



METROPOLITAN PLANNING COMMISSION MINUTES

**September 22, 2022
4:00 pm Regular Meeting**

700 President Ronald Reagan Way
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Edward Henley
Stewart Clifton
Mina Johnson
Jeff Haynes
Councilmember Brett Withers

Staff Present:

Lucy Kempf, Executive Director
Lisa Milligan, Planning Manager II
Logan Elliott, Planner II
Jason Swaggart, Planner II
Jared Islas, Planner I
Abbie Rickoff, Planner II
Alex Dickerson, Legal

Commissioners Absent:

Lillian Blackshear
Jim Lawson
Brian Tibbs

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission


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

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

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

Legal Notice

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

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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:02 p.m.

Chairman Adkins wished Commissioner Haynes a Happy Birthday and the Commissioners wished Mr. Adkins a Happy Birthday, as well.

B: ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Henley seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF SEPTEMBER 08, 2022 MINUTES

Ms. Johnson moved and Mr. Clifton seconded the motion to approve the meeting minutes of September 8, 2022. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Druffel stated he was opposed to the setback variance regarding Item 22.

Councilmember Nash spoke in favor of Item 19. He suggested the developer arrange for some sort of historical marker be put in place to recognize the historic community.

Councilmember Murphy stated she supported Councilmember Druffel's position. She then spoke in favor of Item 4.

Councilmember Gamble spoke in favor of Item 20.

Councilmember Hall spoke in favor of Item 13.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2, 3, 4, 5, 8, 10, 18, 24

Ms. Johnson moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

F: CONSENT AGENDA ITEMS 25, 26, 27, 28, 32

Mr. Henley moved and Ms. Farr seconded the motion to approve the Consent Agenda. (7-0)

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

G: ITEMS TO BE CONSIDERED

1a. 2022CP-003-002

BORDEAUX-WHITES CREEK-HAYNES TRINITY

COMMUNITY PLAN AMENDMENT

Council District 03 (Jennifer Gamble)

Staff Reviewer: Andrea Barbour

A request to amend the Bordeaux - Whites Creek - Haynes Trinity Community Plan by changing from T2-RM Rural Maintenance policy to T2-NC Neighborhood Center policy for property located at 633 W Green Lane, at the corner of W Green Lane and Whites Creek Pike, (78.22 acres), requested by Catalyst Design Group, applicant; West Green Land Partners LLC, owner. (See associated case #2022SP-043-001).

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

The Metropolitan Planning Commission deferred 2022CP-003-002 to the October 13, 2022, Planning Commission meeting. (7-0)

- 1b. 2022SP-043-001**
633 W. GREEN LANE SP
Council District 03 (Jennifer Gamble)
Staff Reviewer: Logan Elliott

A request to rezone from R10 to 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, requested by Catalyst Design Group, applicant; West Green Land Partners LLC, owner.

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

The Metropolitan Planning Commission deferred 2022SP-043-001 to the October 13, 2022, Planning Commission meeting. (7-0)

- 2. 2022SP-040-001**
2635 GALLATIN AVE DOG DAYCARE
Council District 05 (Sean Parker)
Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2022SP-040-001 indefinitely. (7-0)

- 3. 2022SP-049-001**
15TH & CHURCH
Council District 19 (Freddie O'Connell)
Staff Reviewer: Logan Elliott

A request to rezone from MUI-A to 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, (0.86 acres), to permit a mixed use development, requested by Roers Capital, LLC, applicant; Shaar Forero Properties, Inc. and Thomas Michael Horrell and Sara Darby Smith, owners.

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

The Metropolitan Planning Commission deferred 2022SP-049-001 to the October 13, 2022, Planning Commission meeting. (7-0)

- 4. 2022Z-012TX-001**
BL2022-1346/Murphy
Staff Reviewer: Amelia Lewis

A request to amend Chapters 17.04 and 17.12 of the Metropolitan Code to amend regulations on accessory structures and to amend regulations on the allowed building height of single and two family dwellings in the Urban Zoning Overlay District.

Staff Recommendation: Disapprove the substitute ordinance and recommend approval of a second substitute.

APPLICANT REQUEST

Amend the Zoning Code as it relates to accessory structures and building heights in the UZO.

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would modify several sections of the existing code, primarily intended to make distinctions for the use of accessory structures and to serve as a housekeeping amendment to improve organization of existing code in sections related to accessory structures. The following text below is based on the substitute

amendment introduced at council. Text to be removed throughout these sections is shown in strikethrough with text to be added is shown in underline. Any text existing in the code not to be amended is shown without strikethrough or underline.

Section 1. That the definition for "Accessory or ancillary structure" in Subsection 17.04.060.B of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

~~"Accessory or ancillary structure" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building.~~

"Accessory or ancillary structure building" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building. These structures shall not be used for living quarters, sleeping quarters, or commercial activity unless authorized by base zoning, overlay, or appropriate use permit. Accessory buildings may be heated and cooled spaces and shall only be permitted one standalone utility sink not to exceed 24" x 24", one toilet, and one hand washing sink. Electrical service is restricted to a single 100-amp service unless just cause can be shown to the Zoning Administrator why additional amperage is required.

Section 2. That Subsection 17.040.060.B of the Metropolitan Code is hereby amended by adding a definition for "Trade permit" in alphabetical order as follows:

"Trade permit" means a permit issued by the Metropolitan Codes Department to perform electrical, plumbing, gas, low voltage, or HVAC work.

Section ~~23~~. That Subsection 17.12.040.E.1 of the Metropolitan Code is hereby amended by deleting subsections a and b in their entirety and replacing them with the following:

- ~~a) Accessory buildings, when located to the rear of a principal structure on a lot where the rear lot line abuts an alley, shall provide a minimum rear setback of three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;~~
- ~~b) Accessory buildings (including above ground swimming pools extending more than twelve inches above ground level) of seven hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet) and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;~~
- a) Accessory buildings with a footprint of 700 square feet or less and located to the rear of a principal structure shall provide a minimum side setback equal to one-half of that required for the zoning district, but not less than three feet, and a minimum rear setback of at least three feet, except when garage doors or carport openings face or open directly to an alley, in which case the minimum rear setback shall be ten feet. Accessory buildings with a footprint of more than 700 square feet shall provide the full setbacks of the zoning district;
- b) Above ground swimming pools or in-ground swimming pools that extend more than twelve inches above ground level and are located to the rear of a principal structure shall provide a minimum side setback equal to one-half of that required for the zoning district, but not less than three feet. In-ground swimming pools that extend above ground level less than twelve inches shall provide a minimum setback of three feet;

Section ~~34~~. That Section 17.12.060 of the Metropolitan Code is hereby amended by deleting subsections B and C.1 it in their entirety and replacing them with the following:

- B. Special Height Regulations For Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall not exceed three stories. In all districts On all lots with a minimum lot size of less than forty thousand square feet, accessory structures shall not exceed one story or sixteen feet in height, whichever is less. In all residential districts with a minimum lot size of at least On all lots with a size with forty thousand square feet or more, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height, whichever is less, provided that the full side and rear setbacks required by the applicable district are provided and the lot has an area of at least forty thousand square feet. If not so established in historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.
- C. Special Height Regulations for Single-Family and Two-Family Dwellings Within the Urban Zoning Overlay District.
- 1. Single-family and two-family dwellings shall not exceed three stories to a maximum height of forty-five feet. Maximum height shall be measured from either the natural finished grade or, if present, from the ceiling of an exposed basement not more than seven feet above the finished grade. Finished grade shall be determined based on the average elevation of the four most exterior corners of the structure, to the eave or roof deck. Finished grade is the final ground elevation.

Section 4-5. 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 5-6. 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.

COUNCIL

The proposed amendment passed on first reading at the July 5, 2022, Council hearing. A substitute bill was introduced at the September 7, 2022, Council hearing. It is scheduled for public hearing at Council on October 5, 2022.

BACKGROUND

In 2002 under BL2002-1015, sections 17.12.040.E.1.a and b were modified and a new section 17.12.050 was created. The purpose of this amendment was to ensure that accessory buildings were in scale with principal structures by establishing bulk standards for accessory buildings. At this time, only the height of accessory buildings was being regulated. Additionally, the amendment established rear setbacks for all accessory buildings and a size limitation for accessory buildings on lots with single- and two-family dwellings on lots that are less than forty thousand square feet. Following this amendment, BL2005-650 the permissible square footage for accessory structures was increased from 600 square feet to 700 square feet.

Special height provisions in Sections 17.12.060 were amended under BL2006-1047 and BL2007-143. BL2006-1047 included provisions for special exceptions to be heard by the BZA for accessory structures to have reduced setbacks within the UZO and created Section 17.12.060.F. "Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay. Prior to BL2007-1431, the height of single-family and two-family dwellings were limited to three stories, with no measurement in feet. This amendment added the limitation of 45 feet within the three stories already permitted.

ANALYSIS

The proposed substitute would do five things:

Amend the definition of accessory or ancillary structure.

Add a new definition for "trade permit."

3. Break up existing text to have one subsection refer to the existing setback standards for accessory or ancillary structures and a new subsection for the existing setback standards for swimming pools.
4. Revise language related to height restrictions for accessory structures based on lot sizes as opposed to zoning districts, consistent with the current application of the code.
5. Modify the measurement of building maximum building height for single-family and two-family dwellings within the UZO from natural grade to finished grade.

The current definition of accessory or ancillary structure is as follows, "Accessory or ancillary structure means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building." The proposal to amend the definition of "accessory or ancillary structure" retains much of the current definition, with additional language to specify that it is not intended to be used as a living unit. It also changes structure to "building" as both terms are used throughout the code and this change would provide a consistent terminology. Additional analysis on the differences between an accessory or ancillary structure and accessory living units is below.

Section 17.12.040.E. Permitted Setback Obstructions would be amended by the addition to subsection 1. Accessory Buildings. This section outlines the features that are permitted to encroach into the setbacks determined by the zoning district. Currently, accessory buildings of 700 square feet or less, when located behind a principal structure, are required to provide a minimum side setback equal to half of the setback of the district, not less than three feet, and a minimum rear setback of at least three feet. In the event that garage doors open directly on to an alley, the minimum rear setback shall be ten feet. If the accessory building exceeds 700 square feet, it will be required to meet the full setbacks of the zoning district. These are the existing standards today, but clearly identified based on the 700 square foot limited and would be separated out from subsection 1.b. The proposed amendment would modify subsection 1.b. to specifically address setbacks for swimming pools, and relocates all references to accessory building setbacks to subsection 1.a. The setbacks for swimming pools are the same as currently in the code.

Section 4 of the second substitute would modify subsections B and C.1. of 17.12.060. Currently under 17.12.060.B. the height of accessory structures is limited by the minimum lot size of the zoning district, the proposal would modify it to be based on the existing size of the lot, which is how the code is currently being applied. The same height restrictions are maintained based on the lot sizes. For a lot under 40,000 square feet, the maximum height of the accessory structure is one story or 16 feet in height and for a lot with more than 40,000 square feet, the height is limited to two stories or 24 feet, granted the full setbacks are met.

Lastly, Section 17.12.060.C., Special height regulations for single-family and two-family dwellings, would modify subsection 1 to measure the maximum height from finished grade as opposed to natural grade and adds that the finished grade is the final ground elevation, consistent with current application of the standard by Codes.

Accessory structures, accessory apartments, and DADUs

The definition for accessory or ancillary structures is intended to clarify that these structures are not intended to be used as separate dwelling units. An example of an accessory structure on a residential property can include a shed used to store yard equipment, a home gym for use by the property owners, or an art studio also for use by the property owners. The regulations associated with accessory structures are primarily intended to guide their location and design as to maintain subordinate to the primary structure on the property. An accessory structure is not a land use.

This is in contrast to, "accessory apartment" and "accessory dwelling, detached" (also commonly referred to as a Detached Accessory Dwelling Unit (DADU)), which are both classified as land uses in the zoning code. An accessory apartment is an accessory use in the AG, AR2a, RS and R zoning districts and a permitted use in the DTC zoning district. An accessory apartment is a self-sufficient housekeeping unit considered to be accessory to a single-family residence subject to several conditions per 17.16.250.A. DADUs are permitted with conditions in the R, RM, OR and ORI zoning districts. These conditions are in 17.16.030.G. and include provisions for size, ownership, setbacks, and bulk, massing, and design.

There is one overlap between the regulations for DADUs and the regulations for accessory structures. Section 17.16.030.G.4 states that the setbacks for a DADU shall meet the setbacks found in Section 17.12.040.E. for accessory structures. The proposed text amendment would modify Section 17.12.040.E.1 by adding new subsections a and b, which clarifies existing standards. The height for DADUs is regulated by the DADU provisions and would not be affected by the height for accessory buildings as modified by this proposed substitute text amendment.

Recommended Second Substitute

Staff recommends a second substitute including two changes. The first is that Section 1 would be modified by simplifying the definition of accessory building. The proposed definition of accessory building would be amended by removing the specific provisions of what can be included in an accessory building, while keeping the intent to clarify that it is not intended to be used as a dwelling unit. The second change would be that section 17.12.060.C.2. be included under Section 4 of the substitute amendment, in order to keep language consistent within the code.

Section 1. That the definition for "Accessory or ancillary structure" in Subsection 17.04.060.B of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

~~"Accessory or ancillary structure" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building.~~

"Accessory or ancillary structure building" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building. ~~These structures shall not be used as residential units, or for commercial activity unless authorized by base zoning, overlay, or appropriate use permit.~~

~~Section 34.~~ That Section 17.12.060 of the Metropolitan Code is hereby amended by deleting subsections B, C.1, C.2, and C.3 in their entirety and replacing them with the following:

- B. Special Height Regulations for Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall not exceed three stories. On all lots with a size less than forty thousand square feet, accessory structures shall not exceed one story or sixteen feet in height. On all lots with a size with forty thousand square feet or more, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height provided that the full side and rear setbacks required by the applicable district are provided. If not so established in historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.
- C. Special Height Regulations for Single-Family and Two-Family Dwellings Within the Urban Zoning Overlay District.
 - 1. Single-family and two-family dwellings shall not exceed three stories to a maximum height of forty-five feet. Maximum height shall be measured from either the ~~natural~~ finished grade or, if present, from the ceiling of an exposed basement not more than seven feet above the finished grade. Finished grade shall be determined based on the average elevation of the four most exterior corners of the structure, to the eave or roof deck. Finished grade is the final ground elevation.
 - 2. ~~On all lots with a size in all districts with a minimum lot size of~~ less than forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than sixteen feet from the side and rear setback lines. The roof on the structure shall rise from the side walls at a roof pitch no steeper than the predominant roof pitch of the principal dwelling, except that the vertical walls may extend to the underside of the roof at the gable end of a gabled roof. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.
 - 3. ~~On all lots with a in all residential districts with a minimum lot size of~~ at least forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than twenty-four feet in height exclusive of a pitched roof, provided that the full side and rear setbacks required by the applicable district are provided ~~and the lot has an area of at least forty thousand square feet.~~ The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends disapproval of the substitute ordinance as filed and recommend approval of a second substitute.

Disapprove the substitute ordinance and recommend approval of a second substitute. (7-0)

Resolution No. RS2022-249

“BE IT RESOLVED by The Metropolitan Planning Commission that 20022Z-012TX-001 is disapproved the substitute ordinance and recommend approval of a second substitute. (7-0)

**5. 2007SP-048-001
ZION HILL SP (AMENDMENT)**

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

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

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

The Metropolitan Planning Commission deferred 2007SP-048-001 to the October 13, 2022, Planning Commission meeting. (7-0)

**6. 2017SP-095-005
MOORE OFFICE BUILDING**

Council District 19 (Freddie O'Connell)
Staff Reviewer: Dustin Shane

A request to amend a Specific Plan on property located at 827 19th Avenue South, at the corner of Chet Atkins Place and 19th Avenue South, zoned SP (0.72 acres), to permit a maximum of 236,000 square feet of office use, requested by Bradley Arant Boult Cummings LLP applicant; Nashville Moore Property LLC, owner

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

APPLICANT REQUEST

Amend the 827 19th Avenue South Specific Plan District to permit a maximum of 236,000 square feet of office use.

Amended SP

A request to amend a Specific Plan on property located at 827 19th Avenue South, at the corner of Chet Atkins Place and 19th Avenue South, zoned Specific Plan (SP) (0.72 acres), to permit a maximum of 236,000 square feet of office 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.

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 Policies

The site is within a special policy area in the Midtown Study, 10-MT-T5-MU-02. The special policy for T5 Center Mixed Use Neighborhood Area 2 includes specific guidance on building form, vehicular and pedestrian connectivity, and intensity.

The site is also within the Music Row Vision Plan, which is a small area plan produced by the Metropolitan Planning Department. Small Area Plans illustrate the vision for designated land in specific neighborhoods. On a parcel-by-parcel basis, these plans steer the appropriate land use, development character, and design intent guided by goals established by community stakeholders.

PLAN DETAILS

The 0.72-acre site is located at the northwest corner of the intersection of 19th Avenue South and Chet Atkins Place, east of Alley #445. The site was rezoned to Specific Plan District in 2018 and approved for 210,000 square feet of office space and 26,000 square feet for all uses permitted within ORI-A zoning plus furniture store and nanobrewery uses. Height was capped at 15 stories in 222 feet. The plans included ROW dedications and active ground uses intended to create an active, mixed-use streetscape. A final SP was approved for the site in 2020 (Case No. 2017SP-095-003).

The plan does not propose to enlarge the footprint or square footage of the building. Rather, it is requesting to reduce the ORI-A, furniture store, and nanobrewery uses in the SP and replace them with more office space, resulting in 236,000 square feet of office space total (with the option reserved to use 10,000 square feet of this space for the above-mentioned commercial uses). This will require 75 fewer parking spaces (508 as opposed to 583).

ANALYSIS

The amendment to the SP is consistent with the T5 Center Mixed Use Neighborhood policy on the site. The amendment would remove the mixed-use character of the SP, which is generally encouraged for this character area. The T5 MU policy and both supplemental policies include language encouraging mixed-use developments. However, the CCM also lists supporting "major employment centers, representing several economic sectors including health care, finance, retail, the music industry, and lodging" as a goal of the policy. The Midtown neighborhood has developed substantially toward a vibrant, mixed-use district in the past five years. The removal of the non-office uses from this building to accommodate the needs of the applicant will do little if anything to slow the progress being made.

Staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

- As construction plans have been approved, Metro Project Nos. 19SL0157, 19WL0068 and match the latest SP plan revision (stamped received 9/12/22), MWS recommends approval, on the following condition:
 - 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.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. Following approval of final plans by NDOT, a recorded copy of any ROW dedications will need to be submitted to NDOT for Bldg. permit approval. A private hauler will be required for site waste disposal.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Ensure codes from all metro agencies are being met.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	4.82	-	210,000 SF	2,179	224	231

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)	0.30	-	13,000 SF	491	13	50

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)	0.30	-	13,000 SF	1,458	129	127

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.72	-	236,000 SF	2,440	249	257

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1,688	-117	-151

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 236,000 square feet of general office of which 10,000 square feet may be utilized for retail or other uses permitted in the ORI-A zone with the addition of furniture store and nanobrewery uses. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. 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.
3. 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.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ORI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2022-250

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-095-005 is approved with conditions and disapprove without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 236,000 square feet of general office of which 10,000 square feet may be utilized for retail or other uses permitted in the ORI-A zone with the addition of furniture store and nanobrewery uses. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. 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.
3. 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.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ORI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

7. 2019SP-044-001

3699 DICKERSON ROAD

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

A request to rezone from CS and RS20 to SP-R zoning for property located at 3699 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.02 acres), to permit a multi-family residential development, requested by Centric Architecture, applicant; Core Holdings, LLC, owner.

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

APPLICANT REQUEST

SP to permit 117 residential units.

Preliminary SP

A request to rezone from Commercial Services (CS) and Single-Family Residential (RS20) to Specific Plan (SP) zoning for property located at 3699 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.02 acres), to permit a multi-family residential development.

Existing Zoning

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

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 28 residential units.*

Proposed Zoning

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

PARKWOOD – UNION HILL COMMUNITY PLAN

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.

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. 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.

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. The majority of the site is in the T3 NE policy area. The area in T3 CM applies to a small portion of the site along Dickerson Pike. The CM policy is limited to the thin strip adjacent to Dickerson Pike.

PLAN DETAILS

The approximately 13-acre site is located on the east side of Dickerson Pike just north of the intersection of Due West Avenue North and Dickerson Pike. The site has limited frontage along Dickerson Pike, and a majority of the site is located behind several vacant properties that front along Dickerson Pike. The site is currently vacant. The property sits on a hillside and contains some open areas and wooded areas. The abutting properties to the west that front Dickerson Pike are zoned for commercial (CS). The abutting properties to the north, east and south are zoned for single-family (RS20). Single-family lots abut the eastern and southern site boundary and a mobile-home park abuts the northern site boundary.

Site Plan

This is a regulatory SP, and it does not include any formal site plan. The SP sets up specific guidelines for future development pertaining to, but not limited to, use, density, bulk standards, landscaping and development areas. As proposed, the SP would permit a maximum of 117 multi-family residential units (RM9). The SP identifies a transition zone which runs along the southern property line. Height in the transition zone is limited to three stories in 40 feet. Height outside of the transition zoned is limited to three stories in 48 feet. Height is proposed to be measured from the finished floor elevation, and not grade. As proposed, 70% of the site can be impervious. The SP includes some basic architectural standards pertaining to materials, glazing and porches. The SP also includes some examples of homes that could be constructed on the site. The SP would permit a variety of housing types, including detached and attached.

As proposed, access to the site will be provided from a new public road off of Dickerson Pike. As shown, the road would run approximately 300 feet from Dickerson Pike. Any drives from that point will be private. Parking requirements are based on UZO standards. The SP identifies areas for conservation. It identifies the hilltop as open space which may also be used for site amenities.

ANALYSIS

Overall, the proposed plan is consistent with the land use policies. The site is located along Dickerson Pike which is a busy arterial street that includes bus service. A majority of the zoning in the immediate area along Dickerson Pike is commercial. Additional density at this location is appropriate given the sites location on an arterial, bus service and close proximity to commercial uses. The development will provide an appropriate transition from the commercial zoning along Dickerson Pike and the single-family zoning east of the site. The plan takes advantage of views from the site providing an unique experience and additional housing option in the area. While the plan provides numerous standards intended to protect the steeper slopes on the site that are within the CO land use policy, staff is recommending additional standards to enhance protection of these areas. These standards are included as conditions in the staff recommendation.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

- Fire Code issues will be addressed in the permit phase. Requires 2 means of ingress/egress.

STORMWATER RECOMMENDATION

Approve with Conditions

- Development must comply with the Stormwater Residential Infill Requirements (to be determined during Building Permit Review).

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- For final SP, Provide detailed site plan. Comply with MPW traffic engineer. Additional comments may follow pending TIS requirements.
- Coordinate with MPW on public or private ST-251 access easement. Plans show proposed public road, before private access, public will require a permanent cul-de-sac for turn around.

TRAFFIC AND PARKING RECOMMENDATION

Approve with Conditions

- A TIS will be required prior to final SP approval.

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 (814)	0.38	0.6 F	340,290 S.F.	21599	1083	2328

Maximum Uses in Existing Zoning District: **RS20**

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)	10.76	2.17 D	23 U	269	22	25

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	13.02	9 D	117 U	844	56	68

Traffic changes between maximum: **CS, RS20 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-21024	-1049	-2285

METRO SCHOOL BOARD REPORT

Projected student generation existing RS20 district: 4 Elementary 3 Middle 3 High

Projected student generation proposed SP-R district: 13 Elementary 12 Middle 15 High

The proposed SP-R zoning is anticipated to generate 30 more students than what is typically generated under the existing RS20 zoning district. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. All school have been identified as having additional capacity. This information is based upon data from the school board last updated November 2018.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses within the SP shall be limited to up to 117 multi-family residential units. Short term rental properties, owner occupied, and short term rental properties, not owner occupied shall be prohibited.
2. Lot 4, WDC Sub., Map No. 050, Parcel 135 shall be included in the SP. The lot may be developed under the CS zoning standards and/or lot may be required to provide secondary access to development and shall be determined at final site plan review. No building permit shall be issued on lot until a final site plan has been approved.

3. Trees six inches or greater in caliper shall be preserved. Tree protection fencing shall extend outward at least ten feet from the dripline of any tree that is to be preserved. Damaged or unhealthy trees of six inches or greater in caliper may be removed with the approval of the Metro Urban Forester. A certified tree arborist shall provide an assessment report of any tree six inches or greater in caliper that is proposed to be removed to the Metro Urban Forester for review. A tree survey, protection plan and removal plan shall be required with the final site plan. The tree protection plan shall be from a certified tree arborist. Tree fencing shall be shown on the final site plan landscape plan and grading plan. Tree fencing shall extend at least five feet from the drip line.
4. Raised foundations that are more than six feet in height shall be screened with landscaping. Landscaping shall include vegetation that will grow to the height of the finished floor elevation (FFE).
5. The impervious surface ratio (ISR) shall be limited to 0.3.
6. Grading necessary to provide level building pads shall be prohibited, and all buildings shall be designed to work with existing grade.
7. Grading shall not result in sheer rock walls.
8. Sidewalks on private drives shall be required on only one side.
9. With the exception of walking paths/trails, conservation areas shall be mostly undisturbed.
10. If required by the Metro Traffic Engineer, a Traffic Impact Study (TIS), and or an access study shall be required with the final site plan. Any improvements required by the Metro Traffic Engineer shall be required.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. 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.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2022-251

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019SP-044-001 is approved with conditions and disapprove without all conditions. (7-0)

CONDITIONS

1. Permitted uses within the SP shall be limited to up to 117 multi-family residential units. Short term rental properties, owner occupied, and short term rental properties, not owner occupied shall be prohibited.
2. Lot 4, WDC Sub., Map No. 050, Parcel 135 shall be included in the SP. The lot may be developed under the CS zoning standards and/or lot may be required to provide secondary access to development and shall be determined at final site plan review. No building permit shall be issued on lot until a final site plan has been approved.
3. Trees six inches or greater in caliper shall be preserved. Tree protection fencing shall extend outward at least ten feet from the dripline of any tree that is to be preserved. Damaged or unhealthy trees of six inches or greater in caliper may be removed with the approval of the Metro Urban Forester. A certified tree arborist shall provide an assessment report of any tree six inches or greater in caliper that is proposed to be removed to the Metro Urban Forester for review. A tree survey, protection plan and removal plan shall be required with the final site plan. The tree protection plan shall be from a certified tree arborist. Tree fencing shall be shown on the final site plan landscape plan and grading plan. Tree fencing shall extend at least five feet from the drip line.
4. Raised foundations that are more than six feet in height shall be screened with landscaping. Landscaping shall include vegetation that will grow to the height of the finished floor elevation (FFE).
5. The impervious surface ratio (ISR) shall be limited to 0.3.
6. Grading necessary to provide level building pads shall be prohibited, and all buildings shall be designed to work with existing grade.
7. Grading shall not result in sheer rock walls.
8. Sidewalks on private drives shall be required on only one side.
9. With the exception of walking paths/trails, conservation areas shall be mostly undisturbed.
10. If required by the Metro Traffic Engineer, a Traffic Impact Study (TIS), and or an access study shall be required with the final site plan. Any improvements required by the Metro Traffic Engineer shall be required.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. 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.

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

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

8. 2022SP-046-001

WALTON STATION

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP zoning on a portion of property located at 3300 and 3344 Walton and on properties located at 3302, 3304, 3306, 3308, 3312, Walton Lane and Walton Lane (unnumbered), approximately 211 feet west of Slate Drive, (18.36 acres), to permit 220 residential units, requested by Alfred Benesch & Co., applicant; Alcorn, Carrie A. S.(LE) & Suggs, Evelyn, Dodson, Percy M. Dodson, Percy M. & Harbut, Mary D., Donelson, Albender, Dotson, Beulah M., Faith is The Victory Church, Inc., Jenkins, Michael Allen & Benson, Arnithea Dorcel, Jenkins, Vivian & Michael A., Ridley, May Alice, Threalkill, Meccie L. & Brooks, James R. et al, owners.

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

The Metropolitan Planning Commission deferred 2022SP-046-001 to the October 13, 2022, Planning Commission meeting. (7-0)

9. 2022SP-056-001

RUTLEDGE HILL

Council District 19 (Freddie O'Connell)

Staff Reviewer: Logan Elliott

A request to rezone from DTC to SP zoning on property located at 500 President Ronald Reagan Way (unnumbered), at the northeastern corner of Rutledge Street and Lea Ave, (3.29 acres), to permit a mixed-use development, requested by Larry Powers, applicant; CRD 2ND Avenue Owner LLC, owner.

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

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Downtown Code (DTC) to Specific Plan (SP) zoning on property located at 500 President Ronald Reagan Way (unnumbered), at the northeastern corner of Rutledge Street and Lea Ave, (3.29 acres), to permit a mixed-use development.

Existing Zoning

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

Proposed Zoning

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

DOWNTOWN COMMUNITY PLAN

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

SITE

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

PLAN DETAILS

The project proposes a 39-story, a 32-story, and a 29-story building. The plan proposes and the Traffic Impact Study analyzes a development scenario with a total of 899 multi-family units, 400 hotel rooms, and 27,300 square feet of commercial space however the SP zoning allows all uses within the Downtown Code - South Area. The ground floor of the development is lined with active retail/restaurant uses and pedestrian entrances. A publicly accessible central open space integrates the three towers together. The approximately 1,100 parking spaces being provided with the development are all located below this central open space and concealed from view. Vehicular access to the site is proposed on 2nd Avenue, Peabody Street, and Rutledge Street. All loading and service operations will be located in the below-grade parking garage.

This project includes 1.71 acres of publicly accessible open space that connects to all four of the street frontages. The ground levels of all three buildings will be activated through retail and restaurant use and will be open to the public.

ANALYSIS

The application proposes a development pattern that is consistent with the policy guidance for T6 DN considering the context of the site. The T6 DN policy describes that the role of the T6 DN policy is to transition the surrounding neighborhoods to the intensity of development in the T6 Downtown Core policy (T6 DC), which is the most intense policy in the county. The adjacent property to the north is within the T6 DC policy and the SoBro subdistrict of the Downtown Code and these properties have an unlimited building height allowance, if certain conditions are satisfied. This SP proposal provides an appropriate transition from the development potential of the SoBro and T6 DC area to the surrounding neighborhood to the south. The T6 DN policy also describes that appropriate building heights should be based on a number of factors that are specified in the Community Character Manual.

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

The ground level of the proposed development is consistent with the intent of the T6 DN policy to provide pedestrian-friendly design at the street with formally landscaped open space. The Downtown Code describes that the surrounding area is open space deficient and identifies this site as a potential parcel for future open space. The proposed plan provides significant open space area and would provide publicly accessible open space to a significant area of downtown that is currently open space deficient.

MDHA REVIEW

The MDHA Rutledge Hill Design Review committee reviewed and considered this proposal at their November 16, 2021, meeting and approved of the concept plans.

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. T2022008821 & T2022008824).

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- See Traffic comments dated 9/14/22

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- All proposed access points along the frontages of 2nd Avenue South and Peabody Street (i.e., inside & outside the clouded regions on page C1.01 of the site plan) are subject to change and final design/configuration of these access points is to be determined at Final SP. This includes driveway widths, operations (full access or one-way) as well as number of driveways. Further coordination with NDOT is required prior to Final SP approval.
- This development is required to meet the street scape requirements set forth by the Major Collector Street Plan on all frontages. The necessary ROW needed to comply with the MCSP may impact the footprint of this development, which may require adjustments.
- Include callouts for the existing bus-stop along this development's frontage on 2nd Ave South and coordinate with WeGo on upgrading the bus-stop.
The following conditions were derived from the TIS submitted back in November of 2021 and still apply.
 - All driveway connections from the site onto the public ROW are to be designed per the requirements set forth by NDOT.
 - With the submittal of plans to NDOT for building permit approval, submit design plans for the construction of a full traffic signal at the intersections of 2nd Ave S and Lea Avenue and 2nd Ave S and Peabody St.
 - Coordination with the NDOT Traffic Office is required, prior to the first use and occupancy, for signal coordination and optimization of all the signalized intersections within the TIS study area.
 - Prior to submittal of final civil design plans coordination with the NDOT Transportation Planning Staff is required to set the appropriate TDM Strategies for the overall development to ensure alternative mode mobility.
 - Prior to submittal of final civil design plans to NDOT, due to insufficient data collect because of construction, the applicant shall prepare an addendum to the TIS to further analyze and provide mitigations/ improvements to the intersections listed below. The NDOT Traffic Engineer will determine the mitigations required, which may include but are not limited to the following: traffic signals and/or other enhanced mobility infrastructure.
- 2nd Ave South and Lindsley Ave
- Hermitage Ave and Lindsley Ave
- 4th Ave South and Peabody St
- Prior to submittal of final civil design plans coordinate with WeGo to enhance the transit stop on the property's frontage on 2nd Ave S per the WeGo Design Guidelines.
- The applicant shall submit to the Metro Traffic and Parking Commission to restrict parking on all street frontages.
- Additional traffic improvements may be required based on a Final, completed TIS prior to Final Site Plan approval.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential(222)	1.65	-	1,771 U	7,190	509	611

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.82	-	172,103 SF	6,497	161	656

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.82	-	172,103 SF	19,307	1,711	1,681

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 (222)	3.29	-	899 U	3,754	264	315

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)	3.29	-	13,650 SF	515	13	52

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)	3.29	-	13,650 SF	1,531	139	134

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)	3.29	-	400 R	4,089	195	274

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-23,105	-1,773	-2,173

METRO SCHOOL BOARD REPORT

Projected student generation existing DTC district: 35 Elementary 35 Middle 18 High

Projected student generation proposed SP district: 18 Elementary 18 Middle 9 High

The proposed SP zoning is expected to generate 43 fewer students than what is typically generated under the existing DTC zoning. Students would attend Jones Paideia Magnet Elementary School, John Early Museum Magnet Middle School, and Pearl-Cohn Magnet High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be per the Downtown Code – South Area. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development. Comply with all conditions and requirements of Metro reviewing agencies.
2. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
3. 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.
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 DTC – Rutledge Hill Subdistrict as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Woods Drinkwater spoke on behalf of the applicant. He explained why the applicant is seeking an SP following the approval of an overall height modification. Mr. Drinkwater spoke in favor of the application and asked for approval of this SP request.

Grant Euler, Principal at Gensler Architecture, spoke in favor of the application and presented a video of the design vision for the project.

Matt Williams, 34 Rutledge Street, stated he represented the collective partnership that owns nine parcels in most of the 4-5 acre block outlined by Rutledge Street, Lea Avenue, Hermitage Avenue and Middleton Street. He spoke in favor of the application.

Dean Stratouly, 151 2nd Avenue South, spoke in favor of the application.

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

Jacob Claybo stated he represented a group of residents in the City Lights condominium building directly across the street from this project. He spoke in opposition to the application.

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

Ms. Milligan stated the Commission received a letter from Councilmember O'Connell indicating his support of the project.

Chairman Adkins closed the Public Hearing.

Mr. Dickerson advised the Commission members of the legal status of the lawsuits. He stated the Legal Department's position was the same as it was for the 2nd and Peabody project, that they may approve an SP on top of the overall height modification.

Vice Chair Farr said that when they determined when they approved the height modification that this was an appropriate project for this site and her opinion has not changed. She stated she was in support of staff recommendation.

Ms. Johnson agreed with Ms. Farr in that this project SP was in the right location, adjacent to unlimited height. She felt the public amenities such as the open space and walkability were great. Ms. Johnson said she was in support.

Councilmember Withers stated he saw in some commentary about this case something regarding the bus stop location. He noted that in the recommendations from NDOT that the development would need to coordinate with NDOT for an improved bus stop as part of the development of the site. He said a lot of the things he found in support last time, he found in support this time and remained in support of this proposal.

Mr. Henley said increasing the walkability for this part of the city was fantastic. He echoed his fellow Commissioners about having gone through this a few times and felt inclined to support staff recommendation.

Mr. Clifton stated he had nothing to add.

Mr. Haynes asked Mr. Elliott to remind them of the allowable heights without the SP.

Ms. Milligan responded that currently they have an overall height modification that approved this project, so that was currently permitted.

Mr. Haynes asked what were the approved heights prior to that overall height modification.

Ms. Milligan advised it was seven stories.

Mr. Haynes said he was not going to change his opinion on this project. He thought the project was fantastic and elegant and in the wrong location. Mr. Haynes stated the Commission has an obligation to the city to better regulate height bonuses and said he will vote against this.

Ms. Farr asked if they are generally approving bonus height modifications.

Ms. Kempf advised a moratorium on height modifications would have required some action from Council because Council has given the process for the Downtown Code and delegated some of those aspects to the Planning Commission. She stated they have been working internally with the Design Studio who oversees the Downtown Code. They have had one work session with the Commission and begun conversation with stakeholders about what a revision to the Downtown Code would look like that addresses height modifications. Ms. Kempf said it would have to go up to Council pending the direction from the Commission. Further, she advised they are looking at different tiers of height, the kind of factors that should be considered and because the zoning code was dynamic, they need a way of evolving their review of projects.

Ms. Farr acknowledged the Commission has seen three of these projects with the same basic height modification issue. She said there was a new phase with the conversion to SP but felt that future requests will be looked at within the appropriate context for the site and this should not be considered the precedent they are setting for the entire area.

Chairman Adkins said that looking back when they created SPs, it was a tool that made them, and the community, feel more comfortable because they could see the design, materials, buffers, greenways. He thought it forced the architects and developers to look at projects and build them better. Mr. Adkins agreed with Ms. Farr that these are case by case scenarios.

Ms. Farr moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions. (6-1) Mr. Haynes voted against.

Resolution No. RS2022-252

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-056-001 is approved with conditions and disapprove without all conditions. (6-1)

CONDITIONS

1. Permitted uses shall be per the Downtown Code – South Area. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development. Comply with all conditions and requirements of Metro reviewing agencies.
2. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
3. 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.
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 DTC – Rutledge Hill Subdistrict as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

10. 2022Z-088PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to rezone from RS7.5 to R10 zoning for property located at 1236 N Avondale Circle, approximately 627 feet west of Hampton Street (0.28 acres), requested by Carla Brown, applicant and owner.

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

The Metropolitan Planning Commission deferred 2022Z-088PR-001 to the October 13, 2022, Planning Commission meeting. (7-0)

11. 2022Z-090PR-001

Council District 32 (Joy Styles)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to MUG-A zoning for property located at 5088 Hickory Hollow Parkway, approximately 727 feet south of Mt. View Road (5 acres), requested by Centric Architecture, applicant; Barbara Eatherly & William B. Owen, owners

Staff Recommendation: Disapprove MUG-A and approve MUL-A-NS.

APPLICANT REQUEST

Zone change from AR2a to MUG-A.

Zone Change

A request to rezone from Agricultural and Residential (AR2a) to Mixed Use General-Alternative (MUG-A) zoning for property located at 5088 Hickory Hollow Parkway, approximately 727 feet south of Mt. View Road (5 acres).

Existing Zoning

Agricultural and Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of two duplex lots for a total of four residential units. Metro Codes provides final determinations on duplex eligibility.*

Proposed Zoning

Mixed Use General-Alternative (MUG-A) is intended for a moderately 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.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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 approximately five-acre site is located on the east side of Hickory Hollow Parkway approximately three quarters of a mile north of Bell Road. With the exception of a communications tower, the property is vacant. It is densely wooded, and Metro records indicate that it contains some hillsides up to 24% grade. Metro records also indicate some problem soils within the steeper grades. Surrounding zoning districts include AR2a, CS, RM20 and SP. There are also some MUL districts in the immediate area. The adjacent SP is a regulatory SP and permits up to 350 residential units. For the most part, the abutting parcels including the parcel on the opposite side of Hickory Hollow Parkway are vacant. The Major and Collector Street Plan (MCSP) classifies Hickory Hollow Parkway as an urban mixed-use arterial (T4-M-AB3). Currently at this location, Hickory Hollow Parkway is a two-lane road.

While MUG-A is a zoning district that can be supported by the T4 CC land use policy, staff finds that the proposed MUG-A zoning district is not appropriate at this location. MUG-A is one of the more intense zoning districts and given the surrounding development pattern, zoning pattern and roadway conditions, MUG-A allows for an intensity that is not appropriate. Staff finds that MUL-A -NS strikes a balance between intensity and surrounding conditions and is consistent with other zonings in the area.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	5.00	0.50 D	4 U	54	8	5

*Based on two-family lots

Maximum Uses in Proposed Zoning District: MUG-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 (221)	2.50	3 F	327 U	1,780	109	138

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.25	3 F	163,350	6,166	153	623

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	1.25	3 F	163,350	18,325	1,624	1,595

Traffic changes between maximum: **AR2a and MUG-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+26,217	+1,878	+2,351

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted by the proposed MUG-A zoning district, the number of residential units ultimately built on the site may vary and an assumption as to any development’s impact on schools is at this point is premature. Students would attend Eagle View Elementary School, Antioch Middle School, and Cane Ridge High School. There is capacity for additional elementary and middle school students; however, Cane Ridge High School is identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval of MUG-A and approval of MUL-A-NS.

Disapprove MUG-A and approve MUL-A-NS. (7-0)

Resolution No. RS2022-253

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-090PR-001 is disapproved MUG-A and approved MUL-A-NS. (7-0)

12. 2022Z-092PR-001

Council District 17 (Colby Sledge)

Staff Reviewer: Dustin Shane

A request to rezone from IWD to MUL-A-NS zoning for properties located at 1276, 1278, 1282, 1284, 1286, 1288, 1290, 1302, 1306, and 1308 4th Avenue South and 4th Avenue South (unnumbered), approximately 239 feet northeast of Zimmerlee Street (1.74 acres), requested by Fulmer Lucas Engineering, applicant; Choice Investments, LLC owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IWD to MUL-A-NS.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) zoning for properties located at 1276, 1278, 1282, 1284, 1286, 1288, 1290, 1302, 1306, and 1308 4th Avenue South and 4th Avenue South (unnumbered), approximately 239 feet northeast of Zimmerlee Street (1.74 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. Owner occupied, short term rentals and not owner occupied, short term rentals would be prohibited 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.

SUPPLEMENTAL POLICY

The site is located within the Wedgewood-Houston Chestnut Hill (WHCH) Small Area Plan, specifically the SPA 11-WHCH-4d supplemental policy area. The WHCH Plan describes this area, called 4th Avenue S./Nolensville Pike, as containing a mix of commercial and light industrial uses intended to continue to develop with those types of uses. Higher density residential, mixed-use and live-work could develop in this subarea.

ANALYSIS

The application consists of eleven parcels (Map 105-07, Parcels 451-457, 459-462) totaling 1.74 acres located on the eastern side of 4th Avenue South and bordered by the CSX ROW on the east and Parcel 463 to the south, zoned IWD and containing a small warehouse. The property contains vacant commercial land and open storage. Surrounding uses across 4th Avenue South and the CSX ROW include vacant commercial land, industrial uses, one- and two-family residential, commercial uses, and multi-family, variously zoned CS, IWD, MUL, RM20-A-NS, and SP.

The application proposes to rezone the property from IWD to MUL–A–NS. The property is within the T4 Urban Mixed Use Neighborhood (T4 MU) policy area. T4 MU policy is intended to create urban, mixed use neighborhoods with a diverse mix of moderate- to high-density residential, commercial, office, and light industrial uses. The policy envisions high levels of connectivity and complete street networks with sidewalks, bikeways, and existing or planned transit.

The CCM lists MUL–A as an appropriate zoning district under T4 MU policy. MUL–A would support the policy’s intent to a greater degree than the existing IWD zoning. That zoning designation reflected an earlier vision for the area as a purely auto-oriented industrial corridor. As the need for industrially zoned land has decreased in cities across the United States, community planning efforts have targeted many of these areas for rezoning to residential and commercial uses. The WHCH Small Area Plan identifies this area as appropriate for “higher density residential, mixed-use and live-work” and further identifies MUL–A as appropriate zoning district. In addition to the nearby parcels zoned MUL and MUL–A, several SPs in the vicinity feature MUL base zoning.

Allowing a more intense mix of uses at this location supports the existing policy guidance and future planning efforts aimed at creating an urban mixed-use district in this area of the county so near Nashville’s core. For these reasons, staff recommends approval of the rezoning.

Maximum Uses in Existing Zoning District: IWD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.74	0.8 F	60,636 SF	141	10	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
Multi- Family Residential (221)	0.86	1 F	37 U	200	13	17

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)	0.44	1 F	19,166 SF	724	18	73

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)	0.44	1 F	19,166 SF	2,150	191	187

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,933	+212	+266

METRO SCHOOL BOARD REPORT

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

Given the mix of uses permitted by the MUL-A-NS zoning district, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. School students generated by future development would attend John B. Whitsitt Elementary School, Cameron College Prep Middle School, and Glenciff High School. Whitsitt Elementary and Glenciff High School are identified as having capacity for additional students while Cameron College Prep is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2022-254

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-092PR-001 is approved. (7-0)

13. 2022Z-093PR-001

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request to rezone from RM9-NS to RS15 zoning for property located at Ashland City Highway (unnumbered), approximately 183 feet west of Cato Road (3.29 acres), requested by Metro Councilmember Jonathan Hall, applicant; J Wilk Enterprise LLC, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from RM9-NS to RS15.

Zone Change

A request to rezone from Multi-Family Residential-No Short Term Rentals (RM9-NS) to Single-Family Residential (RS15) zoning for property located at Ashland City Highway (unnumbered), approximately 183 feet west of Cato Road (3.29 acres).

Existing Zoning

Multi-Family Residential – No Short Term Rentals (RM9-NS) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *The proposed zoning district would permit approximately 30 multi-family units on the site.*

Proposed Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of nine single-family lots based solely on a minimum lot size of 15,000 square feet as required by the zoning. This calculation does not account for infrastructure, road layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

ANALYSIS

The 3.29-acre property is located on the north side of Ashland City Highway, west of Cato Road. The property is currently vacant. The properties on the north side of Ashland City Highway are primarily residential and zoned RS15. The adjacent property to the east is zoned RM9-NS. The property to the north is Cumberland Elementary. The properties on the south side of Ashland City Highway are zoned Commercial Limited (CL), Industrial Warehousing/Distribution (IWD), and Agricultural/Residential (AR2a).

The Planning Commission recommended approval of the RM9-NS zoning district on November 18, 2021, finding that the RM9-NS zoning district is consistent with the policy. Prior to RM9-NS, the property was zoned RS15. Council subsequently rezoned the property to RM9-NS (BL2021-1046). Consistent with staff’s previous recommendation, staff finds that the existing RM9-A NS zoning district is consistent with the policy and recommends disapproval of RS15. The property was rezoned less than a year ago and the current zoning is appropriate.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	3.29	2.904 D	9 U	113	11	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	3.29	9 D	30 U	162	11	14

Traffic changes between maximum: **RS15 and RM9-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-21 U	-49	-	-4

METRO SCHOOL BOARD REPORT

Projected student generation existing RM9-NS district: 5 Elementary 2 Middle 2 High

Projected student generation proposed RS15 district: 1 Elementary 1 Middle 1 High

The proposed RS15 zoning district is expected to generate six fewer students than the existing zoning districts. 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 disapproval.

Mr. Swaggart presented the staff recommendation to disapprove.

Chairman Adkins stated that Councilmember Hall was the applicant and spoke earlier on this Item.

Jerome Wilkerson, no address given, stated he did not request the rezoning nor did he have anyone on his behalf request the rezoning. He said he was offended he had to be at the meeting to ask the Commission to vote against the rezoning and did not feel it was necessary or justified.

Chairman Adkins closed the Public Hearing.

Mr. Haynes felt this was very straight forward and staff analysis was correct. He said the landowner’s opposition was very compelling and he supported staff recommendation.

Mr. Clifton said he agreed.

Mr. Henley also agreed.

Mr. Withers said he supported staff recommendation.

Ms. Johnson said that one of the conditions when the parcel zoning was changed a year ago was that it accessed the next parcel and asked if this condition still applied.

Ms. Milligan answered it would have been a condition of the previous rezoning so that would not change.

Ms. Johnson stated she supported staff recommendation.

Ms. Farr moved and Mr. Haynes seconded the motion to disapprove. (7-0)

Resolution No. RS2022-255

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-093PR-001 is disapproved. (7-0)

14. 2022Z-094PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Amelia Lewis

A request to rezone from IWD to RM20-A-NS zoning for property located at 842 Cherokee Avenue, approximately 169 feet north of Chickasaw Avenue (0.5 acres), requested by Dale & Associates, applicant; Turnkey Buildings, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IWD to RM20-A-NS.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Multi-Family Residential – Alternative – No Short Term Rentals (RM20-A-NS) zoning for property located at 842 Cherokee Avenue, approximately 169 feet north of Chickasaw Avenue (0.5 acres).

Existing Zoning

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

Proposed Zoning

Multi-Family Residential Alternative (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 rentals, owner occupied and short term rentals, not owner occupied. *RM20-A-NS would permit a maximum of 10 multi-family units.*

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.

Supplemental Policy

The site is within the Highland Heights Study Supplemental Policy which was approved and adopted by the Planning Commission on June 14, 2018. The Highland Heights Study was completed after an extensive community engagement process and resulted in updates to the community character policies for the area, as well as establishment of a supplementary Building Regulating Plan and Mobility Plan for the area.

The site is within the R5 Subdistrict of the Building Regulating Plan, which is intended to create and enhance neighborhoods — to include greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques that form a transition from Dickerson Pike's higher density mixed use.

The Mobility Plan component of the Highland Heights Study, which was incorporated into the Major and Collector Street Plan (MCSP), identifies a potential east/west alley located to the south, spanning the rear of properties fronting Cherokee Avenue and Chickasaw Avenue. The potential alley ties back into Cherokee Avenue in two locations, including through the site to the east.

SITE AND CONTEXT

The 0.5 acre site is located on the south side of Cherokee Avenue. The site has been developed with a single-family residential use. The surrounding properties along Cherokee Avenue are a mix of industrial uses, vacant parcels, multi-family residential, and some single family uses. There are several parcels along this block of Cherokee zoned RM20-A, including the adjacent parcel to the east.

ANALYSIS

The intent of the T4 NE policy is intended to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. This policy supports a wide range of residential zoning districts. Within the Highland Heights Supplemental policy, the R5 Subdistrict shares similar goals with T4 NE policy. The R5 Subdistrict includes specific guidance for properties along Cherokee Avenue: with the mobility study the supported zoning districts are intended to accommodate the increased capacity of residential units in this area over time. The policy anticipates that an additional means of access, increased connectivity, and a more specific and certain built environment can improve the quality of life of neighborhood residents. The many parcels that have developed along this portion of Cherokee Avenue were rezoned prior to the adoption of the Highland Heights Plan, challenging the potential for creating the planned mobility connections as envisioned in this plan. Some properties along this block have developed to create cross access for adjoining properties, meeting a goal for consolidating access. With the request for rezoning, future development would likely result in sidewalks along the property frontage, where sidewalk is not currently existing. Overall, the proposed RM20-A-NS zoning district is consistent with the T4 NE policy and Highland Heights Supplemental Policy on the site.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.50	0.8 F	17,424 SF	73	3	3

Maximum Uses in Proposed Zoning District: **RM20-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)	0.50	20 D	10 U	53	4	5

Traffic changes between maximum: **IWD and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-20	+1	-2

METRO SCHOOL BOARD REPORT

Projected student generation existing IWD districts: **0** Elementary **0** Middle **0** High
 Projected student generation proposed RM20-A-NS district: **3** Elementary **2** Middle **2** High

The proposed RM20-A-NS zoning is expected to generate seven more students than the existing IWD zoning district. Students would attend Tom Joy 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.

STAFF RECOMMENDATION

Staff recommends approval.

Ms. Kempf stated that the question the individual had regarding Item 14 had been answered and asked if they would be open to seeking if anyone else had opposition to Item 14.

Chairman Adkins asked if anyone in the audience opposed Item 14.

No one in the audience stated they were in opposition to Item 14.

Chairman Adkins explained that when this situation occurs, they put the Item back on the Consent Agenda.

Mr. Haynes moved and Mr. Clifton seconded the motion to approve Item 14 on the Consent Agenda. (7-0)

Resolution No. RS2022-256

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-094PR-001 is approved. (7-0)

15. 2022Z-095PR-001

Council District 11 (Larry Hagar)

Staff Reviewer: Dustin Shane

A request to rezone from CS to R6-A zoning for properties located at 305 and 308 Bridgeway Avenue, approximately 99 feet west of Keeton Avenue (0.34 acres), requested by C+H Properties LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CS to R6-A.

Zone Change

A request to rezone from Commercial Services (CS) to One and Two-Family Residential-Alternative (R6-A) zoning for properties located at 305 and 308 Bridgeway Avenue, approximately 99 feet west of Keeton Avenue (0.34 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

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 2 lots with 2 duplex lots for a total of 4 units. Metro Codes provides final determinations on duplex eligibility.*

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

ANALYSIS

The application consists of two parcels (Map 044-05, Parcels 203 and 248) totaling 0.34 acres in size located on the north and south sides of Bridgeway Avenue in the Rayon City neighborhood of Old Hickory. Parcel 248 on the north side of the street formerly contained a portion of a commercial building; however, both parcels are now vacant. Surrounding uses on the north side of the street include a church and more vacant commercial land (zoned CS) and a single-family home (zoned R6). On the south side of the street, surrounding uses include single-family homes (zoned CS) and a duplex (zoned R6-A).

The application proposes to rezone the properties from CS to R6-A. The properties are within the T3 Neighborhood Center (T3 NC) policy area. T3 NC policy is intended to create suburban neighborhood centers that are compatible

with the general character of suburban neighborhoods. Mixed use, commercial, office, residential, and institutional land uses are appropriate.

The CCM does not list R6-A as an appropriate zoning district under T3 NC policy, but several more intensive residential zoning districts are listed. Neighborhood centers like the one found in Rayon City will require greater residential intensity to function as true mixed-use hubs. Bridgeway Avenue is amply served with commercial zoning, and rezoning of some of this area to support residential will complement the existing commercial uses along the corridor and will contribute to the growth of the area in line with T3 NC policy.

Allowing greater residential density at this location could enhance the communal function of the site and support the existing and potential commercial uses. For these reasons, staff recommends approval of the rezoning.

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)	0.34	0.6 F	8,886 SF	335	8	34

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)	0.34	7.260 D	4 U	54	8	5

*Based on two-family lots

Traffic changes between maximum: CS and R6-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-281	-	-29

METRO SCHOOL BOARD REPORT

Projected student generation existing CS 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 district is not expected to generate any more students than what is typically generated under the existing CS zoning district. Students would attend DuPont Elementary School, DuPont Hadley Middle School, and McGavock High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2022-257

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-095PR-001 is approved. (7-0)

16. 2022Z-099PR-001

Council District 28 (Tanaka Vercher)

Staff Reviewer: Dustin Shane

A request to rezone from RM20 to AR2a zoning for property located at 1421 Rural Hill Road, approximately 389 feet south of corner of Rural Hill Road and Mt. View Road (9.26 acres), requested by Councilmember Joy Styles, applicant; Novo Antioch Owner, LLC, owner.

Staff Recommendation: Disapprove.

The Metropolitan Planning Commission withdrawn 2022Z-099PR-001 . (7-0)

17. 2022DTC-055-001

4TH AND LEA

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jared Islas

A request for an overall height modification on property located at 522, 524, and 532 4th Avenue South, zoned DTC (0.78 acres), to permit a 24-story residential building with ground-floor retail use, requested by Barge Design Solutions, applicant; Jemal's Honky Tonk II LLC, owner.

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

APPLICANT REQUEST

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

DTC Overall Height Modification

A request to for a modification of overall building height on a property located on the northeast corner of 4th Avenue South and Lea Avenue, within the Lafayette Subdistrict of the DTC, and within MDHA's Rutledge Hill Redevelopment District.

Existing Zoning

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

PROJECT OVERVIEW

This project is located at the northeast corner of 4th Avenue South and Lea Avenue and includes a mixed-use development consisting of 525 rental units (no STR), almost 19,000sf of retail/restaurant, a 1,413sf publicly accessible pocket park, and 276 parking spaces across three levels of underground parking.

PLAN DETAILS

The project site has frontage on 4th Avenue (a primary street), Lea Avenue (a tertiary street), Almond Street (an alley, as classified by the DTC), and an alley on the northern side. Pedestrian entrances to a residential lobby and various retail spaces are located off each of the three street frontages. An outdoor seating area and a publicly accessible dog park will contribute to the streetscape and pedestrian experience along Almond Street.

The site plan includes tighter curb radii and double directional sidewalk ramps at the intersections of 4th Avenue South and Lea Avenue, and Almond Street and Lea Avenue, to improve pedestrian crossing experiences. Additionally, the project will financially contribute to a planned bikeway on Lindsley Avenue (between 2nd Avenue and 1st Avenue/Hermitage Avenue). This will be a significant improvement to mobility options throughout the larger neighborhood, and the rest of Downtown.

The building's entirely underground parking is accessed from the alley located on the north side of the property. The alley will also be used for service and loading.

OVERALL HEIGHT MODIFICATION PROCESS

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

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

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

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

Community Meeting

The applicant held a community meeting on Wednesday, August 31 at 5:30 P.M. and sent notices to property owners within 300 feet. No members of the public, and five people associated with the project, attended the community meeting.

MDHA Design Review Committee Meeting

The MDHA Design Review Committee (MDHA DRC) convened on September 6, 2022. The Committee voiced support of the project, inquired about the parking, step-back modification request, the podium height, and encouraged the development team to explore how to break up the massing of the upper levels via materiality. The Committee voted (with none opposed) to approve the concept design and proposed DTC modifications, and to recommend approval of the proposed Overall Height Modification. A condition of approval has been added to the recommendation that requires MDHA DRC final approval prior to the review and approval of the Final Site Plan.

Exceptional Design

The building's masonry base is reminiscent of older industrial buildings and creates a human-scale at the street level. The building's tower floats above the base with a modulated façade that is broken down horizontally and vertically, creating a subtle woven pattern to the overall façade. The cladding is a combination of glass panels and rust colored metal panels. This unique architecture creates visual interest in the skyline.

The building also exhibits exceptionally strong streetscape. Sidewalks and planting zones along 4th Avenue South, Lea Avenue, and Almond Street will be built to MCSP standards. Along 4th Avenue, these standards will be exceeded with a 4'-wide private frontage zone, expanding the sidewalk further and activating the transition between the public sidewalk and active commercial space. Retail spaces and a residential lobby will occupy the entire 4th Avenue and Lea Avenue frontages. With this proposal, Almond Street will feature sidewalks for the first time. A retail space with an outdoor seating area and an adjacent dog park will occupy the Almond Street frontage, helping to dynamically activate the east side of the building.

Additionally, the project will contribute to the relationship to surrounding properties and enhance the character of the neighborhood – 4th Avenue, characterized by fast moving vehicular traffic at all times of the day, is a gateway into the neighborhood and out of Downtown. As such, the project's improvements to 4th Avenue's pedestrian realm are of great importance. The active retail uses on the ground floor of the building and pedestrian-scale of the architecture encourage walkability in the neighborhood.

To enhance pedestrian safety, the project will provide pedestrian crosswalk improvements, including a rectangular rapid-flashing beacon (RRFB), along 4th Avenue South. Additionally, the project will contribute to the design and construction of a planned bikeway on Lindsley Avenue, and various other off-site improvements identified in the project TIS.

STAFF RECOMMENDATION

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

CONDITIONS

1. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
3. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the MDHA DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. Prior to Final Site Plan approval, details of the Almond Street frontage, such as signage, building elements, landscaping, accessibility to the dog park, etc, shall be refined and reviewed by Planning Staff.
7. Prior to Final Site Plan approval, the project shall be reviewed, and receive final approval from the MDHA DRC. Final approval shall reflect feedback provided by the DRC at the 9/6/2022 meeting.

Mr. Islas presented the staff recommendation to approve with conditions or defer without all conditions. Katherine Withers, Barge Design Solutions, 615 3rd Avenue South, stated she was representing Douglas Development. She spoke in favor of the application.

Doug Sloan, 6354 Torrington Road, spoke to the height modification in the Downtown Code and encouraged the Commission to use that tool. He spoke in favor of the application.

Steve Snyder, 20 Rutledge Street, stated the modification of standards was ridiculous and completely broken. He spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Mr. Clifton said he was persuaded by the presentation as it was a very carefully thought-through step forward and he was in support of it.

Mr. Henley stated he liked the theme he was seeing of creating the opportunity for the Planning Department to influence projects in one of the most critical transition points in the city. He said allowing the thoughts of public infrastructure and pedestrian friendly interaction were important.

Councilmember Withers felt this project did a good job of activating the street. He said he liked the realignment of Almond street to make it functional, as well as the open space and the fact that there will be no short term rentals. Mr. Withers said that from an infrastructure perspective, he wanted to give a plug to Connect Downtown that NDOT was working with stakeholders in the downtown area to find ways to help people get around better than everyone relying on a car. He stated he was impressed with the presentation and supported the staff recommendation.

Ms. Johnson stated that having the Downtown Code height modification was a good tool so they can gauge parcel by parcel, design by design. She felt this design met the overall height modification and all criteria. Ms. Johnson said she appreciated the design and the exceptional dedication to the right of way and was in support.

Ms. Farr stated she agreed with what her fellow Commissioners have said. She was sensitive to what the commenter said and did not think this needed to be an either-or, in that it should not have to be approval of things with a height modification or they get the box design they do not like. Ms. Farr thought there may be other options for the Commission so it was not just one or the other situation.

Ms. Kempf advised the box design they were referencing was a by-right project and did not go through design review. Since that time, the Commission recommended an amendment to the Downtown Code that included material standards, glazing standards and a required design review of all projects; by-right, bonus and height modification, so they can have that scrutiny. She said that project would not be approved today under the current standards. Ms. Kempf stated there are some aspects they require on the height modification that are way above and beyond what they could accomplish under the more basic improved standards. She pointed out that while site by site development was not typical for how they may do their work in the city, it has enabled them to really look at what was needed on a project by project basis. Ms. Kempf said height modification was a good tool and even though they are continually working towards upgrading the basic standards, there was a point at which they must be mindful and only put conditions on the table when they are going above and beyond in terms of their requests and their execution.

Ms. Farr stated if they had some of the mechanisms in place that the commenter was speaking to, it felt like Ms. Kempf came out with the best possible project that she could and said she was in support of it. She was sensitive to the desire for people to have some predictability and having some tiering standards over when they chose 24 versus 29 versus 36 would be helpful.

Mr. Haynes stated he agreed with all their comments but still could not vote for this. He thought this was a much better project and the workshop and the work before the Commission to come up with the tiering standards was important, but felt they still have work to do.

Mr. Henley moved and Ms. Johnson seconded the motion to approve with conditions or defer without all conditions. (6-1) Mr. Haynes voted against.

Chairman Adkins called for a ten minute break.

Resolution No. RS2022-259

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022DTC-055-001 is approved with conditions.
(6-1)

- 18. 2021S-122-001**
- RESUBDIVISION OF LOT 18 SHARONDALE HEIGHTS**
- Council District 25 (Russ Pulley)
- Staff Reviewer: Seth Harrison

A request for final plat approval to create two lots and abandon Right-of-way on property located at 2816 White Oak Drive, at the southern terminus of White Oak Drive, zoned R10 (0.83 acres), requested by James L. Terry, applicant; Lasonti Enterprises LLC, owner.

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

**19. 2022S-090-001
WINSTON HEIGHTS CONCEPT PLAN**

Council District 27 (Robert Nash)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 20 lots on property located at Winston Ave W (unnumbered) and JJ Watson Ave (unnumbered), approximately 660 feet west of Nolensville Pike, zoned R6, (4.57 acres), requested by Paul Lebovitz, LA, applicant; Salahadeen R. Osman, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to permit 20 single-family lots.

Concept Plan

A request for concept plan approval to create 20 lots on property located at Winston Ave W (unnumbered) and JJ Watson Ave (unnumbered), approximately 660 feet west of Nolensville Pike, zoned One and Two-Family Residential (R6), (4.57 acres).

SITE DATA AND CONTEXT

Location: The site is located at the end of Winston Ave W and JJ Watson Avenue, approximately 660 feet west of Nolensville Pike.

Street Type: The site has frontage onto Winston Avenue W and unimproved JJ Watson Avenue, both local streets.

Approximate Acreage: The proposed area for subdivision is approximately 4.57 acres or 199,069 square feet.

Parcel/Site History: This site is comprised of three vacant parcels. The parcel furthest to the west was created in 1947 and the other two parcels were created in 1971.

Zoning History: The property is zoned R6 and this zoning has existed since 1974.

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

Surrounding land use/zoning:

North: Residential/One and Two-Family Residential (R6)

South: Residential/One and Two-Family Residential (R6)

East: Residential/One and Two-Family Residential (R6)

West: Residential/Multi-Family Residential (RM6 and RM15)

Zoning: One and Two-Family Residential (R6)

Min. lot size: 6,000 square feet

Max. height: 3 stories

Min. front setback: 20'

Min. rear setback: 20'

Min. side setback: 5'

Maximum Building Coverage: 0.50

PROPOSAL DETAILS

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

Number of lots: 20 single-family lots.

Lot sizes: Lot sizes range from 0.14 acres (6,002 square feet) to 0.22 acres (9,451 square feet).

Access: Access to the site is proposed from Winston Ave W and from a newly proposed extension of J J Watson Avenue. Shared access is proposed for lots less than 50 feet in width.

APPLICABLE SUBDIVISION REGULATIONS

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

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

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

This proposal meets Chapter 3 of the Subdivision Regulations.

Hillside Development Standards (Section 17.28.030)

It is important to note that the Subdivision Regulations also includes hillside development standards. The subject property does contain significant slopes as defined by the zoning code and the concept plan identifies the area of slope that will be preserved and the building footprints on lots with significant slope. The proposed concept plan complies with the Hillside Development Standards of 17.28.030. For the lots with slopes parallel to the fronting street, the building envelope is located outside of areas with 20% or greater slopes and for lots with slopes falling away from the street, the building envelope is located outside of areas with 25% or greater slopes.

Floodplain/Floodway Development Standards (Section 17.28.40)

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

SUBDIVISION REGULATIONS – CHAPTER 3

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

The property is a hillside that contains significant slopes as defined by the Hillside Development Standards of the Metro Zoning Code. The proposed plan minimizes the impacts to the topography of the site with the provision of open spaces and by locating building footprints outside of the steepest areas. Staff finds the majority of the land identified for lots and the associated building footprints to be suitable for subdivision. The lot layout will be reviewed for compliance with the Hillside Development Standards after an updated topographic survey is completed with the final site plan application.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of the R6 zoning district at the time of building permit.

3-5 Infill Subdivisions

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

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

3-6 Blocks

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

3-7 Improvements

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

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

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

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

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

3-11 Inspections During Construction

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

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

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

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

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

PLANNING STAFF COMMENTS

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

Planning Staff worked with Metro Historic Commission Staff to provide a sufficient buffer around a known grave site on the property. The concept plan provides a 10' buffer on all sides of the grave as required by Tennessee Code Annotated and places this area in an open space parcel. The applicant has provided the findings of a Ground Penetrating Radar Survey, Meter Detector Survey, and Dog Search survey of the subject property conducted in 2019 and these surveys did not locate any graves outside of the known grave site. The known grave site on the subject property is referred to as the Nightingale Cemetery and consist of two marked graves. Additionally, the State of Tennessee Department of Environment and Conservation, Division of Archeology, sent a representative in 2004 to inspect the portion of the site adjacent to the known Edmondson Cemetery on the parcel to the west and they provided the Metro Planning Department with a letter stating that they did not find any indications of graves on the inspected and subject property. A 10' buffer is provided along the western property line, adjacent to the Edmonson Cemetery, as recommended by the State of Tennessee Department of Environment and Conservation, Division of Archeology to be in compliance with the Tennessee Code Annotated.

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 Evolving (T3 NE) and Conservation (CO). T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NE areas with the suburban transect are intended to provide greater housing choice and improved connectivity. Conservation policy is intended to preserve environmentally sensitive land features through protection and remediation.

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

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

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Ensure final designs follow code.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.
2. An updated topographic survey shall be completed and provided with the final site plan. The final site plan show demonstrate compliance with 17.28.030 - Hillside Development Standards, which may reduce the number of lots
3. Per the 2018 report provided by the applicant, any earth moving activities or disturbance near the 10' buffer along the Edmondson Cemetery property line should be conducted with monitoring by a professional, qualified consultant so that human remains may not be inadvertently disturbed and that any unmarked interments or graves in this area can immediately identified and disturbance halted.
4. A protective 30' radius around the existing headstone identified on the concept plan shall be provided during site work, with additional study and monitoring required if work encroaches within this radius. All state cemetery laws shall apply; notify standard parties and Historical Commission staff if human remains are discovered.
5. The extent of J J Watson Avenue right-of-way that is not being improved with this development, or not required for any specific reason, shall be abandoned with or prior to the recording of any final plats.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-090-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2022-260

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-090-001 is approved with conditions. (7-0)

20. 2022S-095-001

GREEN LANE SUBDIVISION

Council District 03 (Jennifer Gamble)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 22 cluster lots on properties located at 419, 423, 427, 431, 435 Green Lane and Green Lane (unnumbered), approximately 645 feet west of Knight Drive, zoned R10 (11.99 acres), requested by Catalyst Design Group, applicant; Richard Jr & Evonne Machen, Kenneth E. & Marilyn Street, Ray Anthony McClain and Kenneth James & Tracy Cater Machen, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for concept plan approval to create 22 cluster lots.

Concept Plan

A request for concept plan approval to create 22 cluster lots on properties located at 419, 423, 427, 431, 435 Green Lane and Green Lane (unnumbered), approximately 645 feet west of Knight Drive, zoned One and Two-Family Residential (R10) (11.99 acres).

SITE DATA AND CONTEXT

Location: The site is located on the south side of Green Lane, between Knight Drive to the east and Whites Creek Pike to the west. Briley Parkway abuts the southern site boundary.

Street type: The site has frontage on Green Lane. Green Lane is classified as a local street. The plan includes a new public street which will also be classified as a local.

Approximate Acreage: 11.99 acres or 522,284 square feet.

Parcel/Site History: This site is comprised of six parcels: Lots 1 and 2, The Manchen Property Subdivision, recorded in 2021; Lots 1 and 2, White Property Subdivision, recorded in 2019. The remaining two parcels are not lots and were created in 1986.

Zoning History: This site has been zoned R10 since at least 1974.

Existing land use and configuration: Metro records indicate that three parcels are vacant and three include single-family homes. The site is relatively flat and Metro records does not identify any significant environmentally challenging features. The site is mostly open field.

Surrounding land use and zoning:

- North (opposite side of Green Lane): Residential, under construction (SP)
- South: Briley Parkway (R10)/IWD on the opposite side of Briley Parkway
- East: single-family residential (R10)
- West: single-family residential (R10)

Zoning: One and Two-family Residential (R10)

Min. lot size: 10,000 square feet

Min. street setback for properties on Green Lane: 20'

Min. street setback for properties on Proposed Road 'A': 20'

Min. rear setback: 20'

Min. side setback: 5'

Max. building coverage: 0.40

Max. height: 3 stories

PROPOSAL DETAILS

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

Number of lots: 22 single-family cluster lots

Lot sizes: Lots range from approximately 6,064 square feet (0.14 acres) to 60,641 square feet (1.39 acres).

Access: Primary access into the site is provided by a new public street that has direct access to Green Lane. Lots 1-5 will have direct access to Green Lane and Lots 6-22 will have direct access to the new proposed street.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Rural Maintenance (T2 RM) policy. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

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

4-2. Development Standards

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

Not Applicable. The site does not contain any areas identified in the regulations for conservation.

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

Not Applicable. The site does not contain any areas identified in the regulations for conservation.

4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designed as the Development Footprint. A preliminary grading plan is required with all concept plan applications.

Not Applicable. The site does not contain any areas identified in the regulations to be conserved.

- a. *The Planning Commission may approve an exception to permit land initially identified as a Primary Conservation area within the development footprint for public streets, joint access easements or other infrastructure, but not within lots, provided the development of such area minimizes impacts to environmental resources.*

Not Applicable. The site does not contain any areas identified in the regulations for conservation.

- b. *The Planning Commission may approve an exception for lots within areas over 10,000 square feet of contiguous slopes between 15 and 20 percent, provided there is no grading shown on the concept plan and/or final site plans within slopes over 15 percent.*

Not Applicable. The site does not contain any areas identified in the regulations for conservation.

4-2.3 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.

Lots 1-5 have frontage along Green Lane. The plan includes building envelopes, including street setbacks along Green Lane. The existing homes on Lots 1 and 5 are identified as to remain.

4-2.5 Rural Character Design

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

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

Lots 1-5 front onto Green Lane and have been evaluated against below (a) through (d).

- a. *Building Setback along existing public streets.*

Lots 1 and 5 do not comply. An existing home is located on both lots and are identified as to remain. While the existing homes do not comply, Lots 1-5 include front setbacks along Green Lane in compliance with this section. If the existing homes were removed, then any new home would have to meet the platted front setback. The average front setback of the abutting parcels to the west of the new proposed street is 123 feet. Lot 5 is the only lot located on the west side of the proposed new street and includes a 123-foot front setback. The front setback of the abutting parcel to the east of the new proposed street is 68, feet. The front setback for Lots 1-4 is 68 feet.

b. Lot Depth along existing public streets.

Complies. The required minimum depth for Lots 1-4 is 368 feet. The proposed lot depth for Lots 1-4 is 368 feet. The required minimum lot depth for Lot 5 is 423 feet. The proposed lot depth for lot 5 is 427 feet.

c. Lot size along existing public streets.

Complies. The minimum required lot size for Lots 1-4 is 31,798 square feet. The smallest lot proposed is 39,378 square feet. The minimum required lot size for Lot 5 is 60,008 square feet. The proposed lot size for Lot 5 is 60,641 square feet.

d. Lot frontage abutting existing public streets.

Complies. The minimum lot frontage required for Lots 1-4 is 100 feet. The narrowest frontage proposed for Lots 1-4 is 100 feet. The minimum lot frontage required for Lot 5 is 100 feet. As proposed, Lot 5 is 140 feet wide.

e. Streetlights.

Complies. The plan indicates low intensity streetlights consistent with the USD requirements.

f. Cluster lot option.

Complies. The plan complies with the provisions of Cluster Lot Option (Section 17.12.090 of the Zoning Code), excluding lots abutting existing public streets.

4-2.5 Rural Character Design

e. Street Design.

6. *Cul-de-sacs are generally discouraged and shall be permitted only where all other street design alternatives are not feasible and when one of the following two conditions exist:*

a. Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that are not desirable to remove.

b. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned interstate, or a protected open space area.

A cul de sac is appropriate here given the context.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE ZONING REGULATIONS FOR THE CLUSTER LOT OPTION

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

Plan Requirements (Section 17.12.090.A)

The concept plan (preliminary plat) establishes that clustering is proposed and displays the layout of all lots and common areas. This cluster lot proposal includes one, one and two-family lot (Lot 5). The remaining 21 lots are for only single-family. This concept plan delineates the alternative lot sizes to be employed and describes the land areas required to satisfy open space requirements.

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned R10, which has a minimum lot area of 10,000 square feet. The minimum area within a cluster lot subdivision in the R10 district is 100,000 square feet (10 x 10,000 sf). The site contains approximately 522,284 square feet and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

Maximum Lot Yield (Section 17.12.090.E)

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

The gross area at this site, 11.99 acres or 522,284 sq. ft. The minimum lot size of the existing zoning district, R10, is 10,000 square feet.

$522,284 \text{ sq. ft.} \times 0.15 = 78,342 \text{ square feet}$ (15% of the gross site area reserved for streets)

$522,284 \text{ sq. ft.} - 78,342 \text{ sq. ft.} = 443,941$ (85% of the gross area remaining to yield lots)

$443,941 \text{ sq. ft.} / 10,000 \text{ sq. ft.} = 44 \text{ lots.}$

The concept plan proposes 22 lots, which is less than the maximum number of lots that could be permitted based on the lot yield calculation established in the Zoning Code and the existing R10 base zoning. *A maximum of 52 lots would be permitted by a non-cluster lot subdivision.*

Open Space Requirements (Section 17.12.090.D)

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes a single phase. The minimum required open space is 1.8 acres. Approximately 2.64 acres (22%) of the site is proposed as open space. The proposed open space exceeds the minimum requirements.

Alternative Lot Sizes (Section 17.12.090.C)

Lot within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned R10. A reduction of two base zone districts would be down to the R6 district, which requires a minimum lot size of 6,000 square feet. The smallest lots proposed in this subdivision meet or exceed the 6,000 square foot minimum.

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

- Min. lot size: 6,000 square feet
- Min. street setback for properties proposed public street: 20'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 5'
- Maximum Building Coverage: 0.50
- Max. height: 3 stories

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property, R10, which results in a minimum size of 9,000 square feet. All lots exceed this minimum requirement.

There are no perimeter double-frontage lots proposed in this concept plan. There are no lots otherwise abutting a conventional R/R-A or RS/RS-A subdivision proposed in this concept plan.

Hillside and Floodplain Areas (Section 17.12.090.F)

Not applicable. This site does not contain any hillside and floodplain areas as set out in Chapter 17.28 of the Zoning Code.

Recreational Facilities (Section 17.12.090.G)

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Per Subsection 17.12.90.G.3.a, residential developments containing fewer than 25 units are exempt from the requirement to install recreation facilities. This concept plan proposes 22 lots and is exempt from the recreational facility requirement. While the proposed concept plan is not required to provide a recreational facility, the plan includes a walking trail.

PLANNING STAFF COMMENTS

Staff finds that the proposed subdivision is consistent with the Rural Subdivision Regulations and the Cluster Lot Option of the Metro Zoning Code.

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 Rural Maintenance (T2 RM). The goal of T2 RM is to maintain the general character of rural neighborhoods as characterized by their development pattern, varying setbacks, building form, and land uses. Additionally, T2 RM should balance maintaining the existing rural development patterns with new development. The policy recognizes that some areas of T2 RM have sanitary sewer service and existing zoning that allow higher densities than are generally appropriate for rural areas and indicates that development should occur through use of Rural Character Subdivisions, which is being done in this case.

Appropriate land uses outlined by the CCM for properties located in areas of T2 RM are maintenance of the land in its natural state, small scale agricultural and related uses, residential, institutional, and rural subdivisions. The property is proposed to develop as a Rural Subdivision, as suggested and recommended by policy. Staff finds that the Rural

Subdivision regulations meet the CCM policy through the required protection of conservation areas; setbacks; placement of buffers and other requirements.

Zoning and Policy

If looking at the suggested density in the policy, T2 RM areas are intended to be some of the lowest densities of development with density not generally exceeding 1 unit per 2 acres. This would be considered with requests by an owner for rezoning. The property has been zoned R10 since at least 1974 and is being developed per the adopted Rural Subdivision Regulations. The policy speaks to development of properties that have zoning that may not necessary align fully with the policy suggested zoning and indicates that rezoning may be appropriate where an acceptable development proposal is not presented. A Rural Subdivision is an acceptable development proposal within rural policy, per the CCM.

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: Include proposed public roadway construction drawings (profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections. Horizontal and vertical roadway curvature shall meet NDOT and AASHTO guidelines. Note: A private hauler will be required for waste/recycle disposal.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Ensure final designs follow code

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of Water and Sanitary Sewer related fees or assessments, including capacity must be confirmed paid before issuance of building permits.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

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

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-095-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Andrew Wolthers, Catalyst Design Group, 5100 Tennessee Avenue, spoke in favor of the application.

Richard Machen, 8410 Sycamore Creek Road, spoke in favor of the application.

Ricky Hemmen, 443 Green Lane, spoke in opposition to the application.

Bobbie Hemmen, 443 Green Lane, spoke in opposition to the application.

Spencer Greenlee, no address given, spoke in opposition to the application.

Chairman Adkins closed the Public Hearing.

Ms. Johnson said this was a T2 Maintenance and asked if there was a sewer line connected.

Ms. Milligan replied that there was sewer available along Green Lane and this was T2 Rural Maintenance policy. There is R10 zoning on the property which was the zoning when the rural policy was applied to the property.

Ms. Johnson stated that looking at the larger picture, it seemed like this placement met subdivision regulations. She further commented that the placement of the new houses, with smaller ones in the back, but with adequate buffer, she could not find any reason why it does not meet subdivision regulations and thought staff analysis was right on.

Councilmember Withers felt this was an appropriate location for this density and an appropriate in fill for this location, especially with it providing a better buffer next to Briley Parkway. He appreciated the Councilmember working with the applicant and community groups to mitigate some of the concerns and said he was inclined to support staff recommendation.

Mr. Henley recognized the neighbor that spoke and understood this was a transition in a way of life, particularly to properties immediately adjacent. He felt that the design elements respected the desire of the community, especially from a street frontage standpoint. Mr. Henley stated the efforts put in place to look at the site, the trees, canopy and species that existed there, were commendable. He asked if a traffic study was required for this site.

Ms. Milligan responded that the threshold is typically 75 lots, which would trigger a traffic study.

Mr. Henley said there was a very thoughtful effort that went into the development of this site plan and agreed there was a need for housing. He supported staff recommendation.

Mr. Clifton understood that it was a huge surprise to know that something much larger than what they expected can come into a spot and change what they see and where they are living and appreciated those coming out raising questions about this. He said everything that has been said about the care the developer has taken with this project is true. Mr. Clifton stated he thought staff was correct and was supportive of this.

Mr. Haynes said this plan was a far better plan than they could have built. He agreed with the other Commissioners and supported staff recommendation.

Ms. Farr said having seen other proposals for cluster lots in the same area, this was much more sensitive to the surrounding context. She recognized there was a lot of development happening, including activity with school busses, FedEx and UPS trucks, etc., and asked if they gave some thought on trying to get a right-of-way to accommodate another lane of traffic.

Ms. Kempf said they are happy to refer that question to NDOT and request they evaluate the right-of-way needs and whether they can acquire those or get set aside as part of the development.

Ms. Farr said it seemed like there was a lot of development and a lot of land that could be developed in a more intense usage, so the need to be ahead of the infrastructure, and with multiple projects going, will make it harder to get that land back down the road.

Chairman Adkins said he felt more comfortable when they put part of it at request and put it in the condition to ask them to analyze if they need another lane.

Ms. Farr moved and Mr. Haynes seconded the motion to approve with conditions. (7-0)

Mr. Haynes left the meeting.

Resolution No. RS2022-261

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-095-001 is approved with conditions.
(7-0)

CONDITIONS

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

21. 2022S-151-001

0 OLD HICKORY BOULEVARD

Council District 04 (Robert Swope)

Staff Reviewer: Dustin Shane

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

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan to create 5 lots.

Concept Plan

A request for concept plan approval to create five lots on property located at Old Hickory Blvd (unnumbered), approximately 84 feet west of Windypine Drive, zoned Single-Family Residential (R15) (2.54 acres).

SITE DATA AND CONTEXT

Location: The site is located on the southeastern side of Old Hickory Boulevard, east of the intersection with Woodland Hills Drive.

Street Type: The site has frontage onto Old Hickory Boulevard, which is classified as an Arterial Boulevard in the Major and Collector Street Plan.

Approximate Acreage: 2.54 acres or 110,642.4 sq. ft.

Parcel/Site History: This site is comprised of one parcel, Map 161, Parcel 090. It was created in 1989.

Zoning History: The site is zoned One and Two-Family Residential (R15). It has been zoned R15 since 1989.

Existing land use: The parcel is identified as vacant residential land.

Surrounding land use and zoning:

- North: Single-Family Residential (R20)
- South: One and Two-Family Residential (R15)
- East: One and Two-Family Residential (R15)
- West: Multi-Family Residential (RM6)

Zoning: Single-Family Residential (R15)

- Min. lot size: 15,000 sq. ft.
- Max. building coverage: 0.35
- Max. height: 3 stories
- Min. street setback: 30'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 10'

PROPOSAL DETAILS

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

Number of lots: 5 single family

Lot sizes: Lots range in size from 18,730.8 sq. ft. to 26,136 sq. ft.

Access: The lots have frontage onto the existing Old Hickory Boulevard and will draw access from a shared private drive with a 20-foot ingress/egress easement.

Subdivision Variances or Exceptions Requested: None

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

Staff finds that all standards are met.

3-2 Monument Requirements

Monuments will be placed on property corners or referenced to property lines consistent with the requirements of the subdivision regulations.

3-3 Suitability of the Land

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

The site contains areas of steep slopes. Any lots on natural slopes that are 20% or steeper are considered critical and must be designated as critical. Lots designated as critical must comply with the critical lot standards in the Zoning Code. The plan includes 5 lots designated as critical. Areas of steep slopes 20% or greater are shown outside of building envelopes.

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R15 zoning at the time of building permit. All proposed lots have frontage on an existing public street.

3-5 Infill Subdivisions

In order to ensure compatibility with the General Plan, the Commission has adopted specific regulations applicable to infill subdivisions, defined as residential lots resulting from a proposed subdivision within the R, R-A, RS, and RS-A zoning districts on an existing street. If a proposed infill subdivision meets all of the adopted applicable regulations, then the subdivision is found to be harmonious and compatible with the goals of the General Plan. Lots proposed along Old Hickory Boulevard are consistent with the Zoning Code and Subdivision Regulations for subdivisions in evolving policy areas.

3-6 Blocks

This application does not propose to create any new blocks.

3-7 Improvements

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

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

Sidewalks are required in association with new streets. The proposed subdivision does not include any new public streets; however, the proposed sidewalk along Old Hickory Boulevard will be required to meet the Arterial Boulevard cross-section of the MCSP for this location, which features a 6-foot-wide sidewalk and an 8-foot-wide grass strip. Sidewalks will be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

3-9 Requirements for Streets

This application does not propose to create any new blocks.

3-10 Requirements for Dedication, Reservations, or Improvements

The application proposes a right-of-way dedication to meet the requirements of the Major and Collector Street Plan.

3-11 Inspections During Construction

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

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

Nashville Department of Transportation (NDOT) reviews street names and signage requirements for public roads and has recommended approval of this plat. See comments in the recommendations from all agencies section below.

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

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

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations for a major subdivision and the standards of the Metro Zoning Code. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes. If units exceed 30 feet in height access drive and easement must meet aerial fire apparatus access requirements. Minimum 24' pavement width and 15' setback to face of building.

STORMWATER RECOMMENDATION

Approve with conditions

- Additional stormwater infrastructure will be required, to avoid point discharge into the street and safely convey stormwater runoff, at time of final submittal.
- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Final construction plans and road grades shall comply with the design regulations established by the Nashville Department of Transportation, NDOT. New driveway connections or access points will require a permit from NDOT.
- Adequate sight distance must be provided per AASHTO for new driveway connections.
- For any work located within the public right of way, obtain any necessary permits from the Nashville Department of Transportation - Permit Office, 615.862.8782, pwpermits@nashville.gov, located at 720 S. 5th Street, twenty-four (24)

hours before the beginning of any work. Nashville Department of Transportation Permits:
<https://www.nashville.gov/departments/transportation/permits>

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Ensure parking meets code with building permit submittal.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. 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.
2. 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.
3. On the corrected copy, remove the minimum setbacks not in line with Code on Sheet C0.0.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions.

RECOMMENDED ACTION

Motion to approve with conditions proposed subdivision Case No. 2022S-151-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2022-262

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-151-001 is approved with conditions.
(7-0)

CONDITIONS

1. 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.
2. 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.
3. On the corrected copy, remove the minimum setbacks not in line with Code on Sheet C0.0.

22. 2022S-204-001

WEST MEADE PARK, INC

Council District 23 (Thom Druffel)

Staff Reviewer: Abbie Rickoff

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 RS40 (12.1 acres), requested by Rebecca Cunningham, applicant; Sunnyside Hills, LLC, owner.

Staff Recommendation: Approve with conditions.

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)
- 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.

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.

Ms. Johnson recused herself from this Item.

Ms. Rickoff presented the staff recommendation to approve with conditions.

Rebecca Cunningham, 2014 12th Avenue South, spoke in favor of the application.

Emily Greble, 194 Carnavon Parkway, stated she was representing herself and the West Meade Park Neighborhood Association. She spoke in opposition to the application.

Mathew Worsnick, 194 Carnavon Parkway, spoke in opposition to the application.

Mattie Berezov, 177 Carnavon Parkway, spoke in opposition to the application.

Evan Nahmias, 173 Carnavon Parkway, spoke in opposition to the application.

Rosemary Fischer, no address given, spoke in opposition to the application.

Mary Kerr, 192 Carnavon Parkway, spoke in opposition to the application.

Councilmember Druffel spoke in opposition to the application and asked the Commission to not support the setback variance.

Chairman Adkins closed the Public Hearing.

Mr. Henley understood both sides of the coin. He clarified that those lots are not buildable specifically relating to utilizing site kept septic tanks, but since then they have sewer. He said he understood the comments were based on the topography of the site which does identify a challenge. Mr. Henley observed in the images presented that most of the homes were built with retaining walls and drainage systems inside of their construction and thought that would be required for these lots if they were to be built. He thought there was possibility for these areas and slopes to be reinforced by manmade structures. Mr. Henley said the 70 foot setback was an average and asked if there was any precedence to where they could have requested a less amount of a setback and topography as a strong presence.

Ms. Milligan advised that with amendments to plats, they would not amend a plat setback to less than what the zoning code required because that would be a variance and would be heard before the Board of Zoning Appeals. She stated there were zoning required setbacks and platted setbacks. In this instance, there were platted setbacks that exceeded the zoning required setbacks and within that space, platted and zoning, the Commission can amend without the requirement of a Board of Zoning Appeals approval.

Mr. Henley responded that Codes could also deem that the setback may need to be different and there are a lot of layers to where the setback could land.

Ms. Milligan said Mr. Henley was correct. She explained that was why they included a condition to say that if the contextual setback exceeded 70, then they have to meet the contextual.

Mr. Henley said he was inclined to agree with staff recommendation but wanted to hear from his other Commissioners.

Councilmember Withers shared the concern of the neighbors. He was persuaded by the argument that because something was permitted in the past, does not mean they should continue to do that. He said he had concerns about disturbing the soil given the steepness of the incline at this location and removing a lot of soil, rock and vegetation. Mr. Withers had reservations about cutting into these hills at a lower elevation that would chip away at the terrain. He said that although he had concerns, he was willing to listen to his fellow Commissioners.

Ms. Farr asked if they are making the decision.

Ms. Kempf answered that they are making the decision. She reminded that this was not a new subdivision. Ms. Kempf said that if it were a new subdivision, they would absolutely be applying the standards they have today, in particular very extensive protections of environmental and natural features, as the subdivision regulations are very clear on those points. She said these lots were already platted and they were not approving a new subdivision or new lots; they were addressing a setback.

Ms. Milligan advised this was an amendment to an existing plat that was created in the 1960s with the setbacks. There have been amendments to other lots within this platted subdivision. The amendment authority the Planning Commission has was within that zoning setbacks versus platted setbacks and the space in between the two. Ms. Milligan said the Commission has authority and final say about that space between the two when a setback is established.

Ms. Farr was sensitive to preserving environmental features. She said while listening to the property owners, it sounded like the best possible outcome for these buildable lots and that they were building one house and keeping at least six acres for themselves and selling the three acres on the side. She stated this was one of the more environmentally sensitive ideas but they do not have any of the details.

Ms. Kempf asked Ms. Milligan if they have any details on the placement of the house on the lot.

Ms. Milligan responded they do not have that information as Planning would not be involved in any building permit review. She said they spoke with the Codes Department to make sure they could apply for a building permit and to get a better understanding of contextual setbacks. Ms. Milligan stated they also spoke to Stormwater about what they would be reviewing as all the agencies would be reviewing it with the building permit submission. She explained they took the approach of reviewing it based on what the contextual setbacks were, what the existing platted setbacks were and their consideration of the level of disturbance based on current versus proposed.

Rebecca Cunningham stated they were hoping to keep lots 171, 190 and the next pie shaped lot. She said there were a few flat spots on some of the deeper lots. Ms. Cunningham explained they did not have a plan in place yet but the idea was for the home they build to be on one of the flat spots, and they planned to sell the next three side lots.

Ms. Farr thought it was clear that these lots could be considered on a case by case basis. She did not think there was a decision that the lots should never be developed. She said the alternative to selling all the lots and ending up with six zones was going to end up doing a lot more damage to the natural features than possibly four homes but preserving that entire cul-de-sac. Ms. Farr said it made sense to consider looking at the revised plat, to be consistent with the other streets, to make sure those three lots were built in a way that preserved as much of that hillside as possible. She wished there was some way or some condition that protected them and saying there was only going to be one house on those three lots.

Ms. Kempf asked Ms. Milligan if that would require a new subdivision.

Ms. Milligan said, yes, that would take a consolidation plat to combine two or three lots into one. It would be a separate action from this plat amendment.

Ms. Farr said when she weighed the alternative, she would rather see it developed in a way that pulled the house in closer to the street. She said in the worse possible circumstance that they end up selling all the lots, she felt this would be a better development pattern for that street.

Ms. Clifton admitted he came into the meeting with a fair amount of discomfort with this plan because it seemed to be an area where there has been no change in setbacks for 35 or 40 years. He said they cannot approve something with what they now have before them, which is predicated on what a private owner cannot fulfill. He said their word was not binding. Mr. Clifton had a lot of questions about this and said he was not ready to vote for this. He felt they had to ask more questions and defer this. He asked about changes in the setbacks since the 1980s.

Ms. Milligan referenced a document that was passed out related to lots being buildable or not. She said the document was from 1977. She pointed out there were five of those lots listed in the document that have been built on since 1985, so there has been construction since the time the document was passed. She said the setback amendments were in the 1960s and some in the 1980s, as well.

Chairman Adkins said there was validity in having a deferral to have the staff work with the applicant to try to represent what they were saying.

Ms. Farr confirmed it would be a separate action if they wanted them to consolidate those three lots into one.

Ms. Milligan said they would need to file a plat to combine three lots into one, a re-platting. Lot consolidations are administrative approval.

Ms. Kempf advised they should defer with the questions clearly at hand; a question whether there was an openness to reflect what has been stated in a consolidation and they would still need to go to them to address the setback as a separate item. She asked if there were other questions that need to be answered.

Chairman Adkins wanted the neighbors to know this was a tough case and they understood what was being said. He said these lots may end up getting developed one day and the neighbors need to go into the thought process knowing that could happen. Mr. Adkins said they were trying to figure this out to where everybody was in a win-win situation.

Ms. Farr said just because they approved a plat setback does not mean that the house was automatically going up as there were a lot of other steps in the process.

Mr. Henley said he was not opposed to a deferral. He asked what do they approve. If 70 feet is the most appropriate setback, from staff recommendation, was staff going to be enlightened between the next time they see that 70 feet is not it. The goal was, from what he heard from the neighbors, was to be no development, but said these are buildable sites.

Chairman Adkins thought an enlightening moment was learning there were flat spots on these three lots which might be further back, or not, but they need to know that information. He said if these three lots get put together, that brings more comfort, and that was what the applicant needed to figure out. If they were to approve or disapprove it tonight, they were getting six lots either currently what it is or with a 70 foot setback.

Ms. Kempf said she tended to be risk averse when looking at a scenario where there was a lot of environmental features that were entitled and tried to find a way to mitigate that, so she does not anticipate that the staff's opinion will change if they go back and do additional work. She thought there seemed to be a reflection from the applicant that they were going to do a certain thing with the property, and it was helpful from a community perspective to have that before the Commission. Ms. Kempf stated the staff's view was not likely going to change because Codes said these were buildable lots and with that determination, she wanted to take every possible step to protect those features.

Mr. Henley said he agreed with that.

Councilmember Withers said part of what gave him discomfort was the idea they were going to make one decision evenly for six lots that have visual differences and layout differences. He wanted to explore if the setback that makes sense for a buildable site best preserves environmental features was less than 70 feet, and if that was not something they could do because of the contextual setbacks, could the owners or potential future owner go to the Board of Zoning Appeals to review that and if so, how would that process be different, even on a lot by lot basis, than one blanket application of a 70 foot setback. He asked how that would be different.

Ms. Milligan explained that what they were reviewing was an amendment to a platted setback and were constrained by looking at the area between the platted setback and the zoning required setback. Board of Zoning Appeals is the body, per state law, that can make variances which would be less than a zoning required setback. As a clarification, 70 feet would be a minimum setback. If a geotechnical study showed that further back was better, it could go further back and 70 feet would be the minimum. The Planning Commission would not be making a recommendation on a Board of Zoning Appeals process. They were typically handled on a lot by lot basis. An application is made to the Board of Zoning Appeals and notices are required. Typically, they are considered based on unique features of the site so topography would be considered.

Councilmember Withers said they can reduce the minimum setback through this process but did not think it gets them the best outcome for the unique characteristics of each of these individual lots. He felt more comfortable with a case by case basis for these lots than having a blanket approach.

Ms. Milligan clarified if they wanted to just reduce the setback to 70 feet, that was not an action of the Board of Zoning Appeals because they only consider things that are less than zoning required. If they wanted less than 70 feet, it would go to the Board of Zoning Appeals but if they want what they are requesting, it goes to the Planning Commission.

Ms. Farr said someone was going to build on these lots and if bringing them closer to the street was going to protect the hillsides, she does not think her opinion will change in two weeks.

Mr. Clifton moved and Ms. Farr seconded the motion to defer to the October 27, 2022, Planning Commission meeting. (5-0-1) Ms. Johnson recused herself.

Resolution No. RS2022-263

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-2014-001 is deferred to the October 27, 2022, Planning Commission meeting. (5-0-1)

**23. 2022S-209-001
OLD GOINS ROAD**

Council District 30 (Sandra Sepulveda)
Staff Reviewer: Abbie Rickoff

A request for final plat approval to create three lots on properties located at Old Goins Road (unnumbered), approximately 500 feet west of Taylor Road, zoned R6 (0.58 acres), requested by Dale & Associates, applicant; Payman Zad, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on properties located at Old Goins Road (unnumbered), approximately 500 feet west of Taylor Road, zoned One and Two-Family Residential (R6) (0.58 acres).

SITE DATA AND CONTEXT

Location: The site is located on the south side of Old Goins Road, west of Taylor Road.

Street type: The site has frontage on Old Goins Road, a partially improved street that is currently under construction. Old Goins Road extends from Taylor Road to the west, wrapping to the north to Goins Road. The existing right-of-way width varies along Old Goins Road and is approximately 22 feet along the frontage of this site.

Approximate Acreage: 0.58 acres or approximately 25,360 square feet.

Parcel/Site History: This site is comprised of two parcels that were created by deed. In 2019, areas of right-of-way dedication were recorded via deed along the Old Goins Road frontage.

Zoning History: Both parcels have been zoned R6 since at least 1974.

Existing land use and configuration: The site is currently vacant. Both parcels front Old Goins Road.

Surrounding land use and zoning:

- North: Single- and Two-Family Residential, and Vacant (R6)
- South: Single-Family Residential and Vacant (R6)
- East: Vacant and Two-Family Residential (R6)
- West: Two-Family Residential (R6)

Zoning: One and Two-Family Residential (R6)

Min. lot size: 6,000 square feet

Max. building coverage: 0.50

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 20'

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Proposed Lot 1 is approximately 0.20 acres (8,610 square feet), Lot 2 is 0.19 acres (8,487 square feet), and Lot 3 is 0.19 acres (8,262 square feet).

Access: Access to each lot is provided from Old Goins Road.

Subdivision Variances or Exceptions Requested: None

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R6 zoning at the time of building permit. All proposed lots have frontage on a public street.

3-5 Infill Subdivisions

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

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

- a. *All minimum standards of the zoning code are met.*
Complies. Lots 1, 2, and 3 meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
Complies. All lots front Old Goins Road.
- c. *Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*
 - 1. *Within T3 Suburban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*
Complies. Lots 1, 2, and 3 exceed the minimum frontage requirement of 50 feet. The proposed frontage of Lot 1 is 62.44 feet; the proposed frontage of Lot 2 is 64.12 feet; and the proposed frontage of Lot 3 is 63.86 feet.
 - 2. *Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*
N/A. This site is not located within a T4 Urban Neighborhood Evolving policy area.
- d. *The current standards of all reviewing agencies are met.*
Complies.
- e. *The proposed lots comply with any applicable special policy.*
The site is within the Old Goins Road Supplemental Policy which was approved and adopted by the Planning Commission on December 13, 2018. The Supplemental Policy is applicable to properties along Old Goins Road, including this site, and includes guidance for right-of-way dedication and infrastructure improvements with future development. Areas of right-of-way identified as necessary to meet NDOT required improvements along Old Goins Road were previously dedicated via deed, consistent with NDOT-approved road construction plans.

The proposed subdivision meets all requirements of subsections a, b, c, d, and e and is therefore found to be harmonious and compatible with the goals of the General Plan.

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

3-5.6 Reasonable Conditions
Not applicable to this case.

3-6 Blocks
Not applicable to this case. This proposal is for an infill subdivision.

3-7 Improvements
Road improvement plans for Old Goins Road are on file with Nashville DOT. Construction plans required 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. The proposed subdivision is located along a street that will be improved per the NDOT-approved road construction plans, which reflect a modified street section. The modified street section includes approximately 22 feet of pavement width. Due to the narrowness of the street and available right-of-way, the approved street section does not include sidewalks on either side of Old Goins Road.

3-9 Requirements for Streets
Public street requirements are reviewed by Nashville DOT. Street improvements for Old Goins Road, including the required right-of-way and pavement widths, have been previously been reviewed by NDOT. NDOT has reviewed the final plat has recommended approval with conditions.

3-10 Requirements for Dedication, Reservations, or Improvements
Areas of right-of-way dedication along the frontage of this site were previously dedicated in conjunction with the Old Goins Road construction plans approved by Nashville DOT. After adoption of the Supplemental Policy, which calls for improvements along Old Goins Road per the Metro local street standard (typical right of way width of 46-50 feet), NDOT further evaluated and determined that a local street standard right-of-way width would be difficult to achieve

due to the existing road conditions and shallow depth of the lots on the south side of the street. After further evaluation with Planning, NDOT determined that a more reasonable cross section could be accommodated with 22 feet of required right-of-way, and construction plans were subsequently approved consistent with this approach. Areas of right-of-way needed to comply with the half of required right-of-way width (approximately 11 feet) were dedicated along the frontage of this site via deed, in conjunction with the approved plans. Construction will need to be completed or the improvements bonded prior to recordation of the proposed plat.

3-11 Inspections During Construction

Required public infrastructure must be inspected and accepted for maintenance prior to recording of a final plat, or the applicant may choose to post a bond securing the required public 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.

3-12 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 with conditions.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations. Future development will be required to meet the standards of the Metro Zoning Code in regards to setbacks, etc. Staff recommends approval with conditions.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

- Old Goins Road / property frontage - Old Goins Road along the property frontage is unimproved not accepted for maintenance. Old Goins Road to be constructed and/or bonded prior to the recording of the final plat. Old Goins Road roadway construction plans are on file w/ NDOT engineering.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approve with conditions to add the 8" W main as marked by WS on 9/7/22.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Remove Note #18.

2. Comply with all conditions and requirements of Metro reviewing agencies.
3. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: the Bond Desk at 862-7202, bond.desk@nashville.gov.
4. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
5. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-209-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2022-264

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-209-001 is approve with conditions. (7-0)

CONDITIONS

1. Remove Note #18.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: the Bond Desk at 862-7202, bond.desk@nashville.gov.
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5. 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.

**24. 2022S-221-001
HAWK'S HAVEN**

Council District 23 (Thom Druffel)
Staff Reviewer: Abbie Rickoff

A request for concept plan approval to create four lots, including one duplex lot, for a total of 5 units on property located at 1008 Salyer Drive and a portion of property located at 1011 Salyer Drive, west of Rodney Drive, zoned R40 (4.7 acres), requested by Dewey Engineering, applicant; Andrew Marshall, LLC, and Howard & Edna Salyer, Community Property Trust, owners.

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

The Metropolitan Planning Commission deferred 2022S-221-001 to the October 13, 2022, Planning Commission meeting. (7-0)

H: OTHER BUSINESS

25. Bonus Height Certification Memo for 1010 Church Street and Modera Gulch

Resolution No. RS2022-265

"BE IT RESOLVED by The Metropolitan Planning Commission that the Bonus Height Certification Memo for 1010 Church Street Modera Gulch is **approved. (7-0)**

26. New Employment Contract for Ryan Harding, Shawn Scruggs.

Resolution No. RS2022-266

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract for Ryan Harding, Shawn Scruggs is **approved. (7-0)**

27. Employee contract renewal for Bob Murphy.

Resolution No. RS2022-267

"BE IT RESOLVED by The Metropolitan Planning Commission that the Employee contract renewal for Bob Murphy is **approved. (7-0)**

28. DTC DRC Appointments

Resolution No. RS2022-268

"BE IT RESOLVED by The Metropolitan Planning Commission that the DTC DRC Appointments is **approved. (7-0)**

29. Historic Zoning Commission Report

30. Board of Parks and Recreation Report

31. Executive Committee Report

32. Accept the Director's Report

Resolution No. RS2022-269

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved. (10-0)**

33. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

October 6, 2022

Special Called MPC Meeting

3:30 pm, 2601 Bransford Avenue, Metro Nashville Public School Admin Building

October 13, 2022

MPC Meeting

4 pm, 2601 Bransford Avenue Metro Nashville Public School Admin Building

October 27, 2022

MPC Meeting

4 pm, 2601 Bransford Avenue Metro Nashville Public School Admin Building

J: ADJOURNMENT

The meeting adjourned at 7:51 p.m.