Trinity Community Plan by amending the Community Character Policy from Rural Maintenance (T2 RM) to Rural Neighborhood Center (T2 NC) policy. Conservation (CO) would remain in place. (approximately 78.22 acres)

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/27/22



2022SP-043-001

633 W. GREEN LANE SP

Map 049, Parcel(s) 129

03, Bordeaux - Whites Creek - Haynes Trinity

03 (Jennifer Gamble)



Metro Planning Commission Meeting of 10/27/22

Item #12b	Specific Plan 2022SP-043-001
Project Name	633 W. Green SP
Associated Cases	2022CP-003-002
Council District	03 - Gamble
School District	1 – Gentry
Requested by	Catalyst Design Group, applicant; West Green Land Partners LLC, owner.

Deferrals This item was deferred at the September 22, 2022, and October 13, 2022, Planning Commission meeting. No public hearing was held.

Staff Reviewer Elliott
Staff Recommendation *Defer to the November 10, 2022, Planning Commission meeting.*

APPLICANT REQUEST

Rezone from R10 to Specific Plan to permit a mixed-use development.

Preliminary SP

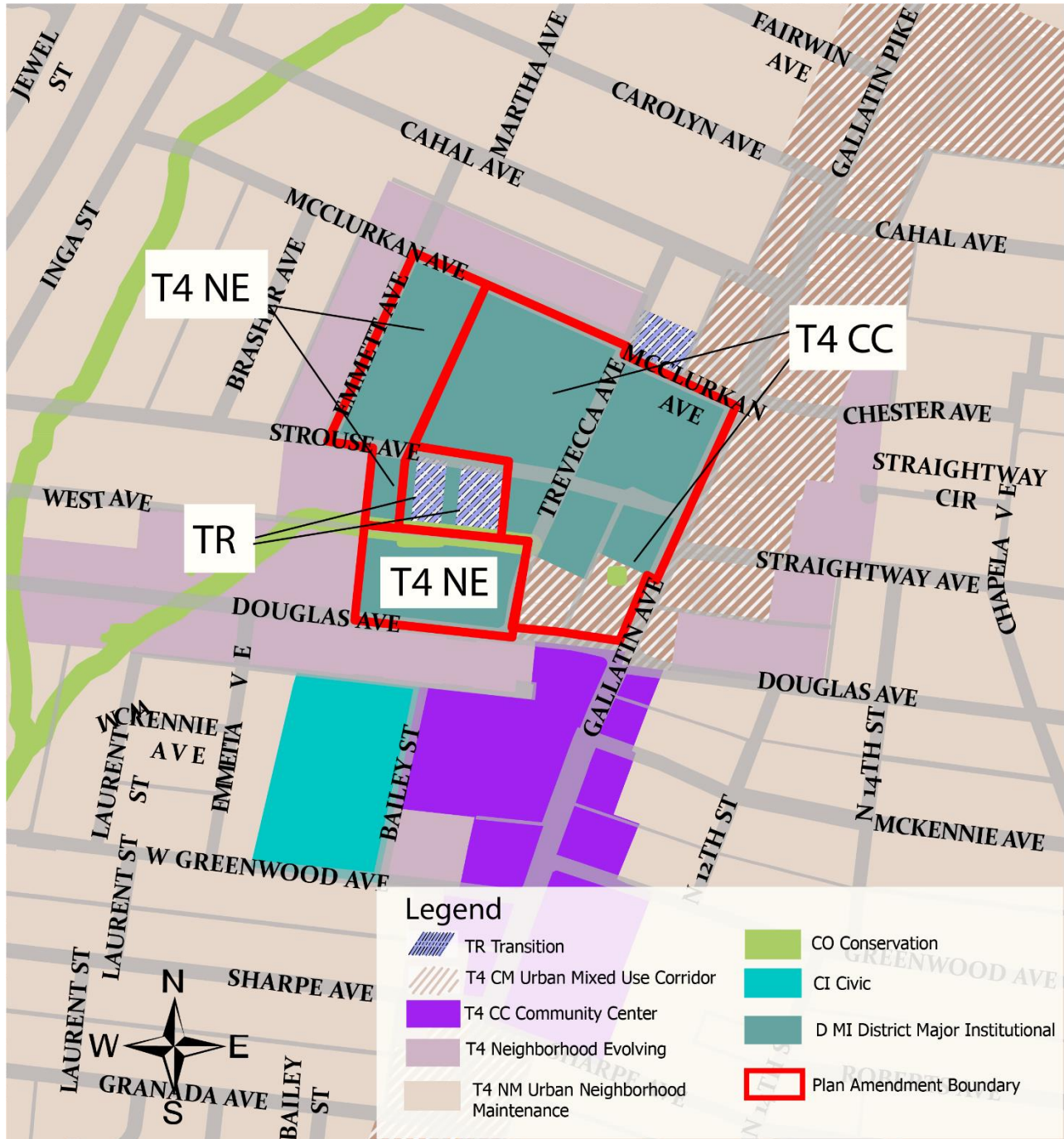
A request to rezone from One and Two-Family Residential (R10) to Specific Plan (SP) zoning for property located 633 W Green Ln, at the southwest corner of W Green Ln and Whites Creek Pike, (78.22 acres), to permit a mixed-use development.

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 10/27/22



2022CP-005-002
EAST NASHVILLE COMMUNITY PLAN AMENDMENT
 Various properties
 5 East Nashville
 5 (Sean Parker)



Metro Planning Commission Meeting of 10/27/22

Item 13	Plan Amendment 2022CP-005-002
Project Name	East Nashville Community Plan Amendment
Associated Cases	2022SP-075-001
Council District	5 – Parker
School District	1 – Gentry
Requested by	Barge Cauthen & Associates, applicant; various property owners.
Staff Reviewer	Ranseen
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Amend East Nashville Community Plan to change the policy.

Major Plan Amendment

A request to amend the East Nashville Community Plan by changing the policy from District Major Institutional (D MI) and T4 Urban Mixed Use Corridor (T4 CM) to T4 Urban Community Center (T4 CC), Transition (TR), and T4 Urban Neighborhood Evolving (T4 NE) policy for various properties located along Gallatin Avenue, Douglas Avenue, Strouse Avenue, Emmett Avenue, Trevecca Avenue, and McClurkan Avenue (22.84 acres). The majority of properties are located on the current Lincoln College of Technology campus.

EAST NASHVILLE COMMUNITY PLAN

Current Policies

District Major Institutional (D MI) policy is intended to maintain, enhance, and create districts where major institutional uses (i.e., hospitals and colleges) are predominant and where their development and redevelopment occurs in a manner that complements the character of the surrounding communities. D MI was placed on the campus of the Auto Diesel College, now the Lincoln College of Technology (Lincoln Tech).

Urban Mixed Use Corridor (T4 CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. T4 CM policy currently covers a few properties on the southeastern corner of the study area where Gallatin Avenue meets Douglas Avenue.

Transition (TR) policy is intended to enhance and create areas that can serve as transitions between higher intensity uses or major thoroughfares and lower density residential neighborhoods. TR policy will remain in place along properties on the south side of Strouse Avenue.

Conservation (CO) policy recognizes the presence of environmentally sensitive features, such as floodways/floodplains and steep slopes. CO policy currently runs along the alley south of Strouse Avenue and will remain in place.



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Requested Policies (Note: Conservation (CO) and Transition (TR) policies remain in place.) Urban Community Center (T4 CC) policy is intended to maintain, enhance, and create urban community centers that contain commercial, mixed use, and institutional land uses. T4 CC areas are pedestrian friendly and generally located at intersections of prominent urban streets.

Transition (TR) policy is intended to enhance and create areas that can serve as transitions between higher intensity uses or major throughfares and lower density residential neighborhoods.

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban residential neighborhoods that provide more housing choices, improve pedestrian, bicycle, and vehicular connectivity, and foster moderate to high density development patterns with shallow setbacks and minimal spacing between buildings.

BACKGROUND

The study area is in East Nashville along Gallatin Avenue and extends west to Emmett Avenue. Today, the proposed plan amendment area, located within the Renraw neighborhood, consists of the Lincoln Tech campus, Lincoln Tech dormitory, and a few additional businesses. The study area abuts residential uses along McClurkan Avenue to the north and Douglas Avenue to the south.

The community plan amendment was requested in conjunction with zone change application 2022SP-075-001, a request to change the zoning from Commercial Services (CS), Office and Residential Intensive (ORI), medium-density residential intended for 20 units an acre (RM20), and single-family residential (RS5) to Specific Plan (SP) zoning. The SP is on track to be heard at the November 10, 2022, Planning Commission meeting.

The current policy, D MI, is intended only for major institutions, such as colleges and hospitals, and does not support primarily mixed use and residential development. Therefore, the applicant has proposed a policy change. Because the current D MI policy for Lincoln Tech extends beyond the proposed rezoning area, staff applied a study area boundary that includes twelve additional properties between Douglas Avenue and McClurkan Avenue.

The applicant first reached out to staff in 2021 to discuss policy and zone changes and had multiple conversations with Planning staff regarding their proposed site plan prior to submitting their applications. The applicant filed the policy amendment in August 2022, and the specific plan in September 2022, respectively. As part of the application process, the Executive Director determined the plan amendment is major with a required community meeting.

COMMUNITY PARTICIPATION

The applicant team met with community stakeholders throughout the summer of 2022 and hosted four applicant-led community meetings during the week of September 11th with approximately 120 total attendees. Prior to that, the applicant team worked closely with their district Councilmember as well as the two adjacent district Councilmembers. On October 4, 2022, a Planning-led virtual community meeting was held to discuss the applicant's plan amendment. Notices were mailed to 1,287 property owners and/or residents within 1,300 feet of the plan amendment area. Details of the community meeting were made available on the Planning



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Department's webpage and shared with the district Councilmember and adjacent Councilmembers. Approximately 30 people attended the meeting including neighbors, Councilmembers (Parker and Withers), the applicant team, and staff. Planning staff provided an overview of the plan amendment request. Following Planning's presentation, the applicant presented plans and renderings for the rezoning. Planning staff then moved into Q&A and discussion with the public.

During the meeting, attendees asked questions and offered comments on:

- Traffic on Douglas Avenue
- Impacts on biking
- Offsite improvements
- Affordability

A recording of the meeting was posted on Metro's YouTube page and to-date has received 32 views.

The applicant has continued to work with the community on addressing concerns. Planning staff has received written/verbal comments mentioning concerns but no overt opposition to the proposed development. Planning staff has received seven emails in support from community members; these emails cited additional green space, housing variety, thoughtful design, and more mixed use spaces as the factors that contributed to their support. Community members also emphasized that they endorse the project because it helps increase the housing stock, a pressing issue across Nashville.

ANALYSIS OF T4 URBAN COMMUNITY CENTER, TRANSITION, AND T4 URBAN NEIGHBORHOOD EVOLVING POLICIES

The proposed amendment area is a suitable location for T4 CC, TR, and T4 NE policy for the following reasons:

NashvilleNext's Growth & Preservation Concept Map

The Growth & Preservation Concept Map reflects Nashvillians' desire for growth and preservation in the future. The concept map designates the plan amendment area as within a "Center" and along a priority corridor (Gallatin Avenue). Centers are intended to be pedestrian-friendly areas with frequent transit service that contain a dense mix of homes, shops, jobs, and parks. Gallatin Avenue is also designated as an "Immediate Need" high capacity transit corridor. The proposed policies will allow for dense residential development as well as a mix of uses along and adjacent to transit, which follows the intent of the center concept.

Key Finding

- The plan amendment area is identified within a center on the Growth & Preservation Concept Map and is appropriate for T4 CC, TR, and T4 NE because of the surrounding urban land uses and its proximity to Gallatin Avenue, a priority corridor.

Community Character Policy Application

The NashvilleNext planning process applied the Concept Map designations generally rather than at the parcel-specific level. Community Plans provide history and context for Nashville's 14



Metro Planning Commission Meeting of 10/27/22

Community Planning areas, along with community-specific issues, strategies, and sketches of how different places in the community could change over time.

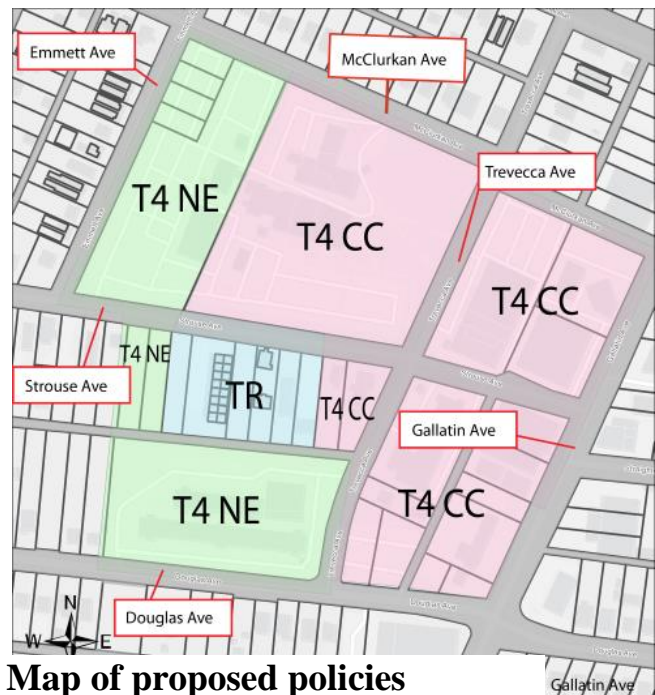
The East Nashville Community Plan uses Community Character Policies that are tailored to the urban and suburban character of neighborhoods throughout its area. The Community Plan emphasizes enhancing centers and corridors to revitalize older centers and provide more services and options, while strategically locating additional housing options, such as various housing types, on prominent corridors to support businesses and transit. In addition to areas that provide a variety of housing types, East Nashville includes numerous walkable neighborhood centers, and there is a strong desire to increase walkability and pedestrian safety.

The T4 Urban Transect category includes the historic, inner-ring neighborhoods as well as new neighborhoods intended to be developed in a more intense, urban fashion. Complete urban communities feature an integrated mixture of housing within walking distance of commercial and neighborhood-scaled open space. They feature highly connected street systems with sidewalks, bikeways, and facilities for mass transit, providing many transportation options.

Residents in urban neighborhoods are generally within a five- to ten-minute walk of neighborhood-scaled commercial and mixed-use centers. Urban centers are often mixed use, accommodating commercial and residential land uses. Mixed use buildings with residential or office on upper floors and commercial uses on the ground floor promote active uses at the pedestrian level, adding to the bustling atmosphere of the neighborhood.

The plan amendment is proposed within the Renraw neighborhood, a traditional urban neighborhood, and along Gallatin Avenue, a prominent commercial corridor. The requested T4 CC policy allows the Lincoln Tech campus, around Gallatin Avenue, to redevelop into a more intensive, mixed use area that will provide additional services and housing options for the surrounding neighborhoods. T4 CC policy is proposed for the area fronting Gallatin Avenue and for several properties between Trevecca Avenue, Strouse Avenue, and McClurkan Avenue. This policy application allows for a mix of commercial and residential uses.

TR policy focuses on transitioning from the more intense center to the adjacent residential area. TR policy is currently applied to several properties along the south side of Strouse Avenue; however, there are two properties bordering existing TR policy that currently have D MI policy. TR policy is proposed for those two properties so that the policy aligns.





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The requested T4 NE policy enables future development to transition in scale from the more intense T4 CC policy and complement the single-family character of much of the Renraw neighborhood while adding housing choices. T4 NE policy is proposed for the rear of the Lincoln Tech Campus – abutting Emmett Avenue – and for the Lincoln Tech dormitory that fronts Douglas Avenue.

Key Findings

- T4 CC’s intent to create a mixed use, high density community center makes this an appropriate application of policy to apply along a major corridor.
- TR’s intent to create appropriate transitions between varying intensities makes this an appropriate policy to complement the surrounding residential policy area.
- T4 NE’s intent to create greater housing choice while enhancing the neighborhood makes this an appropriate application of policy to apply adjacent to a rapidly growing corridor and add to an established residential neighborhood.
- Applied together, these policies create a more complete urban community, which is appropriate in this location.

Transportation and Connectivity

The plan amendment area is located on a key corridor in East Nashville, Gallatin Avenue, and the area touches Douglas Avenue, Trevecca Avenue, Strouse Avenue, McClurkan Avenue, and Emmett Avenue. It is less than half a mile away from Douglas Avenue’s entrance onto Ellington Parkway. Gallatin Avenue is classified as a multimodal, five-lane arterial boulevard by the Major & Collector Street Plan and as an immediate-need, high-capacity transit corridor by the Concept Plan. High-capacity transit corridors represent a framework of more intense housing and commercial areas along major roadways supporting more frequent transit service. The immediate need priority means the street is slated for near-term improvements to transit service.

WeGo currently provides bus service along Gallatin Avenue. The study area features a bus stop at Douglas Avenue and is less than half a mile away from both the Gallatin Avenue/Greenwood Avenue and Gallatin Avenue/Carolyn Avenue stops. Sidewalks exist on both sides of Gallatin Avenue. Gallatin Avenue is also slated for a future bikeway, and Douglas Avenue features a bike lane already. Allowing a mix of land uses, supported by T4 CC, TR, and T4 NE policy is appropriate, in a location with convenient access to major transportation and transit networks (existing and planned) near a primary corridor to downtown.

Key Findings

- Gallatin Avenue, on the Growth & Preservation Concept Map, is classified as an immediate need high-capacity transit corridor, which calls for transit upgrades in the near future.
- The existing and planned transportation infrastructure surrounding this location make it an accessible multimodal site and suitable for additional mixed use and housing options.

Relationship to Surrounding Policies

The site’s relationship to surrounding policies is as follows:

- D MI policy is currently applied to the plan amendment area for the Lincoln Tech campus and is the only location of D MI policy in the area.



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- TR policy is currently applied to several properties on the south side of Strouse Avenue.
- T4 NE policy is applied to properties directly north, south, and west of the plan amendment area – along McClurkan Avenue, Emmett Avenue, Strouse Avenue, and Douglas Avenue.
- T4 Urban Neighborhood Maintenance (T4 NM) policy is applied further north and west to established residential areas.
- The amendment area also borders T4 CC policy to its southeast (south side of Douglas Avenue).
- The area directly adjacent to Gallatin Avenue features T4 Urban Mixed Use Corridor (T4 CM) north of the plan amendment area and T4 CC to the south.

Key Findings

- Applying T4 CC policy to the majority of the plan amendment area allows for the site to develop in a compatible manner, consistent with mixed use development along Gallatin Avenue.
- Applying TR policy to two properties on the south side of Strouse Avenue allows for a contiguous area of policy focused on appropriate transitions between adjacent policies with varying intensities.
- Applying T4 NE policy on the site's west and southwest borders allows for that portion of the study area to be compatible with the surrounding residential area that falls under the same policy.

Analysis Summary

Amending the Community Character Policy from D MI and T4 CM to T4 CC, TR, and T4 NE is appropriate at this location. In summary, the change in policy for the study area is appropriate due to the following:

- The plan amendment area is identified within a center on the NashvilleNext's Growth & Preservation Concept Map and is appropriate for the policy change because of the surrounding urban character and the area's proximity to Gallatin Avenue, a priority corridor.
- Applying this mix of policies supports: a mix of uses along a major corridor and near a center, appropriate transitions to adjacent areas, and new housing within walking distance of the corridor.
- These policies create a more complete urban community and additional housing choice, which are appropriate in this location.
- Gallatin Avenue, on the Growth & Preservation Concept Map, is classified as an immediate need high-capacity transit corridor, which calls for transit upgrades in the near future.
- The existing and planned transportation infrastructure surrounding this location make it an accessible multimodal site and suitable for additional mixed use and housing options.
- Applying a mix of these three policies creates compatibility with surrounding policies.

STAFF RECOMMENDATION

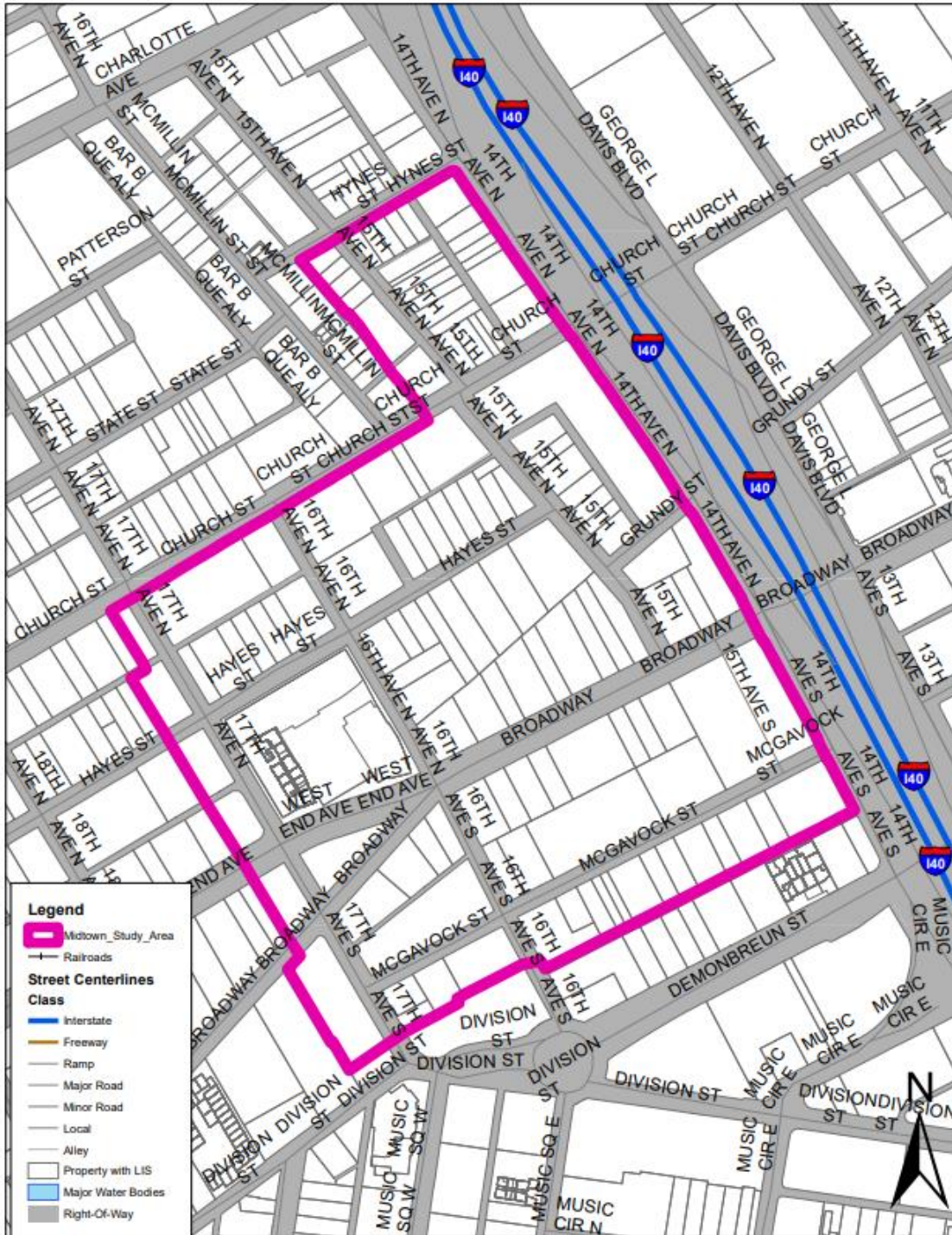
Staff recommends approval of T4 Community Center (T4 CC), Transition (TR), and T4 Neighborhood Evolving (T4 NE) policies in the study area.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/27/22



2022CP-010-001

GREEN HILLS – MIDTOWN COMMUNITY PLAN AMENDMENT

Various properties

10 Green Hills-Midtown

19 (Freddie O’Connell); 21 (Brandon Taylor)



Metro Planning Commission Meeting of 10/27/22

Item #14

Project Name
Council District
School District
Requested by

Plan Amendment 2022CP-010-001
Major & Collector Street Plan Amendment
19 – O’Connell; 21– Taylor
5 – Buggs
Metro Planning Department, applicant; various property owners.

Staff Reviewer
Staff Recommendation

McCaig
Approve.

APPLICANT REQUEST

Amend Major & Collector Street Plan to update streetscape elements.

Minor Plan Amendment

A request to amend the Major & Collector Street Plan in an area of Midtown within the Green Hills-Midtown Community Plan, including portions of McGavock Street, Broadway Avenue, West End Avenue, Hayes Street, Church Street, Grundy Street, Hynes Street, 14th Avenue North, 15th Avenue North, 16th Avenue North, and 17th Avenue North (approximately 63.2 acres).

BACKGROUND

The study area is in Midtown, a unique urban setting. With the unprecedented growth occurring across the city, this portion of the Midtown area, adjacent to Downtown, is experiencing intense growth pressure. Midtown has a well connected street network and a growing mixture of uses at varying intensities. Midtown is poised to grow more intensely and provide more housing, jobs, services, and recreation in the future.

Currently, there are several redevelopment projects, in various stages of seeking increased entitlements, located within the study area, including the large Beaman automotive property, the large Reed automotive property, the Dean Dairy property, the 15th & Church property, and a property on Hayes Street.

COMMUNITY PARTICIPATION

The Planning Department initiated this MCSP amendment with NDOT, WeGo, and Planning undertaking detailed analysis in the area with the need to enhance the streetscape elements and create additional multimodal opportunities. The Executive Director determined this plan amendment to be a minor amendment that did not require a community meeting. WeGo and NDOT drafted recommended streetscape elements and widths, based on a comprehensive Midtown traffic study submitted by KCI, and then discussed these details with property owners and their development teams to gather feedback. Revised recommended streetscape elements are presented later in this staff report.

MAJOR & COLLECTOR STREET PLAN

The Major & Collector Street Plan (MCSP) is part of Access 2040 Nashville, the long-range transportation component of NashvilleNext. The MCSP addresses issues of land use, development, mobility, and environmental preservation as it guides public and private



Metro Planning Commission Meeting of 10/27/22

investment and planners' decisions related to the city's transportation network. The plan focuses on making transportation improvements that create efficient community form, offer meaningful transportation choices, increase safety and resiliency, and make decisions equitably. The details found in the MCSP complement the land use policy guidance found in each of the fourteen community plans.

The MCSP advances the concept of "Complete Streets" by developing a thoroughfare system that provides for safe and effective access for all users in completing their trips, while addressing streetscape design in context with the existing or envisioned character of the community. Streets are the most prevalent public spaces in the community and, as such, merit attention to their character. The emphasis on active lifestyles, energy conservation, and the importance of accommodating users of all ages and abilities illustrates that a street can no longer be designed just for the automobile.

The study area is within the T5 Center Transect. T5 Center Transect areas include large, concentrated areas of mixed use development. T5 Centers are unique in that they serve either the entire county or multiple neighborhoods and communities. T5 Centers are areas where residents and visitors may live, work, and recreate and thus are intended to be high density and intensity mixed use, commercial, and residential areas.

Accompanying land use policies in the Green Hills-Midtown Community Plan encourage walking as a primary mode of transportation by envisioning wider sidewalks, buffering between vehicles and pedestrians through the use of plantings and street furnishings, and using building details such as glazing, pedestrian entrances, and plazas to activate the street level and provide a pleasant walking experience. The study area's land use policies are further refined through the detailed guidance of the study area's two small area plans, the Midtown Plan and the Music Row Plan. These small area plans reinforce the connection between buildings and streetscape elements and further emphasize multiple modes of transportation in this area.

Current MCSP Classifications

Portions of the following streets are in the study area, including their current MCSP classifications.

- Broadway Avenue (east of the split): T5 Center mixed use, arterial-boulevard, 7 lanes, immediate-need multimodal corridor (T5-M-AB7-IM)
- Broadway Avenue (west of the split): T5 Center mixed use, arterial-boulevard, 4 lanes, immediate-need multimodal corridor (T5-M-AB4-IM)
- West End Avenue (west of the split): T5 Center mixed use, arterial-boulevard, 5 lanes, immediate-need multimodal corridor (T5-M-AB5-IM)
- Church Street: T5 Center, mixed use, arterial-boulevard, 4 lanes (T5-M-AB4)
- Hayes Street, Hynes Street, Grundy Street: local streets without classifications
- McGavock Street (14th to 17th Avenue Norths): T5 Center, mixed use, local street, 2 lanes (T5-M-LS2)
- 14th Avenue North (north of Broadway): local street without classification
- 14th Avenue North (south of Broadway): T5 Center, mixed use, local street, 3 lanes (T5-M-LS3)



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- 15th Avenue North (north of Broadway): T5 Center, mixed use, collector-arterial, 2 lanes (T5-M-CA2)
- 16th Avenue North (Broadway south to McGavock): T5 Center, mixed use, collector-arterial, 3 lanes (T5-M-CA3)
- 16th Avenue North (north of Broadway): local street
- 17th Avenue North: T5 Center, mixed use, collector-arterial, 2 lanes (T5-M-CA2)

Proposed MCSP updates

As an element of NashvilleNext, the MCSP is amended as updates occur to Community Plans and/or further engineering studies are completed to reflect the changes that have occurred in the community since the MCSP was adopted and/or to respond to future planned growth, development, and preservation. With all the increased growth of this area, it is important that the street network and accompanying streetscape elements provide a variety of transportation options in creating a quality atmosphere and sense of place. The streetscape also needs to complement the envisioned character of buildings and green spaces along various streets to work together seamlessly.

Currently, the study area is not aesthetically pleasing and is difficult to walk or bike in and does not include a transit stop. The primary mode of transportation occurs with private vehicles. It is vital to provide a robust, multimodal transportation system enabling easy and equal access to and through this area of Midtown. The proposed updates to the MCSP prioritize the experience of transit riders, pedestrians, and cyclists, and movement within and through the area. The updates identify placement of streetscape elements and sections for the street network, and as such, adds additional space along some rights-of-way to construct appropriately scaled streetscape elements, including more defined elements for some local streets, wider sidewalks in places, additional room for bike facilities along some streets, expansion of the bikeway network, and dedicated transit lanes along a section of Broadway Avenue.

Details of proposed changes to the MCSP will be published on the Monday prior to the Planning Commission meeting in a separate document.

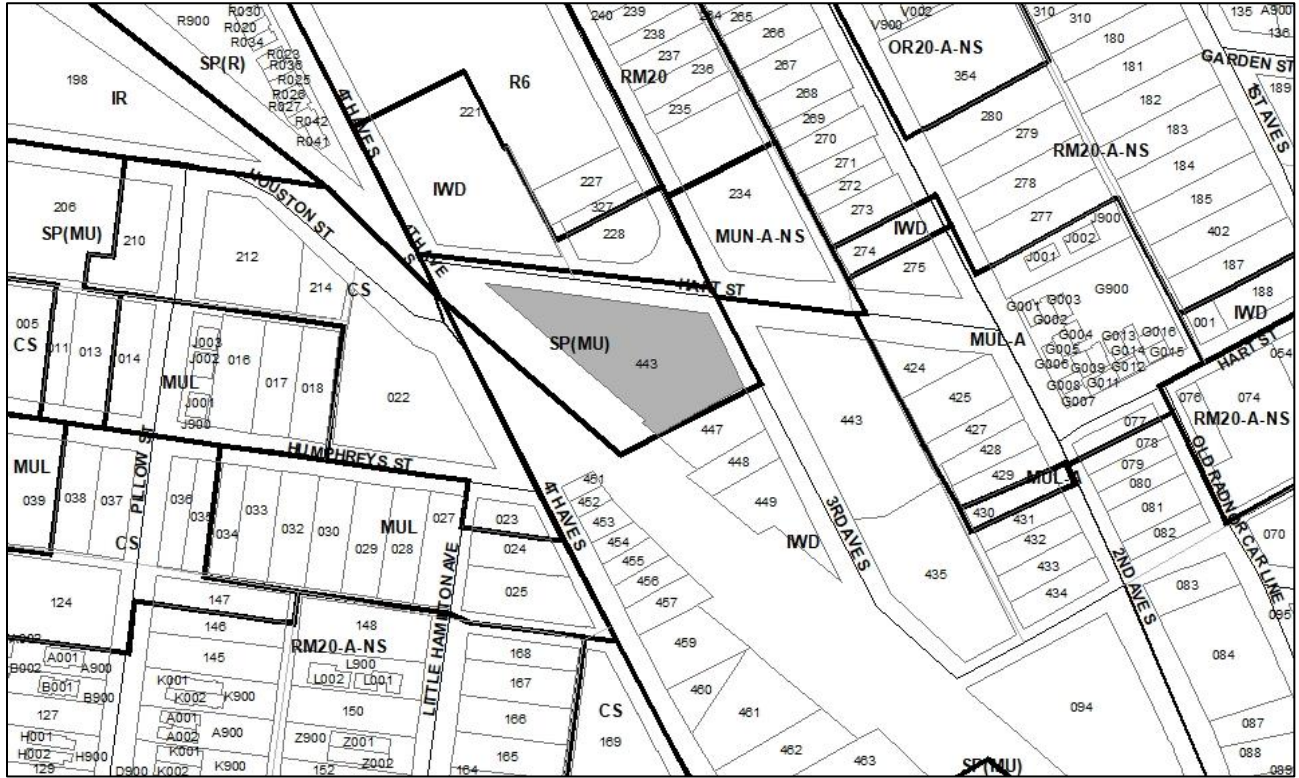
These updates will create a more complete, robust transportation network by improving streetscape elements to promote additional modes of travel through additional sidewalks, bikeways, and transit and also will improve the area's aesthetic quality.

STAFF RECOMMENDATION

Staff recommends approval of the updates to the Major and Collector Street Plan.



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2016SP-039-005
BENTO NASHVILLE (AMENDMENT)
Map 105-07, Parcel(s) 443
11, South Nashville
17 (Colby Sledge)



Metro Planning Commission Meeting of 10/27/22

Item #15	Specific Plan 2016SP-039-005
Project Name	Bento Nashville (Amendment)
Council District	17 – Sledge
School District	05 – Buggs
Requested by	Bradley, applicant; Bento Nashville, LLC, owner.
Staff Reviewer	Lewis
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Amend SP to increase number of hotel rooms permitted.

Zone Change

A request to amend a Specific Plan (SP) on property located at 1267 3rd Avenue South, at the corner of 3rd Avenue South and Hart Street, zoned SP (0.96 acres), to permit a mixed-use development.

Existing Zoning

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

Proposed Zoning

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

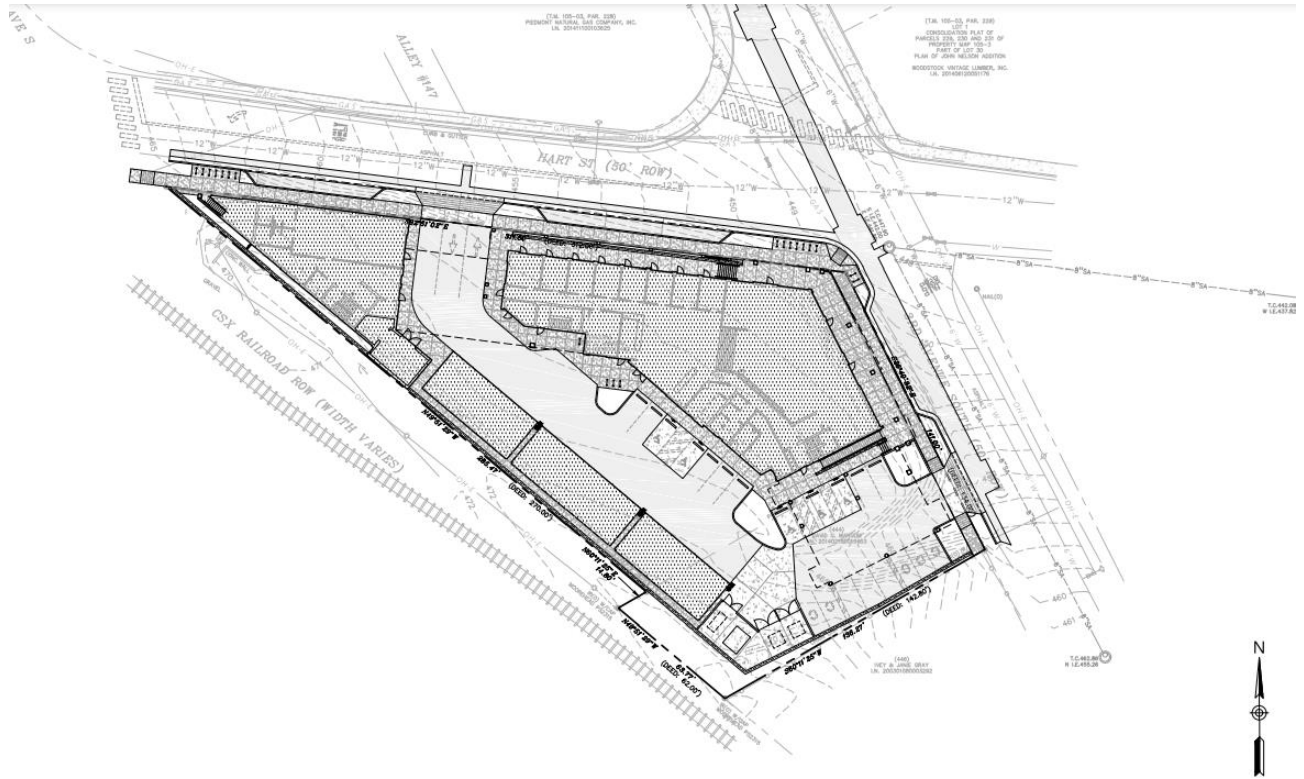
SOUTH NASHVILLE COMMUNITY PLAN

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

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



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Approved Final SP



Metro Planning Commission Meeting of 10/27/22

Supplemental Policy

The site is within the Wedgewood Houston Chestnut Hill (WHCH) Small Area Plan. The WHCH breaks down the area into character and subdistricts in order to provide more detailed guidance for the smaller subdistrict areas. The site is within the 4c and 4d Character Areas. The guidance for building design are limited within this amendment, as the proposed amendment does not include any changes to the existing structure other than uses. However, both subdistrict areas support a higher density residential and a mix of uses along the rail line and 4th Avenue South.

SITE CONTEXT AND PLAN DETAILS

The 0.96 acre site is located at the southeast intersection of 4th Avenue South and Hart Street. The site has frontage along 4th Avenue South, Hart Street, and 3rd Avenue South. The western property line abuts a rail line.

The property was rezoned to SP in June of 2016 with the approval of the preliminary SP which permitted a structure with 82 residential units and a maximum of 8,700 square feet of commercial uses (restaurant/general retail). In September of 2016, under case 2016SP-039-002/BL2016-538, the SP was amended to include a maximum of 89 units and 8,500 square feet of commercial uses. This amendment did not include any changes to the footprint of the building. A final site plan was approved in 2017. In the same year, the SP was amended by 2016SP-039-004/BL2017-855, which added hotel uses to uses permitted in the SP. This amendment modified the uses to permit a maximum of the 66 of the original 89 multi-family units to be used as hotel units while limiting the maximum 8,500 square feet originally identified as commercial uses to a maximum of 8,500 square feet of restaurant/general retail uses. This amendment also included an increase in the permitted height of the building.

No changes to the existing structure are proposed. This proposed amendment would permit all the existing units to be used as hotel units, as opposed to capping the number of hotel rooms. It also permits the units to be used as multi-family, interchangeably. The proposed amendment prohibits short term rental property, owner occupied and short term rental property, not owner occupied. Hotel is defined by and classified as a different use in the zoning code from STRP uses and they are held to different standards of operation within the code.

ANALYSIS

The proposed amendment allows for increased flexibility in the uses within the existing structure. The intent of the Urban Mixed-Use Neighborhood Policy is to maintain, enhance, and create urban, mixed use neighborhoods with a diverse mix of moderate- to high density residential, commercial, office, and light industrial land uses. The T4 MU Policy supports a wide range of land uses including residential, mixed-use, office, and commercial. The hotel use is currently permitted in the SP, but with a maximum number of rooms or units. The proposed amendment would permit all the units to be used as hotel units, while retaining the ability to have them be used as multi-family as well.

FIRE MARSHAL RECOMMENDATION

Approve



Metro Planning Commission Meeting of 10/27/22

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

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable.
- Final design may vary based on field conditions.
- A private hauler is required for site waste/recycle disposal.
- Sidewalks/roadway at Hart and 4th intersection: There appears to be gravel wash-out over public sidewalks and public roadway caused by development drainage design. Coordinate w/ NDOT on a run-off drainage solution at intersection.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Update parking table to show hotel use.
- See roads comments.

METRO SCHOOL BOARD REPORT

The proposed amendment is not expected to generate any additional students than the existing SP zoning district.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited a maximum of 89 multi-family units/hotel rooms, to be used interchangeably, and 8,500 square feet of restaurant/general retail uses . Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. Previous conditions, with the exception of the use conditions, of BL2016-538 and BL2017-855 remain in effect.
3. Comply with all conditions and requirements of Metro reviewing agencies.

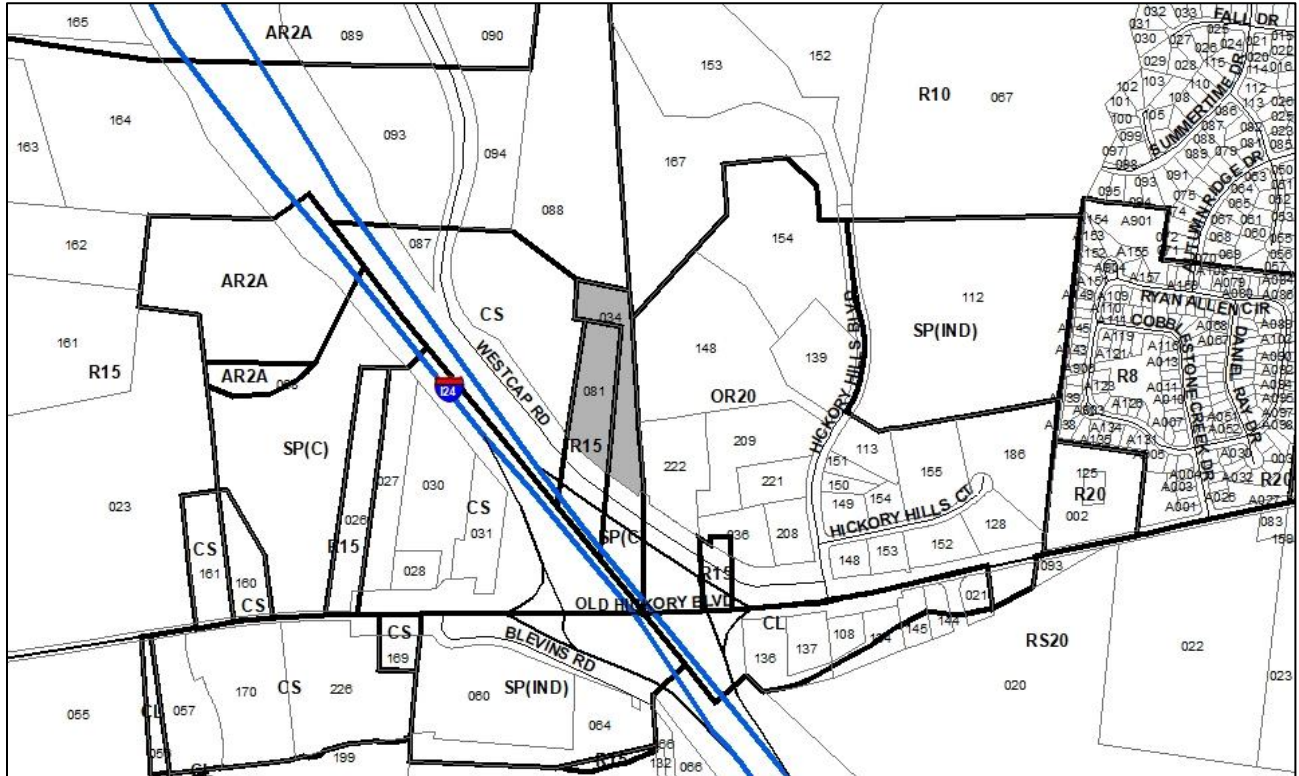


Metro Planning Commission Meeting of 10/27/22

4. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. 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.
7. 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.
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.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting of 10/27/22



2018SP-064-002
CUBBY HOLES SP (AMENDMENT)
Map 031, Parcel(s) 081
Map 040, Parcel(s) 034
02, Parkwood - Union Hill
03 (Jennifer Gamble)



Metro Planning Commission Meeting of 10/27/22

Item #16

Specific Plan 2018SP-064-002

Project Name

Cubby Holes SP (Amendment)

Council District

03 - Gamble

School District

1 – Gentry

Requested by

SWS Engineering, INC., applicant; Cubby Holes, GP and Larry A. Patterson & Connie S. Bryant, owners.

Deferrals

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

Staff Reviewer

Elliott

Staff Recommendation

Defer to the November 10, 2022, Planning Commission meeting.

APPLICANT REQUEST

Rezone Specific Plan to Specific Plan to permit self-service storage use.

Amend SP

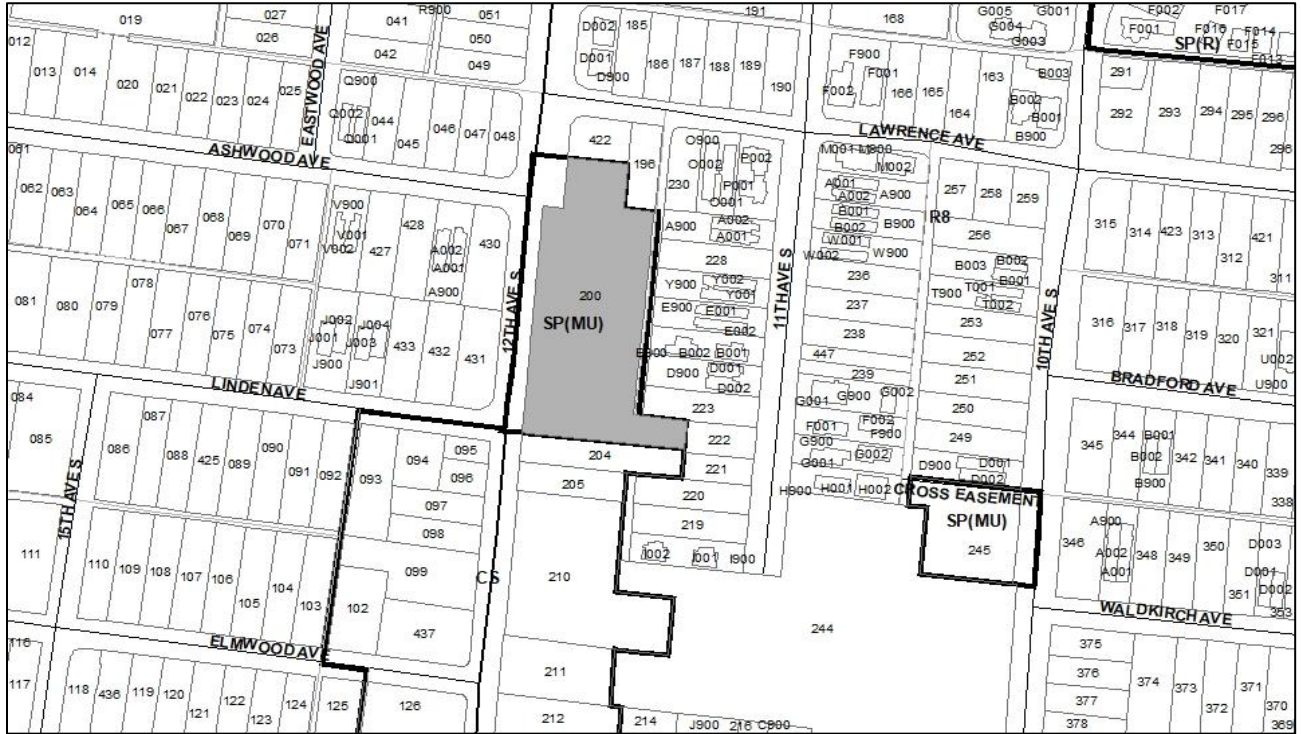
A request to amend a Specific Plan on property located at Westcap Road (unnumbered), approximately 58 feet north of Old Hickory Boulevard, zoned One and Two-Family Residential (R15) and Specific Plan (SP) (7.9 acres), to include additional parcel (03100008100).

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting.



Metro Planning Commission Meeting of 10/27/22



2021SP-071-003

12TH AVE SOUTH SP (AMENDMENT)

Map 105-13, Parcel(s) 200

10, Green Hills – Midtown

17 (Colby Sledge)



Metro Planning Commission Meeting of 10/27/22

Item #17	Specific Plan 2021SP-071-003
Project Name	12th Ave South SP (AMENDMENT)
Council District	17 – Sledge
School District	08 – O’Hara-Block
Requested by	Barge Cauthen & Associates, applicant; 2214 12 South Property, LLC, owner.
Staff Reviewer	Shane
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Amend the 12th Ave South Specific Plan District to amend the fire access condition.

Amended SP

A request to amend a Specific Plan on property located at 2212 12th Avenue South, approximately 141 feet south of Lawrence Avenue, zoned Specific Plan (SP) (1.92 acres), to amend the fire access condition.

Existing Zoning

Specific Plan-Mixed Non-Residential (SP-MNR) 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 office and commercial uses.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

T4 Urban Neighborhood Center (T4 NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

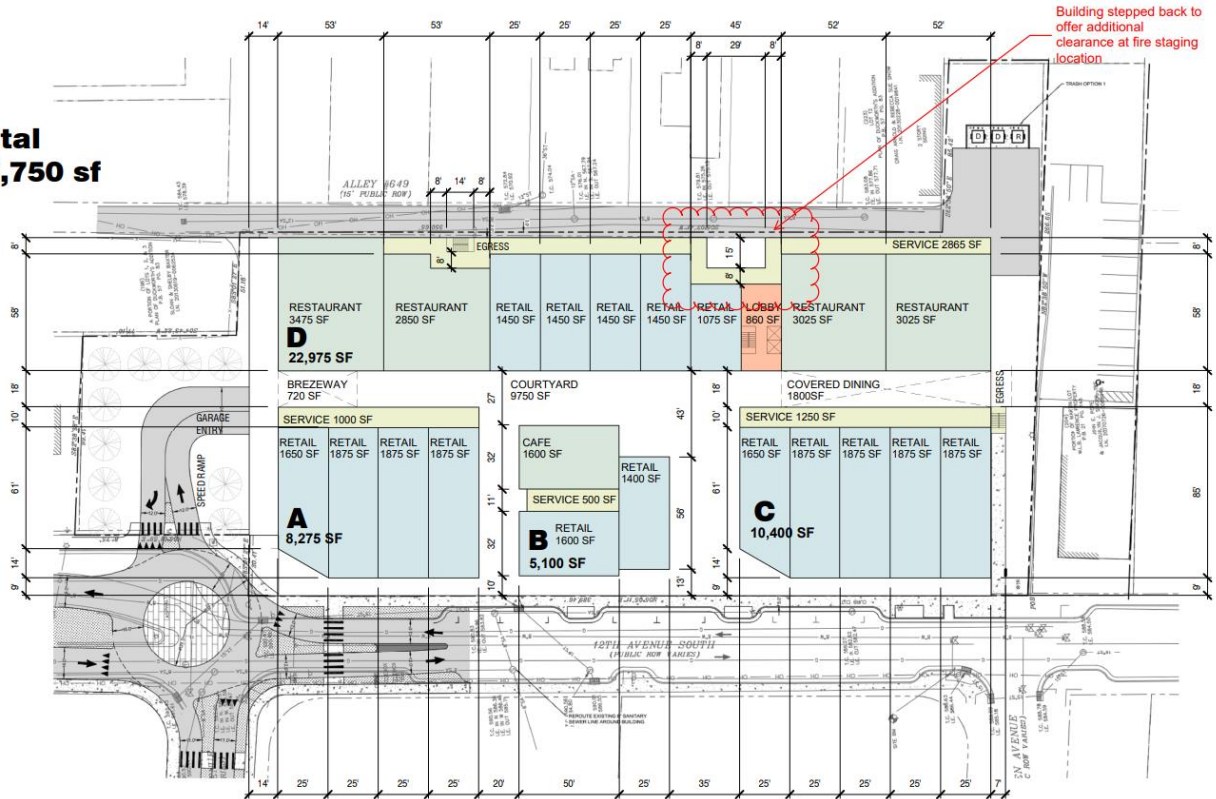
Supplemental Policy

The site is within the 12th Avenue South Corridor Detailed Neighborhood Design Plan and specifically Subdistrict 9A, which is intended to provide for neighborhood commercial needs through a vibrant mixed use area with high standards of urban design that provides opportunities to live, work and play.



Metro Planning Commission Meeting of 10/27/22

**Total
46,750 sf**



Approved Preliminary SP

PLAN DETAILS

The site is located on the east side of 12th Avenue South approximately 80 feet south of Lawrence Avenue and extending southward to a point across from Linden Avenue. Alley 649 runs along the rear length and dead-ends into the parcel. The site was rezoned to Specific Plan District in 2021 and approved for all uses allowed by the MUG-A zoning district with the exception that residential, owner-occupied short term rental, not owner-occupied short-term rental, and hotel uses are expressly prohibited. The plan limits retail and restaurant floor space to 47,425 square feet and office space to 60,135 square feet. Height was capped at 3 stories in 45 feet. The plans included ROW dedications, plaza areas, and active ground uses intended to create an active, mixed-use streetscape.

The amended plan does not propose to enlarge the footprint or square footage of the building. Rather, it removes the council bill condition requiring widening of the rear alley to 20 feet in width along the length of the property out to Lawrence Avenue. After Council approval, an alternative fire access arrangement was agreed upon by the Fire Marshall and the developer. The amended plan shows two fire apparatus aerial staging areas (a concrete pad on the north side off the entrance into the garage and a clear zone within the plaza area access from 12th Avenue South).



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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

2021SP-071-003. No objection to the Amendment to the Preliminary SP. Prior to Final SP approval our previous comments still apply:

- Public Water (22WL0087) (Status: Under Tech Review) and Sanitary Sewer (22SL0176) (Status: Under Tech Review) construction plans must be approved prior to Final Site Plan/SP approval. These approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% W&S Capacity must be Paid before issuance of building permits. (Water and Sewer Capacity Fee Permit No. T2022051795 & T2022051797).

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. Note: A private hauler will be required for waste/recycle dumpster disposal. See returned traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

Ensure the following comments are addressed in final site plan and building permit submittal:

- Include the crosswalk across eastbound approach of 12th Ave S & Linden Ave, including ADA curb ramps and detectable warning mats.
- Include crosswalks across all legs of intersection of 12th Ave and Ashwood Ave.
- Bus stops: Extend curb bulb out on west side of 12th Ave to the correct WeGo landing standards. Update #13 note to say 'WeGo bus stops in accordance with WeGo Transit Design Guidelines detail for the Bus Bulb Stop type.'
- Clearly identify the striping or island location on the Ashwood Ave leg of mini roundabout (west leg). Also call out the appropriate lighting and signage needed for the roundabout. Follow FHWA Mini Roundabout Guide.
- Provide a sheet with off-site improvements identified in the traffic study with building permit submittal: a) Install a crosswalk across the westbound approach of Linden Ave & Belmont Blvd, including ADA curb ramps and detectable warning mats. b) Extend the curb bulb-out, add shelter, and move the bench to the north side of the landing at 12th Ave S & Ashwood Ave stop. c) Install a concrete landing and bench at 12th Ave S & Lawrence Ave stop.
- Park per code.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.



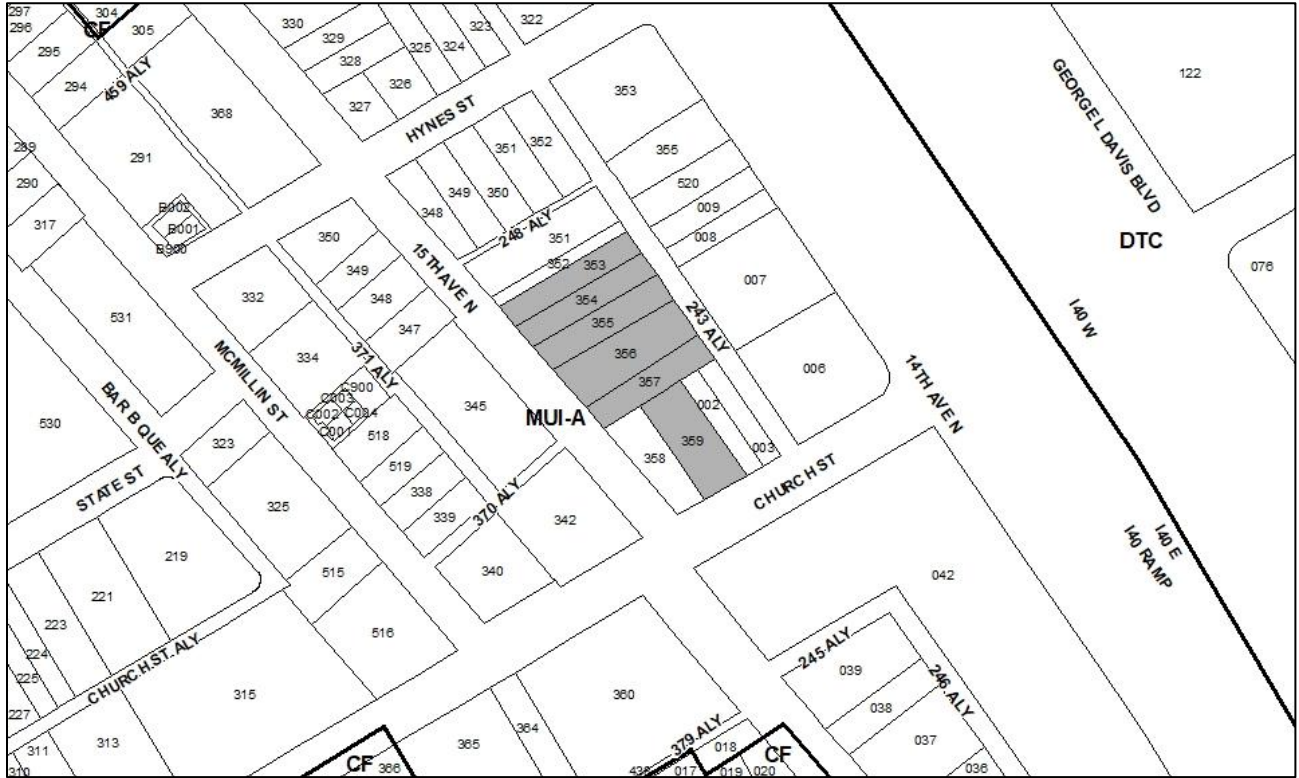
Metro Planning Commission Meeting of 10/27/22

CONDITIONS

1. Permitted uses shall be limited to all uses permitted by the MUG-A zoning district except for the following use shall be prohibited: residential, short term rental property-owner occupied, short term rental property-not owner occupied, and hotel/motel uses. Square footage of permitted uses is limited as per the plan.
2. All conditions from BL2021-1037 apply except for the condition requiring the alley to be widened.
3. 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.
4. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.



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2022SP-049-001
15TH & CHURCH
Map 092-12, Parcel(s) 353-357, 359
10, Green Hills - Midtown
19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/27/22

Item #18	Specific Plan 2022SP-049-001
Project Name	15th & Church
Council District	19 - O'Connell
School District	5 – Buggs
Requested by	Roers Capital, LLC, applicant; Shaar Forero Properties, Inc. and Thomas Michael Horrell and Sara Darby Smith, owners.

Deferrals This item was deferred at the August 25, 2022, and September 8, 2022, September 22, 2022, and October 13, 2022, Planning Commission meeting. No public hearing was held.

Staff Reviewer Elliott
Staff Recommendation *Approve with conditions and disapprove without all conditions.*

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Mixed-Use Intensive - Alternative (MUI-A) to Specific Plan (SP) zoning for property located at properties located at 1414 Church Street and 210, 212, 216, 218, and 220 15th Avenue North, approximately 220 feet west of 14th Ave N, (1.2 acres), to permit a mixed use development.

Existing Zoning

Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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 and commercial uses.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

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



Metro Planning Commission Meeting of 10/27/22



WEST - 15TH AVE. N. - ELEVATION

Proposed Elevation

MIDTOWN STUDY SUPPLEMENTAL POLICY

The site is located within the T5 Center Mixed Use Subdistrict Area 2 (T5 MU-02) of the Midtown Study Community Character Plan that was adopted in 2012. The T5 MU-02 subdistrict is intended to contain a significant amount of high density residential development that is very mixed use in nature.

SITE CONTEXT AND PLAN DETAILS

The site is approximately 1.2 acres and has frontage onto the north side of Church Street and onto 15th Avenue North. Church Street is an Arterial Boulevard and 15th Avenue North is a Collector Avenue in the Major and Collector Street Plan. The site is bounded by an alley to the rear and side of the site. The site currently contains surface parking for automobiles. The area surrounding the site is a mixture of commercial, office, residential, vehicle parking, and vacant uses.

Site Plan

The plan proposes two towers, a 30-story hotel building and a 29-story podium style mixed-use tower with residential units on-top of the podium. The buildings cover the majority of the site and a new private drive is proposed between the hotel building and the residential mixed use building. A minimum of 60' of separation is proposed between the residential portion of the



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northern tower and the hotel tower. The ground level of both towers proposes lobby space and also includes potential retail/restaurant commercial tenant space. The residential mixed use podium building proposes 4 stories of below grade parking and up to 5 stories of above grade parking. The plans include elevations and renderings of the proposed buildings, demonstrating the architecture of the buildings, the proposed massing, and the screening of the above grade parking. The elevations demonstrate that the materials for all facades of the building, including the structured parking, are required to be high quality and the structured parking is required to be integrated with the residential portion of the tower using the same materials and glazing systems.

ANALYSIS

The proposed specific plan is consistent with the Midtown Study Supplemental Policy, the T5 MU policy, and the proposed amended Major and Collector Street Plan. The plan is consistent with the intent of the T5 MU-02 subdistrict to provide for high density residential or commercial uses. Staff finds that the proposed SP plans and elevations provide for a form that is consistent with the Midtown Study in this location. The site is located within the subject area of case 2022CP-010-001, a Planning Department initiated update to the Major and Collector Street Plan and the plan provides the updated street cross-sections that are planned for the subject roadway segments. The update to the Major and Collector Street Plan is placing focus on pedestrian and bicycle facility improvements in a broader area of Midtown. All access is limited to private drives and alleys, consistent with policy guidance.

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.

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. (Water & Sewer Capacity Fee Permit No's. T2022028892 & T2022028893).

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



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standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.

- Move proposed drive access further away from existing building footprint(corner) to promote better line of sight when pulling out from access and mitigate the potential pinch point for peds and handicap.
- Additional paving improvements along Church, 15th and alley and 15th may be required, based on final utility plans.
- Drop-off signage directing hotel traffic to the 15th access may be required for to avert drop-off from taking place on Church St.
- Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Due to the existing building at 1418 Church St. remaining, the proposed access on 15th Ave will need to be shift the access further North to provide better pedestrian access and improve sight distance for vehicles exiting the site. At final include a sight distance exhibit for the reconfigured access on 15th Ave. Further coordination with NDOT will be required.
- The applicant shall contribute towards the planned road diet project to construct dedicated and protected bike lanes on Church Street. Further coordination with NDOT will be required prior to Final SP approval.
- The applicant shall provide bike lanes on 15th Ave between Church Street and Charlotte Pike. Further coordination with NDOT will be required prior to Final SP approval to determine final design.
- The applicant shall either construct or contribute to pedestrian/bike improvements over the I40/I65 interstate within the vicinity of the development. Further coordination with NDOT & TDOT will be required.
- Per the TIS, the applicant shall improve the sidewalk connectivity along the Eastern leg of Hynes Street if the ROW is available.
- The final cross-sections for this development are to be determined at Final SP and shall conform with the most current MCSP.
- Remove all mentions of the required parking being 'none.' Total parking count for this development is to be determined at Final SP.
- Off-peak loading and deliveries for this development shall be enforced to minimize impacts to traffic operations.
- The development shall provide employees, residents, and customers with extensive information about area transit service including routes, nearby stops, and schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations. Parking/storage options should be provided for bicycle and scooters on-site. Publicize B-cycle services, stop locations, and bike routes.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.



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Maximum Uses in Existing Zoning District: MUI-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.42	5 F	91 U	494	31	41

Maximum Uses in Existing Zoning District: MUI-A

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	5 F	47,916 SF	1,809	45	183

Maximum Uses in Existing Zoning District: MUI-A

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	5 F	47,916 SF	5,375	476	468

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	-	570 U	2,458	172	202

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	-	375 R	3,807	182	255

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)	0.86	-	26,000 SF	1,000	24	101

Traffic changes between maximum: MUI-A and SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-413	-178	-134

METRO SCHOOL BOARD REPORT

Projected student generation existing MUI-A district: 1 Elementary 1 Middle 1 High
Projected student generation proposed SP-MU district: 7 Elementary 5 Middle 5 High

The proposed SP zoning is expected to generate 14 more students than the existing MUI-A zoning. Students would attend Eakin Elementary School, West End Middle School, and



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Hillsboro 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

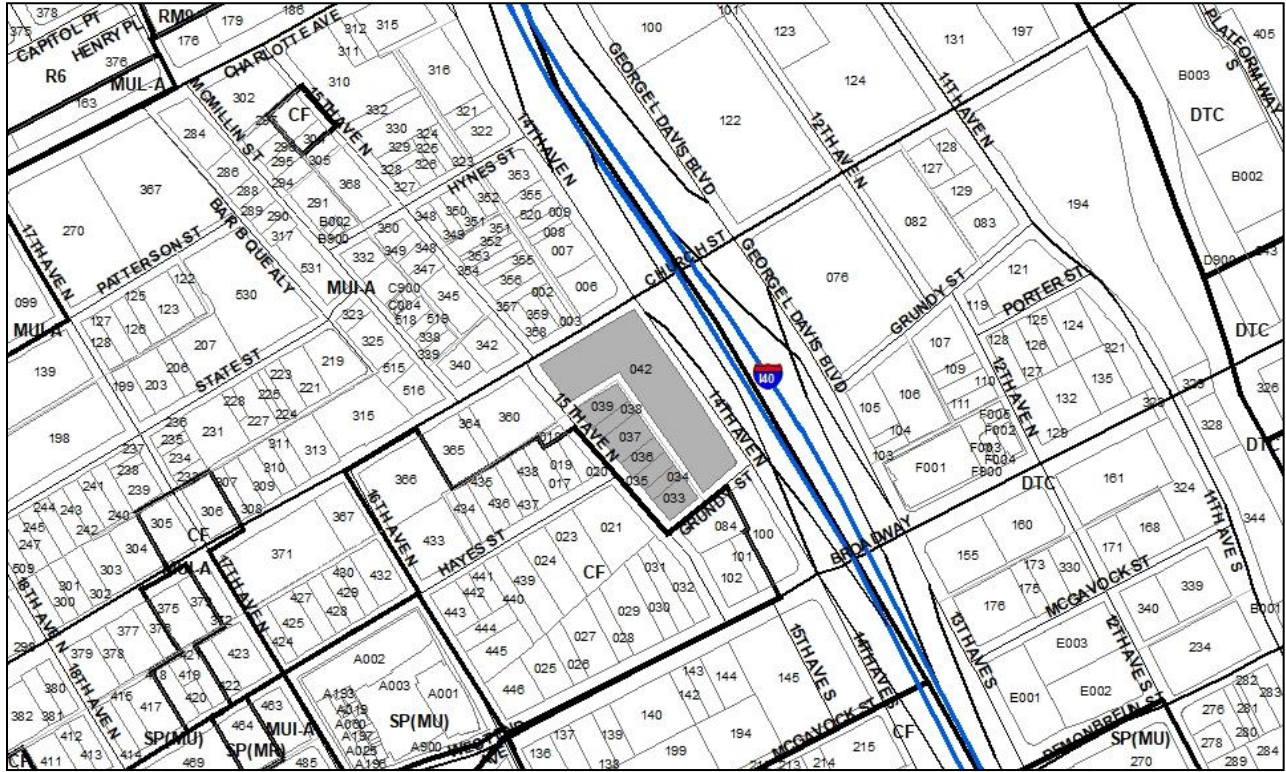
Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 570 multi-family residential units, 375 hotel units, and 26,000 square feet of non-residential use on the ground floor as permitted by the MUI-A zoning district. Short term rental properties- owner occupied and short-term rental properties- not-owner occupied shall be prohibited in the entire development.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application.
5. The Preliminary SP plan is the site plan and associated documents. Remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. 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.
7. 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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2022SP-060-001
1401 CHURCH STREET
Map 093-09, Parcel(s) 033-039, 042
10, Green Hills-Midtown
19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/27/22

Item #19	Specific Plan 2022SP-060-001
Project Name	1401 Church Street
Council District	19 – O’Connell
School District	5 – Buggs
Requested by	Hastings Architecture, applicant; Country Delite Farms, LLC, Dean Dairy Fluid, LLC, Suiza Dairy Group, LLC, and CCB Nashville Developments Limited Partnership, owners.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Preliminary SP

A request to rezone from Mixed Use Intensive-Alternative (MUI-A) to Specific Plan (SP) zoning for properties located at 1401 Church Street and 112, 116, 118, 120, 124, 128, and 132 15th Avenue North to permit a mixed use development with nonresidential uses and a maximum of 1,350 multi-family residential units (3.85 acres).

Existing Zoning

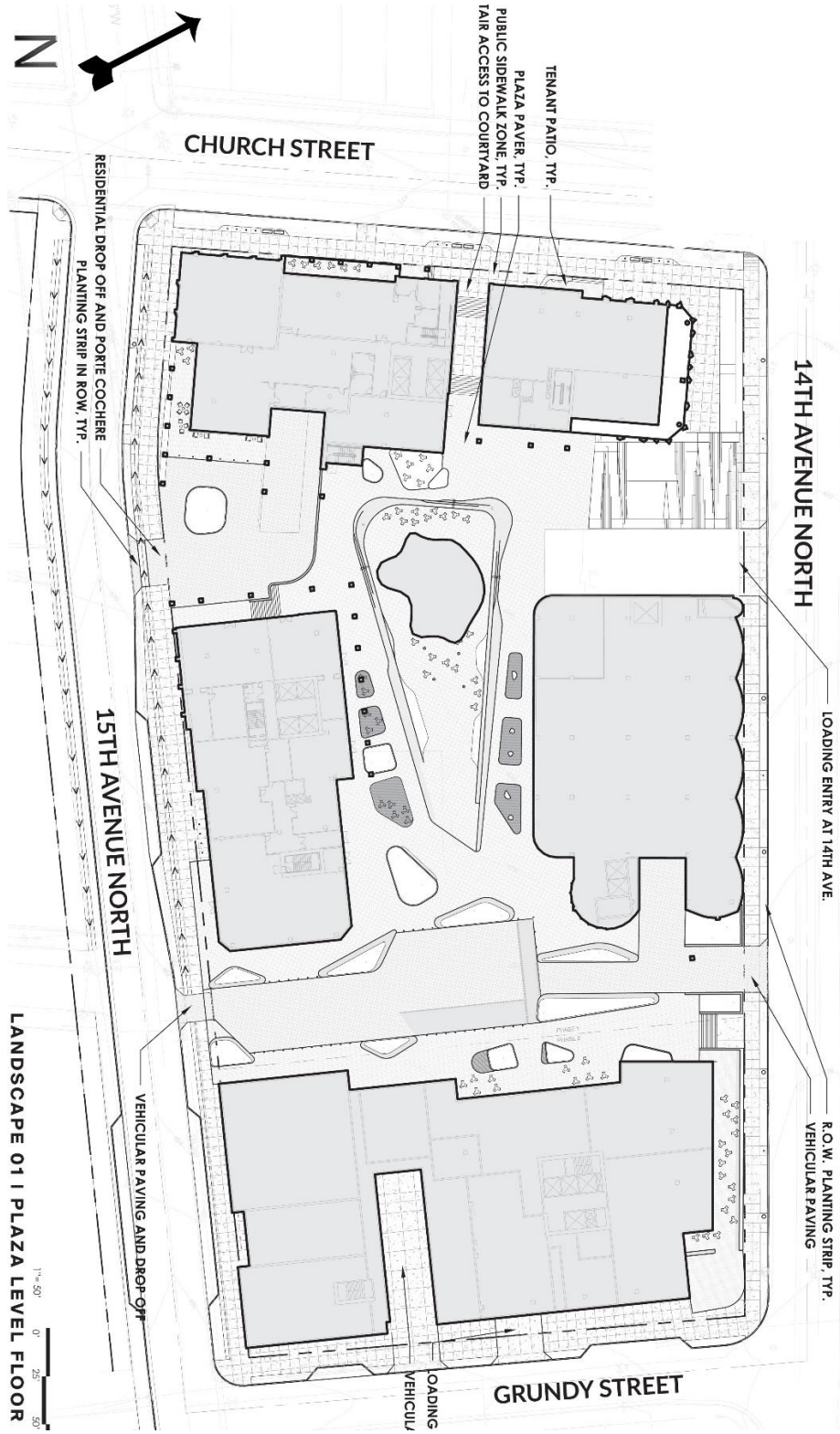
Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The 3.85 acre-site comprises multiple properties located on the south side of Church, bounded by 14th Ave. N and I-40 to the east, 15th Ave. N. to the west, and Grundy Street to the south. Two existing alleys bisect the site, separating the largest parcel that fronts Church Street and 14th Ave. N., from the smaller parcels along 15th Ave. N. The site’s long-established use as a dairy plant ceased operations earlier in 2022. This area of Midtown has been experiencing significant growth, with several proposed developments in the surrounding area.



Proposed Site Plan



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Specific Plan

The SP proposes a mixed use development with a maximum of 1,350 multi-family residential units or 1,150 multi-family residential units and 250 hotel rooms, and up to 75,000 square feet of additional nonresidential uses. Permitted nonresidential uses include all uses of MUI-A and Microbrewery; Tasting room; and Artisan Distillery uses. Short Term Rental Property (STRP) owner occupied and not owner occupied uses are prohibited. The development is proposed in two phases, with the second phase proposed on the southern portion, generally south of the intersection of 15th Ave. N. and Hayes Street.

The plan establishes a maximum base height of seven stories, with three tower elements that rise above, increasing in height from Church Street to Grundy Street. Tower 1, located along a portion of Church Street, is proposed with a maximum height of 30 stories; Tower 2, located along 15th Ave. N., is proposed with a maximum height of 35 stories; and Tower 3, located along Grundy Street, is proposed with a maximum height of 40 stories. The plan proposes a minimum 80' tower separation distance between the towers. The base of the building will wrap beneath the tower elements along the street, providing openings in several locations at the plaza level for pedestrian and vehicular access. A minimum of 20 percent of the site coverage will be set aside for active plaza or landscaping, including south of Tower 1, where the site opens up to pedestrians along 14th Ave. N., feeding directly into the central plaza space that is accessible from the streets. The proposal establishes a minimum active ground floor use component along each street to generate pedestrian street activity and interaction. The plan defines active uses as habitable space occupied by retail, office, institutional, amenity, or lobby uses. The plan also considers pedestrian access points and publicly accessible space as an active ground floor use and restricts residential units and hotel units from the ground floor, further encouraging pedestrian activation along the street. Architectural and building standards, including materials, glazing, and general parking garage treatments, are included in the plan.

Vehicular access is proposed from 15th Ave. N., Grundy Street, and 14th Ave. N. into the proposed parking structure that is primarily located below the plaza level. All structured parking is below-grade except for along 14th Ave. N., where there will be one level of above grade parking along a portion of the street frontage due to the change in topography. The area identified with above grade parking spans approximately 280 linear feet of the building frontage along 14th Ave. N., wrapping the northern corner of the building within the central plaza area. A one-way private drive with surface parking spaces and drop off area is proposed at the plaza level, extending from 15th Ave. N. to 14th Ave. N., where it becomes a two-way access near the parking garage entry at 14th Ave. N. A second drop area/motor court is proposed along 15th Ave. N., closer to Church Street. Areas for service access and loading are identified along 14th Ave. N. and Grundy Street. No vehicular access is proposed from Church Street.

Street improvements are proposed along Church Street, 14th Ave. N., Grundy Street, and 15th Ave. N. to accommodate the proposed density at this site and the surrounding Midtown area, where there has been additional focus on creating a more complete multi-modal network than currently called for by the Major and Collector Street Plan (MCSP). The cross sections proposed in the subject plan reflect changes that are proposed in the MCSP amendment (case 2022CP-010-001), including wide sidewalks, bike lanes, and the realignment of 15th Ave. N. at Church Street.



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GREEN HILLS-MIDTOWN COMMUNITY PLAN

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

Supplemental Policy

The site is within the Midtown Study supplemental policy which provides more detailed guidance for specific areas. The site is located within the 10-MT-T5-MU-01 and 10-MT-T5-MU-02 Special Policies, applicable to various properties in the Midtown supplemental policy. 10-MT-T5-MU-01 is applicable to the southern portion of the site, and 10-MT-T5-MU-02 is applicable to the northern portion. Where the Special Policy is silent, the guidance of the T5 Mixed Use Neighborhood policy applies.

ANALYSIS

The site is located on the eastern edge of the Midtown Study area, adjacent to major corridors including I-40 and Church Street, and in proximity to other major thoroughfares, including Broadway and Charlotte Avenue. The location of this site, which connects directly into Downtown Nashville, provides an opportunity for additional intensity that would serve the Midtown area as well as the Downtown Core. The site is located in the Midtown Study area, within the T5 Center transect. The T5 MU policy area is intended to be among the most intense areas in Davidson County, supporting a diverse mix of residential and nonresidential uses at higher concentrations to serve the larger community. The plan includes development that frames the corridor with tower elements in key locations, contributing to a dynamic streetscape. Publicly accessible open space is provided at various points along the street frontage to break up the massing along the street and activate the pedestrian experience.

One of the more fundamental elements of this plan is to ensure that the street network and accompanying streetscape elements provide a variety of transportation options to support the additional intensity proposed at this site and surrounding redevelopments proposed in the area. The Planning Department, in conjunction with NDOT and WeGo, worked with the development teams and their traffic engineer to evaluate opportunities to further enhance the transportation system in the area. The proposed plan reflects an enhanced network that prioritizes the experience of transit riders, pedestrians, and cyclists, consistent with the streetscape updates proposed in the MCSP amendment (case 2022CP-010-001).

The plan proposes punctuations of taller heights through the tower elements, consistent with the general allowance of greater heights for sites located at prominent locations when the site and building design comply with policy. In this instance, significant efforts have been made to enhance the overall design, including locating the majority of the parking underground, specifying a minimum separation distance between the tower heights to maintain the overall massing, providing multiple opportunities for pedestrian level interaction through the inclusion of nonresidential uses and publicly accessible open space, and incorporating the proposed



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infrastructure improvements, including the realignment of 15th Ave. N. at Church Street. Staff finds that the plan meets several critical planning goals and is consistent with the intent of the policy.

FIRE MARSHAL RECOMMENDATION

Approve

HISTORIC ZONING STAFF RECOMMENDATION

- No exception taken.

STORMWATER RECOMMENDATION

Approved 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% W&S Capacity must be paid before issuance of building permits.

NASHVILLE DOT RECOMMENDATION

Approved with conditions

- At final: Callout roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads.
- Provide stopping sight distance exhibits at any relevant intersections and accesses.
- Dimension ROW pavement widths and dedications on site plan for clarity. Label all loading/unloading back-of-house locations on site plans.
- Add Note: A private hauler will be required for all site waste/recycle disposal.
- Reference NDOT traffic prelim comments.
- Additional road comments forthcoming at final.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- The final cross-sections for this development are to be determined at Final SP and shall conform with the most current MCSP. Remove the three on-street parking on 15th Ave between Hayes Street and Alley 379. Remove option 4 for the ROW configuration on page 18.
- As a condition of Phases 1 & 2 of this development, the below grade parking garages are to be interconnected. The final parking count for this development is to be determined at Final SP.



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- The applicant shall either construct or contribute to pedestrian/bike improvements over the I40/I65 interstate within the vicinity of the development. Further coordination with NDOT & TDOT will be required.
- The applicant shall contribute towards the planned road diet project to construct dedicated and protected bike lanes on Church Street. Further coordination with NDOT will be required prior to Final SP approval.
- 15th Avenue North Between Grundy Street and Broadway shall operate as one-way with one lane in the northbound direction only.
 - At the intersection of Church Street and 15th Avenue North the following improvements shall be made. Realign the northbound approach of 15th Avenue North to the east in order to reduce the existing offset with the southbound approach of 15th Avenue North.
 - Provide a northbound shared through/left-turn lane with approximately 75 feet of storage and a right-turn lane.
 - Provide protected-permissive left-turn phasing on the eastbound and westbound approaches of Church Street.
- Grundy Street and 15th Avenue North shall operate as an all-way, stop-controlled intersection.
- Signal timings at all the signalized study intersections should be evaluated after each phase of development and optimized as needed. Leading pedestrian intervals (LPI) should be taken into consideration at the signalized study intersections.
- Off-peak loading and deliveries for this development shall be enforced to minimize impacts to traffic operations.
- The development shall provide employees, residents, and customers with extensive information about area transit service including routes, nearby stops, and schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations. Parking/storage options should be provided for bicycle and scooters on-site. Publicize B-cycle services, stop locations, and bike routes.
- As a part of the construction, all internal/external driveway connections shall be designed such that the departure triangles as specified by AASHTO, will be clear of all sight obstructions including landscaping, existing vegetation, monument signs/walls, fences, etc.
- Modifications to the above conditions may be required as this development’s phase(s) progress but further analysis will need to be conducted to justify said modifications.

Maximum Uses in Existing Zoning District: MUI-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 10+ (222)	1.93	5 F	420 U	1,867	130	151

Maximum Uses in Existing Zoning District: MUI-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.96	5 F	209,088 SF	7,893	197	796



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Maximum Uses in Existing Zoning District: MUI-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.96	5 F	209,088 SF	23,455	2,078	2,043

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)	1.93	-	1,350 U	5,531	391	467

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)	0.96	5 F	37,500 SF	1,416	35	143

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.96	5 F	37,500 SF	4,207	373	366

Traffic changes between maximum: MUI-A and SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-22,061	-1,606	-2,014

METRO SCHOOL BOARD REPORT

Projected student generation existing MUI-A district: 0 Elementary 0 Middle 0 High
Projected student generation proposed SP district: 17 Elementary 12 Middle 11 High

The proposed SP zoning is expected to generate 40 more students than the existing MUI-A zoning district. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. All 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 limited to 1,350 multi-family residential units or 1,150 multi-family residential units and 200 hotel rooms, and up to 75,000 square feet of additional nonresidential uses. Nonresidential uses shall be limited to all uses permitted by MUI-A and



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- Microbrewery; Tasting room; and Artisan Distillery. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited in the entire development.
2. If phased, include a full phasing plan with the first final site plan.
 3. Final street cross sections and alignment details along Church Street, 15th Ave. N., Grundy Street, and 14th Ave. N., are to be coordinated with Nashville DOT during final site plan review.
 4. All structured parking shall be located below grade except for the area identified on the preliminary SP along a portion of 14th Ave. North, where one level of above grade parking is permitted.
 5. Facades for the above grade parking shall be seamlessly integrated into the design and shall include parking garage treatments per the Garage Screening and Base Articulation standards. The materiality and proportions of any above-grade parking screening should be thoughtfully considered. The façade treatments shall integrate or complement the architectural characteristics of the habitable portion of the building and the surrounding built context. Openings for natural ventilation are permissible when integrated into the façade design. Applicant shall work with staff during final SP review to review final design of parking treatments.
 6. The maximum floor plate, maximum height, and minimum separation distance of the tower elements shall be per the preliminary SP.
 7. Pedestrian entries and street-level interaction shall be demonstrated with the final site plan architectural elevations consistent with the preliminary SP.
 8. On the corrected copy, update the permitted uses language per Condition #1.
 9. On the corrected copy, update the primary entrance standard of Building Standards on page 12: Building facades fronting a street shall provide a minimum of one principal entrance. Along 14th Ave. N., the area identified within the Phase 1 boundary of the preliminary SP is exempted.
 10. Approval of mandatory referral shall be required by Metro Council for abandonment of existing rights-of-way prior to permitting.
 11. Approval of mandatory referral shall be required by Metro Council for any encroachments proposed within public right-of-way prior to permitting.
 12. Comply with all conditions and requirements of Metro reviewing agencies.
 13. 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.
 14. 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.
 15. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
 16. The final site plan shall depict any 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.

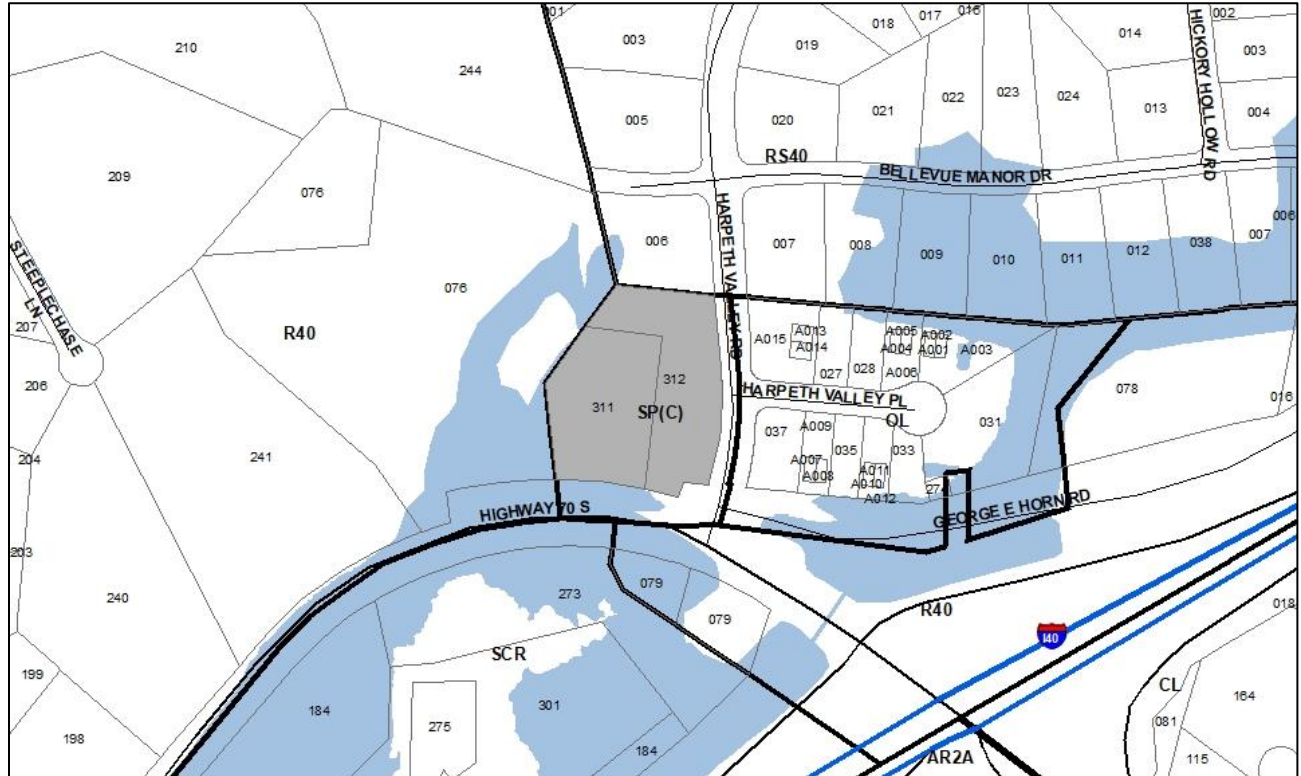


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17. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
18. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners’ Association.
19. 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.
20. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.



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2022SP-064-001

TRISTAR CENTENNIAL MEDICAL CENTER - BELLEVUE

Map 127, Parcel(s) 311-312

06, Bellevue

22 (Gloria Hausser)



Metro Planning Commission Meeting of 10/27/22

Item #20
Project Name

Specific Plan 2022SP-064-001
**Tristar Centennial Medical Center -
Bellevue**

Council District
School District
Requested by

22 - Hausser
9 – Tylor
Ragan Smith, applicant; HCA Health Services of
Tennessee, INC., owner.

Deferrals

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

Staff Reviewer
Staff Recommendation

Elliott
*Approve with conditions and disapprove without all
conditions.*

APPLICANT REQUEST

Rezone Specific Plan to Specific Plan to permit a hospital land use.

Amend SP

A request to rezone from Specific Plan (SP) to Specific Plan (SP) on properties located at 7730 and 7734 Highway 70 South, at the corner of Highway 70 South and Harpeth Valley Road, (3.42 acres), to permit a hospital use.

Existing Zoning

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

Proposed Zoning

Specific Plan-Mixed Non-Residential (SP-NR) 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 SP includes a medical use.

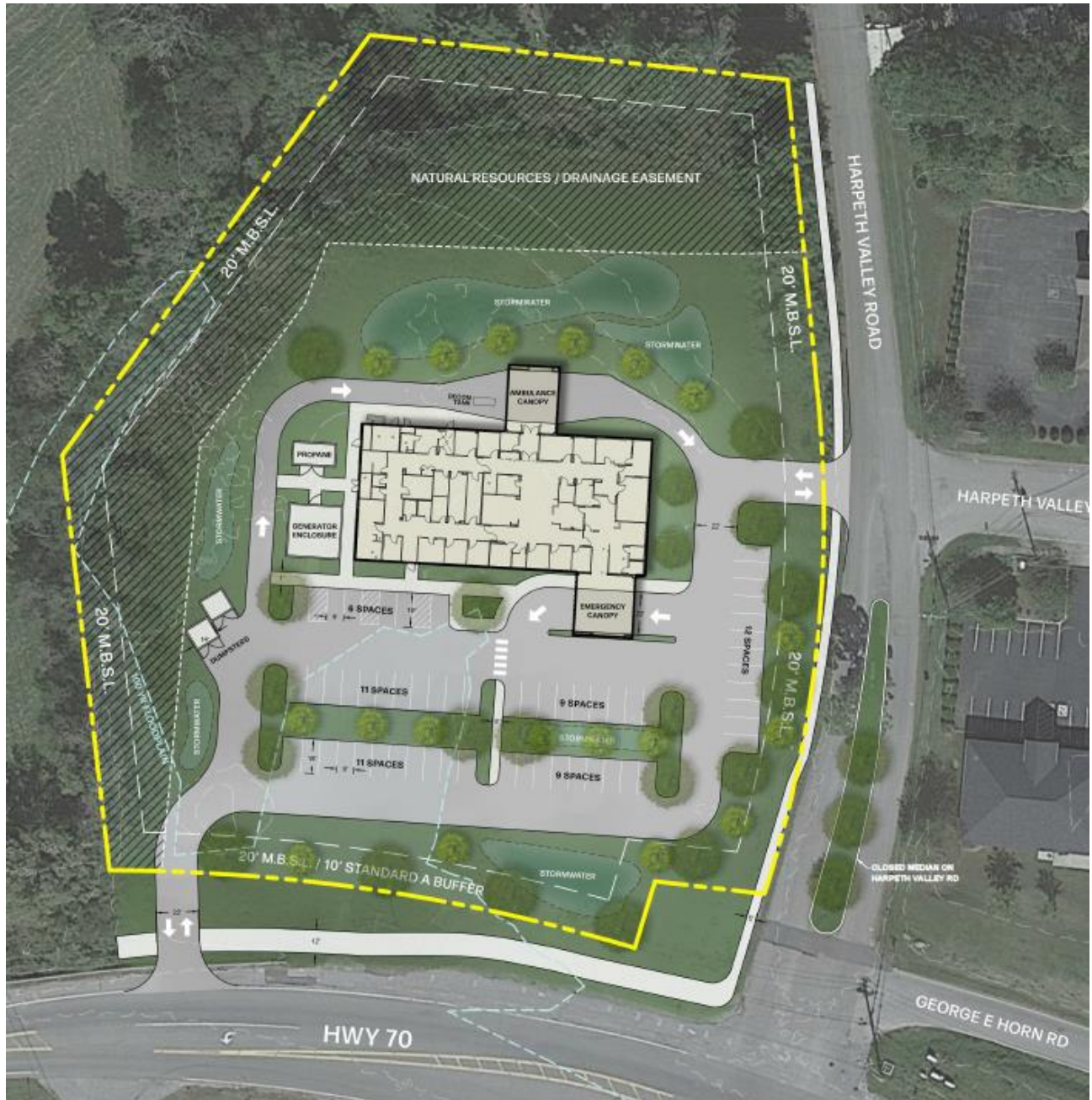
BELLEVUE COMMUNITY PLAN

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded.

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



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Proposed Site Plan





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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.

HISTORY

The site currently has SP zoning applied to it and this zoning permits a financial institution and a restaurant land use with surface parking. The site has had commercial entitlements through a Planned Unit Development overlay and subsequently through SP zoning since 1985 and the site was previously developed with a commercial landscaping business. The policy for this site was revised after the 2010 flood impacted this area. Staff did not support the 2010 SP request because of floodplain concerns in the recent aftermath of the 2010 flood. The current SP zoning was applied in 2015 and staff and the MPC supported the SP zoning as it brought the entitlements of the site further into compliance with the goals of the policy applied to the site (T2 RM/CO) by reducing the development intensity and amount of impervious surface.

SITE

The site is located at the intersection of US Highway 70 S and Harpeth Valley Road, north of US Highway 70 S and west of Harpeth Valley Road. US Highway 70 S is a Scenic Arterial in the Major and Collector Street Plan. The site is approximately 3.42 acres in size. The site has area within the 100-year floodplain and the entire site is within the 500-year floodplain. The site is vacant other than a partially constructed restaurant building.

PLAN DETAILS

The application proposes an approximately 10,000 square foot single-story medical building with surface parking in front of the building along Highway 70. The site plan shows access from Highway 70 and Harpeth Valley Road but NDOT is conditioning that access be limited to Highway 70. An ambulance drive wraps the building with an ambulance canopy and entrance to the building being provided to the rear of the building. An emergency canopy is also provided on the front of the building where the primary entrance is located. Otherwise, the rear of the site will contain stormwater facilities with the perimeter area left in its natural condition.

ANALYSIS

Both the CO and T2 RM policy describe that in situations where the current zoning has the potential to develop in ways inconsistent with the policy, it may warrant supporting a district otherwise considered inappropriate if it brings the potential closer to conforming with the policy. While the T2 RM policy for the site does not support the proposed land use, the proposed SP zoning would reduce the amount of impervious surface from 51% of the site per the existing approved SP to 37% of the site. Additionally, the anticipated traffic generation from the proposed use is less than half of the anticipated traffic generation under the existing SP zoning. Considering the current zoning entitlements, Staff finds the proposed SP zoning to bring the site further into compliance with the Conservation policy applied to the site and the intent to be environmentally sensitive to the floodplain. Staff also finds the reduced land use intensity to be more in compliance with the T2 RM policy than the existing zoning on the property.



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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

Approved

WATER SERVICES RECOMMENDATION

Not Applicable

- Harpeth Valley Water and Sewer Utility District.

HARPETH VALLEY WATER AND SEWER UTILITY DISTRICT

Approve with conditions

- HVUD has confirmed availability for water and sewer services for the subject parcels. See letter of Availability of Water & Sewer Services dated 09/29/22.

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. A Private hauler will be required for waste management. See NDOT traffic comments regarding 2-way center turn on Hwy 70. On final, provide ADA compliant ramp at corner of Harpeth Valley and Hwy 70. Provide ST-324 commercial ramp for access off Hwy 70. Sidewalks along Harpeth Valley ROW, are to be in the public row.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- The Supplemental transportation memo has been reviewed and the purpose of this memo was to compare the projected trips between the previously approved SP (2010SP-011-002), which consisted of a 7027 sqft diner and a 3000 sqft bank, against the new proposal which is a 10,860 sqft free standing emergency room. It was found that there will be a significant reduction in trips generated by the free standing medical center vs. the previously approved SP, totaling to a reduction of daily trips at 74% (1055 trips down to 271 trips), reduction of AM peak hour trips at 77% (97 trips down to 22 trips), and reduction of PM peak hour trips at 81% (127 trips down to 24 trips).
- The access locations for the free standing medical center meet the required intersection spacing identified in the Metro Code as well as the TDOT Driveway Manual for the Harpeth Valley Rd and Hwy 70 S intersection.
- On Hwy 70 S at the intersection of Harpeth Valley Rd, the Westbound right-lane will need to be converted into a 'Right turn only' drop lane to better distinguish between the transition section on Hwy 70 S. If this configuration is not desirable then an alternate design will need to be discussed with NDOT.



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- If not previously mentioned, the remaining striping for Hwy 70 S along this developments frontage is to be determined at Final SP. There has been a recent development proposal for the neighboring parcel (7750 HIGHWAY 70 S). It is desired that the neighboring development will extend the proposed two-way left turn lane mentioned in the transportation memo Westbound along their frontage and taper out.
- The median on Harpeth Valley Rd is to be closed.
- Parking for this development is to be per code.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	1.71	-	7,027 SF	788	69	69

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.71	-	3,000 SF	113	3	11

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 (720)	3.42	-	10,860 SF	330	31	39

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+833 SF	-571	-41	-41

METRO SCHOOL BOARD REPORT

The proposed SP-NR zoning district is not expected to generate any additional students.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 10,860 square feet of hospital land use.
2. The final site plan application shall comply with the Scenic Arterial requirements of 17.24.070.
3. 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.
4. 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.



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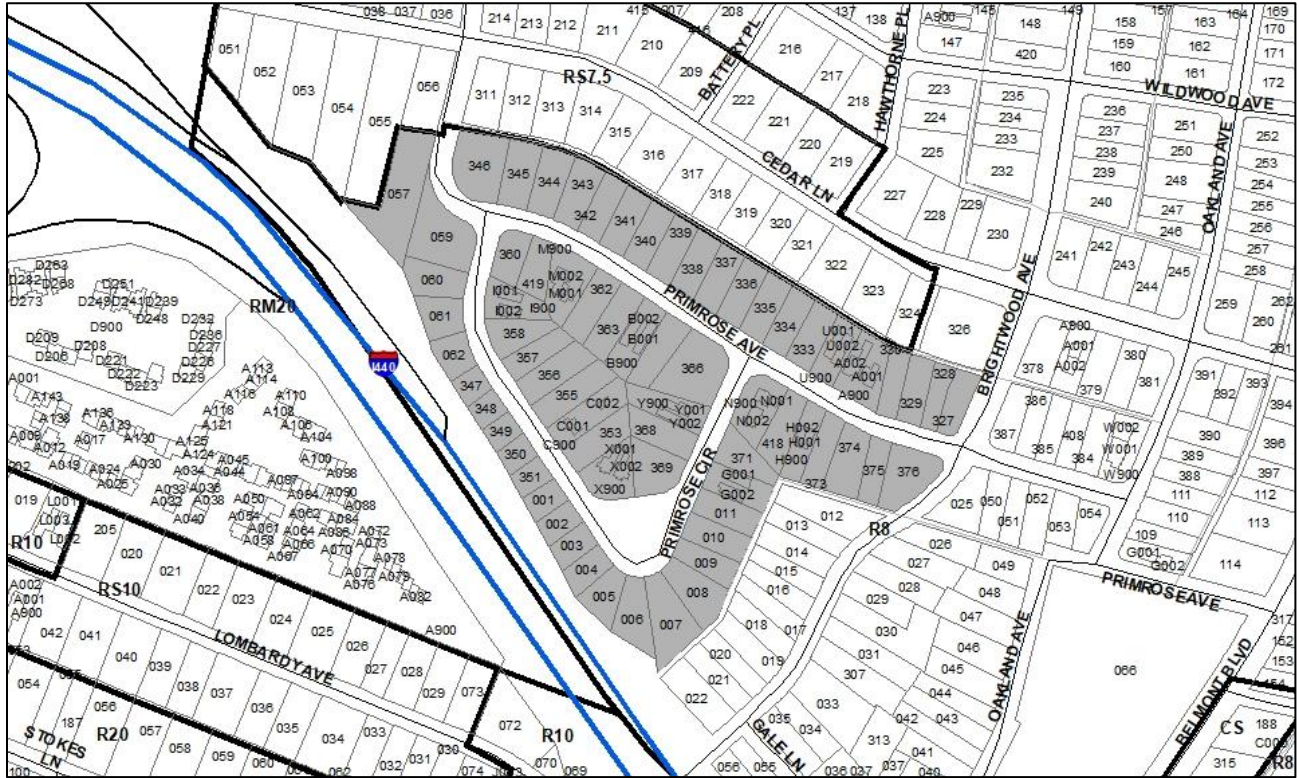
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan.



SEE NEXT PAGE



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2011UD-001-008
PRIMROSE NEIGHBORHOOD UDO (AMENDMENT)
Map 117-03, 117-04, 117-08 Various Parcels
10, Green Hills-Midtown
18 (Cash)



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Item #21	Urban Design Overlay 2011UD-001-008
Project Name	Primrose Neighborhood UDO (Amendment)
Council Bill No.	BL2022-1469
Council District	18 – Cash
School District	8 – O’Hara Block
Requested by	Metro Planning Department, applicant; various owners.
Staff Reviewer	Islas
Staff Recommendation	<i>Approve with an amendment.</i>

APPLICANT REQUEST

Amend the Primrose Neighborhood Urban Design Overlay (UDO) by replacing the existing UDO document with an updated document, to clarify various neighborhood defining characteristics.

EXISTING ZONING

Single-Family Residential (R8) is intended for medium intensity one-family and two-family development.

Urban Design Overlay (UDO) is a zoning tool that requires specific design standards for development in a designated area. A UDO can protect the character of the area or create a character above and beyond that of the base zoning.

The Primrose Neighborhood UDO was enacted by BL2011-880 in 2011 to institute design standards that would preserve the unique identity of the Primrose Neighborhood and ensure new buildings and additions match this unique identity.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended 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.

COMMUNITY ENGAGEMENT

On the evening of October 5, 2022, Metro Planning Staff, Councilmember Cash, and members of the Primrose neighborhood met to discuss the proposed UDO amendment. Attendees voiced their support behind the intent of the amendment and gave valuable feedback on an initial draft. A final draft (and a corresponding substitute council bill) were published, implementing much of this feedback.

PROPOSED AMENDMENT DETAILS

The final draft of the proposed UDO amendment seeks to clarify various neighborhood defining characteristics by changing the following:



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Current UDO	Proposed UDO Amendment	Analysis
<p>“Maximum Lower Eave Height of Main Roof Structure on Front Façade”</p>	<p>“Eave Height for Main and Secondary Roof Structures”</p>	<p>‘Bulk Standard B’ reworded to read more clearly, better describe the intent behind the standard, and better describe updated diagrams on following page</p>
<p>n/a</p>	<p>Adds ‘Bulk Standard D’: “Dormer Clearance – Minimum 18 inches” in both subdistricts</p>	<p>This standard has been added to further require dormers be subordinate to other roof structures</p>
<p>‘Footnote 2’: “The lower eave element is required.”</p>	<p>Moved from footnotes to ‘Bulk Standard B’ and reworded as “Eave height is required to be met for the entire length of the front façade, except for dormers.”</p>	<p>Reworded to read more clearly, better describe the intent behind the standard, and better describe updated diagrams on following page</p>
<p>Bulk Standards Diagram shows front elevation of typical home with labels for Bulk Standard A, B, and C</p>	<p>Added a side elevation of typical home; Added label for Bulk Standard D; Added a dashed red “Eave Line” delineating line; Labeled various elements mentioned in the bulk standards table</p>	<p>Provided to better describe various bulk standards</p>
<p>n/a</p>	<p>Added definitions for the following terms: “Main Roof Structure”, “Secondary Roof Structure”, and “Dormer”</p>	<p>Provided to better describe various bulk standards</p>

STAFF RECOMMENDATION

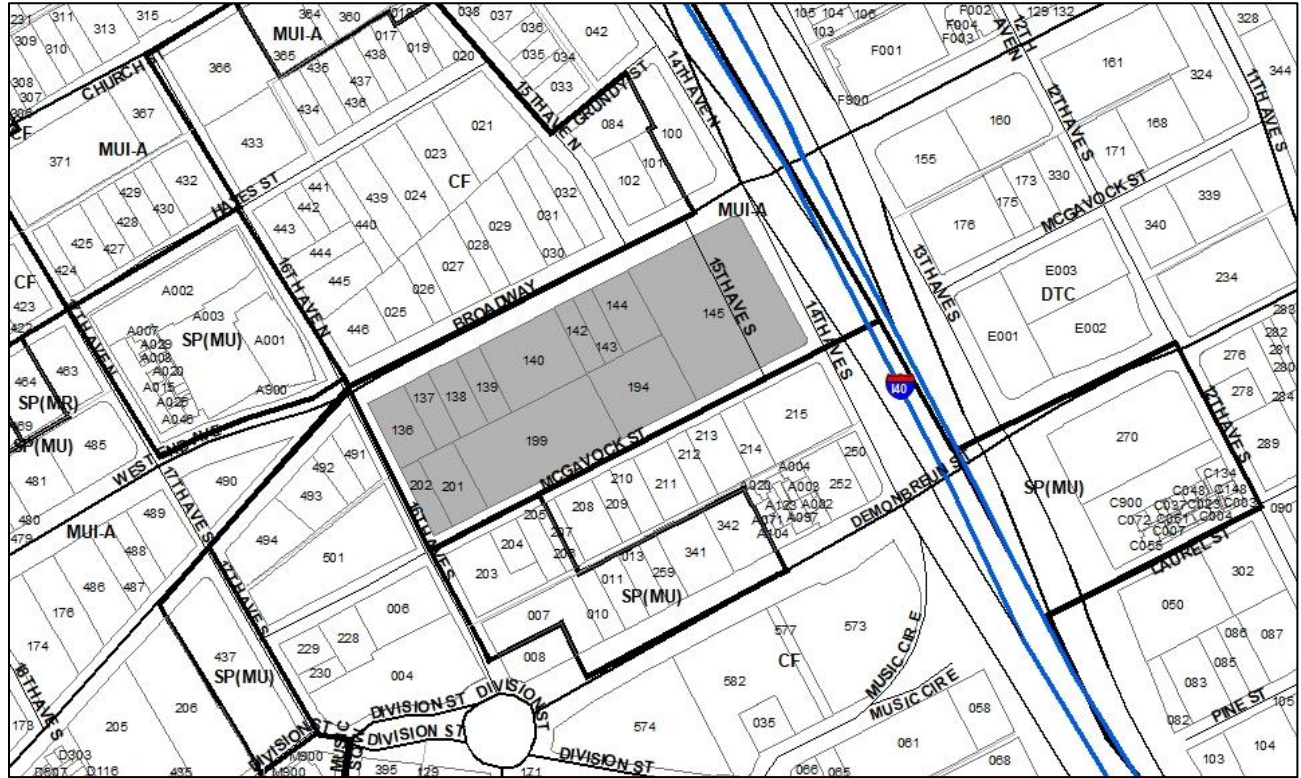
Staff recommends approval with an amendment to replace the updated document in the filed council bill.



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2022UD-001-001

BEAMAN AUTOMOTIVE-MIDTOWN UDO

Map 093-09, Parcel(s) 136-140, 142-145, 194, 199, 201-202

10, Green Hills - Midtown

19 (Freddie O'Connell)



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Item #22	Urban Design Overlay 2022UD-001-001
Project Name	Beaman Automotive-Midtown UDO
Council District	19 - O'Connell
School District	5 – Buggs
Requested by	Bradley Arant Boulton Cummings LLP applicant; 1525 Broadway Owner, LLC, owner.
Staff Reviewer	Elliott
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions</i>

APPLICANT REQUEST

Establish an Urban Design Overlay zoning district.

Urban Design Overlay

A request to apply an Urban Design Overlay (UDO) to various properties starting at the corner of Broadway and 16th Ave North, zoned Mixed-Use Intensive-Alternative (MUI-A) (8 acres).

Existing Zoning

Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Proposed Overlay Zoning (MUI-A to remain as the base zoning)

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

PURPOSE OF UDO

The purpose of the Beaman Automotive-Midtown UDO is to:

- Establish a compact mixed use development pattern that transitions in scale from the downtown core to West End and which responds appropriately in scale to the Development on the northern side of Broadway.
- Encourage buildings to be oriented to and linked together by a cohesive pedestrian system.
- Encourage a balance of transportation options for pedestrians, bicycles, vehicles and transit.
- Encourage a high level of pedestrian-generating activity and retail uses along streets and a pedestrian friendly environment.
- Encourage environmentally sensitive development and open space that creates a campus like atmosphere that encourages music collaboration.
- Encourage the majority of the parking, loading and unloading and deliveries and drop-offs to be located below grade, if possible, to further facilitate the campus like atmosphere that is safe for pedestrians.



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- Encourage music-oriented businesses and ancillary uses for music-oriented businesses.
- Encourage the use of public art.
- Locate a significant number of housing units within the development to support a live, work and play environment.

MUSIC ROW VISION PLAN

The Music Row Vision Plan, adopted in December 2017, identifies the significance of and pressures facing Music Row. It contains a broad range of recommendations and action steps to pursue. The overarching theme of the Vision Plan is to ensure that Music Row continues to be a vital hub of music business and innovation and a unique creative cluster within Nashville. It is a planning document, but also a call to action for the public and private sectors, neighbors, and developers, and all those who support and strengthen the Row. The purpose of the Music Row Vision Plan is to guide and inform the preparation and consideration of implementation tools and development proposals. The subject site is in the Music Row North character area of the Vision Plan, which is intended to serve as a gateway to the Gulch, Midtown, and Downtown. It is intended to promote growth with high-rise development containing a mixture of uses and commercial activity. The area offers a high-energy urban experience, with towers activated by engaging and inviting ground-floor retail. A diverse mix of office, residential, retail, hotel, restaurants, and bars makes this area a center of activity around the clock.

The site is within sub-district district 1A and this sub-district has the greatest flexibility in land use, building height, and intensity, more so than any other area within the Music Row boundary.

GREEN-HILLS MIDTOWN COMMUNITY PLAN

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

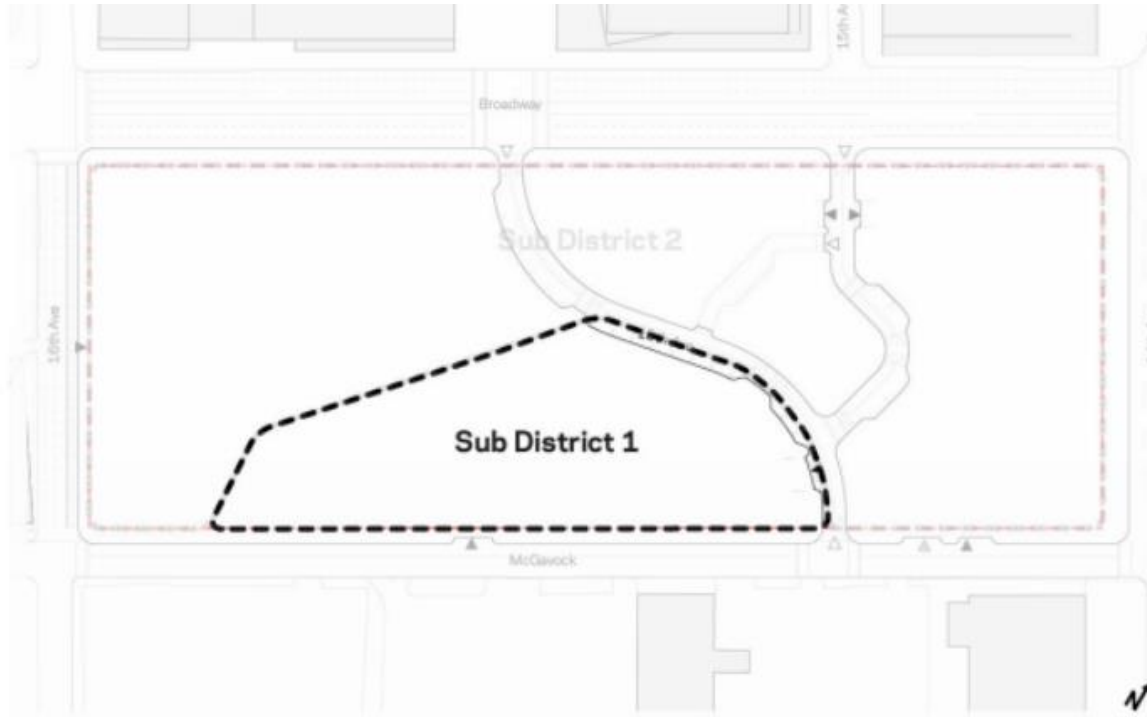
SITE CONTEXT AND PLAN DETAILS

The approximately 8 acre site encompasses the entire block that is bounded by Broadway Avenue, McGavock Street, 14th Avenue, and 16th Avenue. The site contains an automobile sales land use with an associated automobile service use. The surrounding area contains a variety of uses, including additional automobile sales uses, non-residential uses such as office and commercial, and a mixture of medium to high intensity residential land uses.

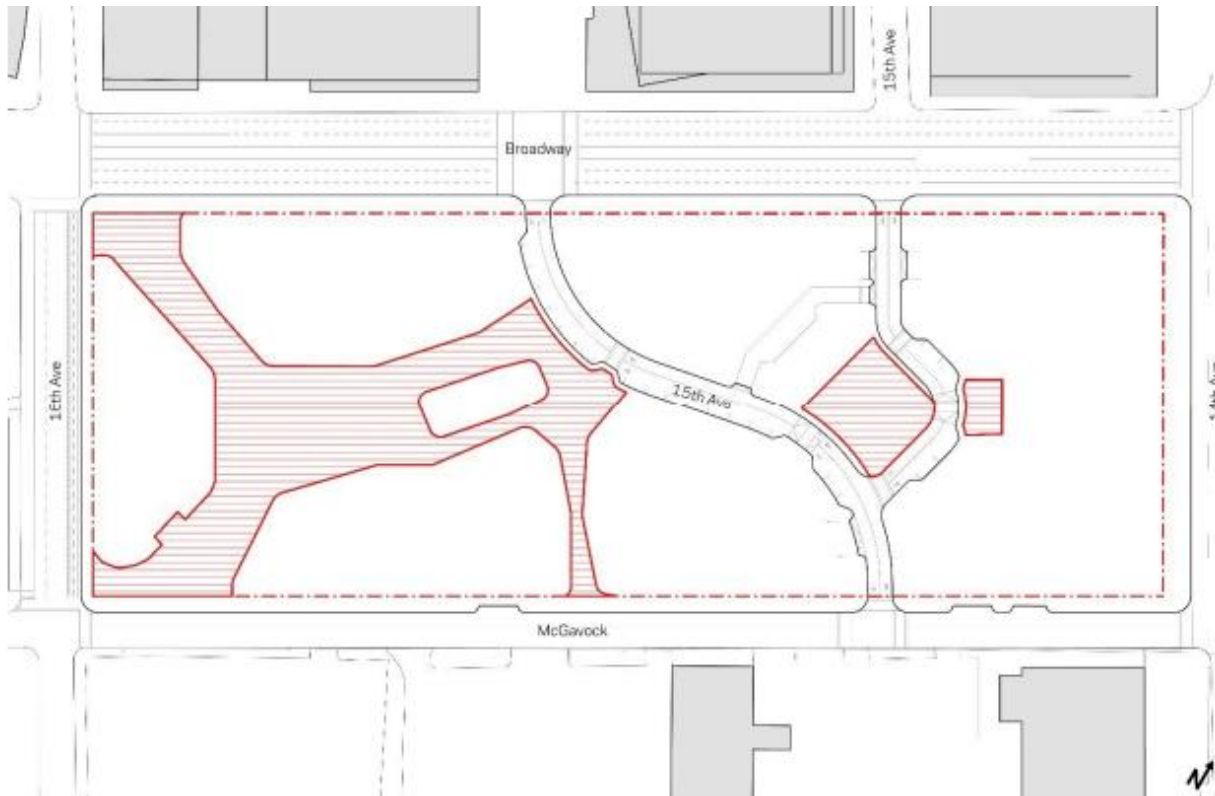
The Major and Collector Street Plan identifies Broadway Avenue as an Arterial Boulevard and 16th Avenue as a Collector Avenue. This site is within an area that is proposed for an update to the Major and Collector Street Plan to accommodate the high-intensity development that is planned for the area, particularly to provide multi-modal and pedestrian scale improvements. The updates to the Major and Collector Street Plan are tracking parallel to this application (2022CP-010-001) and the UDO provides the planned updates to the Major and Collector Street Plan for the subject roadway segments adjacent to the site.



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Subdistrict Regulating Plan



Open Space Plan



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UDO STANDARDS

The Beaman Automotive- Midtown Urban Design Overlay proposes a comprehensive overlay to this block of Midtown that would regulate future development in a manner similar to the Downtown Code. The applicant has used the Downtown Code as a template to address street frontages, parking, access, setback and bulk standards, open space, landscaping, awnings and the streetscape, mechanical, loading, and additional general standards. The UDO tailors the standards of the Downtown Code to the context of this site and has removed sections not applicable to the project.

The UDO also proposes to provide the updated Major and Collector Street Plan cross sections per the amendment for the relevant street frontages. These cross sections have been generated focusing on multi-modal and pedestrian improvements to serve the level of development intensity that is planned for this area. Along the perimeter of the site, access to the site is limited to McGavock Street and 16th Avenue. Interior to the site, access is found on both of the private streets provided with the development.

The plan relies on two subdistricts that each have their own bulk standards. Subdistrict 1 is the smaller of the two subdistricts and is confined to frontage onto McGavock Street and onto a private street that is interior to the site. Buildings are permitted at a maximum height of 25 stories or 315 feet, whichever is greater, in Subdistrict 1. Subdistrict 2 contains the remainder of the site, with frontage onto Broadway Avenue, 14th and 16th Avenue, and the interior private streets. Subdistrict 2 permits buildings to extend up to 30 stories, or 350 feet, whichever is greater. This subdistrict also includes a provision for additional punctuated height at 40 stories, or 450 feet, whichever is greater, for 2 towers. The two towers permitted to provide punctuated height are required to front onto either Broadway Avenue or 14th Avenue.

The UDO doesn't require any parking, consistent with the approach of the Downtown Code, and if any parking is provided, the UDO requires that all parking within Subdistrict 1 to be below grade. For Subdistrict 2, all parking is proposed to be below grade, except for any towers that are primarily used for office land use. Any office tower parking that is above grade is required per the UDO to be screened with a material that integrates into the architectural character of the remainder of the building.

The UDO also includes an Open Space plan with some regulating standards for this open space. A minimum of 10% of the site is required to be open space and an Open Space plan for the site is required to be provided with the first final site plan application for this development.

ANALYSIS

Staff finds the proposal to be consistent with the intent of Urban Design Overlay Districts to provide special design standards for achieving a sense of place and by emphasizing sensitivity to the pedestrian environment, minimizing the intrusion of the automobile into urban settings, and providing for open space in relationship to building masses, in a way that is not insured by the conventional standards of the Metro Zoning Code. The UDO does this in an appropriate manner considering the T5 MU policy applied to the site as well as the Music Row Vision Plan. The UDO standards also provide for the intense mixed-use development called for in this area given



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the location on an important corridor. The subdistrict approach allows the development to transition the development intensity down from Broadway Avenue to McGavock Street and staff finds this to be appropriate given the building height guidance provided in the Music Row Vision Plan. Staff finds the proposed UDO to require a higher quality urban design than what is insured under the existing MUI-A zoning district and recommends approval of the application.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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 conditons

- At final: Callout roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Provide stopping sight distance exhibits at any relevant intersections and accesses. Dimension ROW pavement widths and dedications on site plan for clarity. Label all loading/unloading back-of-house locations on site plans. Add Note: A private hauler will be required for all site waste/recycle disposal. Reference NDOT traffic comments regarding roadway sections and traffic improvements.
- Removal of right-in/right-out access off Broadway may be required. NDOT may require ingress only for the East access off Broadway.
- The through site street(s) connecting Broadway and McGavock, proposed as 15th Ave, shall be private with corresponding access drives per NDOT standards and details. Commercial driveway ramp widths off public streets shall be maximum 24 ft. and any additional width required up to 35 ft. max(per ST-324) will require turning exhibits to justify need.
- Site access spacing from intersections and adjacent drives shall adhere to code 17.20. Therefore, please remove note about 20 ft. spacing.
- From previous comment, proposed road sections are illegible. At final, submit proposed roadway sections, with reference to Major Street Collector Plan.
- Remove note, 'valets shall be in the ROW when space allows'. Private valets shall be on private property.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- The final cross-sections for this UDO are to be determined at final approval for each phase of development and shall conform with the most current MCSP.
- The UDO shall illustrate or include callouts for the proposed median along Broadway.



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- The mid-block primary access (Road A/Main Street) on Broadway shall be the only two-way access (Right-In & Right-Out) permitted along this corridor. The secondary vehicular access on Broadway near the intersection of 14th Ave, shall be a one-way ingress only into the site.
- All proposed access points this development and all subsequent phases are to meet Metro Code and will require approval from NDOT and Planning.
- Remove mention of Valet/Loading within the Public ROW from the UDO. All valet & loading operations shall occur within the development on private roads unless approval is granted from NDOT and Planning.
- The applicant shall either construct or contribute to pedestrian/bike improvements over the I40/I65 interstate within the vicinity of the development. Further coordination with NDOT & TDOT will be required.
- The applicant shall either construct or contribute transit improvements within the study area. Further coordination will be required with NDOT and WeGo.
- Broadway and Road A (Main Street) Driveway placement shall be designed to allow for a signalized intersection that accommodates a pedestrian crossing, eastbound left-turn lane, and westbound left-turn lane to operate concurrently without conflicts. It shall be noted that the pedestrian access is the main priority over all other movements at this intersection and further coordination with NDOT will be required. The traffic signal for this intersection shall be installed once the Road A (Main Street) connection is made. Provide a westbound left-turn lane with a minimum of 75 feet of storage. The alignment of Road A (Main Street) shall be coordinated with NDOT prior to final design.
- On Broadway where applicable, install a median on Broadway between 16th Avenue North and 14th Avenue North. Coordination with NDOT, TDOT, and WeGo is required to determine overall dimensions for the proposed median in relation to transit operations/access.
- Broadway/West End Avenue and 16th Avenue North provide a Northbound right-turn lane that extends to McGavock Street.
- McGavock Street and 14th Avenue South convert the existing southbound shared through/right-turn lane into an exclusive right-turn lane that terminates at McGavock Street and install a right-turn channelization island.
- McGavock Street and 16th Avenue South provide a traffic signal at the intersection.
- Provide a northbound protected bike lane on 16th Avenue South between Broadway and McGavock Street.
- Provide dedicated/protected bike lanes on McGavock from Road A (Main Street) to 16th Ave.
- The proposed one-way bike lane pairs for 16th Ave & 17th Ave shall be provided, (further analysis may be required to determine the points of origin.)
- Signal timings at all the signalized study intersections should be evaluated after each phase of development and optimized as needed. Leading pedestrian intervals (LPI) should be taken into consideration at the signalized study intersections.
- Off-peak loading and deliveries for the retail development should be encouraged to minimize impacts to traffic operations.
- It is recommended that the development provide employees, residents, and customers extensive information about area transit service including routes, nearby stops, and



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schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations. Parking/storage options should be provided for bicycle and scooters on-site. Publicize B-cycle services, stop locations, and bike routes.

- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.

WATER RECOMMENDATION

Approve with conditions

- Approved as a Preliminary UDO Plan only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP/UDO approval. The approved construction plans must match the Final Site Plan/SP/UDO 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 and disapproval without all conditions.

CONDITONS

1. Comply with all conditions of reviewing agencies.
2. Prior to any final site plan approval, final components of street sections shall be determined and approved by NDOT and Metro Planning, consistent with the amended MCSP.
3. A public access easement shall be recorded for the new private drive bisecting the site. The easement shall allow full public access and shall cover sidewalks, bike lanes, and drive.
4. Prior to any final site plan approval, a corrected set of the UDO document shall be provided that scales the subdistrict regulating plans.
5. Prior to any final site plan approval, a corrected set of the UDO document shall be provided that revises Page 39, the second bullet point of "General Standards for Parking and Access" to state that "On-site surface parking is not permitted in this UDO."



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2022COD-003-001

Various Maps, Various Parcels

14, Donelson – Hermitage – Old Hickory

15 (Jeff Syracuse)



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Item #23	Contextual Overlay 2022COD-003-001
Council Bill No.	BL2022-1480
Council District	15 – Syracuse
School District	04 – Nabaa-McKinney
Requested by	Councilmember Jeff Syracuse, applicant; various property owners.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District for various properties located east of McGavock Pike and south of Meadowood Drive, zoned Single-Family Residential (RS20), (207.1 acres).

Existing Zoning

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

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.

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 or not they have already been disturbed.

CONTEXTUAL OVERLAY STANDARDS



Metro Planning Commission Meeting of 10/27/22

Application of the COD would not change the existing entitlements afforded under the RS20 base zoning district.

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 between Meadwood Drive to the north, the Cumberland River to the east, a railroad to the south and east of McGavock Pike. The properties are in various subdivisions, including, Knob Hill, Lincoya Hills, and McGavock Heights. The homes in the area are mostly single-story and split-level Ranch- and Minimal Traditional-style residences. There is a predominant development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary, with a few exceptions.



Metro Planning Commission Meeting of 10/27/22

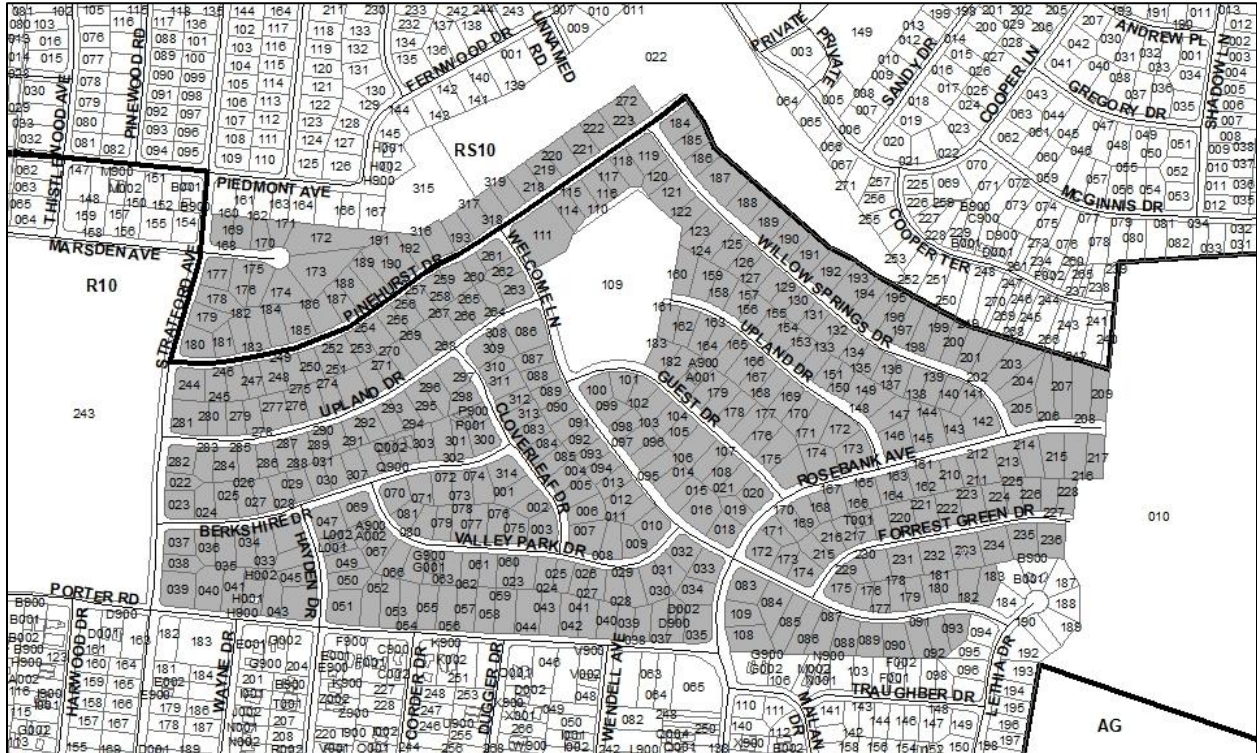
The proposed Overlay is located within a T3 Suburban Neighborhood Maintenance policy area, which is intended to maintain the general character of developed, suburban residential neighborhoods. Application of the Overlay would help to preserve the existing character with specific development standards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

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 10/27/22



2022COD-004-001

Various Maps, Various Parcels

05, East Nashville

07 (Emily Benedict)



Metro Planning Commission Meeting of 10/27/22

Item #24

Council Bill No.

Council District

School District

Requested by

Contextual Overlay 2022COD-004-001

BL2022-1496

7 – Benedict

3 - Masters

Councilmember Emily Benedict, applicant; various property owners.

Staff Reviewer

Rickoff.

Staff Recommendation

Defer to the November 10, 2022, Planning Commission meeting.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

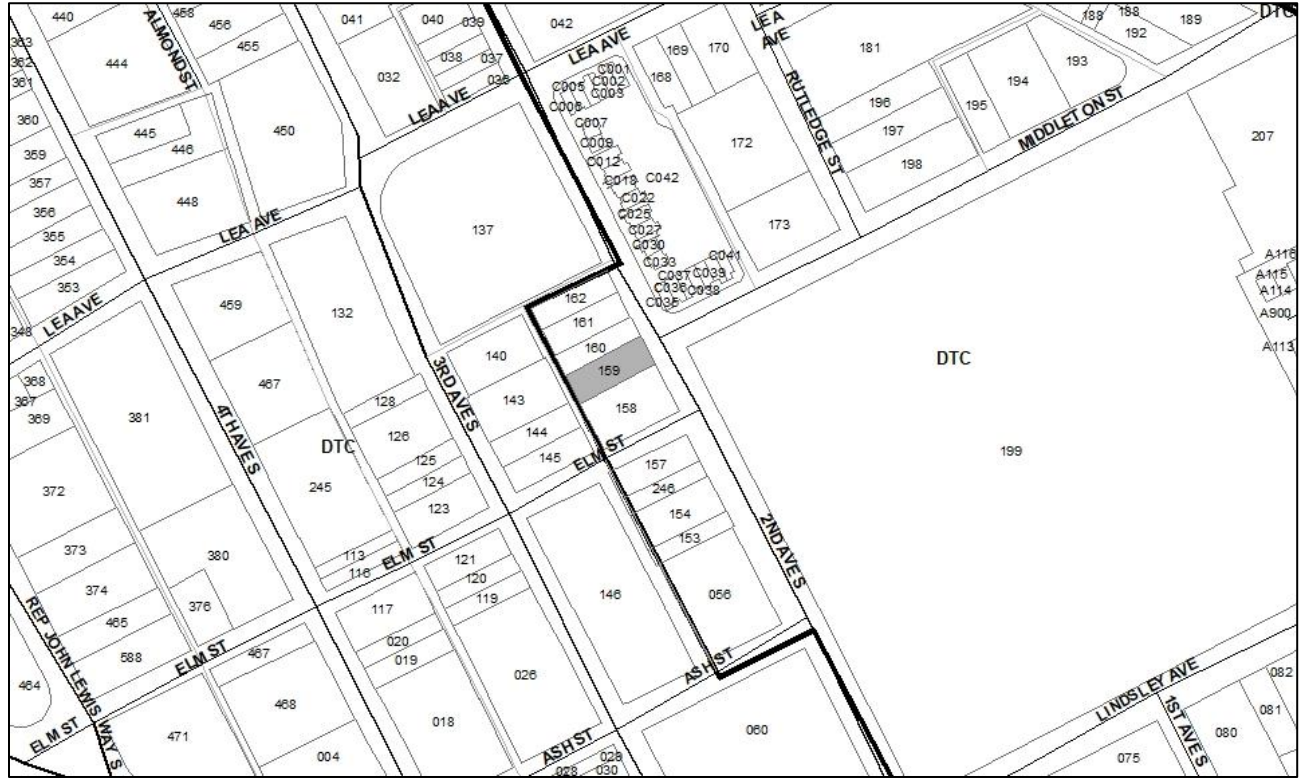
A request to apply a Contextual Overlay District (COD) to various properties located north of Porter Road and east of Stratford Avenue, zoned One and Two-Family Residential (R10) and Single-Family Residential (RS10) (139.41 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2022, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/27/22



2022HL-006-001

627 2nd AVE S HISTORIC LANDMARK OVERLAY

Map 093-11, Parcel(s) 159

09, Downtown

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/27/22

Item #25	Historic Landmark 2022HL-006-001
Project Name	627 2nd Ave S Historic Landmark Overlay
Bill No.	BL2022-1437
Council District	19- O'Connell
School District	5 - Buggs
Requested by	GBX GROUP, applicant; Rutledge Hill LLC, owner.
Staff Reviewer	Shane
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Apply a Historic Landmark Overlay District.

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District for property located at 627 2nd Avenue South, 105 feet north of Elm Street, zoned DTC and within the Rutledge Hill Redevelopment District (0.15 acres).

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.

Proposed Overlay

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

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.

Supplemental Policy

The site is located within a supplemental policy which was created to provide additional guidance for specific areas within the downtown community plan. The supplemental policy, 09-T6-DN-RH-01, Rutledge Hill, is intended to develop as a vibrant, mixed use neighborhood with a heavy residential emphasis in primarily low- to mid-rise buildings. It was one of Nashville's earliest residential areas and still contains several notable historic buildings as well as the Richard Fulton Government Office Complex and the Nashville Children's Theater.

REQUEST DETAILS



Metro Planning Commission Meeting of 10/27/22

The Metro Historic Zoning Commission (MHZC) considered this application at its September 21, 2022, meeting. Historic Zoning Commission staff recommended approval of this application. MHZC staff provided the following background information:

627 2nd Avenue South

The James Geddes Engine Company No. 6 was listed in the National Register of Historic Places in 1977. The nomination provides the following information:

The James Geddes Engine Company No. 6 is the only fire hall which remains of the several built in Nashville during the latter half of the nineteenth century and the last built to house horse-drawn fire equipment. Its exuberant Victorian facade is one of the few remaining examples of the architecturally distinctive Rutledge Hill neighborhood of the late 1800s. The Rutledge Hill area of South Nashville was once an area of elaborate residences and was the home of several significant educational institutions, including the forerunners of Vanderbilt University and George Peabody College.

James Geddes, for whom the fire hall was named, came to the United States from Scotland in 1851 after receiving a degree in civil engineering. He was hired by the infant Louisville and Nashville Railroad in 1851 as a leveler. He rose through the ranks, holding a number of increasingly important positions as the railroad grew. In 1901 he was honored as the first L & N employee to serve for fifty years and was promoted to the position of assistant to the general manager which he held until his death in 1914.

The fire hall's significance lies in its association with James Geddes, a railroad pioneer and prominent Nashvillian, in its architectural merit, and in its being one of a few survivors of Victorian Rutledge Hill and Nashville's sole surviving Victorian fire hall.

No exterior alterations are currently planned.

Recommendation: The property meets 17.36.120(5) as it is listed in the National Register of Historic Places.

Staff suggests the Commission recommend to City Council that the James Geddes Engine Company No. 6 be adopted as a Historic Landmark and the existing design guidelines for Historic Landmarks be used to guide future changes.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On September 21, 2022, the Metro Historic Zoning Commission reviewed the request and recommended approval of the Historic Landmark designation for 627 2nd Avenue South.



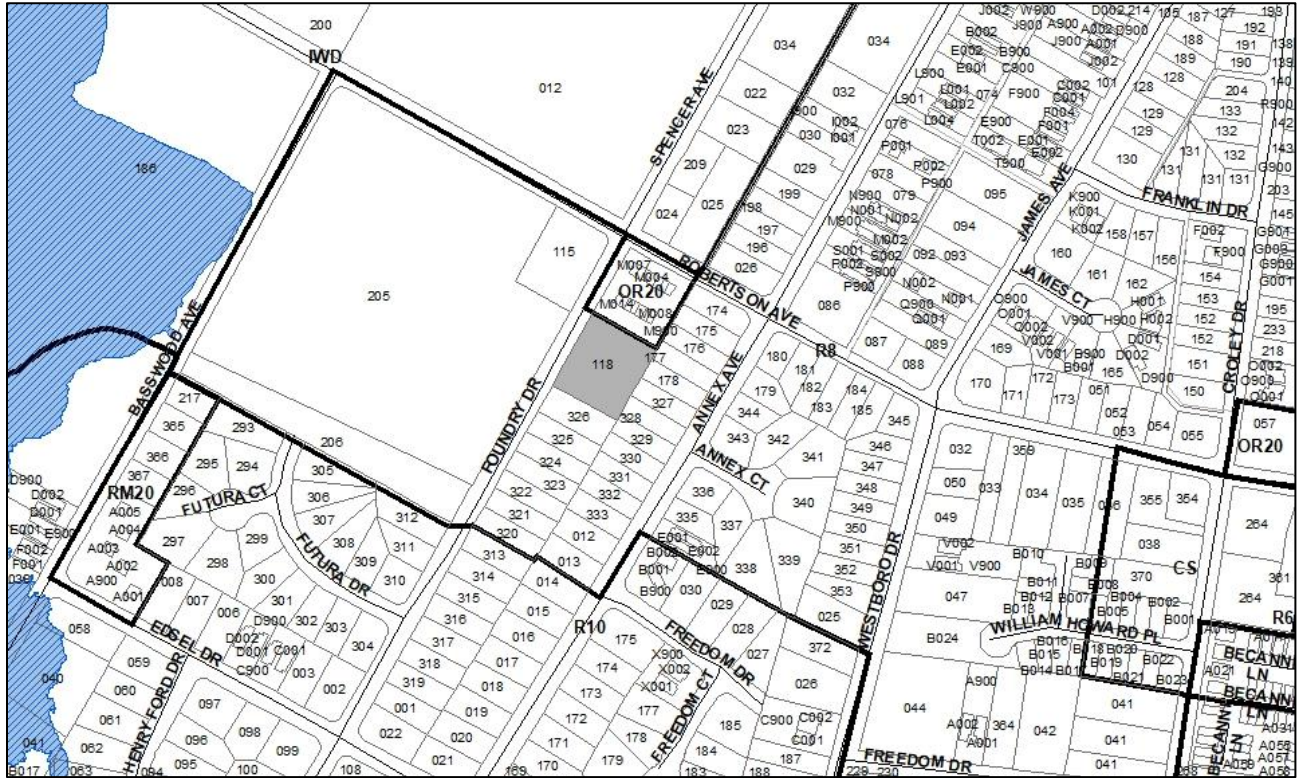
Metro Planning Commission Meeting of 10/27/22

STAFF RECOMMENDATION

The proposed Historic Landmark Overlay District is intended to preserve the historic structure on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and Staff. The policy and supplemental policy encourage the protection and preservation of historic structures in this downtown neighborhood. Staff recommends approval of the Historic Landmark Overlay District.



Metro Planning Commission Meeting of 10/27/22



2022Z-082PR-001
Map 090-08, Parcel(s) 118
07, West Nashville
20 (Mary Carolyn Roberts)



Metro Planning Commission Meeting of 10/27/22

Item #26
Council District
School District
Requested by

Zone Change 2022Z-082PR-001
20 – Roberts
09 – Tylor
TTL, Inc, applicant; Kurio Properties, LLC, owner.

Deferrals

This item was deferred from the September 8, 2022, and the October 13, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove OR20 and approve RM9-A-NS.

APPLICANT REQUEST
Zone change from R8 to OR20.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Office and Residential (OR20) zoning for property located at Spencer Avenue (unnumbered), approximately 27 feet southeast of Foundry Drive (0.71 acres).

Existing Zoning

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

Proposed Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 14 residential units.*

WEST 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.

ANALYSIS

The approximately 0.7-acre site is located on the east side of Foundry Drive, just south of Robertson Road. The site is currently vacant and consist of open field and is relatively flat. A drainage ditch runs along the northern property line. Adjacent zoning districts include OR20 to the north and R8 to the east, south and west. A commercial PUD is located on the opposite side of Foundry Drive. Adjacent land uses include multifamily to the north, a duplex to the south and single-family to the east. The use on the opposite side of Foundry Drive and zoned R8/PUD



Metro Planning Commission Meeting of 10/27/22

includes, but is not limited to, parking, office and outdoor storage associated with an open pit mine.

The T4 NM land use policy only supports residential uses. In addition to residential uses, the proposed OR20 zoning district permits office and other nonresidential uses. Since OR20 permits nonresidential uses, then it is not consistent with the T4 NM land use policy. Because OR20 is not consistent with the T4 NM land use policy, staff recommends disapproval. Given the surrounding development pattern, and the adjacent office/residential zoning, single-family is likely not the best fit. The area is a transitional area and a multifamily zoning that does not permit nonresidential uses would be consistent with the policy. Staff finds that RM9-A-NS is consistent with the policy.

FIRE MARSHAL RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

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)	0.71	5.445 D	5 U	78	9	7

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.36	20 D	7 U	36	3	3

Maximum Uses in Proposed Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.35	0.8 F	12,197 SF	138	38	15

Traffic changes between maximum: **R8 and OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+96	+37	+11



Metro Planning Commission Meeting of 10/27/22

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed OR20 district: 1 Elementary 1 Middle 0 High

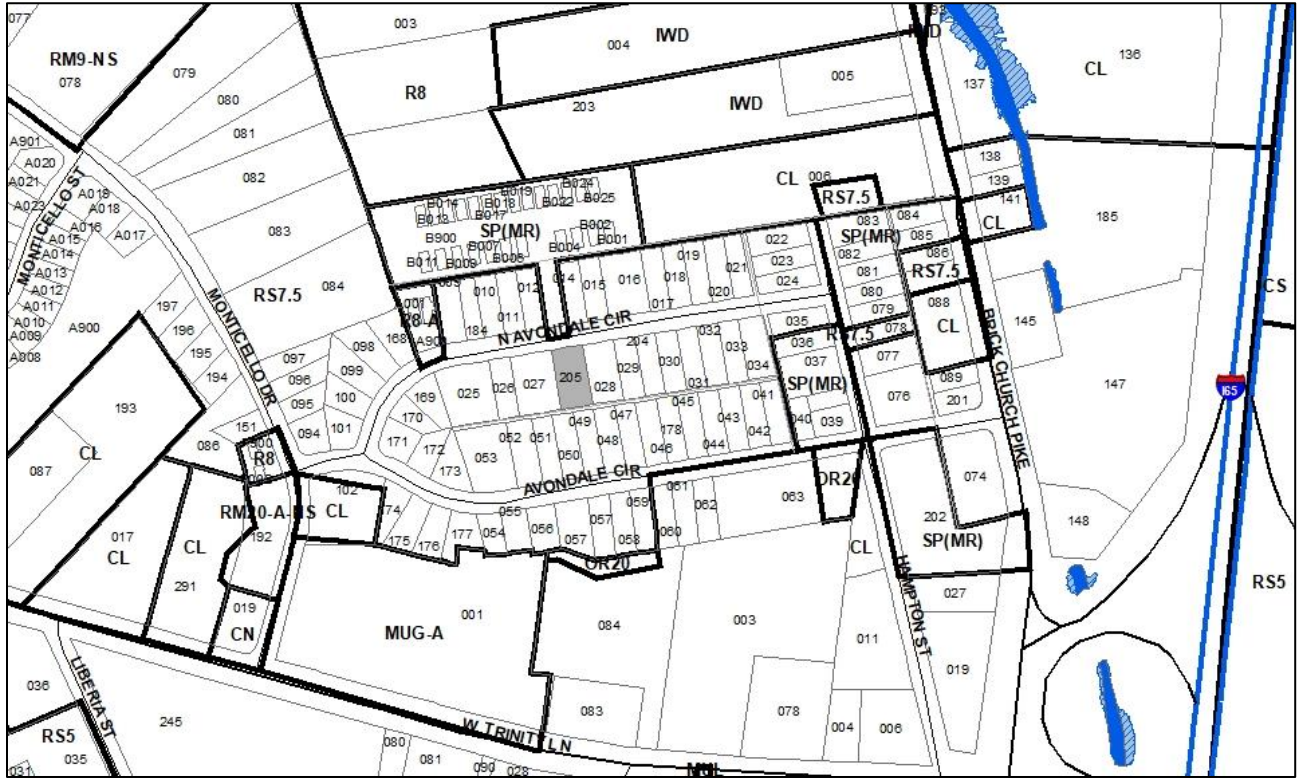
The proposed OR20 zoning district would generate two additional students than what is typically generated under the existing R8 zoning district. Students would attend Charlotte Park Elementary School, H.G. Hills Middle School, and Hillwood High School. Charlotte Park Elementary and Hillwood High School are identified as having additional capacity. H.G. Hills Middle School is listed as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval of OR20 and approval of RM9-A-NS.



Metro Planning Commission Meeting of 10/27/22



2022Z-088PR-001

Map 071-02, Parcel(s) 205

03, Bordeaux - Whites Creek - Haynes Trinity

02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 10/27/22

Item #27
Council District
School District
Requested by

Zone Change 2022Z-088PR-001
02 – Toombs
01 – Gentry
Carla Brown, applicant and owner.

Staff Reviewer
Staff Recommendation

Shane
Approve.

APPLICANT REQUEST

Zone change from RS7.5 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential (R10) zoning for property located at 1236 North Avondale Circle, approximately 627 feet west of Hampton Street (0.28 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 1 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 1 lot with 1 duplex lot for a total of 2 units. Metro Codes provides final determinations on duplex eligibility.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

ANALYSIS

The application consists of one parcel (Map 071-02, Parcel 205) totaling 0.28 acres in size located on the south side of North Avondale Circle approximately 650 feet east of Monticello Drive. The property is currently vacant. Surrounding uses include single-family residential (zoned RS7.5) and a multi-family residential development (zoned SP). The properties are all within the T4 NM policy.

The application proposes to rezone the property from RS7.5 to R10. The requested R10 zoning is supported by the T4 NM policy, at this location. According to the Community Character Manual, T4 NM areas are characterized by moderate- to high-density residential uses, with a focus on retention of the current neighborhood form and character. Housing in T4 NM areas can include a



Metro Planning Commission Meeting of 10/27/22

mix of building types, including “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 R10 zoning is both an increase and a decrease in intensity: a duplex would potentially be allowed, but the minimum lot size will be greater than the surrounding RS7.5 properties.

FIRE RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.28	5.808 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential (210)	0.28	4.356 D	2 U	28	7	2

*Based on two-family lots

Traffic changes between maximum: **RS7.5 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 RS7.5 districts: 0 Elementary 0 Middle 0 High

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

The proposed R10 zoning is not expected to generate any more students than the existing RS7.5 zoning district. Any additional students would attend Alex Green Elementary School, Brick Church College Prep Middle School, and Whites Creek 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

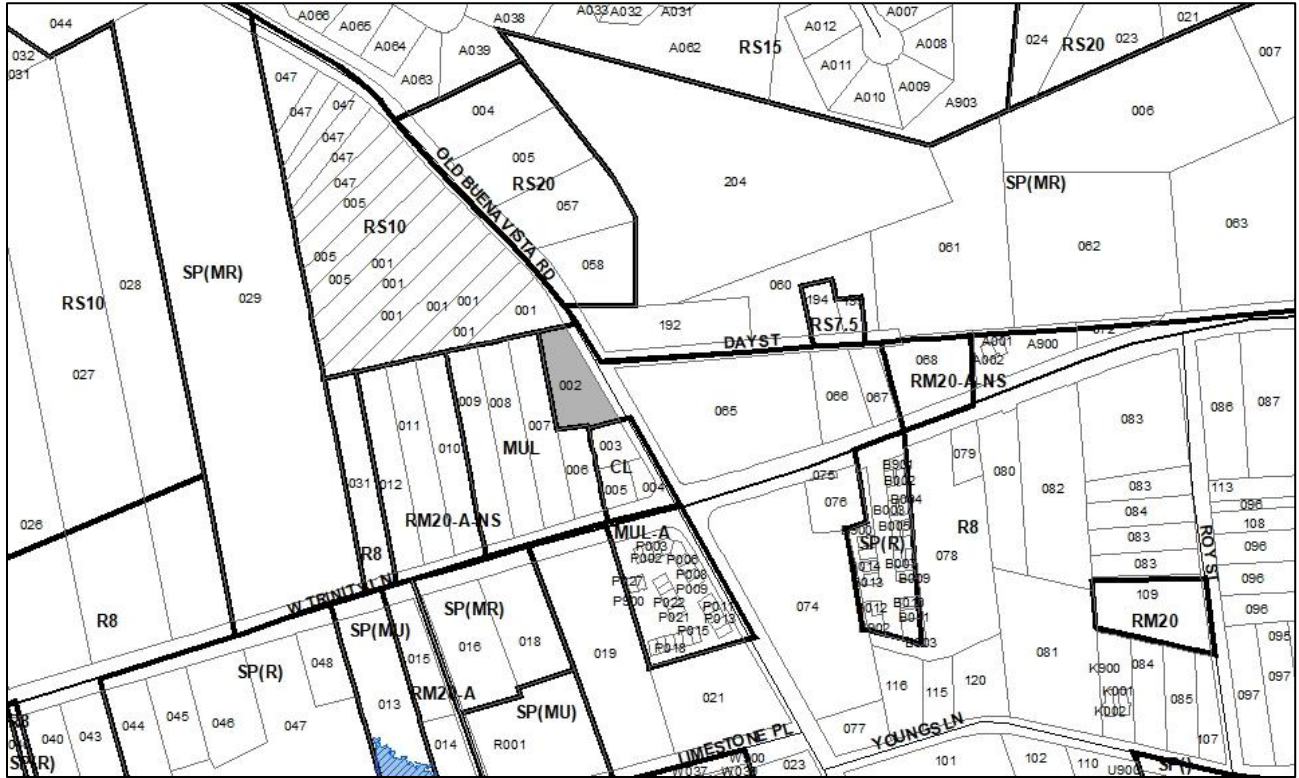
Staff recommends approval.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/27/22



2022Z-089PR-001

Map 070-07 Parcel(s) 002

03, Bordeaux- Whites Creek – Haynes Trinity

02 (Kyontzé Toombs)



Metro Planning Commission Meeting of 10/27/22

Item #28
Council District
School District
Requested by

Zone Change 2022Z-089PR-001
02 – Toombs
01 – Gentry
Carla R. Brown, applicant and owner.

Staff Reviewer
Staff Recommendation

Lewis
Disapprove.

APPLICANT REQUEST **Zone change from R8 to CL.**

Zone Change

A request to rezone from One and Two Family Residential (R8) to Commercial Limited (CL) zoning for property located at 2611 Old Buena Vista Road, approximately 54 feet west of corner of Day Street and Old Buena Vista Road (0.62 acres).

Existing Zoning

One and Two Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of three duplex lots for a total of six units, based on acreage alone. Compliance with the Metro Subdivision Regulations may result in an alternative number of lots.*

Proposed Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

BORDEAUX- WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

T4 Urban Neighborhood Center (T4 NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

Supplemental Policy

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

SITE AND CONTEXT

The 0.62 acre site is located on the west side of Old Buena Vista Road, north of the intersection of Old Buena Vista Road and W Trinity Lane. The properties to the north are zoned Single-Family Residential (RS10) and to the west the properties are zoned Mixed-Use Limited (MUL). To the south the properties are zoned CL and have been zoned CL since 1998. Within the larger



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area, there are several properties zoned Specific Plan (SP) resulting in the need for infrastructure as outlined in the Haynes Trinity Plan. Surrounding land uses include single-family residential, non-residential land uses, and vacant properties.

ANALYSIS

The intent of the Urban Neighborhood Center (T4 NC) Policy is to maintain, enhance, and create urban neighborhood centers that provide daily needs and services for surrounding urban neighborhoods. The proposed CL zoning is not expressly supported by the T4 NC policy, but the policy guidance states that other zoning districts may be appropriate based on the locational characteristics and surrounding context of the subject property and the ability of the applicant to document that the proposed zoning district is consistent with the policy. Design-based zoning may be required to achieve planning objectives such as access management, coordination among adjacent developments, or to mitigate potential negative impacts to nearby environmentally sensitive features.

Old Buena Vista is classified in the Major and Collector Street Plan (MCSP) as a collector road. W Trinity Lane is also classified as an arterial boulevard in the MCSP. Given the high classification of these roadways, additional intensity may be appropriate. However, as the policy direction for rezoning indicates, a design based zoning may be required to achieve planning objectives like access management. A key component of the Haynes Trinity Plan was the mobility plan to enhance mobility in the area and support increased in intensity. The mobility plan in the Haynes-Trinity Plan includes a planned collector road through the site. The straight rezoning as proposed does not include the needed right-of-way for the proposed road connection. As the proposed rezoning does not address the road connection, staff recommends disapproval.

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)	0.62	5.445 D	6 U	78	9	7

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.62	0.6 F	16,204 SF	612	15	62

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+534	+6	+55



Metro Planning Commission Meeting of 10/27/22

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 districts: 1 Elementary 0 Middle 0 High

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

The proposed zoning is expected to generate three any additional students than the existing R8 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek 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 disapproval.



Metro Planning Commission Meeting of 10/27/22

Item #29**Council District****School District****Requested by****Zone Change 2022Z-097PR-001**

05 – Parker

05 – Buggs

Metro Councilmember Sean Parker, applicant; Yolanda Johnson, owner.

Staff Reviewer

Anthony

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 West Sharpe Avenue (unnumbered), approximately 600 feet west of McFerrin Avenue (0.16 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 a maximum of 1 lot with 1 duplex lot for a total of 2 units. Metro Codes provides final determinations on duplex eligibility*

EAST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

SITE AND CONTEXT

The rezoning application is for a 0.16-acre parcel (Map 082-04, Parcel 191), located along the north side of West Sharpe Avenue, approximately 600 feet west of McFerrin Avenue. The



Metro Planning Commission Meeting of 10/27/22

subject property is currently vacant. Surrounding uses include single-family residential (zoned RS5). Property at the western terminus of West Sharpe Avenue is zoned RM-20. The properties are all within the T4 NE policy.

ANALYSIS

The application proposes to rezone the subject property from RS5 to R6-A. The requested R6-A zoning is consistent with the Community Character Manual’s guidance for the T4 NE policy area. The T4 NE policy is characterized in part by moderate to high-density residential uses and a diverse mix of housing types. Recommended building types in the T4 NE area include “missing middle” housing such as townhouses, multi-family housing, and plex houses. The proposed R6-A zoning would allow for one or two-family residential uses, which would contribute to diversity of housing types in the area. The subject property is located within the Urban Zoning Overlay, which includes specific bulk standards for new development.

FIRE RECOMMENDATION

Approve

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)	0.16	8.712 D	1 U	15	5	1

Maximum Uses in Existing 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)	0.16	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 district: 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 Hattie Cotton Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.



Metro Planning Commission Meeting of 10/27/22

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 10/27/22

Item #30
Council District
School District
Requested by

Zone Change 2022Z-102PR-001
02 – Toombs
01 – Dixon
Michele Frazier, applicant; Michele Frazier and Marsha Price, owners.

Staff Reviewer
Staff Recommendation

Anthony
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) for property located at 1720 River Drive, at the southeastern corner of Doak Avenue and River Drive (0.60 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 2 units.*

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 2 lots with 1 duplex lot for a total of 3 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.

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



Metro Planning Commission Meeting of 10/27/22

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 CO designation on the subject property recognizes a FEMA-designated 100-year floodplain.*

SITE AND CONTEXT

The rezoning application is for a 0.60-acre parcel (Map 081-01, Parcel 077), located at 1720 River Drive, southwest of the intersection of Doak Avenue and River Drive. The rear of the property lies adjacent to the Cumberland River. The property contains a single-family house and detached garage. Surrounding uses include single-family residential (zoned RS10) and two-family residential (zoned R10 and SP).

ANALYSIS

The application proposes to rezone the subject property from RS10 to R10. The requested R10 zoning is consistent with the Community Character Manual’s guidance for the T3 NE policy area. The T3 NE policy is characterized by moderate-density residential uses and a variety of housing types, including plex houses, house courts, and low and mid-rise townhouses. The proposed zoning would allow for two-family residential uses, which would contribute to the diversity of housing types in the area.

Because the property lies adjacent to the Cumberland River, approximately one-third of the property is in the CO policy area with a smaller portion being in the FEMA-designated 100-year floodplain. The CO policy is intended to preserve environmentally sensitive land features through protection and remediation. The portion of the property located in the CO policy area and 100-year floodplain is not developed. Future development on the property would be subject to FEMA and Metro’s floodplain development standards.

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)	0.6	4.356 D	2 U	28	7	2

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)	0.6	4.356 D	4 U	54	8	5

*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
-	-	-	+2 U	+26	+1	+3



Metro Planning Commission Meeting of 10/27/22

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

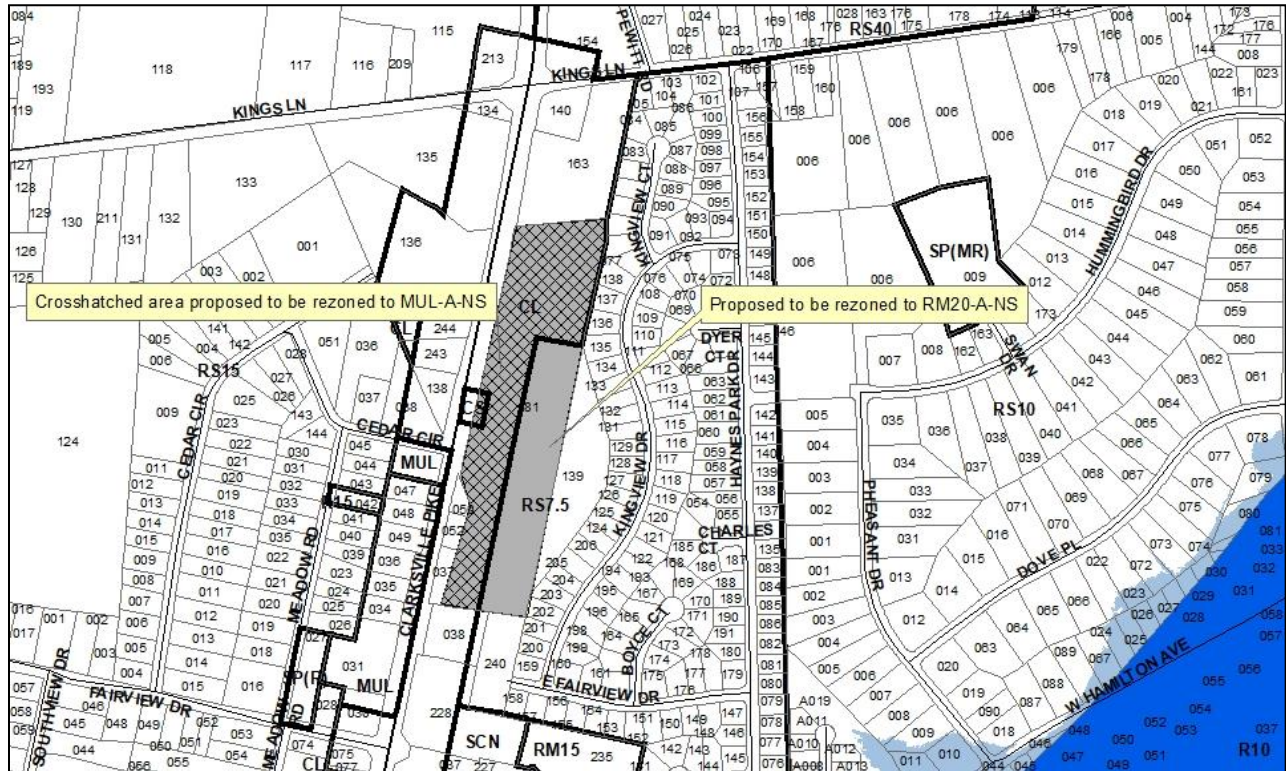
The proposed R10 zoning district is not expected to generate any more students than the existing RS10 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having additional capacity. This information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

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 10/27/22



2022Z-105PR-001

Map 058, Parcel(s) 181

03, Bordeaux-Whites Creek-Haynes Trinity

01 (Jonathan Hall)



Metro Planning Commission Meeting of 10/27/22

Item #31a

Associated Case

Council District

School District

Requested by

Zone Change 2022Z-105PR-001

89P-030-001

1 – Hall

1 – Gentry

Smith Gee Studio, applicant; Word of Life Christian Center Inc., owner.

Staff Reviewer

Rickoff

Staff Recommendation

Approve.

APPLICANT REQUEST

Zone change from CL, CS, and RS7.5 to MUL-A-NS and RM20-A-NS.

Zone Change

A request to rezone from Commercial Limited (CL), Commercial Service (CS), and Single-Family Residential (RS7.5) to Mixed Use Limited-Alternative-No STRP (MUL-A-NS) and Multi-Family Residential-Alternative-No STRP (RM20-A-NS) zoning for property located at 4100 Clarksville Pike, approximately 550 feet south of Kings Lane and within the Clarksville Pike at Fairview Center Urban Design Overlay District and partially within a portion of a Planned Unit Development Overlay District (14.19 acres).

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

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

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 24 units on the approximate 5-acre portion of the site that is currently zoned RS7.5, based on the acreage only. Application of Metro’s Subdivision Regulations may result in fewer units at this site.*

Clarksville Pike at Fairview Center Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

Application of the UDO would not change with the proposed rezone request.

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



Metro Planning Commission Meeting of 10/27/22

zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

This site is located within a portion of a commercial PUD (89P-030-001). Permitted uses are limited to approved uses of the PUD.

Proposed Zoning

Mixed Use Limited-Alternative-No STRP (MUL-A-NS) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district. *MUL-A-NS zoning is proposed for approximately 9.19 acres of this site.*

Multi-Family Residential-Alternative-No STRP (RM20-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district. *RM20-A-NS zoning is proposed for approximately 5 acres of this site. RM20-A-NS would permit a maximum of 100 units on the portion proposed for RM20-A-NS zoning.*

BORDEAUX-WHITES CREEK-HAYNES TRINITY 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.

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

SITE AND CONTEXT

The 14.19-acre site is located on the east side of Clarksville Pike, south of Kings Lane, and north of Fairview Drive. Clarksville Pike and Kings Lane are identified by the Major and Collector



Metro Planning Commission Meeting of 10/27/22

Street Plan (MCSP) as arterial boulevards and collector avenues, respectively. The property is currently developed with a church. The northern and western portions of the site are currently zoned CL, with the exception of a small CS-zoned area at the front. The CL-zoned portion comprises approximately 9.06 acres and the CS-zoned portion comprises approximately 0.13 acres. The back portion of the site, located on approximately five acres, is currently zoned RS7.5. This proposal would result in the CL- and CS-zoned portions being rezoned to MUL-A-NS, and the RS7.5-zoned portion being rezoned to RM20-A-NS. This stretch of Clarksville Pike includes a mixture of vacant, institutional, office, commercial, and scattered residential properties. Properties to the east include previously subdivided residential lots and a larger vacant parcel that separates the southern half of this site with the adjacent residential subdivision.

ANALYSIS

The site is located in the T3 CM, Suburban Mixed Use Corridor, policy area which spans both sides of Clarksville Pike. T3 CM areas are intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. Application of the proposed MUL-A-NS zoning district on the front and northern portions, and RM20-A-NS on the eastern portion, is consistent with the T3 CM policy at this location.

The MUL-A-NS district permits residential and mixed-use development which will contribute to the mixed use character that is anticipated along Clarksville Pike. The RM20-A-NS district, proposed on the back half of the site, represents a transition between the higher intensity uses anticipated along the corridor and the existing single- and two-family residential uses to the east, in the T3 NM, Suburban Neighborhood Maintenance, policy area. Application of MUL-A-NS and RM20-A-NS, as proposed, also aligns with the uses and standards anticipated by the Clarksville Pike at Fairview Center UDO regulating plan, which includes various subdistricts and corresponding development standards. The Alternative district standards of the Zoning Code, which will provide building placement and design standards intended to enhance the pedestrian realm, coupled with the UDO standards, which would govern in instances where the UDO standards are more restrictive, will result in future development that is consistent with intent of the policy. Additionally, the -NS designation will prohibit STRPs as a permitted use, which is contextually appropriate given the T3 NM policy area to the east.

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	9.07	0.6 F	237,054 SF	8,949	223	904

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.12	0.6 F	3,136 SF	118	3	12



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Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	5.00	5.808 D	24 U	280	21	26

Maximum Uses in Proposed Zoning District: RM20-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	5.00	20 D	100 U	543	34	44

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	4.60	1 F	200 U	1,088	68	87

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.30	1 F	100,188 SF	3,782	94	381

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	2.29	1 F	99,752 SF	11,190	991	974

Traffic changes between maximum: CL/CS/RS7.5 and RM20-A-NS/MUL-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+7,256	+940	+544

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 zoning districts: 3 Elementary 3 Middle 3 High
Projected student generation RM20-A-NS district: 17 Elementary 8 Middle 6 High

Given the mix of uses permitted by MUL-A-NS, the number of residential units ultimately built on the MUL-A-NS portion of the site may vary and an assumption as to impact at this point is premature. The portion proposed for RM20-A-NS zoning is expected to generate 22 additional students beyond the existing RS7.5 zoning. 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.



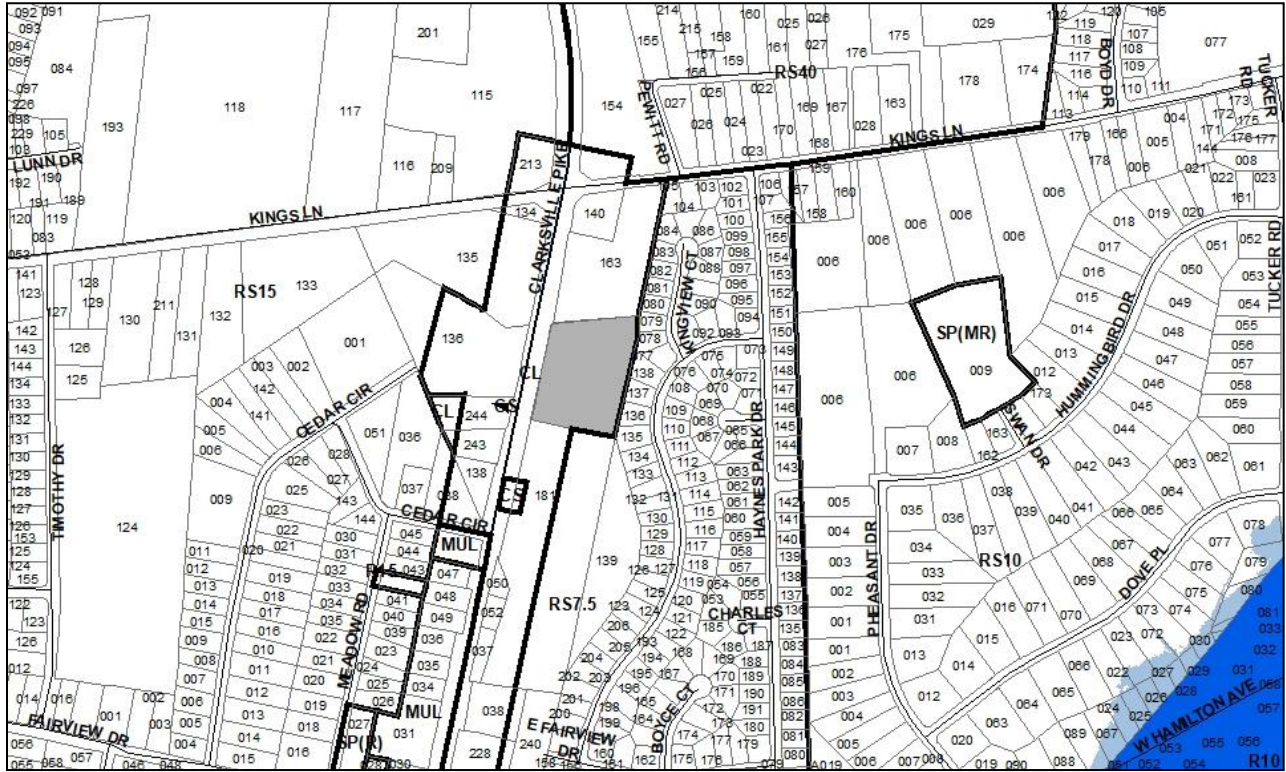
Metro Planning Commission Meeting of 10/27/22

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 10/27/22



89P-030-001

THE SHOPS AT BORDEAUX COMMERCIAL PUD (CANCELATION)

Map 058, P/O Parcel(s) 181

03, Bordeaux-Whites Creek-Haynes Trinity

01 (Jonathan Hall)



Metro Planning Commission Meeting of 10/27/22

Item #31b
Project Name

Planned Unit Development 89P-030-001
The Shops at Bordeaux Commercial PUD
(Cancellation)

Associated Case
Council District
School District
Requested by

2022Z-105PR-001
1 – Hall
1 – Gentry
Smith Gee Studio, applicant; Word of Life Christian Center Inc., owner.

Staff Reviewer
Staff Recommendation

Rickoff
Approve if the associated rezone is approved and disapprove if the associated rezone is not approved.

APPLICANT REQUEST

Cancel a portion of a Planned Unit Development.

PUD Cancellation

A request to cancel a portion of a Planned Unit Development Overlay District (PUD) for a portion of property located at 4100 Clarksville Pike, approximately 550 feet south of Kings Lane, zoned Commercial Limited (CL) and within the Clarksville Pike at Fairview Center Urban Design Overlay District (4.08 acres).

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

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

Clarksville Pike at Fairview Center Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN



Metro Planning Commission Meeting of 10/27/22

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.

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

ANALYSIS

The preliminary PUD was approved by Metro Council in 1989 for various nonresidential uses. In 2007, the PUD was amended for a portion of this site (parcel 181) and an adjacent parcel (163), to permit the development of a family life center and office uses, replacing retail uses originally permitted by the PUD. This site is currently undeveloped.

Staff finds the PUD cancellation request to be consistent with the land use policies. The cancellation of this portion of the PUD will allow more opportunities for the properties to redevelop in a manner that is consistent with the current T3 CM policy, which supports a greater mix of higher density residential and non-residential uses. This PUD cancellation request only applies to parcel (181). No changes are proposed to the remaining portion of the PUD located on the adjacent parcel (163).

STAFF RECOMMENDATION

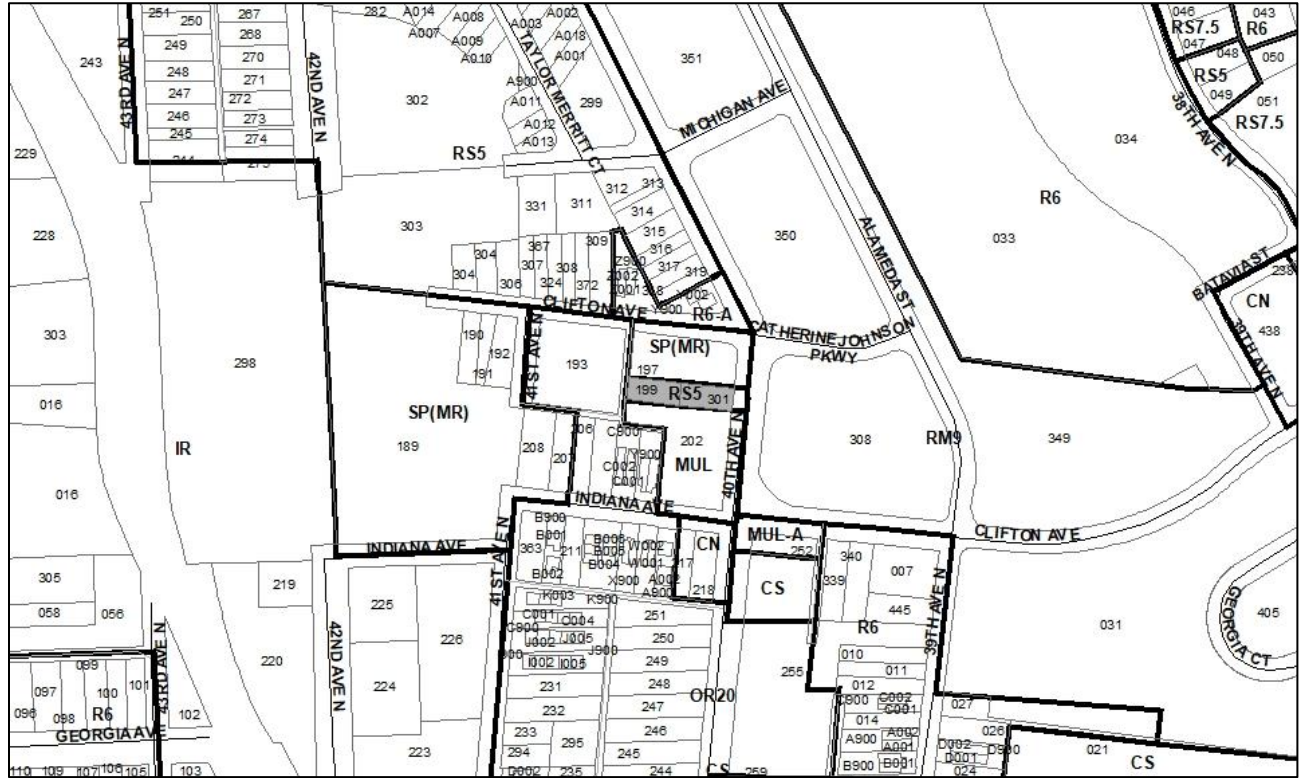
Staff recommends approval if the associated rezone is approved and disapproval if the associated rezone is not approved.



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Metro Planning Commission Meeting of 10/27/22



2022Z-113PR-001
Map 091-120, Parcel(s) 199-301
08, North Nashville
21 (Brandon Taylor)



Metro Planning Commission Meeting of 10/27/22

Item #32
Council District
School District
Requested by

Zone Change 2022Z-113PR-001
21 – Taylor
01 – Gentry
E&B, GP, applicant and owners.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions.

APPLICANT REQUEST

Zone change from RS5 to RM20-A-NS.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multifamily Residential-Alternative-No Short-Term Rentals (RM20-A-NS) zoning for properties located at 709 40th Avenue North and 40th Avenue North (unnumbered), approximately 89 feet south of Clifton Street, (0.26 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

Multifamily Residential-Alternative-No Short-Term Rentals (RM20-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A-NS would permit a maximum of five residential units.*

NORTH NASHVILLE COMMUNITY PLAN

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

SITE AND CONTEXT

The area proposed to be rezoned to RM20-A-NS consists of two properties. The first property abuts the west side of 40th Avenue North and the second is directly behind the first property. The rear property does not have frontage on a public street, but there is an unbuilt alley that runs along the rear of the property. That alley is improved up to the northwest corner of the property providing access to Clifton Avenue to the north. The property directly to the north is a multifamily SP. The abutting property to the south is zoned MUL and is vacant. The abutting zoning to the west is OR20 and the zoning on the opposite side of 40th Avenue North is zoned RM9.



Metro Planning Commission Meeting of 10/27/22

ANALYSIS

Staff finds that the proposed RM20-A-NS zoning district is consistent with the T4 CM land use policy. The proposed zoning district allows additional density at an appropriate location. The Major and Collector Street Plan (MCSP) classifies 40th Avenue North as a residential collector. A bus route is located along 40th Avenue North, and the site is located within 100 feet of a stop. The area is served with as good sidewalk network. Given the surrounding zoning and infrastructure this is an appropriate location to allow for additional density. The design standards of RM20-A-NS are intended to implement the urban nature of the policy and by prohibiting short term rentals any units will provide additional housing that is needed in the city.

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)	0.26	5.712 D	2 U	15	5	1

Maximum Uses in Proposed Zoning District: **RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.26	20 D	5 U	26	1	3

Traffic changes between maximum: **RS5 and RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4 U	+11	-4	+2

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 zoning districts: 0 Elementary 0 Middle 0 High
Projected student generation proposed RM20-A-NS district: 0 Elementary 0 Middle 0 High

The proposed RM20-A-NS zoning is not expected to generate any additional students beyond the existing RS5 zoning. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School.

STAFF RECOMMENDATION

Staff recommends approval with conditions, as the requested RM20-A-NS rezoning district is consistent with the T4 CM policy.

CONDITIONS

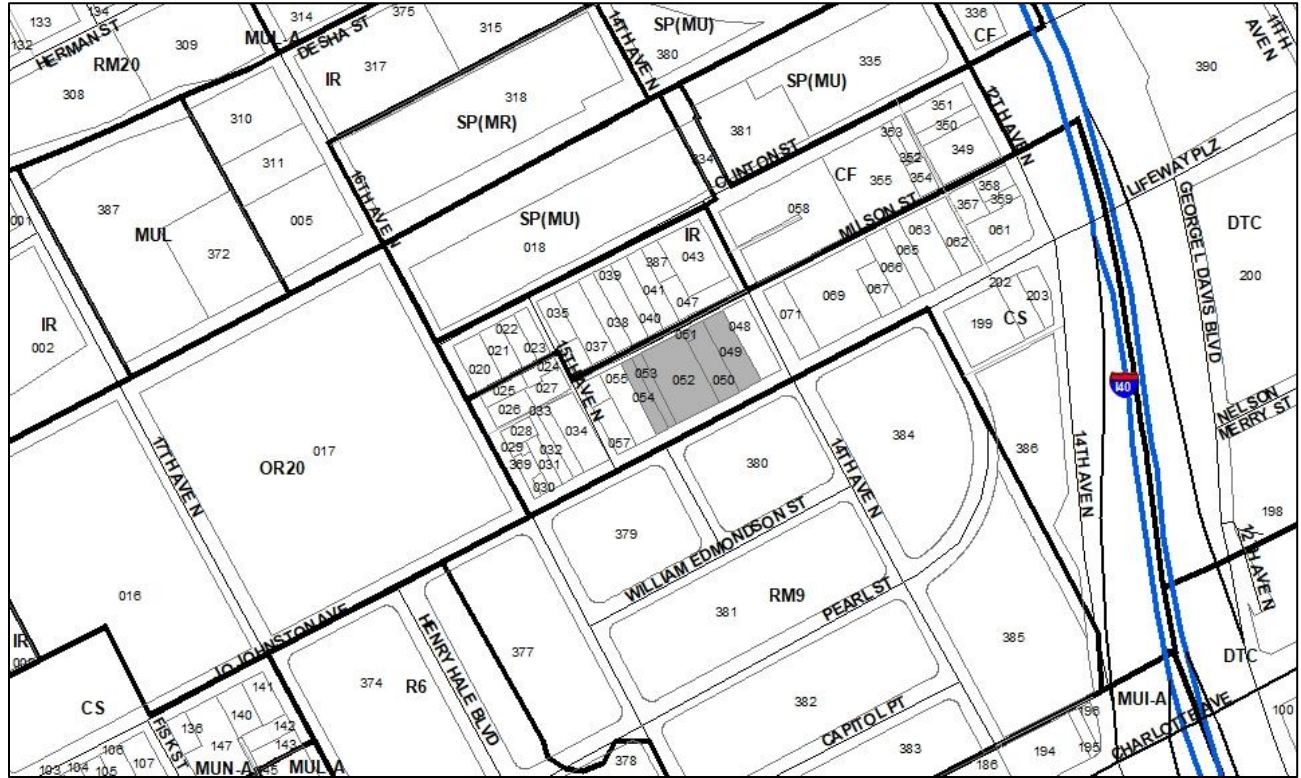
1. Future development shall not have vehicular access to 40th Avenue North. Access is limited to the rear alley. If necessary, right-of-way to bring the alley into compliance with Metro standards shall be required.



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Metro Planning Commission Meeting of 10/27/22



2022Z-135PR-001

Map 092-08, Parcel(s) 049-054

08, North Nashville

19 (Freddie O'Connell)



Metro Planning Commission Meeting of 10/27/22

Item #33
Council District
School District
Requested by

Zone Change 2022Z-135PR-001
19 – O’Connell
5 - Buggs
Fulmer Lucas Engineering, applicant; Sandra P. Graves
& Ronald C. Smith Jr., owners.

Staff Reviewer
Staff Recommendation

Rickoff
Approve.

APPLICANT REQUEST

Zone change from CS to MUL-A-NS.

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Limited-Alternative-No STRP (MUL-A-NS) for properties located at 1407 Milson Street and 1402, 1404, 1406, 1410 and 1412 Jo Johnston Avenue, approximately 50 feet west of 14th Avenue North (1.06 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

SITE AND CONTEXT

The 1.06 acre-site includes six parcels located midblock on the north side of Jo Johnston Avenue, between 14th Avenue North and 15th Avenue North. The site is currently developed with one structure, which previously housed a funeral home, located between parking lots on either side of the building. Existing Alley #561 forms the rear boundary, serving properties located along Jo Johnston Avenue and Clinton Street, located on the opposite side of the alley to the north. The site is located opposite of the John Henry Hale multi-family residential development located on the south side of Jo Johnston Avenue. To the north, the Marathon Village Historic Preservation District spans properties on either side of Clinton Street.



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ANALYSIS

The MUL-A-NS district is consistent with the T4 MU policy at this site, which generally spans the north side of Jo Johnston Avenue, extending to the north along Herman Street. The site is located on the southern edge of a T4 MU policy area, adjacent to properties that are within the T4 NM, Urban Neighborhood Maintenance, policy area to the south where the RM-zoned John Henry Hale residential community is located. The proposed MUL-A-NS district represents a transition between the existing multi-family residential uses to the south, in the T4 NM policy, and the mixture of uses present to the north, within Marathon Village, in the T4 MU policy. The MUL-A-NS permits residential and mixed-use development in an area that is intended to evolve into an urban mixed use neighborhood, consistent with the T4 MU policy. Uses permitted by MUL-A-NS will contribute to the mixed use character that is anticipated by the policy, and the Alternative district standards will provide building placement and design standards intended to achieve an urban character and enhance the pedestrian realm.

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: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.06	0.6 F	27,704 SF	1,046	26	106

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.53	1 F	23 U	124	8	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.26	1 F	11,326 SF	428	11	43

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.27	1 F	11,761 SF	1,319	117	115



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+825	+110	+63

METRO SCHOOL BOARD REPORT

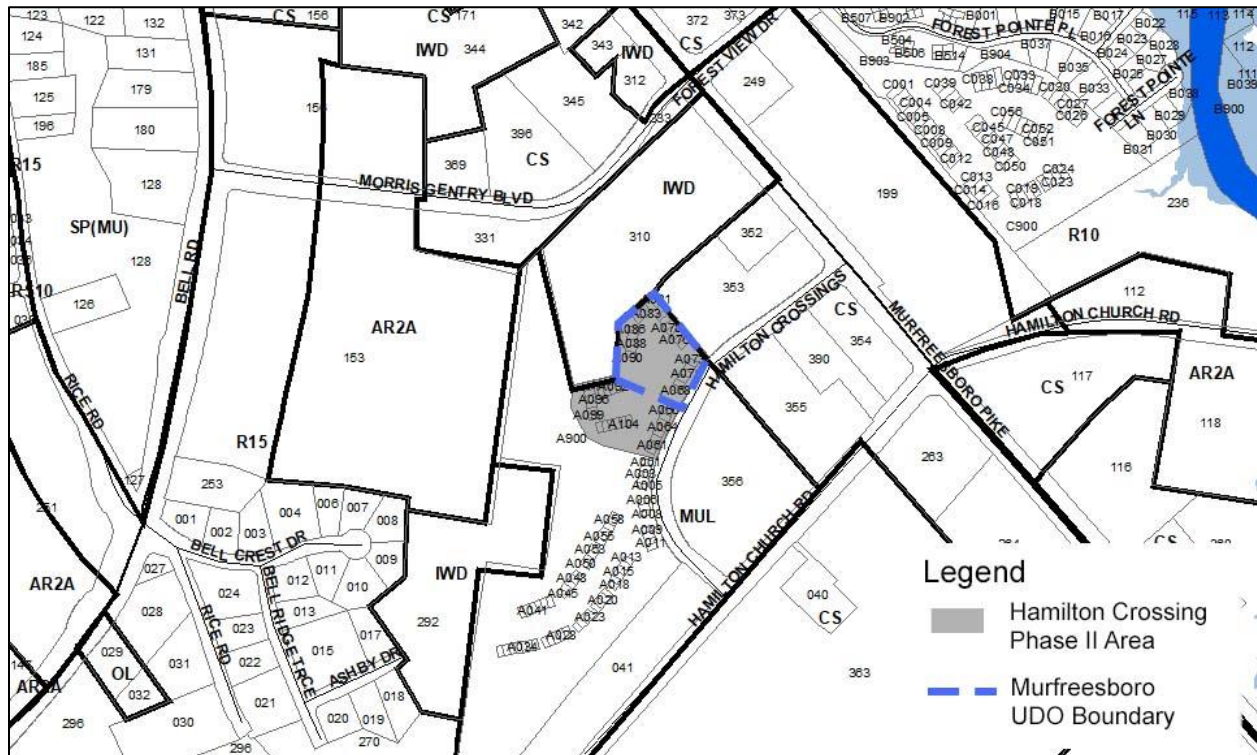
Given the mix of uses permitted by MUL-A-NS, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.



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2013UD-002-040

MURFREESBORO PIKE UDO (HAMILTON CROSSING SQUARE)

Map 149, Parcel(s), A900, A068, A069, A070, A071, A072, A073, A074, A075, A076, A077, A078, A079, A080, A081, A082, A083, A084, A085, A086, A087, A088, A089, A090

13, Antioch/Priest Lake

32 (Joy Styles)



Metro Planning Commission Meeting of 10/27/22

Item #34	UDO Modification 2013UD-002-040
Project Name	Murfreesboro Pike UDO (Hamilton Crossing Square)
Council District	32 - Styles
School District	6 – Mayes
Requested by	Century Communities, applicant, Century Communities, owner.
Staff Reviewer	Ventura
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

A request for a major modification to the front yard setback along Hamilton Crossing, and the building’s materials.

UDO Modifications

A request for modification to an Urban Design Overlay District on various properties located southwest of Murfreesboro Pike and a portion of property located at 900 B Hamilton Crossing Square, zoned Mixed Use Limited (MUL) (1.63 acres), to modify the setback from 20' to 12' and the building materials.

EXISTING ZONING

Mixed-use Limited (MUL) is the underlying base zoning and designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. These districts should be applied to areas that have good access to collector or arterial streets and public transportation service.

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

PLAN DETAILS

The proposed residential development, Hamilton Crossing Square, consists of 105 multi-family units on 15.77 acres along Hamilton Crossing Road. Phase I of the development is entirely outside of the UDO and has already been reviewed, approved, and has started the construction phase. Phase II is comprised of 47 multi-family units on 3.21 acres. Phase II of this development is partially within the Murfreesboro Pike UDO. There are 6 units, essentially 1 building, that fronts Hamilton Crossing within the Murfreesboro Pike UDO. The remaining 3 buildings within the Murfreesboro Pike UDO of Phase II are interior to the site, without street frontage. There are 5 other buildings within Phase II that are outside of the Murfreesboro Pike UDO boundary. Phase II is a total of 3.21 acres and of that area only 1.63 acres is within the Murfreesboro UDO boundary compared to the entire development of Hamilton Crossing Phase I and II, which is 15.77 acres.



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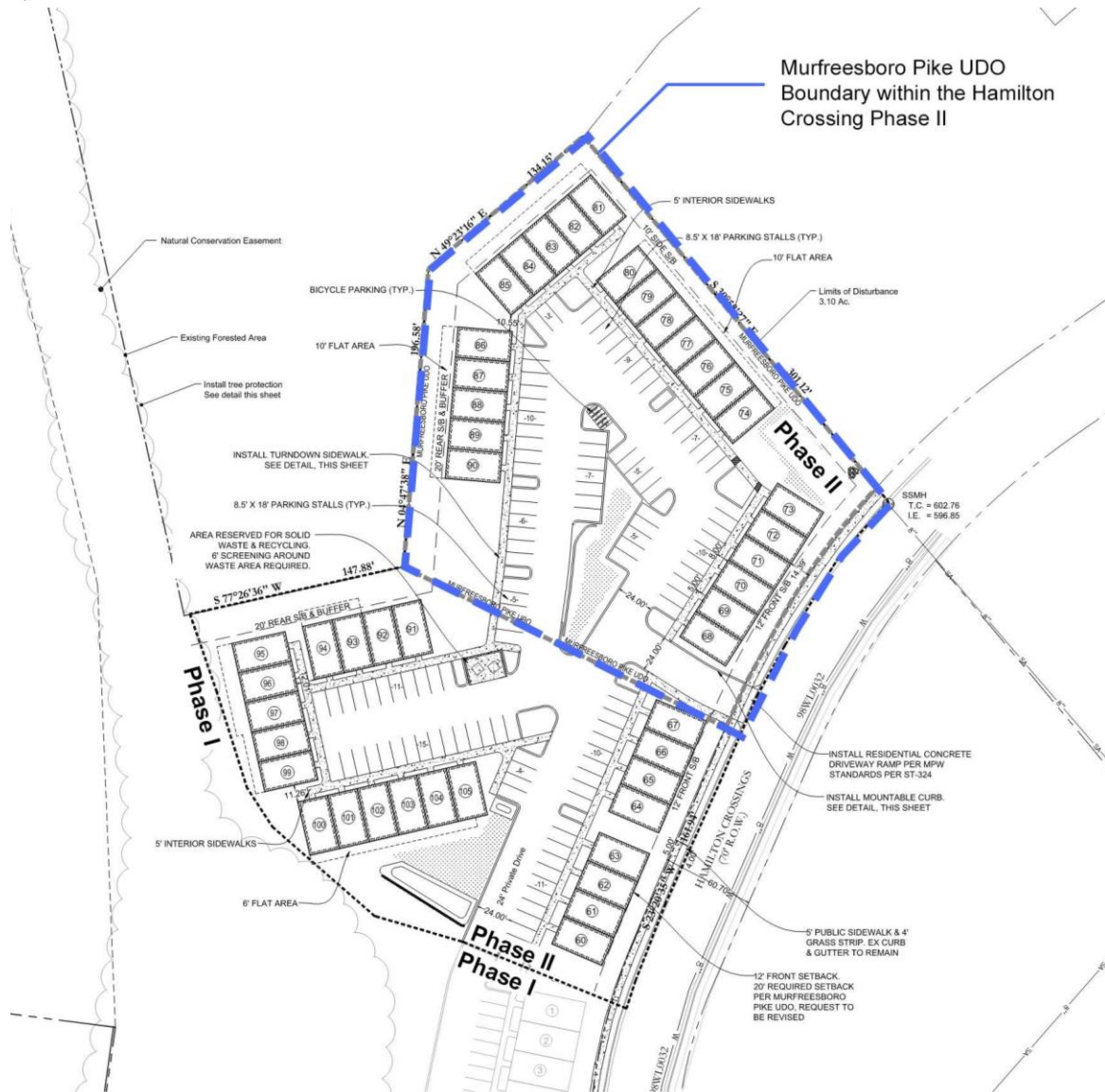


Figure 2. Proposed site plan of Hamilton Crossing Phase II with the Murfreesboro Pike UDO boundary.

The site is surrounded by commercial services on the north and east with residential development enclosing the site along the west and south. Hamilton Crossing Road is the only street that fronts the portion of the site that is within the Murfreesboro UDO.

MODIFICATION REQUEST DETAILS

The proposal is requesting two major modifications, deviations of over 20 percent or more, which must be approved by the Planning Commission.

- 1) UDO Requirement: The required front yard setback on the primary street, Hamilton Crossing, for residential uses shall be within 20-80 feet and shall address the primary street. The front yards of the 6 units facing Hamilton Crossing Road do not comply.



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Major Modification Request: The 6 units fronting Hamilton Crossing Road are setback at 12 feet, a deviation of 40% of the required setback range. The same 6 units fronting Hamilton Crossing Road are designed so the front yard is internal, which does not address Hamilton Crossing Road.

2) UDO Requirement: The building fronts must be built with a high finish material, such as: brick, brick veneer, stone, and hardy board.

Major Modification Request: The 23 multifamily units within the Murfreesboro Pike UDO are proposed to be clad with vinyl.

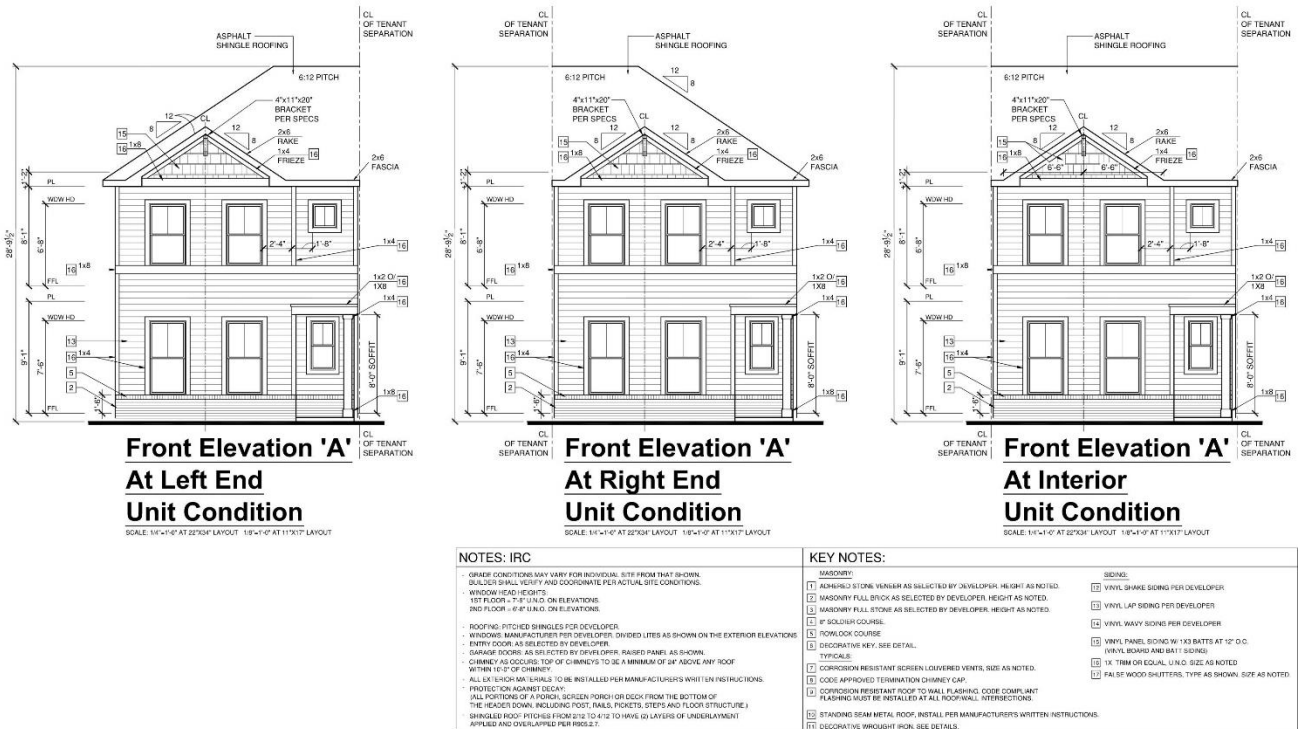


Figure 3. Proposed front exterior elevations.

ANALYSIS

Front Yard Setback - Hamilton Crossing Road

The intent of the front yard setback requirement along a primary street frontage, in this instance Hamilton Crossing, is to ensure people engage and may access the buildings directly. The 6 multi-family units within the Murfreesboro UDO front approximately 177 feet of Hamilton Crossing. The entire development, including the area that is not included in the UDO, has approximately 748 feet of frontage on Hamilton Crossing. The area that is seeking the modification is small in comparison to the overall site. If the 6 multi-family units met the 20-foot minimum required setback, the development would no longer appear cohesive and connected, and the 6 units would be notably different than the remainder of the development. Additionally, the UDO seeks that the front yard addresses the primary street. Orienting the 6 units' front yard to Hamilton Crossing Road would create a stark visual difference and add inconsistency in the overall development.



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Building Materials

The intent of the required high finish material is to ensure the building's durability and longevity as it ages and faced with natural factors. Phase I of this development, which is outside the UDO, is currently under construction and the Murfreesboro Pike UDO covers only 23 units of 105 total. The difference in material would create a visually disconnected development and a cohesive solution is better for the project overall.

STAFF RECOMMENDATION

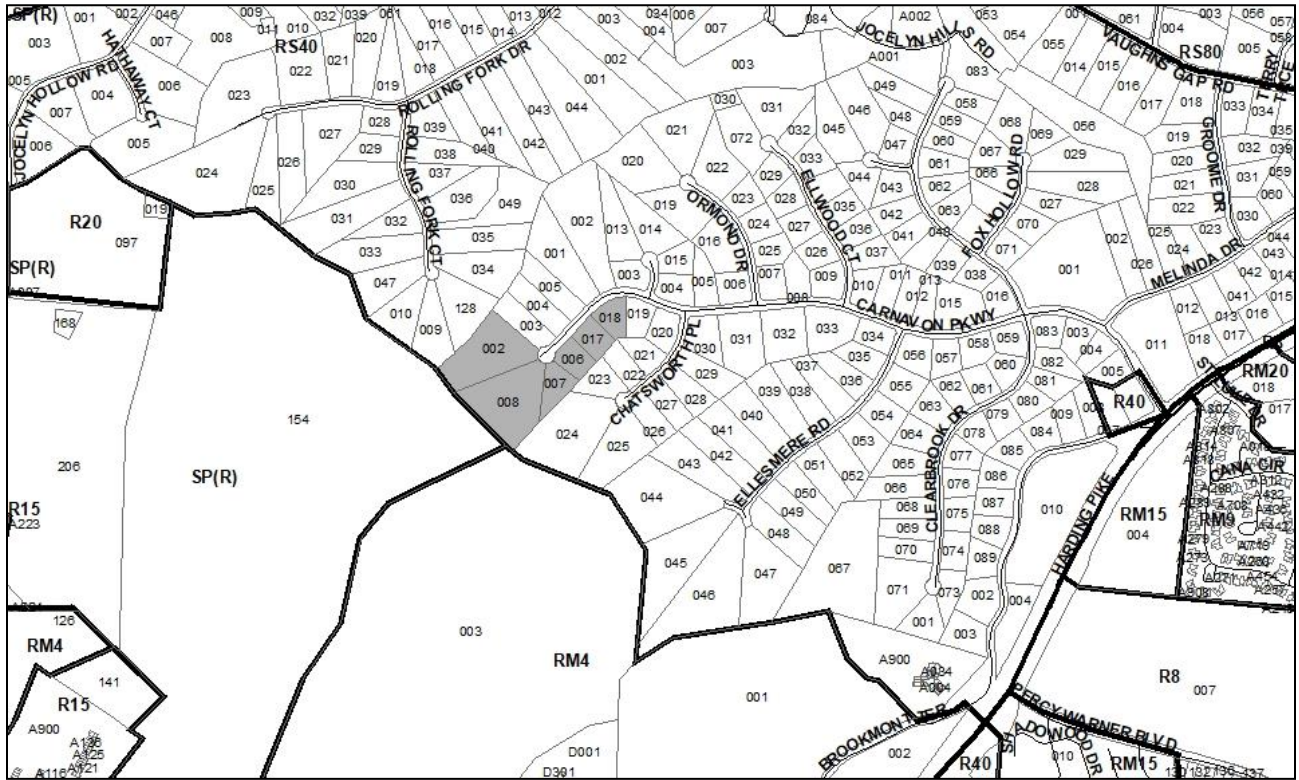
Due to the site being partially within the Murfreesboro Pike UDO and ensuring that the residential community keeps a uniform design, staff recommends approval of the major modifications to the front yard setback along Hamilton Crossing Road, and the building's materials, with conditions.

CONDITIONS

1. Pedestrian improvements at the intersection of Hamilton Church Rd and Murfreesboro Pike shall be provided. The improvements will consist of ped landing on the Northwest corner of Hamilton Church Road, poles and ped-head signals, crosswalk striping, and median improvements. This will also require the signal phasing at this intersection to be modified for a protected pedestrian phase. Final design may require adjustments due to existing field conditions along Murfreesboro Pike.
2. A letter shall be provided to Council Member Styles for this area, stating this development's agreement to construct the improvements out-lined above in lieu of conducting and submitting a traffic impact study to NDOT. This letter shall be included with the building permit submittal.
3. Right-of-Way dedication shall be recorded prior to issuance of any building permits for Phase 2.



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2022S-204-001

WEST MEADE PARK, INC

Map 129-09, Parcel(s) 002, 006-008

Map 129-10, Parcel(s) 017-018

07, West Nashville

23 (Thom Druffel)



Metro Planning Commission Meeting of 10/27/22

Item #35	Plat Amendment 2022S-204-001
Project Name	West Meade Park, Inc
Council District	23 – Thom Druffel
School District	9 – Tylor
Requested by	Rebecca Cunningham, applicant; Sunnyside Hills, LLC, owner.
Deferrals	This item was deferred at the September 22, 2022, Planning Commission meeting. A public hearing was held and closed.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Amend a previously approved plat to reduce the platted setbacks.

Plat Amendment

A request to amend a previously approved plat to reduce setbacks on properties located at 181, 185, 189, 193, 197, and 198 Carnavon Parkway, approximately 160 feet west of Harcourt Circle, zoned Single-Family Residential (RS40) (12.1 acres).

SITE DATA AND CONTEXT

Location: The site is located along Carnavon Parkway, west of Harding Pike.

Street type: The site has frontage on Carnavon Parkway, identified as a local street with an existing standard right-of-way width of 60 feet.

Approximate Acreage: 12.1 acres or approximately 527,076 square feet.

Parcel/Site History: This site is comprised of six existing lots that were platted in 1962 within the West Mead Park, Inc, Section 4, subdivision.

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.

Existing land use and configuration:

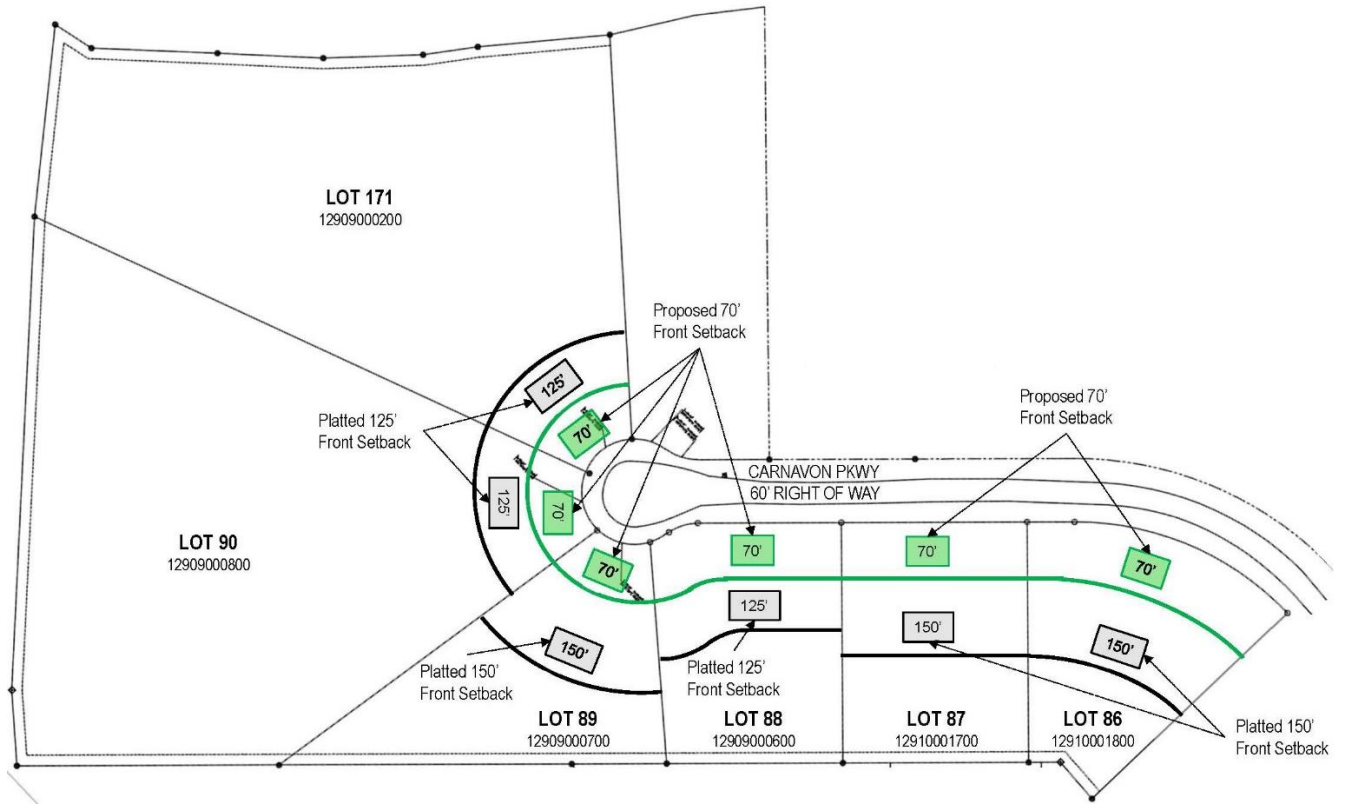
The site includes six existing lots located along the south side of Carnavon Parkway and wrapping to the west, around the cul-de-sac where the street terminates. Each existing lot is vacant. Three of the lots are located on the south side of the street and are all slightly under one acre in size (Lot 86 is 0.92 acres; Lot 87 is 0.97 acres; and Lot 88 is 0.94 acres). The remaining three lots wrap around the cul-de-sac and are larger (Lot 89 is 1.11 acres; Lot 90 is 4.31 acres; and Lot 171 is 3.85 acres).

Surrounding land use and zoning:

- North: Single-Family Residential (RS40)



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Proposed Plat Amendment



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- South: Vacant and Single-Family Residential (RS40)
- East: Single-Family Residential (RS40)
- West: Vacant (SP)

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'. Contextual setbacks would apply in residential areas with an established development pattern.

PROPOSAL DETAILS

The amendment proposes to reduce the platted setbacks on six existing lots along Carnavon Parkway. The subject properties were platted as buildable lots within the West Meade Park subdivision, with setbacks ranging from 125 feet to 150 feet. The amendment proposes to reduce these setbacks to 70 feet.

PLANNING STAFF COMMENTS

When discussing setbacks, there are different types: Zoning-required setbacks and platted setbacks. Zoning-required setbacks can be a set standard or contextual, based on the surrounding character, per the Zoning Code requirements. Platted setbacks, when provided, are recorded with plats and are treated independent of Zoning-required setbacks. If a platted setback exceeds the Zoning-required setback, then the platted setback would become the applicable setback for that lot. Prior to the adoption of Metro's comprehensive zoning, it was not uncommon for plats to include setbacks, particularly when the subdivision was intended to achieve a specific development pattern. The current Zoning Code includes setback requirements with the provision for contextual setbacks, intended be in keeping with surrounding homes. Therefore, Metro's current Subdivision Regulations generally defer to the setback requirements of the Zoning Code, unless specified by the Subdivision Regulations in certain situations where setbacks would be identified on the plat.

In this case, the request is to amend the platted setbacks. The subject properties were platted as buildable lots in 1962 with multiple other lots spanning several new streets, comprising approximately 98 total acres in Section 4 of the West Meade Park subdivision. Lots were platted with building setbacks that vary from street to street, and even along individual block faces.

In taking a look at the context and surrounding properties, several lots within this subdivision were previously granted setback amendments and have since developed under the amended setbacks. Along Carnavon Parkway, several adjacent properties that were initially platted with 150' front setbacks have since developed with setbacks ranging from 58' to 75', consistent with the setback amendments which were granted to these properties in the 1960's and 1980's. Amendments were likely granted to avoid developing within the areas of steeper slopes and other sensitive features, which are generally located away from the road within the originally platted setback areas.



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When staff reviews plat amendment requests to modify setbacks, the request is evaluated against the Zoning Code to ensure that the amended setback does not conflict with the Zoning-required setbacks. In residential areas with an established development pattern, such as this site, the Zoning-required setback becomes contextual based on the setbacks of the nearest surrounding homes. The intent is that the setbacks would be in keeping with the character of the surrounding development pattern for the particular neighborhood. If a block face has developed with homes located closer to the street, then the setback applied to the new home on that block face would be in line with the lesser setbacks. Alternatively, if a block face has developed with deeper setbacks, then the new home would fall in line with that character. Often, the platted setbacks exceed the Zoning-required setbacks, which is the case here.

In this case, the closest surrounding homes along Carnavon Parkway have developed with setbacks that generally appear to be in keeping with the 70' setback requested through the plat amendment. The proposed 70 front setback will permit future development that is in line with the Zoning Code-required contextual setbacks along the block face. Staff recommends including a condition that if the contextual setbacks are determined by Metro Codes to be greater than 70', then the contextual setbacks would apply. Staff would note that the subject lots are existing, buildable lots that are entitled to be developed, regardless of the outcome of this request.

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 of the plat amendment, finding the proposed front setbacks to be in keeping with the contextual setbacks along the street.

CONDITIONS

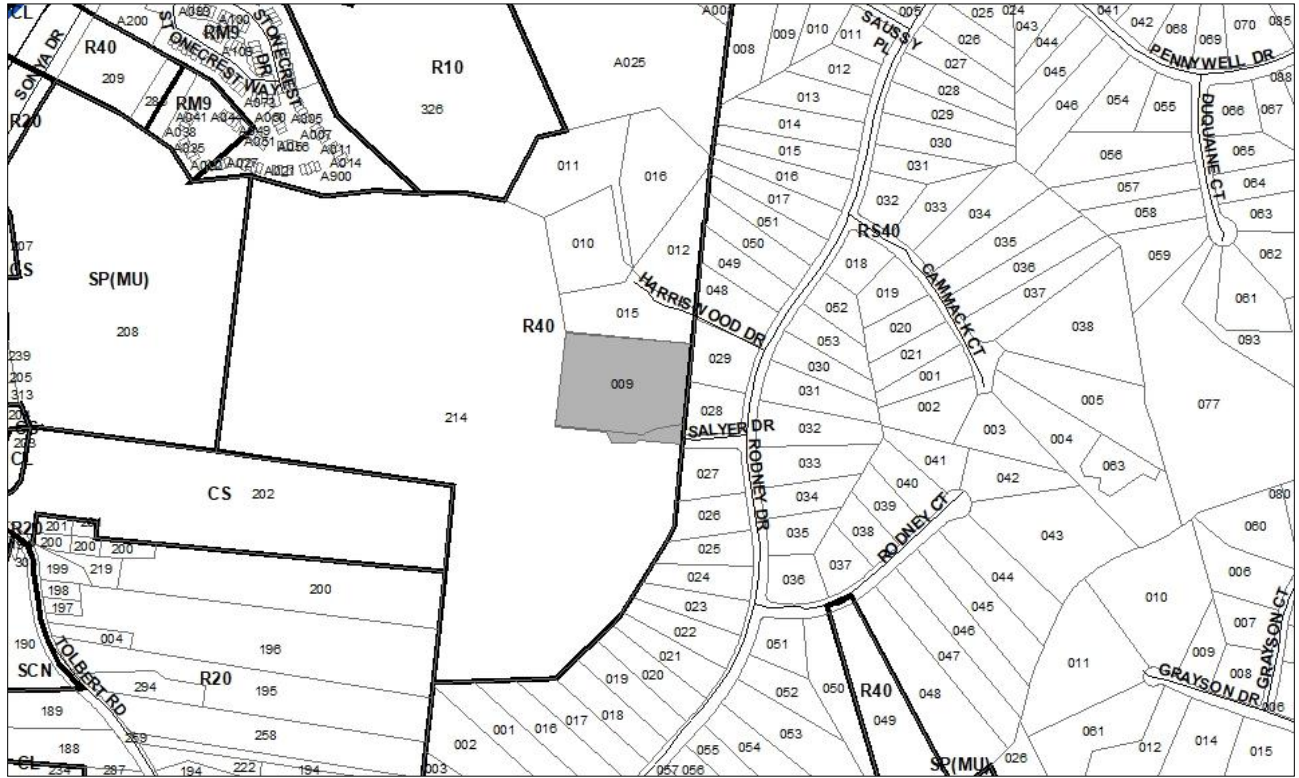
1. On the corrected copy, update the exhibit to include the following note: If contextual setbacks per Metro Zoning are determined to be greater than the proposed 70' front setback, then the contextual front setbacks shall apply.



SEE NEXT PAGE



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2022S-221-001

HAWK'S HAVEN

Map 115, Parcel(s) 009

Map 114, P/O Parcel(s) 214

06, Bellevue

23 (Thom Druffel)



Metro Planning Commission Meeting of 10/27/22

Item #36	Concept Plan 2022S-221-001
Project Name	Hawk's Haven
Council District	23 – Druffel
School District	9 – Tylor
Requested by	Dewey Engineering, applicant; Andrew Marshall, LLC, and Howard & Edna Salyer, Community Property Trust, owners.

Deferrals This item was deferred from the September 22, 2022, and October 13, 2022, Planning Commission meetings. No public hearing was held.

Staff Reviewer Rickoff
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Request for concept plan approval to create four lots.

Concept Plan

A request for concept plan approval to create four lots on property located at 1008 Salyer Drive and a portion of property located at 1011 Salyer Drive, west of Rodney Drive, zoned One and Two-Family Residential (R40) (4.7 acres).

SITE DATA AND CONTEXT

Location: The site is located west of the terminus of Salyer Drive, west of Rodney Drive.

Street type: Salyer Drive is currently unimproved right-of-way that extends from Rodney Drive to the eastern boundary of this site. Salyer Drive will be improved as a new local street that extends along the southern boundary before terminating into a cul-de-sac towards the west.

Approximate Acreage: 4.7 acres or approximately 204,732 square feet.

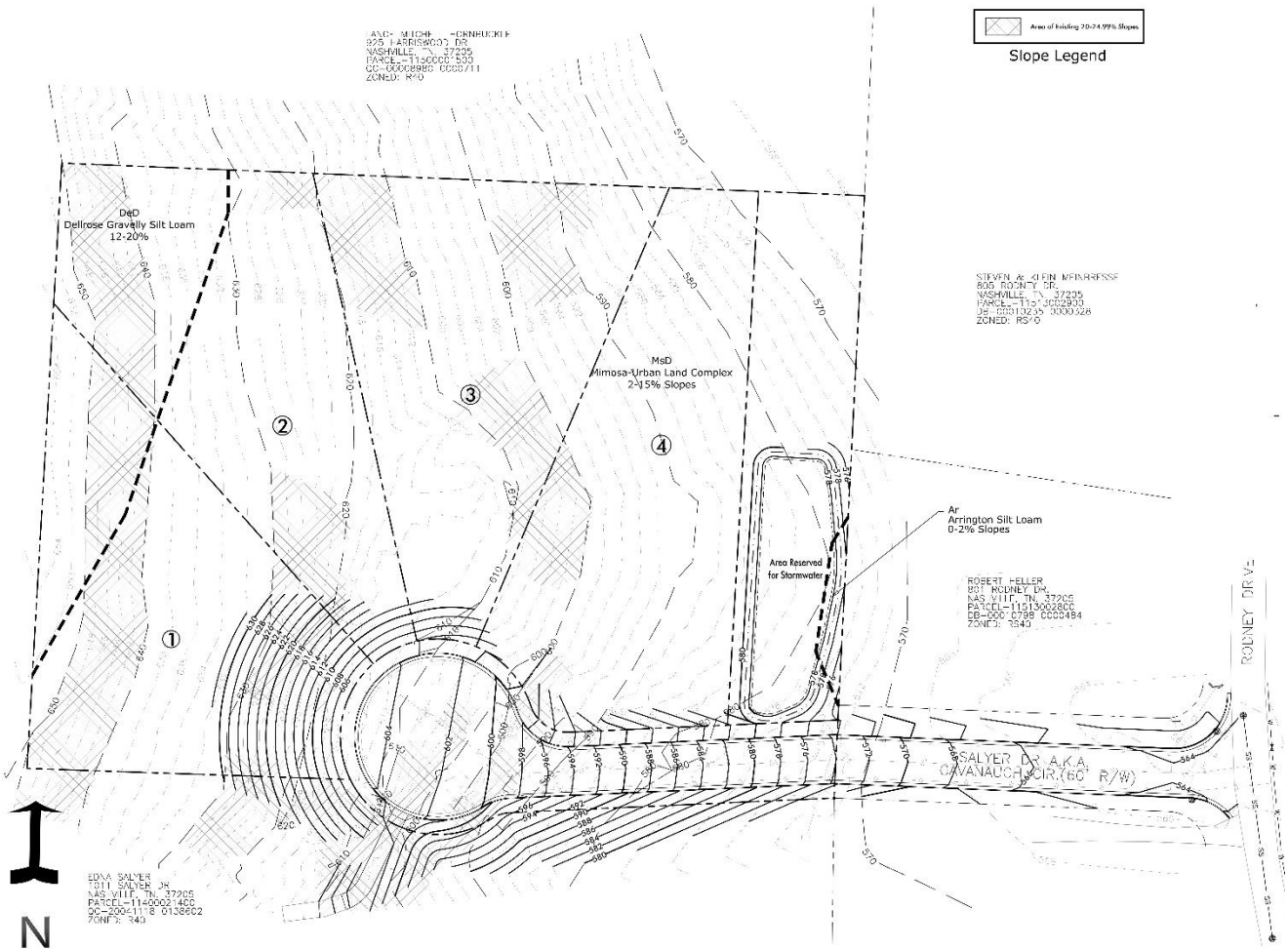
Parcel/Site History: This site is comprised of one existing lot (northern portion) and a portion of one parcel (southern portion). Existing Lot 2 (northern portion) comprises the majority of the proposed development and was last platted in 1978 on 4.51 acres. The southern parcel (214), in its current configuration, was created via deed in 1994. Parcel (214) was previously platted as a lot. In its current form, parcel (214) comprises 50.53 acres. A small portion of this parcel (approximately 0.19 acres) is included in this proposal, located along the boundary with Salyer Drive.

Zoning History: The site has been zoned R40 since at least 1974.

Existing land use and configuration: The northern property (Lot 2) is developed with a single-family residential use that is identified to be demolished with the proposed subdivision. The rectangular-shaped property is located behind properties which front Rodney Drive, northwest of the terminus of the Salyer Drive right-of-way. Access to the existing residence at Lot 2 is



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Proposed concept plan



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currently provided via a private drive that extends through the Salyer Drive right-of-way and connects to Rodney Drive. The southern parcel is much larger and contains an existing single-family residential use that is located outside of the scope of this development. Access to Parcel (214) is also provided via a private drive that extends through the Salyer Drive right-of-way to Rodney Drive.

Surrounding land use and zoning:

- North: Single-Family Residential (R40)
- South: Single-Family Residential (R40)
- East: Single-Family Residential (R40)
- West: Single-Family Residential (R40)

Zoning: One and Two-family Residential (R40)

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: 4

Lot sizes: Lots 1 through 4 are each approximately 0.92 acres. Lot 1 is approximately 40,027 square feet; Lot 2 is 40,030 square feet; Lot 3 is 40,097 square feet; and lot 4 is 40,042 square feet. Stormwater management areas are identified within an open space that spans the eastern boundary.

Access: Vehicular access will be provided from Salyer Drive, which currently exists as unimproved, platted right-of-way located between this site and Rodney Drive to the east. Salyer Drive will be constructed as a new public road extending from Rodney Drive, east of the site, through this site before terminating into a cul-de-sac. Areas of dedication are identified on the plan to accommodate a standard right-of-way width of 50 feet, outside of the proposed cul-de-sac. Construction of the new road will include a portion of parcel (214), which currently takes access along a private drive that cuts through the existing Salyer Drive right-of-way. The existing driveway will be removed from the right-of-way and reconfigured to connect to the proposed cul-de-sac.

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.



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

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

Based on available data, the property contains areas of steep slopes, as identified on Metro's topographical maps, and potential problem soils. Lots 1-4 have been identified as critical lots on the concept plan due to the presence of slopes greater than 20 percent. Portions of each lot contain areas of steep slopes ranging from 20-24.99%. Critical lots on steep slopes are reviewed against applicable development standards of Sections 17.28.030 of the Zoning Code and the critical lot plan requirements of the Subdivision Regulations during subsequent phases of the subdivision review process. Potential problem soils have also been identified along the western boundary, along the rear of Lots 1 and 2. Lots identified with problem soils are subject to the development requirements of Section 17.28.050 of the Zoning Code during final site plan review.

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 R40 zoning at the time of building permit. All proposed lots have frontage on a proposed public street, Salyer Drive.

3-5 Infill Subdivisions

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



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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.

Not applicable to this case. Lots 1-4 are oriented to a proposed new public street and are not subject to the compatibility criteria, which are only applicable to lots on existing streets.

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

The proposed Salyer Drive block width, length, and shape meets the standards of this section.

3-7 Improvements

This subdivision proposes a new public road and public sewer/water line extensions. Construction plans for required public improvements and private improvements (private stormwater, water and sewer lines and connections) will be reviewed with the Final Site Plan as required by the Subdivision Regulations.

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

Not applicable to this case. Sidewalks shall not be required on new streets in residential subdivisions where the base zoning district requires a minimum area of at least 20,000 square feet and the area of each lot to be platted remains 20,000 square feet or greater.

The proposed subdivision is located on a new street and includes lots with a minimum area of 40,000 square feet where no sidewalks are required. Additionally, there are no existing sidewalks on the surrounding streets, including along Rodney Drive, where the new street will connect.

3-9 Requirements for Streets

The proposal includes a new public street that is identified with a right-of-way width of 50 feet, consistent with the local street standard. The new street terminates into a cul-de-sac towards the center of the site. In general, street designs such as loop streets or closes are preferred to the use of a cul-de-sac design. However, cul-de-sacs shall be permitted where topographic features or configuration of property boundaries prevent street connections. In this case, areas to the west of this site include large areas of problem soils and steep slopes, where a cul-de-sac would be



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permitted. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section, subject to conditions.

3-10 Requirements for Dedication, Reservations, or Improvements

Not applicable to this case. The subdivision does not adjoin or encompass either a greenway corridor shown on the Countywide Greenways Plan or Countywide Parks Master plan, it is not located on a substandard street, or on a route depicted on the Major and Collector Street Plan.

The portion of the existing Salyer Drive right-of-way adjacent to the proposed subdivision will be improved with the construction of the new street through the site.

3-11 Inspections During Construction

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

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

Nashville DOT reviews street names and signage requirements for public roads and has recommended approval with conditions of this concept plan.

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities in subdivisions are required to be located underground whenever a new street is proposed, per Section 17.28.103 of the Zoning Code.

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, environmental performance standards, etc. Staff recommends approval with conditions.



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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 Suburban Neighborhood Maintenance (T3 NM) and Conservation (CO). T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NM areas with the suburban transect are intended to preserve and protect the existing character or residential neighborhoods. Conservation policy is intended to preserve environmentally sensitive land features through protection and remediation.

A range of zoning districts are supported by the policy. Lot sizes within the broader policy can vary and zoning districts ranging from RS7.5 to R/RS40 are supported depending on context. The existing zoning is consistent with the policy guidance and proposed lots are consistent with the surrounding area.

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 with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- With final plat, roadway construction drawings shall comply with NDOT Subdivision Street Design Standards.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- See Roads conditions.

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.



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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, W&S Capacity #'s T2022053969 & T2022053984.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Remove Note #7.
2. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
3. Any critical lots shall be subject to the applicable development standards of Sections 17.28.030 of the Zoning Code and the critical lot plan requirements of the Subdivision Regulations.
4. Any lots identified with problem soils shall be subject to the development requirements of Section 17.28.050 with the final site plan.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. Pursuant to 2-2.5.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.
7. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

RECOMMENDED ACTION

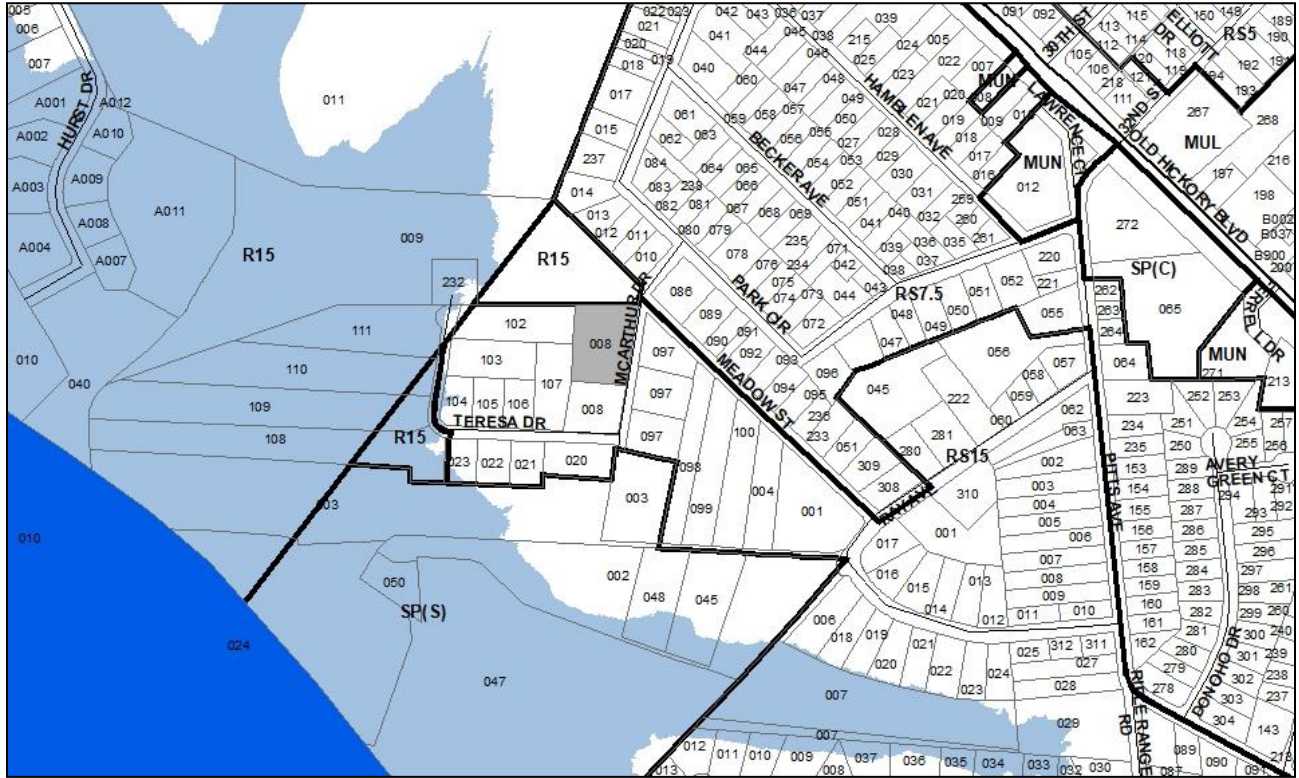
Motion to approve proposed subdivision Case No. 2022S-221-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



SEE NEXT PAGE



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2022S-231-001

BRITE SOLUTIONS INC. PROPERTY

Map 053-11, Parcel(s) 008

14, Donelson-Hermitage-Old Hickory

11 (Larry Hagar)



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Item #37	Final Plat 2022S-231-001
Project Name	Brite Solutions Inc. Property
Council District	11 – Hagar
School District	4 – Nabaa-McKinney
Requested by	WT Smith Surveying, applicant; Brite Solutions Inc., owner.
Staff Reviewer	Rickoff
Staff Recommendation	<i>Disapprove.</i>

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 102 McArthur Drive, approximately 160 feet north of Teresa Drive, zoned Single-Family Residential (RS15) (1.14 acres).

SITE DATA AND CONTEXT

Location: The site is located on the west side of McArthur Drive, southwest of Park Drive.

Street type: The site has frontage on McArthur Drive, a local street with an existing right-of-way width of approximately 30 feet.

Approximate Acreage: 1.14 acres or approximately 49,730 square feet.

Parcel/Site History: This site is comprised of parcel that was created by deed in 1956.

Zoning History: The parcel has been zoned RS15 since 2011, when this site and surrounding properties along both sides of Old Hickory Boulevard were rezoned from former City of Lakewood Zoning to Metro Government of Nashville and Davidson County zoning.

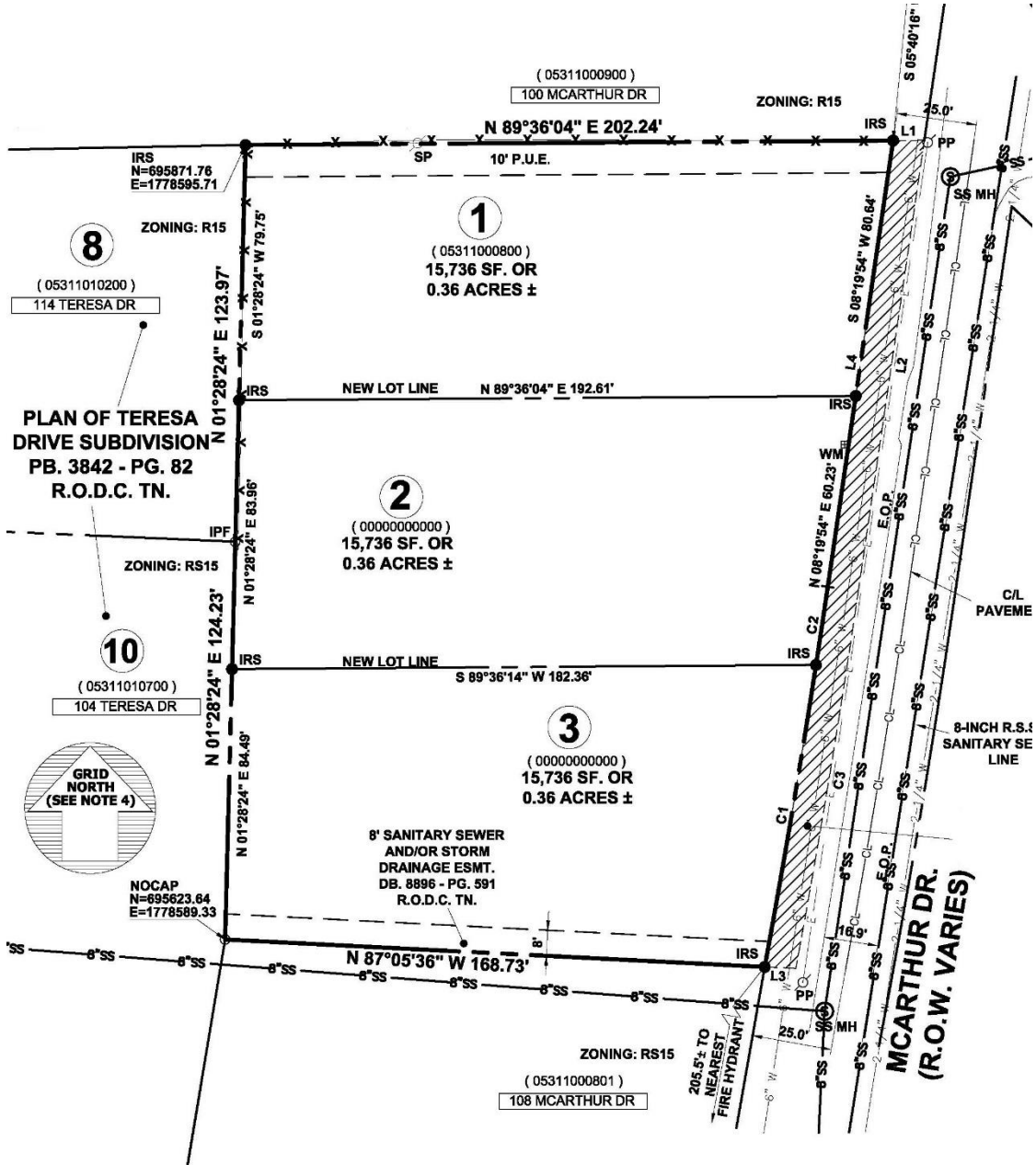
Existing land use and configuration: The rectangular-shaped site is currently developed with a single-family residence that fronts McArthur Drive. The street bends to the north and intersects with Meadow Street before connecting to Park Drive. McArthur Drive extends south of the subject parcel, wrapping to the west to Teresa Drive, before terminating south of the wrap.

Surrounding land use and zoning:

- North: Single-Family Residential (R15 and RS7.5)
- South: Single-Family Residential (RS15)
- East: Single-Family Residential (RS15)
- West: Single-Family Residential (RS15)



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Proposed Final Plat



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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: 20' or contextual, as determined by Metro Codes

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Proposed Lots 1, 2, and 3 are approximately 0.36 acres (15,736 square feet). All lots are oriented to McArthur Drive.

Access: Access is proposed to each lot from McArthur Drive, where approximately 9.76 feet of right-of-way dedication is proposed to meet the 25' half of standard right-of-way width.

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 Maintenance (T3 NM) 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, aside from compatibility, are met.

3-2 Monument Requirements

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

3-3 Suitability of the Land



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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.

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 McArthur Drive, a local street.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS15 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*
None of the proposed lots meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 165 feet. The proposed frontage width is 80.64 feet for Lot 1; 84.92 feet for Lot 2; and 95.64 feet for Lot 3.



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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*
None of the proposed lots meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.48 acres, or 20,909 square feet. Lots 1, 2, and 3 are approximately 0.36 acres, or 15,736 square feet.
3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes will be required to meet the 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 towards McArthur Drive, consistent with the existing development pattern.
- e. *The current standards of all reviewing agencies are met.*
All other 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 frontage or size requirements for compatibility.

This standard does provide for consideration of the development pattern within the area. Staff considered the development pattern along both sides of McArthur Drive and neighboring streets in our evaluation of the surrounding pattern of the area. The proposed subdivision is located on the west side of McArthur Drive, southwest of the intersection with Meadow Street. The character of the area east of Meadow Street includes a fairly established development pattern with previously subdivided lots located in the RS7.5 zoning district, which requires a minimum lot size of 7,500 square feet. The area west of the Meadows Street/McArthur Drive intersection includes properties located in the RS15/R15 zoning districts, where the minimum lot size is 15,000 square feet and where the development pattern is somewhat irregular, with larger lots along both sides of McArthur Drive, including this site, transitioning



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to the west with slightly smaller lots along the north and south sides of Teresa Drive, transitioning again further to the west with significantly larger lots where Teresa Drive wraps to the north. Given the diversity in the development pattern of the area, staff focused our consideration on properties located southwest of Meadow Street, along both sides of McArthur Drive. The McArthur Drive block face is relatively short, with only one surrounding parcel on the west side of the street, south of the subject parcel at the intersection of McArthur Drive and Teresa Drive, comprising approximately 0.48 acres and 165 feet of lot frontage. Therefore, staff considered an additional property located on the west side of McArthur Drive, located south of Teresa Drive, in our evaluation due the similar qualities of this lot with the surrounding development pattern along the street, north of Teresa Drive. This parcel comprises approximately 0.55 acres with 114.8 feet of lot frontage. Across the street, the east side of the McArthur Drive includes three relatively similarly sized properties of approximately 0.59 acres (two properties) and 0.64 acres (one property), with lot frontage widths of 140 feet, 150 feet, and 180 feet. This would indicate that the established lot pattern on both sides of the street, south of Meadow Street, results in an average lot size of approximately 0.57 acres and lot frontage of 149.96 feet, and the proposed subdivision does not provide for harmonious development with the existing lot pattern.

Staff will note that the subject property, as it currently exists, is 1.14 acres, larger than any of the five properties considered in our analysis above.

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 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.

3-9 Requirements for Streets

Not applicable to this case. The proposal is for an infill subdivision located on an existing street.

3-10 Requirements for Dedication, Reservations, or Improvements

McArthur Drive is identified as a local street with an existing right-of-way width of approximately 30 feet. Approximately 9.62 feet of right-of-way dedication is proposed along the frontage of this site, providing the required half of standard right-of-way width of 25 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.



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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 with conditions.

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

Staff finds that the proposed 3-lot subdivision is not consistent with the intent of the compatibility standards of the Metro Subdivision Regulations. The lots proposed with this plat result in three equally sized 0.36-acre lots, with lot frontages of approximately 81 feet, 85 feet, and 96 feet, less than the development pattern considered on both sides of McArthur Drive. Staff would note that if the proposal included two proposed lots, instead of three, the average lot size would be approximately 0.54 acres (23,604 square feet) and the lot frontage would be approximately 130.6 feet, still not meeting the compatibility requirements, but closer to the established pattern along both sides of the street.

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 Suburban Neighborhood Maintenance (T3 NM). T3 areas are predominantly residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NM areas with the



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suburban transect are intended to preserve and protect the existing character or residential neighborhoods.

A range of zoning districts are supported by the policy. Lot sizes within the broader policy can vary and zoning districts ranging from RS7.5 to R/RS40 are supported depending on context. The existing zoning is consistent with the policy guidance.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Revised Culvert/Driveway note should read: 'Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15-inch RCP).'

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- As all our previous comments have been addressed on the latest plat revision (stamped received 9/26/2022), MWS recommends approval. W&S Capacity fees must be paid before issuance of building permits for new lots

STAFF RECOMMENDATION

Staff recommends disapproval.

CONDITIONS (If Approved)

1. Add Map/Parcel numbers to the face of the lots: Parcel (239) for Lot 1, (240) for Lot 2, and (241) for Lot 3.
2. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
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.



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RECOMMENDED ACTION

Motion to disapprove proposed subdivision Case No. 2022S-231-001 based upon finding that the subdivision does not comply with the applicable standards of the Metro Subdivision Regulations.