



# **METROPOLITAN PLANNING COMMISSION**

## **DRAFT MINUTES**

**March 09, 2023**  
**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**

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

**Commissioners Present:**

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

**Commissioners Absent:**

Jeff Haynes  
Jim Lawson  
Brian Tibbs

**Staff Present:**

Lucy Kempf, Executive Director  
Todd Okolichany, Deputy Executive Director  
Lisa Milligan, Planning Manager II  
Tara Ladd, Legal  
Anita McCaig, Planner III  
Logan Elliott, Planner II  
Amelia Lewis, Planner II  
Donald Anthony, Planner II  
Dustin Shane, Planner II  
Eric Matravers, Planner II

**Lucy Alden Kempf**

Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
800 President Ronald Reagan Way, P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

## Notice to Public

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

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

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

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

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

### Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by 3 pm on the Tuesday prior to 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](mailto:planning.commissioners@nashville.gov)

### Speaking to the Commission

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

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

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.**



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

# MEETING AGENDA

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## A: CALL TO ORDER

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

## B: ADOPTION OF AGENDA

Ms. Blackshear moved and Mr. Henley seconded the motion to adopt the agenda. (6-0)

## C: APPROVAL OF FEBRUARY 23, 2023 MINUTES

Ms. Johnson moved and Mr. Clifton seconded the motion to approve the meeting minutes of February 23, 2023. (6-0)

## D: RECOGNITION OF COUNCILMEMBERS

Councilmember VanReece spoke in favor of Item 17.

Councilmember Styles spoke in favor of Item 25.

Councilmember Syracuse spoke in favor of Item 22.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 18, 20, 23, 24, 36, 37a, 37b

Ms. Milligan stated Ms. Blackshear has recused herself from Item 11.

Mr. Henley moved and Ms. Johnson seconded the motion to approve the Deferred and Withdrawn Items. (6-0)

## F: CONSENT AGENDA ITEMS 38, 42

Vice Chair Farr joined the meeting.

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

Tentative Consent Item: Items noted below as On Consent: Tentative will be read aloud at the beginning of the meeting by a member of the Planning Staff to determine if there is opposition present. If there is opposition present, the items will be heard by the Planning Commission in the order in which they are listed on the agenda. If no opposition is present, the item will be placed on the consent agenda.

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

## G: ITEMS TO BE CONSIDERED

### 1. 2022S-232-001

#### KING'S SUBDIVISION

Council District 09 (Tonya Hancock)

Staff Reviewer: Donald Anthony

A request for final plat approval to create five lots on property located at 445 Neely's Bend Road, approximately 117 feet west of the corner of Neely's Bend Road and Forest Park Road, zoned RS5 (2.01 acres), requested by Delle Land Surveying, applicant; Darren C. & Stacy King, owners.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-232-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**2. 2022S-259-001**  
**RESUB OF LOT 2 ON PLAN OF RURAL HILLS ACRES**  
Council District 32 (Joy Styles)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at 1306 Rural Hill Road, approximately 1,060 feet south of Hickory Highlands Drive, zoned R15 (3.54 acres), requested by Dale & Associates, applicant; Yasir Mohamed, owner.

**Staff Recommendation: Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2022S-259-001 indefinitely. (6-0)**

**3. 2022S-264-001**  
**5713-5715 MAUDINA AVE**  
Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Logan Elliott

A request for concept plan approval to create six lots on properties located at 5713 and 5715 Maudina Avenue, at the southern terminus of Bellmore Avenue, zoned R6 (1.44 acres), requested by Dale & Associates, applicant; Henry. & Sarah. Hood owners.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-264-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**4. 2022SP-036-001**  
**HARPETH RESERVE**  
Council District 35 (Dave Rosenberg)  
Staff Reviewer: Logan Elliott

A request to rezone from AR2a to SP zoning on property located at Mccrory Ln (unnumbered), approximately 474 feet south of Beautiful Valley Dr., ( 3 acres), to permit 23 single-family units, requested by Civil Design Consultants, LLC, applicant; Pointe Hialeah 3, LLC, owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-036-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**5. 2022SP-071-001**  
**LIBERTY LANE**  
Council District 10 (Zach Young)  
Staff Reviewer: Logan Elliott

A request to rezone from R10 to SP zoning on properties located at 203, 205, 209, 217, 219, 253, 255, 257, 259 and 261 Liberty Lane, 215B, 257B, and 253B Liberty Lane, approximately 251 west of Peebles Court, (26.59 acres), to permit all uses in the RM4 zoning district, requested by Liberty Capital Development, applicant; Linda W. Highers, Revocable Trust, Liberty Capital Development, LLC, O.I.C. Townhomes at Liberty Lane, O.I.C. Townhomes at Liberty Lane I, O.I.C. Townhomes at Liberty Lane II, Bobby Eugene Rager, ETUX, Rosemary Partners, LLC , owners.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-071-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

- 6. 2022SP-079-001**  
**717 SPENCE LANE SP**  
 Council District 15 (Jeff Syracuse)  
 Staff Reviewer: Donald Anthony
- A request to rezone from IR to SP zoning for property located at 717 Spence Lane, approximately 256 feet northeast of the corner of Murfreesboro Pike and Spence Lane, (5.5 acres), to permit multi-family residential uses, requested by Bradley Arant, applicant; Hillside Crossings, LLC, owner.  
**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**
- The Metropolitan Planning Commission deferred 2022SP-079-001 to the March 23, 2023, Planning Commission meeting. (6-0)**
- 7. 2023S-016-001**  
**840 OLD LEBANON DIRT ROAD**  
 Council District 12 (Erin Evans)  
 Staff Reviewer: Dustin Shane
- A request for final plat approval to create 11 lots on property located at 840 Old Lebanon Dirt Road, at the southwest corner of Old Lebanon Dirt Road and New Hope Road, zoned RS15 (5.3acres), requested by Dale & Associates, applicant; Wise Group, Inc., owner.  
**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**
- The Metropolitan Planning Commission deferred 2023S-016-001 to the March 23, 2023, Planning Commission meeting. (6-0)**
- 8. 2023S-041-001**  
**HABIBA SUBDIVISION**  
 Council District 13 (Russ Bradford)  
 Staff Reviewer: Amelia Lewis
- A request for concept plan approval to create three lots and dedicate right-of-way on property located at 1287 Currey Road, east of Catalina Drive, zoned RS10 (3.29 acres), requested by Cherry Land Surveying, Inc., applicant; Habiba Ahmed, owner.  
**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**
- The Metropolitan Planning Commission deferred 2023S-041-001 to the March 23, 2023, Planning Commission meeting. (6-0)**
- 9. 2023S-042-001**  
**ST. LUKE PRESBYTERIAN CHURCH**  
 Council District 08 (Nancy VanReece)  
 Staff Reviewer: Logan Elliott
- A request for final plat approval to create three lots on property located at 903 Old Hickory Boulevard, approximately 1,380 feet east of the corner of Dickerson Pike and Old Hickory Boulevard, zoned RS20 (6.3 acres), requested by WT Smith Land Surveying, applicant; St. Luke Cumberland Presbyterian CH., Inc, owner.  
**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**
- The Metropolitan Planning Commission deferred 2023S-042-001 to the March 23, 2023, Planning Commission meeting. (6-0)**
- 10. 88P-038-001**  
**LONG HUNTER CHASE (AMENDMENT)**  
 Council District 33 (Antoinette Lee)  
 Staff Reviewer: Logan Elliott
- A request to amend a Planned Unit Development located at Hobson Pike (unnumbered), at the corner of Hobson Pike and Smith Springs Pkwy (6.11 acres), zoned RS15, to revise access points, requested by Long Hunter Chase, applicant; Living Waters Homes LLC & TN Homes LLC & Tadros, Sam, owners.  
**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**
- The Metropolitan Planning Commission deferred 88P-038-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**11. 2018SP-026-009**  
**THE RESERVOIR (AMENDMENT)**  
Council District 17 (Colby Sledge)  
Staff Reviewer: Logan Elliott

A request to amend a Specific Plan for properties located at 1201, 1203, 1205 and 1211 8th Avenue South, 809 Edgehill Ave and 1430 Hillside Avenue, approximately 75 feet east of Horton Avenue, zoned SP (7.63 acres), to amend zones 1, 2, 6, and the associated street sections, requested by Elmington Capital Group, applicant; Park at Hillside, LLC, owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2018SP-026-009 to the March 23, 2023, Planning Commission meeting. (5-0-1)**

**12. 2019SP-053-001**  
**ACKLEN PARK RESIDENTIAL SP**  
Council District 21 (Brandon Taylor)  
Staff Reviewer: Jason Swaggart

A request to rezone from RM40 to SP zoning for properties located at 106 Acklen Park Drive and Hillcrest Place (unnumbered), at the northeast corner of Hillcrest Place and Acklen Park Drive and within the 31st and Long Boulevard Urban Design Overlay District (0.78 acres), to permit 100 multi-family residential units, requested by Catalyst Design Group, applicant; Acklen Park Partners, LLC, owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2019SP-053-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**13. 2023CP-000-002**  
**MCSP AMENDMENT – EWING DRIVE**  
Council District 02 (Kyonzté Toombs); 03 (Jennifer Gamble)  
Staff Reviewer: Joren Dunnivant

A request to amend the Major and Collector Street Plan to remove a future collector street on property located at 4808 Buena Vista Pike, west of Whites Creek Pike, zoned R8 (83.23 acres ), requested by Thomas & Hutton, applicant; William H. Otey Jr., ET UX, owner. (See associated case 2023SP-026-001.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023CP-000-002 to the March 23, 2023, Planning Commission meeting. (6-0)**

**14. 2023SP-026-001**  
**PRODUCTION ROW SP**  
Council District 02 (Kyonzté Toombs); 03 (Jennifer Gamble)  
Staff Reviewer: Logan Elliott

A request to rezone from R8 to SP zoning for a portion of property located at 4808 Buena Vista Pike, west of Whites Creek Pike (45.64 acres), to permit a nonresidential development with industrial and office uses, requested by Thomas & Hutton, applicant; Mary Baltz & Cecilia Halpin ETAL, owners. (See associated case 2023CP-000-002).

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-026-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**15. 2019SP-014-003  
GOODRICH TOWNHOMES (AMENDMENT)**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan for properties located at 2143, 2145, and 2145B Goodrich Avenue, 2125 Buena Vista Pike and various properties located between Alpine Avenue and Goodrich Avenue, approximately 290 feet northwest of Buena Vista Pike, zoned SP and R8 (2.85 acres), to expand the boundary of the SP and to permit 11 additional multi-family residential units for a maximum of 37 units overall, requested by Catalyst Design Group, applicant; various property owners.

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

**APPLICANT REQUEST**

**SP amendment to permit up to 37 residential units.**

Preliminary SP

A request to amend a Specific Plan for properties located at 2143, 2145, and 2145B Goodrich Avenue, 2125 Buena Vista Pike and various properties located between Alpine Avenue and Goodrich Avenue, approximately 290 feet northwest of Buena Vista Pike, zoned Specific Plan (SP) and One and Two-Family Residential (R8), (2.85 acres), to expand the boundary of the SP and to permit 11 additional multi-family residential units for a maximum of 37 units overall.

**Existing Zoning**

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

Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type. *This SP permits a maximum of 27 multifamily units.*

**Proposed Zoning**

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

**SITE CONTEXT AND PLAN DETAILS**

This request is to amend an existing SP that was approved by Council in 2019 (BL2019-1629). The currently approved SP permits a maximum of 27 multi-family residential units. A final site plan was approved in 2021, and the development is under construction. The final includes 26 multi-family residential units. This amendment is to add approximately a half-acre to the SP, permitting an additional 11 multi-family residential units. One of the properties to be added is located at the northwest corner of Goodrich Avenue and Cliff Drive. One is located at the western terminus of Goodrich Avenue (under construction). The other property is located on Buena Vista Pike. The amended SP includes 2.85 total acres.

Site Plan

The plan includes the existing SP under construction as well as the proposed additions. The 26 townhomes currently under construction by the existing SP are identified as Phase 1, and the 11 townhomes being added to the SP are identified as Phases 2, 3, and 4 (no changes are proposed to Phase 1, and the focus of this report is on the proposed additions to the SP). Consistent with the existing SP, this amendment permits short term rental property, owner occupied, and short-term rental property, not owner occupied.

Phase 2 includes two detached residential units. It is located at the northwest corner of Goodrich Avenue and Cliff Drive. The proposed maximum height is three stories in 45 feet. Units are oriented to Goodrich Avenue and each unit has an individual drive with garages oriented to Goodrich Avenue.

Phase 3 includes three attached residential units and is located at the western terminus of Goodrich Avenue. The units front Goodrich Avenue and parking is located at the rear of each unit. Each unit includes a garage located at the rear below the main floor. The proposed maximum height is three stories in 45 feet.

Phase 4 is located along Buena Vista Pike. It includes six residential units. Three attached units are oriented to Buena Vista Pike, and the remaining three are located behind the three units on Buena Vista Pike. Each unit includes a garage under the primary floor and the plan also includes surface parking. The proposed maximum height is three stories in 45 feet.

Public sidewalks are shown along Buena Vista Pike per the Major and Collector Street Plan on Phase 4. Sidewalks per the local standard are shown along Cliff Drive and Goodrich Avenue. This is not in the UZO and parking is required. Calculations are based on typical standards found in the Zoning Code. The required number of spaces is a minimum and not a maximum.

### **BORDEAUX-WHITES CREEK-HAYNES TRINITY**

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

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The policy calls for improvement of the existing street, sidewalk, bikeway, and stormwater infrastructure to T4 Urban Transect standards through new private-sector development.

### **ANALYSIS**

It is important to note that previous published recommendations were for disapproval. The previous plans recommended for disapproval had several issues. Those plans called for commercial uses which are not supported by the T4 NE land use policy. There were several issues pertaining to building orientation and driveway locations. Since the February 9, 2023, Planning Commission meeting, the plan has been revised to address these issues.

As proposed, the current plan is consistent with the T4 NE land use policy and the Haynes Trinity Small Area Plan. The units are oriented to the street. Units have shallow setbacks and limited curb cuts with rear loaded parking. Sidewalks are provided along the frontage of the development. This is consistent with the goals of the urban policy which is intended to create development that is urban in form, with a focus on the pedestrian realm, creating more walkable neighborhoods.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Limited building construction details provided. If units exceed 30' in height, must meet aerial fire apparatus access requirements. See NFPA 1 (2018) Fire Code and local amendments.

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

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

### **WATER SERVICES RECOMMENDATION**

#### **Approved with conditions**

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

### **NASHVILLE DOT RECOMMENDATION**

#### **Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Provide/Call out additional pavement widening(ST-252) and mill/overlay on Cliff. Provide topping and/or 1-1/2' mill and overlay on Goodwrinch, per ST-251 detail schedule.

### **TRAFFIC AND PARKING RECOMMENDATION**

#### **Approved with conditions**

- Park per code.
- Ensure MCSP requirements 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
Multi- Family Residential 3-10 (221)	-	-	26 U	145	9	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	-	-	37 U	222	15	18

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
-	-	-	-	+77	+6	+5

**METRO SCHOOL BOARD REPORT**

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

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

The proposed additional 11 units in the SP are expected to generate four additional students than what is typically generated under the existing R8 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a total maximum of 37 multi-family residential units. Short term rental property, owner occupied, and short-term rental property, not owner occupied are permitted.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. 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.
6. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**Approved with conditions and disapproved without all conditions. (7-0)**

**Resolution No. RS2023-072**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019SP-014-003 is approved with conditions and disapproved without all conditions. (7-0)

## CONDITIONS

1. Permitted uses shall be limited to a total maximum of 37 multi-family residential units. Short term rental property, owner occupied, and short-term rental property, not owner occupied are permitted.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. 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.
6. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**16a. 2021CP-006-001**  
**BELLEVUE COMMUNITY PLAN AMENDMENT**  
Council District 35 (Dave Rosenberg)  
Staff Reviewer: Anita McCaig

A request to amend the Bellevue Community Plan by changing from T2 Rural Maintenance Policy to T3 Suburban Neighborhood Evolving Policy for property located at 1084 Morton Mill Road, at the northern terminus of Morton Mill Road, zoned AR2a (43.87 acres), requested by Ragan-Smith and Associates, applicant; Dr. James Fussell, owner. (See associated case #2021SP-061-001).

**Staff Recommendation: Approve changing the policy to Suburban Neighborhood Evolving (T3-NE) on the non – floodplain portion of the property.**

### APPLICANT REQUEST

**Amend Community Plan to change Community Character Policy.**

#### Major Plan Amendment

A request to amend the Bellevue Community Plan by changing from T2 Rural Maintenance (T2 RM) to T3 Suburban Neighborhood Evolving (T3 NE) for property located at 1084 Morton Mill Road, zoned Agricultural (AR2a), approximately 43.87 acres.

### BELLEVUE COMMUNITY PLAN

#### **Current Policy**

Rural Maintenance (T2 RM) policy is intended to maintain rural character as a living choice. The policy balances maintaining the rural countryside and existing rural development patterns with new residential development.

Conservation (CO) policy is intended to preserve, remediate, and enhance environmentally sensitive land. CO policy identifies land with sensitive environmental features, including, but not limited to, stream corridors, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. In this instance, CO policy is applied to floodways and floodplains. CO policy would remain.

**Requested Policy** (Note: Conservation (CO) policy remains.)

Suburban Neighborhood Evolving (T3 NE) policy is intended to create and enhance suburban neighborhoods with the best qualities of classic suburban neighborhoods—greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

### BACKGROUND

The property, approximately 44 acres and located in a bend of the Harpeth River, is currently accessed by a driveway crossing the CSX rail line at-grade and tying into the end of Morton Mill Road. In 2011, when the Bellevue Community Plan was last updated comprehensively, the river bend area was placed in Rural Maintenance (T2 RM) policy due to its limited access, large lot development pattern, and the amount of sensitive floodplain. The 2010 Flood had occurred the year before and flooding and recovery were the community's top issues.

In the mid-2010s, the owner of this property and the adjacent property approached the Planning Department to discuss the possibility of developing multifamily along with dedicating land for a park. Planning staff responded that due to limited access issues in order to consider multifamily on these properties a bridge needed to be built, connecting to Coley Davis. In 2019, the adjacent property owner dedicated their entire property (51 acres) to Metro for a new park.

In 2021, the applicant team approached the Planning Department about changing the land use policy at 1084 Morton Mill Road to Suburban Neighborhood Evolving (T3 NE) policy to allow for a multifamily development along with providing public access to the adjacent park and constructing an extension to the existing greenway. Applications for a plan amendment and a rezoning to Specific Plan (SP) were filed.

The subject property is surrounded by park land to the west, the Harpeth River and greenway to the north and east, and the rail line and residential uses to the south (Figure 1). Adjacent to the north are Coley Davis Road and Interstate 40. The property (with its current access) along with the residences in the Morton Mill area and surrounding neighborhoods are in District 35 (Councilmember Dave Rosenberg) while Coley Davis Road (the proposed access point for the bridge) and adjacent residents are in District 22 (Councilmember Gloria Hausser).

### **COMMUNITY PARTICIPATION**

On August 10, 2021, Community Plans staff conducted a virtual community meeting to discuss the applicant's plan amendment and rezoning proposals. Notices were mailed to 508 property owners in a 1,300 foot buffer of the plan amendment site. Details of the community meeting were made readily available on the Planning Department's webpage, and Councilmembers Rosenberg and Hausser also shared details with their constituents. Approximately 95 people attended. Staff outlined the request to change policy, and the applicant team presented site plans for the proposed development. Following the presentations, attendees were given the opportunity to ask questions and share comments. Numerous questions were asked. Questions and comments mainly focused on:

- Preserving the floodplain and protecting the larger area from flooding
- Site access
- Traffic impacts
- Multifamily housing
- Maintaining existing character

There were enough concerns expressed and additional information needed that the applications were deferred. The meeting was recorded and posted to Metro's YouTube channel. To date, that video has been viewed 249 times.

The applicant team reactivated the applications in early 2022 and held the following meetings:

- 8/30/21: Morton Mill subdivision meeting for Councilmember Rosenberg (District 35); approximately 30 attendees.
- 4/14/22: Harpeth Springs Homeowners' Association board meeting; 5 attendees and Councilmember Hausser (District 22).
- 5/11/22: Poplar Ridge Homeowners' Association board meeting (District 22); 5 attendees.

Given the complexity of the case involving numerous departments and agencies, Planning staff facilitated a second virtual community meeting on July 7, 2022. Again, notices were mailed to property owners within a 1,300 foot buffer, and Councilmembers shared information with constituents. Approximately 200 people attended the meeting. This meeting was also recorded and uploaded to Metro's YouTube channel; to date the video has been viewed 124 times.

Numerous questions were asked of the applicant, development team, and staff by attendees. Meeting attendees remained concerned about the same issues as in the previous community meeting: mainly flooding, site access, traffic, and apartments. The number of people attending the meeting meant that not everyone had the chance to speak or ask questions. Planning staff allowed an additional week for people to email questions. Staff and the applicant team responded, and the result was a 61-page document that was then shared with district Councilmembers and meeting attendees. The Harpeth River Conservancy also expressed concerns and shared their research and findings with Planning staff about area flooding, healthy ecosystems, and the importance of protecting the Harpeth River and its floodplains.

Staff asked the applicant team to defer the applications again and continue working with the community and Metro departments on concerns and outstanding issues; the applicant team agreed and held the following meetings:

- 8/11/22: District 22 community meeting with Councilmember Hausser; 86 attendees in person and 11 virtual.
- 1/31/23: District 22 community meeting at Bellevue community center with Councilmember Hausser; approximately 150 attendees.
- 2/2/23: District 35 virtual meeting with Councilmember Rosenberg; approximately 125 attendees.

In addition, the applicant team undertook the following outreach:

- Summer 2022: knocked on 1,750 doors in Council Districts 22 and 35 to answer project questions.
- 8/19/22: held orientation tour of the project and site with Councilmember Hurt.
- 8/25/2022: met with Harpeth River Conservancy to discuss their concerns.

- August 2022: mailed letter to 754 neighborhood residences with project information.
- January 18, 2023: met again with Harpeth River Conservancy to discuss possible solutions to address their concerns.
- February 2023: mailer to 1,700 properties in surrounding neighborhoods with project benefits and information.

The applicant team also has met twice with the Harpeth River Conservancy to listen to their concerns. To date, the applicant team has obtained petition signatures and letters of support that have been included in the public comment folders. However, there are also numerous people opposed to the project who remain concerned and question the project's public benefits. The opposition has a petition. The residents of Harpeth Meadows Independent Living and the Meadows Nursing Home have also shared petitions in opposition. All correspondence received is included in the Planning Commission's public comments folders.

### **ANALYSIS OF SUBURBAN NEIGHBORHOOD EVOLVING POLICY**

In this analysis, the subject property (1084 Morton Mill Road), currently in Rural Maintenance (T2 RM) policy, has been examined to apply Suburban Neighborhood Evolving (T3 NE) policy to the non-floodplain portion of the site, approximately 20 acres. The applicant team has been working with Metro Departments on addressing concerns, project design, and public benefits for almost two years. During that time, several public benefits have been agreed to and Metro's concerns have been addressed at this stage. Although there remains community opposition, the proposed development, along with its public benefits, has merits, and T3 NE is appropriate for part of the site with the floodplain area being preserved.

### **NashvilleNext Growth & Preservation Concept Map**

The Growth & Preservation Concept Map (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map shows the policy amendment area in a location designated as a "Green Network". Green Network areas primarily include natural and rural areas that provide natural resources, ecological services, and passive and active recreation opportunities. They also include sensitive natural features that can be disturbed or destroyed by development or that pose a health or safety risk when developed. The floodplain portion of the site is being preserved and will remain in the "Green Network."

The area is adjacent to a "Center" area that is envisioned to become a complete center with mobility options, housing options, and a variety of businesses, shops, restaurants, services, jobs, and recreation options. Changing the policy to T3 NE would change a portion of the Concept Map to "Neighborhood," recognizing the residential pattern of the proposed development and complementing the larger area. Adjacent to the site is a large area of "Neighborhood" for the surrounding residential land use pattern.

### **Community Plan and Policy Application**

There are 14 Community Plans which provide the vision and policy guidance of land uses for communities within Davidson County. The Bellevue Community Plan strives to balance growth in existing centers while preserving the character of established suburban residential neighborhoods, rural areas, and natural features. The community plan area consists primarily of older and newer suburban development in Bellevue and rural development in Pasquo and Whites Bend. With an abundance of natural resources and interstate access to downtown, Bellevue and its surrounding area offer many residential options.

In 2021, the property owner at the subject property (1084 Morton Mill Road) decided to proceed with a proposal for developing multifamily on the non-floodplain portion of the property which entails constructing a bridge to tie into Coley Davis Road. The applicant team has voluntarily proposed several additional public benefits for future residents, Metro, and the Bellevue community (discussed in more detail in the next section). The proposed development is also planting a minimum of 250 trees in efforts to increase area tree canopy and stormwater absorption.

T3 NE policy is recommended for the area in question to support greater housing choice adjacent to a center identified in the NashvilleNext Growth & Preservation Concept Map. In this case, open spaces and the Harpeth River surround the property on three sides and single family residences are to the south across the rail line. T3 NE policy complements the suburban residential policies to the west and south of the property, as well as the Suburban Community Center policy (T3 CC) to the east (Figures 2 & 3). Current development patterns support a range of residential densities from 2 to 11 dwelling units per acre with higher densities closer to amenities and services provided within the T3 CC area. This project complements the current development patterns at approximately 9 dwelling units/acre and is within a similar range of densities currently surrounding the T3 CC area (see Figure 3).

Conservation (CO) policy is applied to the property's areas of floodway/floodplain and remains in place. Importantly, the development proposal preserves the floodplain area and is extending the greenway along the property to connect the existing greenway with other portions of the Harpeth River Greenway and the adjacent new park.

### **Public Benefits – Multimodal Transportation, Connectivity, and Open Space**

Enhancing the connectivity of the property, the proposed development will construct a multimodal bridge tying into Coley Davis Road. The bridge will not only provide access to the property but will also provide public access to the adjacent new park. Located in the river bend, the new park currently lacks public access and is not programmed.

Additionally, today, a segment of Coley Davis frequently floods in rain events. The proposed development will raise a segment of Coley Davis Road above the 2010 Flood mark to mitigate future flooding and to provide increased safety to other residents along the street to the west.

The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in major streets (arterial-boulevards, arterial-parkways, and collector-avenues) that make up the backbone of the city's transportation system. Coley Davis Road is a local street and intersects with Highway 70S, a state highway classified as a mixed use arterial-boulevard and slated for long-term frequent transit by the MCSP. The intersection of Coley Davis Road and Highway 70S is also adjacent to an interchange with Interstate 40 providing access to other parts of Nashville and adjacent communities.

The proposed development will construct bike lanes (approximately 2,900 feet) along Coley Davis Road from the Metro Parks property to the WeGo Park & Ride lot near the Coley Davis Road and Highway 70S intersection. The Park & Ride is located at 7650 Coley Davis Road and accesses Bus Route 3B, connecting to West Nashville, Midtown and Downtown, and Route 88, connecting to Dickson. The bike lanes are proposed to connect with the multimodal bridge into the subject property and adjacent new park.

The proposed bike lanes and multimodal bridge also tie into the Harpeth River Greenway. Currently, the greenway has segments along the Harpeth River and the northern edge of the property and crosses the Harpeth River to the soccer fields at Harpeth River Park. Another existing segment of the Harpeth River Greenway is immediately south of the subject property and the rail line. The proposed development will construct the missing segment in the existing greenway system along the eastern edge of the property, approximately 1,650 feet, completing the Harpeth River Greenway system from Harpeth Park to Edwin Warner Park. The development will also construct a greenway trail along the southern edge of the property, providing a direct connection to the new park. Figure 4 summarizes the proposed public multimodal improvements.

As mentioned previously, currently the site is accessed via a private driveway across the CSX railroad. Per CSX's guidelines, for an at-grade crossing to be intensified, another three at-grade crossings must be closed. Since this is not possible for this development to achieve, the current at-grade crossing (driveway) will change to emergency access only. However, the driveway will serve as the access point for construction of the bridge, causing inconvenience for the residents along Morton Mill Road. Once bridge construction is complete, the access will be closed except for emergency access.

### **Continuing Community Concerns and Opposition**

The applicant team has been discussing this project with Metro departments and community members for almost two years to incorporate suggestions and design elements. However, even with concessions and public benefits, some community members remain strongly opposed to this project for various reasons. The largest concern expressed to date is exacerbating flooding in the area with an increase in impervious surface and bridge construction, although the property's floodplain area is being preserved and will be donated to Metro Parks. Planning staff met with Metro Water and Stormwater staff, who thought the applicant team has gone above and beyond existing regulations, such as not disturbing the floodplain and raising Coley Davis Road, at this point in the process. Some residents in the Morton Mill area are concerned about bridge construction traffic using Morton Mill Road to access the property, even though the access point to Morton Mill Road will be closed and used only for emergency access after bridge construction is completed. Some residents along Coley Davis Road are concerned about additional traffic, especially at the Coley Davis Road intersection with Highway 70S. Others are concerned that the new park is not currently open to the public but the multimodal bridge access and connecting greenway segment will be part of the proposed development. The applicant team has worked closely with Metro Parks and Greenways to plan these public improvements.

### **Analysis Summary**

Amending the Community Character Policy from Rural Neighborhood Maintenance (T2 RM) to Suburban Neighborhood Evolving (T3 NE), while maintaining the Conservation (CO) policy for the floodplain area, is appropriate for the following reasons:

#### Appropriate Site Location:

- Applying T3 NE policy to part of the subject property supports greater housing choice adjacent to a center identified in the NashvilleNext Growth & Preservation Concept Map and complements the suburban residential policies to the west and south of the property and the Suburban Community Center policy (T3 CC) to the east.
- The site is across the Harpeth River from a large community center area that includes One Bellevue Place. Allowing additional residential and another housing option on this property can provide more people to support businesses.

- Streets, including Coley Davis Road, Highway 70 South (arterial), and the nearby Interstate 40 interchange, provide access to the larger Bellevue area and other destinations.
- The property has convenient access to transit at the nearby WeGo Park & Ride lot.
- The proposed development will provide connectivity from the subject property to the Harpeth River Greenway, a new multimodal bridge, and an improved Coley Davis Road with bike lanes, allowing a range of transportation options to area destinations and services.

Protecting the Harpeth River floodplain:

- CO policy is implemented with preservation of the floodplain area.
- The proposed development is planting a minimum of 250 trees in efforts to increase area tree canopy and absorb stormwater runoff.

Providing Public Benefits:

- The proposed development will construct a greenway along the Harpeth River connecting two existing greenway segments. The development is also constructing a greenway segment from the Harpeth River Greenway to the existing park land, providing additional access when open and programmed.
- The proposed development will construct a multimodal bridge connecting the development to Coley Davis Road and providing access to the existing park land, which currently is not accessible from the north side of the river.
- The proposed development is reconstructing a portion of Coley Davis Road that frequently floods to raise it out of the floodplain, past the level of the 2010 Flood, to mitigate frequent flooding.
- The proposed development is constructing bike lanes (+/- 2,900 feet) along a segment of Coley Davis Road, providing a dedicated travel path for bicyclists.
- The proposed development is donating 20 acres of floodplain area to Metro Parks.

**STAFF RECOMMENDATION**

Staff recommends approval of the policy change from Rural Maintenance (T2 RM) policy to Suburban Neighborhood Evolving (T3 NE) policy for the non-floodplain portion of the property.

Ms. Blackshear has recused herself. Ms. Blackshear left the meeting.

Chair Adkins advised they would consider Items 16a and 16b together, hold the Public Hearing for both and then hold separate votes for 16a and 16b.

Ms. McCaig presented the staff recommendation to approve changing the policy to Suburban Neighborhood Evolving (T3-NE) on the non-floodplain portion of the property.

Alan Thompson, Ragan Smith Associates, spoke in favor of the application.

Eric Wyse, 2249 Belle Creek Way, spoke in favor of the application.

Donovan McGee, 271 Carrolton Drive, Gallatin, spoke in favor of the application.

Charlie Tygard, 617 Poplar Creek Trace Court, spoke in favor of the application.

Justin Hain, 300 Harpeth View Circle, spoke in favor of the application.

Andrew Terrell, 4808 Nebraska Avenue, spoke in favor of the application.

Adan Klenk, 911 Halcyon Avenue, spoke in favor of the application.

Jim Terrell, no address given, spoke in favor of the application.

Austin Abcock, 109 Northeast Street, spoke in favor of the application.

Chris Sudekum, 700 Centerpoint Lane, spoke in favor of the application.

Grace Shockey, 122 Cherokee Hills Drive, spoke in favor of the application.

Whitney Rice, 203 North 18<sup>th</sup> Street, spoke in favor of the application.

Brooke Shoemaker, 640 Rochelle Drive, spoke in favor of the application.

Jeremiah Wooten, 1828 Wild Oaks Court, spoke in favor of the application.

Carol Childress, 307 White Oak Lane, stated she is representing Lakeshore Retirement Center. She spoke in opposition to the application.

Rex Roberts, Harpeth Meadows Senior Community, spoke in opposition to the application.

Suzanne Lanier, 983 Todd Preis Drive, spoke in opposition to the application.

Paige Coy, 8445 Merrymount Drive, spoke in opposition to the application.

Mark Wallace, 7709 Scenic River Lane, spoke in opposition to the application.

Donna Wood, The Meadows, spoke in opposition to the application.

Ron Lavay stated he lived in the vicinity of the project. He spoke in opposition to the application.

Denise Henderson stated she lived directly on Morton Mill Road. She spoke in opposition to the application.

Lauraleigh Bergen stated she is HOA President of Harpeth Crest. She spoke in opposition to the application.

Jason Holleman, 4210 Park Avenue, stated he is representing the HOA of Harpeth Crest. He spoke in opposition to the application.

Ms. Ladd explained the rules for allowing speaking for five minutes verses two minutes in the Public Hearing.

Allison McHenry, 4045 Stoneybrook Drive, stated she is representing Riverbridge HOA. She spoke in opposition to the application.

Andy Marshall stated she lives off of Morton Mill Road. She spoke in opposition to the application.

Ann Gwinn, 1060 Todd Preis Drive, spoke in opposition to the application.

Jesse Joseph, 1072 Morton Mill Road, spoke in opposition to the application.

Michael Belcher, 100 Beech Bend Court, spoke in opposition to the application.

Christopher Steinbruchel, 7148 Somerset Farms Drive, spoke in opposition to the application.

Steve Scioscia, 7740 River Bend Way, spoke in opposition to the application.

Michael Henderson, 1301 Morton Mill Court, spoke in opposition to the application.

Kathleen Dewalt, The Meadows, spoke in opposition to the application.

Sharon Morrow stated she lives in Somerset Farms. She spoke in opposition to the application.

Devin Shultz, 7348 River Bend Road, spoke in opposition to the application.

Nancy Cain, 9028 Sawyer Brown Road, spoke in opposition to the application.

Jim Rossi, 7704 Scenic River Lane, spoke in opposition to the application.

Shawn Henry, 500 11<sup>th</sup> Avenue North, spoke in rebuttal.

Councilmember Hausser said she is in support of the project if Coley Davis Road can be raised for the safety of the people living in the area. She stated if Coley Davis Road cannot be raised, then they do not need to do this project.

Councilmember Rosenberg spoke in favor of the application.

**Chair Adkins closed the Public Hearing.**

Vice Chair Farr said there are a lot of good things about the project. She stated she cannot get the images of Bellevue during the 2010 flood out of her mind and is struggling with the fact that hindsight is not perfect and had they known what was going to happen, there would not have been so many houses put down Coley Davis Road and asked why there would be more added at this point. Ms. Farr asked if they could talk through the Community Plan Amendment in Item 16a and wanted confirmation on what was said about the community meetings and whether community meetings occurred.

Ms. McCaig stated they held the first virtual community meeting in July or August of 2021 and 95 people attended. She said they hosted a second virtual community meeting in 2022 and over 200 people attended. Ms. McCaig advised there were so many questions that they could not get through them all. They took additional questions for a week and compiled a 61 page document of question and answer responses. Ms. McCaig stated virtual meetings are more effective for a number of reasons, especially for the fact they can be recorded and viewed again. She said she has not heard concerns about the virtual meeting format until recently.

Ms. Farr stated this is a dramatic shift in intensity from an existing rural policy. She said they made a conscious decision that this should remain rural and is not 100% sure she sees the benefit of changing it. Ms. Farr asked if the road is going to be wide enough to have the bike path and turn lane and asked how the turn lane will be integrated.

Mr. Elliott responded that NDOT has reviewed the concepts the applicant provided and approved the application conceptually to be able to provide those. He said NDOT has requested the engineering drawings be stamped by a hydraulic engineer, a geotechnical engineer and a structural engineer because of the unique situation of the road. NDOT will see the engineer plans before they confirm which section will be approved, so while they have seen the proposal and recommending approval, they are also conditioning that further coordination be required pending the fully engineered plans with the understanding this is an unusual situation.

Ms. Farr asked what happens if NDOT determines this is not feasible.

Ms. Milligan answered there are conditions of approval that indicate that two lanes will be provided with bike lanes and conditions related to the turn lane. She said the exact cross section that Mr. Elliott was explaining may change depending on the engineered plans.

Mr. Elliott added that staff is recommending the raising of Coley Davis Road out of the 500 year floodplain be a condition of the zoning bill, so if they are not able to satisfy that requirement, in addition to the greenway construction and crossing of the railroad, then the project would not be able to move forward.

Ms. Farr asked if it would be going back to Council or the Planning Commission.

Ms. Milligan responded that it would be both. She explained if it is a condition of approval of the Council bill, the only way it can be changed is by going back to Council, and in order to go back to Council, it would have to go back to the Planning Commission; so, they would want it as a condition in the Council bill.

Ms. Farr asked how the commitment to maintain a two lane road during the construction phase will be managed.

Ms. Milligan stated they would have to maintain existing rights of way while under construction. She said that is not uncommon when dealing with road construction projects, especially when there is not a detour route available.

Ms. Farr asked if the connection through Morton Mill Road is only emergency access, then how is that improving connectivity.

Mr. Elliott responded that the Morton Mill access point would be emergency access only. The project is increasing connectivity by providing a bridge from Coley Davis to the site, as well as providing greenway connectivity to the Harpeth River greenway.

Ms. Farr said she has so many questions and safety concerns about the project.

Ms. Johnson stated that on paper this seems like a great improvement but there are a lot of neighbors' concerns. She said the flood of 2010 is still fresh and having T2 Rural maintenance in that location makes sense. Ms. Johnson said now they are asked to consider T3 Neighborhood Evolving and it is developer driven rather than community driven. She recognized this is a great plan with a lot of amenities but they cannot overlook that Coley Davis Road is a dead end. She asked what happens to the water movement in the other areas because if Coley Davis Road is raised, water will go elsewhere. Ms. Johnson felt there are still so many unanswered questions and is uncomfortable moving forward.

Councilmember Withers stated that across the railroad tracks is T3 policy and this is T2 policy and asked for clarification as to why it is T2 policy.



Ms. McCaig explained the last time the Bellevue plan was updated as a whole was right after the 2010 flood. It was mainly access and was a farm. At that time, they owner did not have plans to develop it. The adjacent property, that is now a park, had a mirror condition, so they applied Rural maintenance policy to it. She explained further that in 2014, the owners of both properties started asking Planning about developing a joint project considering other types of housing. The only way it would be feasible was to access Coley Davis Road and tie into that condition; otherwise, they would need to develop a similar product to the Morton Mill area to make it fit. In 2019, the adjacent property owner donated that land to Parks.

Councilmember Withers asked what the width of Coley Davis Road was today versus what the improvements would be.

Mr. Elliott responded the existing lane width on Coley Davis Road is 11 feet, which is a standard local street width, and the proposed width is 11 feet.

Ms. Milligan added it is now gravel shoulder and the paved width would be wider because of the addition of bike lanes on either side.

Councilmember Withers asked about the bike lanes.

Ms. Milligan stated all the paving would happen at the same time but the actual installation of the divider and striping for the bike lanes would be late in the process.

Councilmember Withers said he is satisfied with the responses from staff about why this policy choice was selected previously and why it would be different today. He felt adding access is important to the safety of the residents. Mr. Withers stated that hearing life safety and flooding concerns from the neighbors', he is persuaded this proposal takes those valid concerns and makes them better while also adding additional housing and multi modal connectivity in the area.

Mr. Henley asked about the elevation of Coley Davis Road.

Mr. Elliott stated staff is recommending the zoning be contingent on the road being at the 500 year floodplain or higher.

Mr. Henley said there are some significant infrastructure mandates placed on this project's zoning requirements with the ability to connect the greenway and the bridge that meets a certain level of standard.

Mr. Elliott responded the greenway is also a condition of the zoning bill to cross the railroad and build the greenway as it is shown with either of the two options. The bridge construction is not a condition of the zoning bill. He said in staff's view, the bridge is a critical part of the plan that it did not need to be specified, but it can be an added condition to the zoning bill.

Mr. Henley asked if there was a statement from CSX.

Mr. Elliott advised the written statement from CSX indicating the use of the existing at grade crossing at Morton Mill could potentially be used for emergency access subject to conditions, as well as for construction access. Concerning the greenway crossings, they have not provided anything in writing but Mr. Elliott said he spoke with Becky Snyder and she confirmed both of the options were potentially viable.

Mr. Henley stated what was designed and approved would not have that severe of an impact. He asked if there would be some sort of parking agreement with the new park space.

Mr. Elliott stated there are no improvements on the park property that is associated with the project, as it would be Metro Parks initiative if it was to be improved.

Mr. Henley stated that is something he would like to be considered. He asked if the turn lane is a condition.

Mr. Elliott responded it is something that is included in the current plan. He said all the Coley Davis Road conditions, sections and improvements are conditioned by NDOT to further be coordinated. The turn lane was not warranted in the traffic study and is something the applicant is offering. Mr. Elliott stated NDOT has approved the plans that include the turn lane.

Mr. Henley said he would feel better and would advocate for that to be a Planning Department recommendation.

Ms. Milligan stated NDOT has it in their conditions in the staff report and they generally refer back to the other departments' conditions.

Mr. Clifton stated there are things about this proposal that are positive. He said raising the road is a huge commitment and is taking away a problem that is there now. He thought it is not a good plan to disregard the greenway access. Mr. Clifton asked what happens in the future in terms of potential political change where the Commission may not be making decisions and the state is making these decisions. He said he is not ready to throw this out but does not feel they are ready to approve it in terms of all the conditions and thought there may be more that could be added to allay concerns.

Ms. Johnson said she would like to hear the conditions more tightened and there be a written agreement from CSX for her to be comfortable.

Chair Adkins said it would be helpful to get information regarding a clear title to the easements.

Mr. Henley thought it would be of interest for the community to see an emergency vehicle access plan along Coley Davis corridor.

Ms. Johnson asked what effect it would have by raising Coley Davis Road as far as Metro Storm Water is concerned.

Chair Adkins said it would be helpful to have representatives from NDOT and Metro Storm Water present at the next meeting.

Ms. Farr asked if it is required that the road remain a functional two lane road throughout the construction process.

Chair Adkins advised it needs to be a condition because of ingress and egress of emergency vehicles and it is common practice in the construction industry to keep two lanes open. He reiterated that it is important to have NDOT at the meeting to answer questions.

Ms. Kempf explained that typically the practice is to close the Public Hearing and if there is new information presented or a change in the plan that is not technical, then they would evaluate reopening the Public Hearing. She said based on their list, they are seeking technical information about the proposed plan and said her advice is to close the Public Hearing and get input from Metro staff and other agencies, as they are not asking for changes to the plan.

Ms. Farr asked if there is a Council bill and what are their options for deferral.

Ms. Kempf advised to defer two meetings because this is a significant amount of research.

Ms. Milligan stated this Council bill has not been introduced.

**Ms. Farr moved and Mr. Withers seconded the motion to defer to the April 13, 2023, Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission. (6-0-1)  
Ms. Blackshear recused herself.**

Ms. Kempf recited the Commissioners' questions.

**Resolution No. RS2023-073**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-006-001 is deferred to the April 13, 2023 Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission. (6-0-1)

**16b. 2021SP-061-001**

**BEND AT BELLEVUE**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Logan Elliott

A request to rezone from AR2a to SP zoning for property located at 1084 Morton Mill Road, at the current terminus of Morton Mill Road, (and partially located within the Floodplain Overlay District), (43.87 acres), to permit a 417 multi-family residential units development, requested by Ragan Smith Associates, applicant; Dr. James E. fussell, owner. (See associated case #2021CP-006-001).

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

## **APPLICANT REQUEST**

### **Rezone from AR2a to SP to permit a multi-family development.**

#### Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning for property located at 1084 Morton Mill Road, at the current terminus of Morton Mill Road, (and partially located within the Floodplain Overlay District), (43.87 acres), to permit a 417 multi-family residential units development.

#### **Existing Zoning**

Agricultural/Residential 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 18 lots with 4 duplex lots for a total of 22 units.*

#### **Proposed Zoning**

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

## **BELLEVUE COMMUNITY PLAN**

#### **Existing Policy**

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

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

The Conservation Policy in this location reflects floodplain and floodway areas.

#### **Proposed Policy (Conservation Policy to remain)**

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

## **SITE CONTEXT**

The site consists of a single parcel that contains approximately 44.16 acres. The site is located at a bend in the Harpeth River and is currently accessed by an at-grade crossing of a railroad at the end of Morton Mill Road. The site is bounded by a railroad, the Harpeth River, and about 51 acres of unimproved Metro Parks property. The existing land use of the property is single-family residential. A large TVA easement spans the property as well. An access easement is granted to the railroad operator and this easement runs along the length of the railroad going east from the at-grade access point and this grants access to the railroad bridge that spans the Harpeth River.

The subject property is currently zoned AR2a. Nearby parcels at the terminus of Morton Mill Road are zoned RS20 and multi-family and commercial zoning districts exist across the Harpeth River to the east. Coley Davis Road and Morton Mill Road are local streets.

The site has approximately 20 acres within the floodplain and floodway associated with the Harpeth River.

## **PLAN DETAILS**

The application proposes rezoning the subject property to SP to permit a multi-family residential development. The plan includes 417 multi-family residential units across 7 buildings. A bridge across the Harpeth River is proposed to connect Coley Davis Road with the subject site. This bridge is included within public right-of-way and, in addition to providing access to the multi-family development, the bridge would provide vehicular access to the currently

inaccessible 51-acre Metro Parks property (parcel 074). The bridge would cross the western edge of the Harpeth River Park. At the proposed Coley Davis Road intersection, a turn lane is provided for left-turn movements onto the proposed bridge.

The plan concentrates the development on the portion of the site that is above the floodplain and proposes to dedicate approximately 20 acres of land that is within the floodplain to Metro Parks. The area of dedication is primarily located along the eastern portion of the site. The plan includes 2 four-story buildings near the proposed bridge landing from Coley Davis Road and 5 three-story buildings more interior and to the south of the property. The plans include elevations that demonstrate the proposed architecture. The buildings are organized to create interior courtyard open space areas with surface level vehicle parking surrounding the buildings. Garage units are scattered throughout the parking area.

The existing at-grade vehicle crossing of the railroad is proposed to be converted to an Emergency Access only with the construction of this project. This access would be gated for Emergency Access only and is a typical situation to satisfy Emergency Access requirements.

The Metro Parks Master Plan, *Plan to Play*, calls for the Harpeth River Greenway to be extended along the subject property's frontage of the Harpeth River from the existing terminus in the Harpeth Crest subdivision open space area. The existing greenway in the Harpeth Crest subdivision is within an easement that accommodates this future extension of the greenway to the CSX right-of-way and onto the subject property. The application has identified two potential solutions to crossing the railroad at the southern boundary of the property and making the planned greenway extensions and connections. One option is to construct a greenway tunnel under the railroad and the second option is to build an underpass beneath the existing railroad bridge over the Harpeth River. Both options are detailed in the SP plans and the final conditions for this crossing would be coordinated with the final site plan in coordination with CSX and Metro Parks. Metro Parks has reviewed both options and finds either to be potentially acceptable, pending final review. CSX has not been able to verify the final conditions without receiving fully engineered plans and having the zoning in place for this project. The applicant would then build a greenway along the Harpeth River and up to the northern end of this bend, setting up future extension onto the Metro Parks property's Harpeth River frontage and fully extending the greenway along this bend in the Harpeth River. The plan also provides for a future loop connection point to be built at the southern end near the railroad so that ultimately this bend in the river forms a loop in the greenway network. The approximately 20-acres of land within the floodplain is proposed to be dedicated to Metro Parks and the potential programming of this space would be coordinated by Metro Parks.

Additionally, the plan proposes to raise Coley Davis Road from the proposed bridge connection point and to the east near the Hwy 70 intersection to an elevation of 563.5, where the road is currently below this elevation. Currently, Coley Davis Road sits below the 500-year floodplain elevation at the curve in the road near the Harpeth River Park and this roadway floods in certain rain events, leaving the area west of this point temporarily inaccessible. In response to this existing condition, the application proposes to raise Coley Davis Road above the 500-year floodplain elevation. This is about 3 feet in the lowest location elevation point. In addition to raising Coley Davis Road, the plans propose to modify the section of Coley Davis Road as shown on the plans to provide 5 foot bike lanes with delineators on both sides of the road to improve the multi-modal conditions of the roadway.

## **ANALYSIS**

Staff finds the proposed SP zoning to be consistent with the proposed T3 NE policy in this location. The proposed land use and development pattern are consistent with the guidance provided in the Community Character Manual for a Suburban Neighborhood Evolving policy area like this one. The subject site is separated from the nearest neighborhood, Harpeth Crest subdivision, by a railroad and the most southern building proposed in the SP is approximately 400 feet from the nearest lot in the Harpeth Crest subdivision. With T3 NE policy, the subject site is an opportunity to introduce a moderate density and suburban housing type and staff finds the proposed SP plan to provide this. The proposed scale and organization of the buildings is consistent with the T3 NE policy.

The proposed SP zoning also improves the multi-modal connectivity of this area by extending the Harpeth River Greenway from its existing terminus to cross the railroad and ultimately provide a connection to the Bellevue commercial and community center on Hwy 70, consistent with the Metro Parks Master Plan, *Plan to Play*. This connection would provide a greenway link from the Warner Parks to the Bellevue commercial and community center on Hwy 70. Additionally, the plan improves the multi-modal connectivity of Coley Davis Road by providing bike lanes.

The proposed SP zoning also improves the vehicular connectivity of this area during severe rain events by raising the elevation of Coley Davis Road to be above the 500-year floodplain.

The plan is sensitive to the Conservation Policy areas by concentrating the development outside of the floodplain and floodway and by preserving these areas in their natural condition.

## **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.

## **PARKS RECOMMENDATION**

### **Approve with conditions**

- Clearly delineate on the plan the boundaries of the 20+ acre proposed land dedication to Metro parks. Metro Park Board and Metro Council must approve the final land dedication. Coordinate with Metro Parks Greenways staff for Park Board and Metro Council approval process for the land dedication. Land dedication must be complete prior to Final Site Plan Approval.
- Coordinate with Metro Parks staff on the final alignment and design of the entire greenway and trailhead. Design and construct the greenway and trailhead to Metro standards.
- The plans currently show a greenway trail connection from the Metro Park parcel #14100001600, terminating at a proposed greenway easement within the proposed land dedication, somewhat paralleling the CSX railroad. Continue the construction of this greenway trail through the proposed easement, connecting to the proposed greenway trail along the Harpeth River and to the trail paralleling Morton Mill Road, creating a trail without interruption. Coordinate with TVA to meet requirements of trail construction within their easement.
- Coordinate with Metro Parks on the location and design of the proposed vehicular and greenway access to the adjacent Metro Parks Property parcel # 14100001600.
- Dedicate a Conservation Greenway Easement over all portions of the greenway to be built on applicant's property. Enter into a Conservation Easement Agreement with Metro (Parks) to include boundary survey and legal description of the easement, along with a Participation Agreement to include approved design construction documents. Coordinate with Metro Parks Greenways staff for Park Board and Metro Council approval process for these Agreements. Approved Agreements to be recorded with Registrar of Deeds prior to Final Site Plan Approval.
- Construction of greenway must be approved by Metro Parks and Metro ADA prior to issuance of first Use and Occupancy permit.

## **STORMWATER RECOMMENDATION**

### **Approve with conditions**

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

## **METRO WATER SERVICES RECOMMENDATION**

### **Not applicable**

- Harpeth Valley Water and Sewer Utility District.

## **HARPETH VALLEY WATER AND SEWER UTILITY DISTRICT**

### **Approve with conditions**

- See letter dated August 16, 2022.

## **METRO HISTORIC RECOMMENDATION**

### **Approve with conditions**

- High potential for historic and prehistoric resources here. With the final site plan submittal, a Phase I archaeological survey of the property shall be provided to determine what resources may be present below the surface. If an archaeological site is found as a result of a Phase I investigation, the developer shall consult with the MHC and conduct a Phase II survey to determine the extent of the site and the level of its significance. Applicants should consult with Metro Archaeologist, Dr. Adam Fracchia, for more information.

## **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. Any round-a-bouts proposed in public ROW shall meet FHWA guidelines. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a loading/unloading plan for each aspect of the total development. Provide any truck turning movements relevant to loading/unloading activities on site. Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.
- Comments: 1. In regards to the bridge infrastructure proposed in ROW, between Coley Davis and project site, continue to coordinate w/ NDOT leadership on the following: Bridge cross section and long-term maintenance requirements/costs. Following prelim and before final, an official approval of bridge infrastructure in ROW, will be required from NDOT.

- 2. Continue to coordinate w/ NDOT on Coley Davis road section-North and South of site access via bridge. The design of raising of Coley Davis road(embankments, berms, retaining infrastructure, spillway infrastructure, soil road bed material usage, etc.) above the flood way shall be designed and stamped by licensed professional engineer(s)-Hydraulic, geotechnical and/or structural. NDOT's bridge & wall engineers will need to evaluate the proposed infrastructure improvements. Proposed improvements of Coley Davis road may encroach into a TVA buffer. If grading for Coley Davis road improvements encroach into a TVA buffer, coordination w/ utility company on relocation of tower/line will be required. Additional roadway width on Coley Davis may be required to accommodate a by-pass/detour lane during construction of the roadway improvements.
- 3. Approval of CSX ROW encroachments; for fire and greenway access will be required, prior to final. Coordinate w/ CSX and Metro Parks on fire access and greenway trail options proposed. Comply w/ NDOT traffic comments .

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- The proposed Coley Davis improvements to raise the roadway out of the floodway are still being discussed with NDOT. The final cross-section shall include a multi-use path along the South side of the road, with adequate buffered vertical protection along the travel lane side of the road, a safety railing along the embankment side (per TDOT standards) and contain adequate travel lanes. The final cross-section and dimensions for Coley Davis Rd are to be determined with NDOT prior to Final SP. Additional roadway width on Coley Davis may be required to accommodate a by-pass/detour lane during construction of the roadway improvements. The boundaries of the multi-use are to be determined at Final SP as well and shall make meaningful connections to existing pedestrian infrastructure on Coley Davis while creating a functional network.
- The acceptance of the proposed access bridge from Coley Davis Rd to the development as a public bridge has not been agreed upon yet with Metro and the applicant, further discussion will be needed before an agreement is met. The final cross-section of the proposed bridge, as well as the acceptance of this infrastructure as public, will be determined prior to the approval of Final SP.
- At Final SP the parking count for this development shall be shown per metro code.
- Harpeth River green-way underpass will require approval from CSX prior to Final SP approval. The applicant shall continue to coordinate with Parks on the proposed greenway improvements/connections. Any gaps or deficiencies in the existing greenway that are created from the development of this property, such as bridge piers landing on the existing greenway, shall be replaced at the discretion of Parks.
- Comply with all Roads conditions.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
- Ensure final designs follow the codes and requirements of all metro agencies.

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
Single-Family Residential* (210)	43.87	0.5 D	55 U	600	44	57

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	43.87	-	417 U	2,271	139	174

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+362 U	+1,671	+95	+117

**METRO SCHOOL BOARD REPORT**

Projected student generation existing AR2a district: 1 Elementary 1 Middle 1 High  
 Projected student generation proposed SP district: 20 Elementary 13 Middle 11 High

The proposed additional 395 units in the SP is expected to generate 41 additional students than what is typically generated under the existing AR2a zoning district. Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood 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 with conditions and disapproval without all conditions if the associated plan amendment is approved. Staff recommends disapproval if the associated plan amendment is not approved.

#### **CONDITIONS**

1. Permitted uses include a maximum of 417 multi-family residential units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. The Harpeth River Greenway extension across the railroad and along the Harpeth River is a required improvement for this project. The final design of the greenway extension shall be coordinated with Metro Parks, Planning and CSX.
3. Coley Davis Road will be raised out of the 500 year floodplain, generally consistent with the concept provide in the SP Plan.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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
8. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
9. 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.
10. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. 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.

Mr. Elliott presented the staff recommendation to approve with conditions and disapprove without all conditions if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends disapproval.

**Ms. Farr moved and Mr. Henley seconded the motion to defer to the April 13, 2023, Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission. (6-0-1)**  
**Ms. Blackshear recused herself.**

#### **Resolution No. RS2023-074**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-061-001 is deferred to the April 13, 2023, Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission (6-0-1)

Chair Adkins called for a ten minute break.

Ms. Blackshear joined the meeting.

- 17. 2017SP-034-003**  
**BROADMOOR AND BEN ALLEN (AMENDMENT)**  
Council District 08 (Nancy VanReece)  
Staff Reviewer: Laszlo Marton

A request to amend a Specific Plan for properties located at 272, 288, and 296 Broadmoor Drive, and 329, 341 and 349 Ben Allen Road, west of Ellington Parkway, zoned SP (51.64 acres), to permit a mixed use development with nonresidential uses and 482 multi-family residential units, requested by Hawkins Partners, Inc., applicant; Ben Allen Land Partners, LLC, Paro South, LLC, and 288 Broadmoor, LLC, owners.

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

## **APPLICANT REQUEST**

### **Amend a Specific Plan to permit a mixed use development.**

#### Preliminary SP

A request to amend a Specific Plan for properties located at 272, 288, and 296 Broadmoor Drive, and 329, 341, and 349 Ben Allen Road, west of Ellington Parkway, zoned SP (51.64 acres), to permit a mixed use development with nonresidential uses and 482 multi-family residential units.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

## **EAST NASHVILLE 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. 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 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.

Supplemental Policy (05-T3-NE-01) is intended to encourage active transportation in an area that is underserved with connections and circulation options, such as trails, bike paths, and sidewalks. Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around.

## **SITE CONTEXT AND PLAN DETAILS**

The Broadmoor and Ben Allen SP was originally approved in 2017 to permit a mixed-use development on various properties located along Broadmoor Drive and Ben Allen Road at the southwest corner of Ellington Parkway and Broadmoor Drive, on approximately 51 acres. The 2017 plan permitted a maximum of 321 multi-family residential units and a maximum of 63,000 square feet of non-residential uses. In 2018, an amendment to the SP was approved, permitting a maximum of 321 multi-family residential units and a maximum of 101,000 square feet of non-residential uses. The 2018 plan is the currently adopted SP plan.

The approved plan organizes the site into five phases. Phases 1 and 5 are designed as neighborhood centers and include commercial, mixed use and multi-family residential uses. The two centers are located on the northern and southern portions of the site and are accessed by Broadmoor Drive and Ben Allen Road. Phases 2, 3, and 4 make up the middle portion of the site, and incorporate a mixture of housing types, including detached cottages, duplexes, and townhomes. The buildings in these phases all orient towards the primary trail and community lawn located at the center of the site. The SP proposes private streets with an emergency access road connecting the northern portion of the development with the southern portion of the development. The proposed private streets incorporate sidewalks and planting strips. A six-foot wide sidewalk and six-foot wide planting strip, consistent with the MCSP, shall be provided along Broadmoor Drive. The applicant proposes to install 650 feet of off-site sidewalks along the southern side of Broadmoor Drive from the existing sidewalk. The proposed trail-oriented development includes a 12-foot-wide



primary trail connecting Broadmoor Drive and Ben Allen Road. The proposed trail will provide for an additional mode of transportation in the area. Secondary trails 6 feet in width are dispersed throughout the site.

The SP amendment proposes to increase the residential unit count and decrease the square footage of nonresidential uses. The plan proposes a maximum of 482 residential units while maintaining a similar mix of housing types, and a maximum of 86,300 square feet of nonresidential uses. The changes result in an overall increase of 161 residential units and an overall decrease of 14,700 square feet of nonresidential uses. Additional residential units are being provided by replacing various duplexes in Phase 3, and detached cottages in Phase 4, with attached townhomes. Another proposed change to the approved plan, is increasing the maximum height to 4 stories for multi-family buildings A and B as well as Mixed Use Buildings E and F. The plan identifies an increase in the community open space by approximately 2 acres for a total of 17.8 acres. The proposed nonresidential square footage comprises a total of 28,800 square feet of existing structures, 35,000 square feet of mixed use/commercial uses, and 22,500 square feet of community education uses. Changes to the permitted nonresidential uses include the removal of Commercial Amusement (Outside) and the inclusion of Small Outdoor Music Event, which is specified in the Phase 1 Broadmoor node only.

The plan proposes flexibility in the layout and location of buildings by maintaining the five development phases outlined in previously approved plans. The 5 phases are mapped out on the following page. Although the SP permits many uses allowed by the Mixed Use Limited-Alternative (MUL-A) zoning district within the neighborhood center areas, each phase includes a specific range of proposed uses as outlined in the table below.

Neighborhood District	Uses	Building Forms
Phase 1	<ul style="list-style-type: none"> <li>• Reuse of existing commercial structures</li> <li>• Multi-family residential</li> <li>• Retail</li> <li>• Mixed Use (determined by MUL-A)</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial buildings</li> <li>• Mixed use buildings</li> <li>• Attached townhomes</li> </ul>
Phase 2	<ul style="list-style-type: none"> <li>• Multi-family residential</li> </ul>	<ul style="list-style-type: none"> <li>• Detached cottages</li> </ul>
Phase 3	<ul style="list-style-type: none"> <li>• Residential hillside duplex</li> </ul>	<ul style="list-style-type: none"> <li>• Duplexes</li> <li>• Attached townhomes</li> </ul>
Phase 4	<ul style="list-style-type: none"> <li>• Multi-family residential</li> </ul>	<ul style="list-style-type: none"> <li>• Detached cottages</li> <li>• Attached townhomes</li> </ul>
Phase 5	<ul style="list-style-type: none"> <li>• Live/work</li> <li>• Multi-family residential</li> <li>• Mixed Use (determined by MUL-A)</li> </ul>	<ul style="list-style-type: none"> <li>• Detached cottages</li> <li>• Multi-family</li> <li>• Mixed use buildings</li> </ul>

**Phasing Plan**

The plan provides character design guidelines for each area of the proposed plan. Phase 1 includes the Broadmoor Neighborhood Center “Maker Center”, a mixed-use area that includes the existing Studio 615 building, an existing steel fabrication building, a new retail building fronting Broadmoor Drive, two new mixed-use buildings, and townhomes. Phase 5 includes the Ben Allen Neighborhood Center “The Farmstead”, a second mixed use area that includes live/work units, multi-family (to include a portion intended for senior adults but not code defined elderly housing), as well as space for community education uses. Phase 2 is primarily detached cottages while Phases 3 and 4 incorporate a mixture of duplexes, detached cottages, and attached townhomes. Bulk standards are established for each building typology, including setbacks, build-to-zones, and height. Standards also require that the primary entrance of the residential units front the primary or secondary trail.

**ANALYSIS**

The proposed SP amendment is in keeping with the previously approved SP and is also consistent with the existing land use policies. The proposal adds additional residential units to the SP, reduces the nonresidential square footage, and maintains the trail network called for by the supplemental policy.

The proposed amendment is organized into five phases, each of which is intended for a different range of uses and intensities. The phasing plan is described as preliminary and subject to revisions based on the final SP. Detailed design conditions regarding the layout and orientation of buildings, access and circulation, and other issues, should be expected at the final SP for each phase of the project. The SP includes maximums for number of residential units and non-residential square footage in each district, which allows staff to equate each district to a similar base zoning district in the Metro Zoning Ordinance. The intensities range from an intensity roughly equivalent to RM15 zoning for residential areas to an intensity equivalent to MUL-A along Broadmoor Drive and Ben Allen Road.

T3 NE policy intends 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 building. Phases 2, 3, and 4 of the development are reflective of the T3 NE policy as they provide a mixture of housing types while shaping development around sensitive environmental features. Phases 3 and 4 are noticeably denser than the previously approved plan, with smaller building footprints and shorter setbacks. Phases 1 and 5, the neighborhood centers on the site, provide mixed use, commercial, and residential uses which are appropriate for the T3 NC policy for these areas. The mix of building types and uses in the centers provide opportunities to live, work and shop. The proposed amendment is consistent with the Trail Oriented Development Supplemental Policy, which calls for clustering of development to reduce the development footprint and avoid disturbing areas with sensitive natural features. The site plan provides a mixed-use development served by several trails which incorporates elements of play and recreation to the site's overall function. The proposed plan includes a 12-foot-wide trail extending from the northern property line to the southern property line. The plan also includes 6-foot-wide secondary trails throughout the site, furthering connections between preserved green spaces. The Conservation area consists of a stream buffer that runs along the northern and southern portion of the site. The proposed development is located away from the stream buffer and there is considerable tree preservation and green space throughout the site. There are sensitive environmental features on the site, including areas of steep slopes and streams as indicated by the Conservation policy. The SP amendment is consistent with the original SP by incorporating large areas of open space around those sensitive environmental features to ensure they remain undisturbed.

The proposed amendment compliments the original SP by continuing to include a variety of commercial uses, housing types, and incorporates trails, sidewalks, and design standards intended to enhance the pedestrian realm and increase connectivity. The SP amendment is consistent with the Conservation, T3 Suburban Neighborhood Evolving, T3 Suburban Neighborhood Center, and the Trail Oriented Development policies.

#### **FIRE RECOMMENDATION**

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

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

#### **METRO HISTORIC RECOMMENDATION**

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

- With the final site plan submittal, a Phase I archaeological survey report of the property shall be provided to determine what additional resources may be present below the surface. If archaeological resources are found as a result of a Phase I investigation, the developer shall consult with the MHC regarding the need for a Phase II survey to determine the extent of the site and the level of its significance.

#### **METRO PARKS RECOMMENDATION**

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

- Applicant to design, build and maintain the greenway to Metro Parks standards approved by Metro Parks Greenways Division staff, including but not limited to lighting, construction materials, width, ADA compliance, signage, trailhead, bicycle storage, site furniture etc.
- Applicant to dedicate a Conservation Greenway Easement across the entire length of the property and to the extent necessary to include all aspects of greenway connectivity throughout the site including, but not limited to, all proposed residential and commercial buildings and public open space and amenities and to any planned public transit infrastructure.
- Applicant to enter into a Conservation Easement Agreement with Metro (Parks) to include boundary survey and legal description of the easement, along with a participation agreement for the design, construction and perpetual maintenance of the greenway to run with the land. Coordinate with Metro Parks Greenways staff for Park Board and Metro Council approval process for these Agreements. Approved Agreements to be recorded with Register of Deeds prior to Final SP approval.
- Greenway trail to be minimum 12' wide + 2' shoulders on both sides.
- Greenway trail to be open to the public 365 days/year per Metro Parks approved operating hours.
- Provide publicly accessible trailhead and parking, ADA- compliant parking, and wayfinding signage.
- Provide provision for future connections to adjacent sites.
- Applicant to provide designated greenway and ADA- compliant greenway parking.
- The development should be trail-oriented: no dumpsters, loading zones, HVAC units, etc fronting the greenway. No conflict between pedestrians and parking garage and loading zone ingress and egress. Screen façade of parking garages from greenway view.
- Design to be approved by Metro Parks staff at final site plan stage. Construction schedule for greenway must be provided at the time for review. Final Construction documents to be approved by Metro Parks staff.

#### **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.

## **NASHVILLE DOT RECOMMENDATION**

### **Approve with conditions**

- With final: Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a loading/unloading and waste plan for each aspect/phase of the total development. Provide any truck turning movements relevant to loading/unloading waste plan activities. Note: A private hauler will be required for site waste/recycle disposal. Comply w/ NDOT traffic comments. Conditions of approval: 1. For the (3) Ben Allen access ramps proposed, provide Stopping Sight Distance (include Intersection Sight Distance-ISD as well, turning out from a stop position), per AASHTO (green book). (cont.) Submit SSD exhibit w/ the following: State what's required versus what's available be it existing and proposed grades. (cont.) Based on the required sight triangle legs, show profile views w/ line of sight between turning and approaching vehicles. Include existing and proposed ROAD grades on profile view SSD exhibits.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- Full road connection to Phase 2 must be completed with Phase 2. The plan currently shows a road gap between phase 1 and 2 and is shown to not be completed until Phase 3. "Emergency gated access" cannot be implemented until Phase 3 when full road connection to Ben Allen Road is made.
- Update "Metro Public Works" reference on pages 7, 8, 11, 12 to NDOT.
- With each phase submittal, provide parking tables and ensure parking is to code requirements. Note that tandem parking is not allowed to be counted towards to parking requirements for multi-family units (this includes townhomes).
- All TIS conditions shall be noted in the SP plans. Designs for all off-site improvements shall be included in the building permit plan set:
- At Broadmoor & Walton Lane: Provide ADA compliant curb ramps, crosswalks, and detectable warning mats where missing. Add a stop bar on egress of south leg. And, construct a LTL w/ 125' min storage for WB approach within median.
- At both site driveways on Ben Allen Road, provide ADA-compliant ramps, crosswalk, and detectable warning mats for the north legs. Ensure sight distance is not interfered with vegetation. And, a traffic control officer should be utilized during the morning arrival & afternoon dismissal periods of the proposed elementary school. Additional improvements may be warranted based on queue analysis.
- At Hart Lane & Ben Allen Road/RS Gass intersection: The SB approach should be restriped to include 1 LTL (w/ 100' storage) and 1 thru/RTL. And, complete a full signal warrant analysis prior to the completion of the final phase of development.
- On Ben Allen Road in the School Zone: Provide a School Speed Limit assembly on the north and south side of Ben Allen Rd approximately 300' east and west of DW D facing WB traffic. This should include a fluorescent yellow green "school" plaque (S4-3P), a 15 mph sign (R2-1) and yellow-green "when children are present" sign (S5-2). Provide an "End School Zone" sign (S5-2) on the north side of Ben Allen Road approx. 300' west of DW D facing WB traffic. And, provide a fluorescent yellow-green School Advance Crossing sign (S1-1) with Ahead plaque (W16-9P) on South side of road approx. 300' west of DW D facing EB traffic.
- Once the site plan for the elementary school has been finalized, a traffic engineer should provide a review of the internal circulation, pick-up/drop-off locations, and recommendations for a school zone for internal road network.
- At Broadmoor Drive & the Ellington Parkway Ramps: A full signal warrant analysis should be conducted at both intersections with every phase submittal starting with Phase 3 .
- At Broadmoor Drive & Lemont: Install a RRFB on both sides of crosswalk and detectable warning mats.
- Transit improvements coordinated with WeGo.

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

<b>Land Use (ITE Code)</b>	<b>Acres</b>	<b>FAR/Density</b>	<b>Total Floor Area/Lots/Units</b>	<b>Daily Trips (weekday)</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Multi- Family Residential (220)	-	-	321 U	2,350	144	167

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)	-	-	63,000 SF	2,378	60	240

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 (220)	-	-	482 U	3,528	213	240

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)	-	-	86,300 SF	3,258	81	329

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
-	-	-	-	+2,058	+90	+162

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapprove without all conditions.

1. Permitted uses shall be limited to a maximum of 482 multi-family residential units and 86,300 square feet of nonresidential uses. Nonresidential uses shall be as specified on the plan.
2. Comply with all conditions of BL2018-1305 as applicable.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The primary trail shall be constructed prior to approval of Use and Occupancy permits for any use in first phase.
5. The developer shall work with staff at Final SP for each phase to minimize the visibility of surface parking lots.
6. The developer shall work with staff at Final SP to ensure that buildings orient toward streets and open space to the greatest extent possible.
7. The entire primary trail shall be located within a dedicated public access easement.
8. With the submittal of the final site plan for the first phase, an overall trail plan shall be submitted for review. The plan should include timing of installation of the complete trail.
9. Proposed greenway connection shall be made between the subject SP and the Ben Allen Ridge SP to the south (Case 2021SP-020-001). This connection shall be included for review and approval in the overall trail plan.
10. On the corrected copy, add note to the Land Use Table that nonresidential uses are limited to Phases 1 and 5 within the areas designated as Neighborhood Center on the phasing diagram.
11. On the corrected copy, remove all references to the Senior Living land use category.
12. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plan shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
13. A six-foot wide sidewalk and six-foot wide planting strip, consistent with the requirements of the Major and Collector Street Plan shall be provided along Broadmoor Drive for the full property frontage.
14. A five foot sidewalk and a four-foot grass strip shall be installed along Ben Allen Road for the full property frontage.
15. An off-site sidewalk six feet in width with a six foot wide planting strip, to Metro sidewalk standards, shall be installed for 650 feet to the west along the southern side of Broadmoor Drive, or as an alternative work with Planning, Stormwater, and Public Works to develop a paved walking path that would utilize the existing pavement width along Broadmoor Drive, with some grading and paving improvements, that would connect Dickerson Pike to Walton Lane.
16. At final SP for each phase the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
17. Elevations for all building types consistent with the bulk and architectural standards in the Preliminary SP shall be provided with the submittal of the Final Site plan for each phase for review and approval by staff. Individual building types shall be designed in a manner to work with existing topography and minimize grading.
18. At final SP, provide archeological survey consistent with Metro Historic condition.
19. 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.

20. 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.

21. 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.

22. 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.

23. 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 following zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance:

- Phase 1: MUL-A
- Phase 2, 3, 4: RM15-A
- Phase 5: MUL-A

**Approve with conditions and disapprove without all conditions. (6-0)**

**Resolution No. RS2023-075**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-034-003 is approved with conditions and disapproved without all conditions. (6-0)

Conditions

1. Permitted uses shall be limited to a maximum of 482 multi-family residential units and 86,300 square feet of nonresidential uses. Nonresidential uses shall be as specified on the plan.
2. Comply with all conditions of BL2018-1305 as applicable.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The primary trail shall be constructed prior to approval of Use and Occupancy permits for any use in first phase.
5. The developer shall work with staff at Final SP for each phase to minimize the visibility of surface parking lots.
6. The developer shall work with staff at Final SP to ensure that buildings orient toward streets and open space to the greatest extent possible.
7. The entire primary trail shall be located within a dedicated public access easement.
8. With the submittal of the final site plan for the first phase, an overall trail plan shall be submitted for review. The plan should include timing of installation of the complete trail.
9. Proposed greenway connection shall be made between the subject SP and the Ben Allen Ridge SP to the south (Case 2021SP-020-001). This connection shall be included for review and approval in the overall trail plan.
10. On the corrected copy, add note to the Land Use Table that nonresidential uses are limited to Phases 1 and 5 within the areas designated as Neighborhood Center on the phasing diagram.
11. On the corrected copy, remove all references to the Senior Living land use category.
12. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plan shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
13. A six-foot wide sidewalk and six-foot wide planting strip, consistent with the requirements of the Major and Collector Street Plan shall be provided along Broadmoor Drive for the full property frontage.
14. A five foot sidewalk and a four-foot grass strip shall be installed along Ben Allen Road for the full property frontage.
15. An off-site sidewalk six feet in width with a six foot wide planting strip, to Metro sidewalk standards, shall be installed for 650 feet to the west along the southern side of Broadmoor Drive, or as an alternative work with Planning, Stormwater, and Public Works to develop a paved walking path that would utilize the existing pavement width along Broadmoor Drive, with some grading and paving improvements, that would connect Dickerson Pike to Walton Lane.
16. At final SP for each phase the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
17. Elevations for all building types consistent with the bulk and architectural standards in the Preliminary SP shall be provided with the submittal of the Final Site plan for each phase for review and approval by staff. Individual building types shall be designed in a manner to work with existing topography and minimize grading.
18. At final SP, provide archeological survey consistent with Metro Historic condition.
19. 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.
20. 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.
21. 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.

22. 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.

23. 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 following zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance:

- Phase 1: MUL-A
- Phase 2, 3, 4: RM15-A
- Phase 5: MUL-A

**18. 2022SP-021-001**

**BERKHAMSTEAD**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

A request to rezone from AR2a to SP zoning for property located at 7088 Burkitt Rd, approximately 550 feet east of Old Burkitt Rd, (11.4 acres), to permit up to 129 multi-family residential units, requested by CSDG, applicant; Blackburn Family Limited Partners II LP, owner.

**Staff Recommendation: Defer to the April 13, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-021-001 to the April 13, 2023, Planning Commission meeting. (7-0)**

**19a. 2022SP-082-001**

**SKYVIEW SP**

Council District 24 (Kathleen Murphy)

Staff Reviewer: Amelia Lewis

A request to rezone from RS5 to SP zoning on property located at 307 Susannah Court, at the corner of Dakota Avenue and 38th Ave N, located within a Planned Unit Overlay District, (9.44 acres), to permit 187 multi-family residential units, requested by Ragan Smith Associates, applicant; Skyview Apartments, L.P., owner. (See associated case 8-78P-001).

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

**APPLICANT REQUEST**

**Preliminary SP to permit 187 multi-family residential units.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan (SP) zoning on property located at 307 Susannah Court, at the corner of Dakota Avenue and 38th Ave N, located within a Planned Unit Overlay District, (9.44 acres), to permit 187 multi-family residential units.

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 69 single-family lots, based on acreage alone. This does not account for compliance with Metro Subdivision Regulations.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

**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.

## **WEST NASHVILLE COMMUNITY PLAN**

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

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

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

The 9.44-acre site is located at the southwest intersection of Dakota Avenue and 38<sup>th</sup> Avenue North. The site has frontage along both streets and has been developed with a multi-family development. The surrounding properties are zoned RS5 and have been developed with primarily single-family residential uses, some two-family residential uses, and a small area of multi-family structures immediately southeast of the site.

The site has previously been developed with 88 multi-family units in a Planned Unit Development (PUD). The associated case, 8-78P-001, would cancel the existing PUD if the SP is approved.

The proposed 187 units are distributed throughout several buildings on the site. Along the Dakota Avenue and 38<sup>th</sup> Avenue North street frontages are several multi-family structures that contain 10 to 12 units each and are 2 story – 3 story split buildings, with the exception of one 3 story building. Each building contains a pedestrian pathway that connects to the sidewalk along the street frontage. One larger multi-family structure is located internally to the rear, near the southwest corner. This structure is proposed as a 3 story – 4 story split, with 135 units and a building design that wraps around an amenity area.

There is a significant amount of grade change from the street level to the interior of the site. There is approximately 50 feet of grade change between Dakota Avenue and the site, with Dakota Avenue sitting lower in elevation. In order to provide a pedestrian connection from the larger multi-family structure at the rear to the existing right of way, an extended staircase and plaza is proposed to connect from the north side of the building to Dakota Avenue. The proposed site plan shows this as one very linear staircase. Staff has concerns that this linear design will emphasize the grade change whereas a design that provides and shifts in the staircase will result in less of an emphasis on the grade change and will make a more attractive design. A condition that the applicant work with staff on the design for this feature is included in the report.

One vehicular access point along 38<sup>th</sup> Avenue North is shown on the site plan. Five foot sidewalks are shown along the Dakota Avenue and 38<sup>th</sup> Avenue North frontages, consistent with local street standards.

### **ANALYSIS**

There are two policies on the site. The Conservation (CO) policy is in place due to steep slopes on the site. The slopes range from 15 percent to greater than 25 percent. The slopes are located around the north, west, and southern property lines, with some areas of slopes through the middle portion of the site.

The second and primary policy on the site is Urban Neighborhood Maintenance (T4 NM). The intent of this policy is to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. The existing multi-family structures on the site are largely oriented internally, with most of the structures rear facades facing Dakota Avenue. The proposed development would place new multi-family structures fronting both Dakota Avenue and 38<sup>th</sup> Avenue North. These structures have been developed to have smaller building footprints, designed as a manor home style as opposed to the existing garden style apartments. This adds spacing between the buildings and provides prominent building entrances located along the street facing facades. The larger multi-family structure is located interior to the site as to provide a distinction between the smaller units and existing development along the street frontages and places the bulk of the development internal to the site. An extended staircase is intended to provide pedestrian access from this structure down to Dakota Avenue. Given the slopes in the northwestern portion of the site, the building is setback from the street significantly. This reduces the appearance of the taller structure against the existing neighborhood.

Overall, the proposed development is intended to increase the density on the site while improving the presence of the buildings along the street frontages and increasing pedestrian connectivity around the site. The surrounding area is largely a single-family neighborhood, however, the policy indicates that a T4 NM area may contain a variety of housing, including multi-family.

**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**

- With the final site plan, applicant is to design a system to convey stormwater offsite that ties into a system of adequate capacity.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.
- Relocate proposed plaza out of public ROW and provide ADA compliant ramp/sidewalks at Dakota-38th intersection.
- Overhead power line poles are to be relocated out of pavement and/or curb line to grass/furnishing zone. Sidewalks shall be oriented around the back of aforementioned overhead poles.
- Call out 1-1/2' mill & overlay paving, to CL, along each ROW frontage-Dakota and 38th. If pavement widening is necessary to meet ST-252 along each ROW frontage, provide ST-252 paving schedule in addition to mill and overlay for tie-in.
- Provide a ST-324 ramp into site off 38th.
- Reference exhibit for case B2, reduce proposed cross grade at sidewalks and grass strip, or raise access drive elevation to accommodate better line of sight for SSD on 38th.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- The applicant shall restripe the existing pavement markings at all intersections between Dakota Ave to Charlotte Pike on 38th Ave, per MUTCD. This includes stop-bars and cross-walks for side streets at intersections.
- Install bulb-out at the NW Corner of the intersection of Dakota & 38th Ave for a ped-landing. Accommodating a bulb out at this location, allows for a future sidewalk connection to be made while also discouraging people from parking near the intersection. Install cross-walks on all appropriate legs of this intersection.
- Continue to coordinate with WeGo for any transit needs/improvements with in the area.
- All sidewalk and necessary MCSP requirements are to be in the Public ROW.
- Comply with Roads comments.
- Ensure final designs follow the codes and requirements of all metro agencies.

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

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)	-	-	84 U	456	29	38

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	-	-	187 U	1,017	63	81



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+103 U	+561	+34	+43

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS5, PUD district: **3 Elementary 2 Middle 2 High**

Projected student generation proposed SP district: **7 Elementary 4 Middle 4 High**

The proposed zoning expected to generate 8 additional students than the existing zoning district. Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. All 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 with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 187 multi-family units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. On the corrected copy, note two under building height shall be revised to the following: For the purposes of calculating the number of stories, enclosed and covered mezzanines and rooftop amenities shall count towards the overall number of stories. Rooftop amenities shall have a minimum stepback of 10 feet from the exterior façade.
3. On the corrected copy, revise how building height shall be measured: Building height to be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the eave of a sloped roof design or if a flat roof, to the highest point.
4. With the final site plan, the design of the staircase from Dakota Avenue to the Amenity Plaza shall be reviewed by Planning Staff.
5. With the final site plan, complete elevations consistent with those provided with the preliminary SP shall be submitted.
6. With the Final SP submittal, all landscaping buffers shall avoid conflicts with any existing utility and drainage easements on the property.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final 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.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Blackshear left the meeting.

Ms. Lewis stated Items 19a and 19b will be presented together but will need separate votes.

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

Alex Trent, Trent Development Group, spoke in favor of the application.

Troy Gardner, Ragan Smith Associates, spoke in favor of the application.

Jeremiah Wooten, 1828 Wild Oaks Court, spoke in favor of the application.

Jeff Middlebrooks, 197 37<sup>th</sup> Avenue, spoke in opposition to the application. He asked for a deferral to allow time to answer neighbors' concerns.

Twana Chick, Cane Ridge Community, spoke in opposition to the application.

Svlano Stapanicka stated she lives on 38<sup>th</sup> Avenue and asked for a deferral.

Jason Holleman, 4210 Park Avenue, spoke in opposition to the application.

Alex Trent spoke in rebuttal.

Ms. Milligan stated they received correspondence from Councilmember Murphy stating she is in support of the project.

**Chair Adkins closed the Public Hearing.**

Mr. Clifton liked there will be increased affordable housing when completed.

Mr. Henley thought the design was very well done. He said he was curious as to what level of guidance they have regarding traffic impact and the amount of density added.

Ms. Lewis explained NDOT required a traffic study for this development. Parking and NDOT recommended approval with conditions, which are outlined in the staff report. She added that due to the slopes in and around the property, sight constraints and visibility were mentioned, so NDOT requested additional information to make sure visibility is maintained. The applicant submitted additional exhibits indicating no barriers to the visibility with the proposed development.

Mr. Henley mentioned a comment made regarding reduced parking and that there is potential to coordinate with WeGo to provide more accessibility into the neighborhood. He said he is inclined to support the project.

Chair Adkins said Councilmember Murphy has been one of the more voiceful advocates for public input and wanted the neighbors to know that.

Councilmember Withers agreed that Councilmember Murphy is very focused on community input and neighborhood preservation efforts. He asked if there is a bill on this or would it still have to be filed.

Ms. Milligan responded there is not a bill filed at this time.

Councilmember Withers said there would be time for the community to express their concerns prior to the Council public hearing. He felt the safety improvements along the street are well accounted for in the staff report from the reviewing agencies.

Ms. Johnson agreed with Councilmember Withers' comments. She said Councilmember Murphy will have time for community engagement before the bill goes to public hearing and felt comfortable moving forward. Ms. Johnson asked for clarification on a parking minimum requirement question asked by a member of the public.

Ms. Lewis advised this case originally filed for the December Planning Commission meeting and the parking amendment was approved in November. She said they asked the applicant to modify the site plan based on the requirements so it falls into compliance with the new guidance for properties within the Urban Zoning Overlay, which no parking is required. Ms. Lewis stated based on code and number of bedrooms, previous requirements would have been about 216, and they are proposing 225 now. At the time of NDOT's review and their initial review, it was compliant with code.

Ms. Johnson thought the plan is policy and said she especially liked the idea of a privately maintained publicly accessible open space and park. She said this is a great plan and supports staff recommendation.

Vice Chair Farr stated it was a great plan and seems to fit with the changing fabric of the area and recognizes it is a significant increase in the number of units. She asked if there are any other conversations regarding identifying land for the current residents.

Ms. Milligan stated she does not have more information and believes those conversations have been happening with their housing team.

Ms. Farr hoped that in the next round of discussions with the Councilmember, they can get closer to a definitive plan or a commitment that this project will not start until those residents are relocated in a comparable area with comparable replacement housing.

**Ms. Farr moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions. (6-0)**

Mr. Henley said it would be worth considering at least one space close to the seating plaza access for handicap accessibility for family units or individuals.

**Resolution No. RS2023-076**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-082-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 187 multi-family units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. On the corrected copy, note two under building height shall be revised to the following: For the purposes of calculating the number of stories, enclosed and covered mezzanines and rooftop amenities shall count towards the overall number of stories. Rooftop amenities shall have a minimum stepback of 10 feet from the exterior façade.
3. On the corrected copy, revise how building height shall be measured: Building height to be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the eave of a sloped roof design or if a flat roof, to the highest point.
4. With the final site plan, the design of the staircase from Dakota Avenue to the Amenity Plaza shall be reviewed by Planning Staff.
5. With the final site plan, complete elevations consistent with those provided with the preliminary SP shall be submitted.
6. With the Final SP submittal, all landscaping buffers shall avoid conflicts with any existing utility and drainage easements on the property.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final 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.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**19b. 8-78P-001  
SKYVIEW APARTMENT PUD (CANCELLATION)**

Council District 24 (Kathleen Murphy)  
Staff Reviewer: Amelia Lewis

A request to cancel a Planned Unit Development Overlay District on property located at 307 Susannah Court, at the southwest corner of Dakota Avenue and 38th Avenue North (9.44 acres), zoned RS5, requested by Ragan Smith Associates, applicant; Skyview Apartments, L.P., owner. (See associated case #2022SP-082-001).

**Staff Recommendation: Approve if the associated SP is approved disapprove is the associated SP is not approved.**

**APPLICANT REQUEST**

**Cancel a Planned Unit Development.**

PUD Cancellation

A request to cancel a Planned Unit Development (PUD) Overlay District on property located at 307 Susannah Court, at the southwest corner of Dakota Avenue and 38th Avenue North (9.44 acres), zoned Single-Family Residential (RS5).

**Existing Zoning**

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

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

**WEST NASHVILLE COMMUNITY PLAN**

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

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

**ANALYSIS**

The preliminary PUD was approved by Metro Council in 1978 for an 89 multi-family residential development. In the same year, a final site plan, consistent with the preliminary PUD, was approved. The development on the site today is largely consistent with the approved final site plan from 1978.

Currently, the site is entitled for a maximum of 89 multi-family units. There is an associated case, 2022SP-082-001, which proposes to rezone this site for 187 multi-family residential units and a new site plan. In order to increase entitlements on the site proposed by the associated case, , the PUD would need to be canceled and a new site plan approved by Council.

**STAFF RECOMMENDATION**

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

Ms. Lewis presented the staff recommendation to approve if the associated SP is approved and disapprove if the associated SP is not approved.

**Ms. Farr moved and Ms. Johnson seconded the motion to approve. (6-0)**

**Resolution No. RS2023-077**

“BE IT RESOLVED by The Metropolitan Planning Commission that 8-78P-001 is approved. (6-0)

**20. 2023SP-018-001**  
**BELLE MEADE PLAZA**  
Council District 24 (Kathleen Murphy)  
Staff Reviewer: Dustin Shane

A request to rezone from MUL to SP zoning for property located at 4500 Harding Pike, southwest of the corner of White Bridge Pike and Harding Pike (10.57 acres), to permit a mixed-use development, requested by Barge Cauthen & Associates, applicant; BMP, L.L.C., owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-018-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**21. 2023SP-024-001**  
**1017 PIERCE ROAD TOWNHOMES**  
Council District 09 (Tonya Hancock)  
Staff Reviewer: Donald Anthony

A request to rezone from RS7.5 to SP zoning on property located at 1017 Pierce Road, at the corner of Shannon Avenue and Pierce Road, to permit 33 multi-family residential units, requested by Fulmer Lucas Engineering, applicant; Top Shelf Investments LLC, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit 33 multifamily residential units.**

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (SP) on property located at 1017 Pierce Road, at the corner of Shannon Avenue and Pierce Road (1.72 acres), to permit 33 multifamily residential units.

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 9 units, based on acreage only. This does not account for compliance with Metro's Subdivision Regulations.*

**Proposed Zoning**

Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes 33 multifamily residential units.*

**MADISON COMMUNITY PLAN**

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

**SITE CONTEXT AND PLAN DETAILS**

The preliminary SP application is for a 1.72-acre parcel located along the west side of Pierce Road and the south side of Shannon Avenue. The property is currently zoned RS7.5 and could accommodate a maximum of nine single-family residential units. One single-family residential unit is currently located on the property. Adjacent zoning includes: RS7.5 on the north and south; RS7.5 and PUD on the east; and SP on the west. Adjacent land uses include: single-family residential on the north and south; a 104-unit multifamily residential development on the east; and vacant property on the west. The adjacent property on the west was rezoned SP in 2019 to permit 28 multifamily residential units on 1.96 acres.

The preliminary SP application is for 33 multi-family residential units, giving the proposed development a density of 19.18 units per acre. The plan includes both detached units and attached units. Detached units would be situated primarily along the Shannon Avenue frontage, while attached units (two per structure) would be situated along the Pierce Road frontage and throughout the interior of the development. Maximum height would be three stories up to 35 feet.

All units would have rear two-vehicle garages with access to a network of interior private driveways. Access to the site would be provided via one access point on Shannon Avenue and one access point on Pierce Road. Nine units would have frontage along Shannon Avenue, six would have frontage along Pierce Road, and the remaining 18 units would front a common open space interior to the site.

Both Pierce Road and Shannon Avenue are classified as local streets and require 50-foot rights-of-way. Currently, Pierce Road has a 33-foot right-of-way, while Shannon Avenue has a 40-foot right-of-way. The proposed SP includes right-of-way dedications of 8.5 feet on Pierce Road and five feet on Shannon Avenue. The plan shows five-foot sidewalks and four-foot landscape strips along both road frontages. Street trees would be planted along both street frontages at a frequency of one tree per 20 feet of frontage.

#### **ANALYSIS**

The T4 NE policy is characterized in part by: moderate to high-density residential development; buildings with shallow setbacks; and heights of one to three stories in most locations. The policy supports greater housing choice through an integrated mixture of housing types. The policy also emphasizes transportation enhancements where there is inadequate transportation infrastructure.

The proposed SP is generally consistent with the T4 NE policy. The policy supports multifamily residential uses with densities as high as 40 units per acre. The SP would have a moderate density of 19.18 units per acre, comparable to the 14.28 units per acre approved with the neighboring Madison Heights SP on the west. The proposed building setbacks (six feet along Shannon Avenue and three feet along Pierce Road) would be consistent with the T4 NE policy's emphasis on shallow setbacks. The proposed three-story building height is consistent with the policy as well.

The proposed development would increase housing stock and housing diversity in the area. Further, it would support transportation infrastructure through the dedication of additional right-of-way and the construction of more than 550 linear feet of new sidewalks. Because the proposed SP is consistent with stated policy goals, staff recommends approval with conditions.

#### **FIRE MARSHAL RECOMMENDATION**

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

- Architectural elevations and flow test information not provided for this review. Elevations and flow test are required prior to construction. Must meet all applicable fire and building codes. Changes to the site plan or construction plans may be required prior to approval for construction.
- Fire separation distance between units is less than 5 feet. Construction must comply with IRC R302.

#### **STORMWATER RECOMMENDATION**

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

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

#### **METRO WATER SERVICES RECOMMENDATION**

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

- Approved as a Preliminary SP only. Public and/or private 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% Sewer Capacity must be paid before issuance of building permits. Water provided by the Madison Suburban Utility District.

#### **NASHVILLE DOT RECOMMENDATION**

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

- Final construction plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Provide 'Now entering private drive' signs where relevant. Dimension ROW pavement widths for clarity.
- A private hauler will be required for waste/recycle disposal.
- Provide 4' offset between access ramp and property line.
- Provide/Hatch 1-1/2' mill and overlay to CL of Shannon and Pierce for widening tie-in along ROW frontage.
- Provide stop control at intersection (Shannon).

#### **TRAFFIC & PARKING RECOMMENDATION**

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

- Ensure final designs follow the codes and requirements of all metro agencies.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.72	4.94 D	8 U	102	11	9

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 (220)	-	-	33 U	242	17	22

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+25 U	+140	+6	+13

**METRO SCHOOL BOARD REPORT**

Projected student generation existing AR2a district: 2 Elementary 1 Middle 1 High  
 Projected student generation proposed SP-R district: 5 Elementary 3 Middle 2 High

The proposed SP is anticipated to generate six additional students beyond what is generated under the current RS7.5 zoning. Students would attend Amqui Elementary, Neely’s Bend College Prep Middle School, and Hunters Lane High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 33 multifamily residential units. Short term rental properties, owner occupied and short term rental properties, not owner occupied, shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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 RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. 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
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Patrick Napier, 710 Freda Villa, Madison, spoke in favor of the application.

Marilyn Finley, 234 Cedarwood Lane, Madison, spoke in opposition to the application.

Michael Borderlon, 1021 Pierce Road, spoke in opposition to the application.

Patrick Napier spoke in rebuttal.

Ms. Milligan stated Councilmember Hancock expressed her regret in not being able to attend the meeting but wanted to let the Commission know she is supportive of the plan.

**Chair Adkins closed the Public Hearing.**

Ms. Johnson stated she is in support of staff recommendation because of the right of way dedication, the T4 Neighborhood Evolving area and that the density is compatible with the approved SP.

Councilmember Withers stated he also supported staff recommendation. He said he wanted to validate the concern from the community that the streets are unusually narrow and Pierce Road is very curvy but feels the right of way dedication and infrastructure improvements will help to alleviate that.

Mr. Henley asked if the adjacent SP have right of way contributions.

Mr. Anthony stated there were requirements for a right of way dedication and to make two 11 foot travel lanes.

Mr. Henley is glad to see the infrastructure being adjoined with the level of development the community is seeing and said he supports the plan.

Mr. Clifton stated he has nothing to add and is supportive of this plan.

Vice Chair Farr said Neighborhood Evolving is always a bit of a transition but this seems like an appropriate plan for this area.

**Ms. Farr moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions. (6-0)**

**Resolution No. RS2023-078**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-024-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to 33 multifamily residential units. Short term rental properties, owner occupied and short term rental properties, not owner occupied, shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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 RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. 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
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



## 22. 2021SP-025-003

### THE BOWEN HOUSE AT KNOLLMERE PLACE (AMENDMENT)

Council District 15 (Jeff Syracuse)

Staff Reviewer: Dustin Shane

A request to amend a Specific Plan on property located at 2850 Lebanon Pike, southwest of Munn Road, zoned SP and located in the Downtown Donelson Urban Design Overlay (4.95 acres), to permit 98 multi-family residential units, requested by Land Solutions Company, applicant; Bowen House Ventures LLC, owner.

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

#### APPLICANT REQUEST

**SP amendment to permit 30 additional multi-family residential units.**

#### Preliminary SP

A request to amend a Specific Plan on property located at 2850 Lebanon Pike, southwest of Munn Road, zoned Specific Plan (SP) and located in the Downtown Donelson Urban Design Overlay (4.95 acres), to permit 98 multi-family residential units.

#### **Existing Zoning**

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

Urban Design Overlay Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code. *This site is located in the Downtown Donelson UDO and falls within Subdistrict 4, Residential and Civic Corridor.*

#### **Proposed Zoning**

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

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

#### **PLAN DETAILS**

The 5.32-acre site is located on the north side of Lebanon Pike, at the northwest corner of Lebanon Pike and Stewarts Ferry Pike. Stewarts Ferry Pike terminates into Munn Road, which wraps the southeastern corner of the site and extends further north. The vacant site contains heavy vegetation and is adjacent to a stream that generally runs parallel with Munn Road. The parcel contains areas of steeper slopes located to the south of the stream, at the back of the site and along the eastern boundary. Surrounding land uses include institutional, office, and multi-family residential uses on the opposite side of Munn Road to the east, and nonresidential uses on the south side of Lebanon Pike. Donelson Middle School is located to the south, on the west side of Stewarts Ferry Pike. The adjacent property to the west is developed with a church and associated parking. Directly west of the church property is an approved SP with multi-family residential uses (Case No. 2021SP-036-001). Vehicular and pedestrian access are proposed to be coordinated between the subject site, the church property, and the nearby SP (2021SP-036-001) to provide for enhanced access management amongst all three sites, consistent with the previously approved SP

#### Currently Approved SP

The currently approved SP was approved with conditions by the MPC at its September 9, 2021 meeting, and adopted by Metro Council on November 26, 2021. It consists of 68 multi-family residential units in five buildings (three fronting

Lebanon Pike), with appurtenant parking, amenity space, and stormwater mitigation facilities. Coordinated vehicular and pedestrian access were approved between the subject site, the church property, and the nearby SP (2021SP-036-001) to provide for enhanced access management amongst all three sites.

#### Proposed SP

The proposed amendment to includes 30 additional multi-family residential units, for a total of 98 units, and several changes to the SP's layout. These changes are detailed below.

- Consolidates the three buildings along Lebanon Pike into one building.
- Consolidates the two buildings toward the rear of the site into one building.
- Defines the amenity space as a clubhouse and relocates it to the corner of Lebanon Pike and Munn Road.
- Interposes parking between the residential building on Lebanon Pike and the amenity building now at the corner.
- Moves stormwater mitigation areas slightly southward and creates slightly less disturbance.

#### **ANALYSIS**

The amended SP is consistent with the T3 RC policy, which is intended to enhance suburban arterial-boulevards with residential development that frames the corridor. Slightly less disturbance than before will occur in those areas of the site under CO policy.

Adding additional units to the SP is appropriate per the Downtown Donelson UDO Subdistrict 4 standards, which call for providing additional housing choice along Lebanon Pike. The addition of a parking lot visible from Lebanon Pike is not ideal but is consistent with the UDO, which relegates parking to the sides and rear of structures. Enhanced screening will be provided in front of this area. The consolidated buildings will function similarly to the original detached ones but will feature generous articulation to avoid monotony along the façade. The bill conditions of the original SP will continue in force, particularly the height limitation along the front façade of three stories in 45 feet (the provided elevations meet this requirement).

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

#### **NDOT 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/recycle disposal.

#### **TRAFFIC AND PARKING RECOMMENDATION**

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

- There are two stops east of the intersection of Munn Road and Lebanon Pike that need additional infrastructure per WeGo recommendations. These need to include a wider sidewalk (at least 8 feet) for the entire length of the stop. Also, the stops need to be shifted closer to the intersection per WeGo standards design guidelines for an in-lane curbside stop for 60 foot buses. Include note in the Final SP plan set referencing improvements, and design details need to be included in building permit plan set.

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
Multi-Family Residential (221)	5.32	-	68 U	369	23	31

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	5.32	-	98 U	532	34	44

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
-	-	-	+30	+163	+11	+13

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP districts: 5 Elementary 4 Middle 3 High

Projected student generation proposed Amended SP district: 7 Elementary 6 Middle 4 High

The proposed Amended SP zoning is expected to generate 5 more students than the existing SP zoning districts. Students would attend Hermitage Elementary School, Donelson Middle School, and McGavock High School. The schools are identified as having capacity for additional students, except for Donelson Middle School, which is listed as at overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 98 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. Requirements specified in BL2021-933 not specifically being amended with this ordinance shall remain in effect.
3. Access easements must align with those on neighboring properties.
4. On the corrected copy, pedestrian entrances on the site plan must match those shown on elevations.
5. Change Architecture note to read:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 15% glazing.
  - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers.
  - c. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18"- 36" is required for all residential structures.
6. 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.
7. 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.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. 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. Shane presented the staff recommendation to approve with conditions and disapprove without all conditions.

Kevin Estes, 5060 Regent Drive, spoke in favor of the application.

Julia Boklage, 829 Cedarstone Way, spoke in opposition to the application.

Star Herrman, 4058 Lake Parkway, spoke in opposition to the application.

Gayle King, 821 Cedarstone Way, spoke in opposition to the application.

Kevin Estes spoke in rebuttal.

**Chair Adkins closed the Public Hearing.**

Mr. Henley asked about the number of bedrooms in the previous SP. He also asked if there were any improvements required or if NDOT addressed anything related to Munn Road as a product of increased unit count.

Mr. Elliott responded there is a condition wanting the applicant to work with WeGo on a bus stop.

Mr. Henley recognized the concerns and said any impact on public infrastructure that is not already serving the community well is a perceived nuisance. He thought it is a good modification to the plan and the additional units and creating the ability to access the units on a major thoroughfare were important.

Ms. Milligan stated the plan as proposed was sixty eight units, two bedrooms, which would be one hundred thirty six bedrooms in the previously approved plan and the unit mix has changed to one bedroom.

Councilmember Withers stated he understood the concerns regarding traffic issues. He felt the plan helps define the corner and liked that the natural features of the woods and creek are respected. Mr. Withers thought that adding the one bedroom units was a good idea as it is more affordable and more practical for people with different family sizes.

Ms. Johnson stated this is plan is a revision of a previously approved SP and felt this revision is better. She said Councilmember Syracuse is a big proponent of transit oriented development and having the density in this corner and corridor makes sense but understood the growing pains of the increased traffic.

Vice Chair Farr stated infrastructure is an ongoing concern across the city and from this prospective, they are trying to put it in an area where there is a transportation alternative to cars. She said this is a modification and not a new plan and supports staff recommendation.

Mr. Clifton stated for all the reasons already stated, he is in favor of the plan and understood the concerns of the residents.

**Mr. Clifton moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions. (6-0)**

**Resolution No. RS2023-079**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-025-003 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 98 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. Requirements specified in BL2021-933 not specifically being amended with this ordinance shall remain in effect.
3. Access easements must align with those on neighboring properties.
4. On the corrected copy, pedestrian entrances on the site plan must match those shown on elevations.
5. Change Architecture note to read:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 15% glazing.
  - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers.
  - c. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

- d. Porches shall provide a minimum of six feet of depth.
- e. A raised foundation of 18"- 36" is required for all residential structures.
- 6. 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.
- 7. 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.
- 8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
- 9. Comply with all conditions and requirements of Metro reviewing agencies.
- 10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- 11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
- 12. 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.

**23. 2023SP-019-001**

**THE MEADOWS**

Council District 01 (Jonathan Hall)  
Staff Reviewer: Amelia Lewis

A request to rezone from RS40 to SP zoning for property located at 6289 Eatons Creek Road, south of Binkley Road (11.77 acres), to permit 42 multi-family residential units, requested by Land Solutions Company, LLC, applicant; Joelton TC Ventures LLC, owner.

**Staff Recommendation: Defer to the April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-019-001 to the April 27, 2023, Planning Commission meeting. (6-0)**

**24. 2023SP-025-001**

**LAKESHORE DRIVE RESIDENTIAL**

Council District 11 (Larry Hagar)  
Staff Reviewer: Laszlo Marton

A request to rezone from RS5 to SP zoning on property located at 2411 Lakeshore Drive, northeast of Dabbs Avenue, zoned RS5 (1.79 acres), to permit 16 multi-family residential units, requested by Catalyst Design Group, applicant; Grand Gors, LLC, owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-025-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

**25. 2015SP-005-022**

**CENTURY FARMS BEAMAN & TURNER**

Council District 32 (Joy Styles)  
Staff Reviewer: Dustin Shane

A request to amend a Specific Plan for various properties located on the north side of Old Franklin Road, between Cane Ridge Road and Interstate 24, zoned SP (294.15 acres), to permit 300 additional multi-family residential units and, revise subdistrict boundaries, development standards, and signage standards, requested by Barge Design Solutions, applicant; various owners.

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

**APPLICANT REQUEST**

**Amend the Century Farms Specific Plan District to permit 300 additional multi-family units and revise standards.**

### Amended SP

A request to amend a Specific Plan for various properties located on the north side of Old Franklin Road, between Cane Ridge Road and Interstate 24, zoned Specific Plan (SP) (294.15 acres), to permit 300 additional multi-family residential units and revise subdistrict boundaries, development standards, and signage standards.

### **Existing Zoning**

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

### **SOUTHEAST COMMUNITY PLAN**

D Destination Retail (D DR) is intended to enhance and create Districts where large footprint, auto-centric retail and complementary uses that may draw from regional or multi-state trade areas are predominant. D DR areas have one or more large footprint retail uses that are typically surrounded by large surface parking lots. Primary supportive land uses include retail, restaurant, hotel, and entertainment. Such supportive uses may be integrated or separate from the large footprint establishment. The large footprint uses provide major positive economic impacts by drawing from very large trade areas that often extend into other states and draw customers who may stay in the Nashville area for extended periods of time. Office and high density residential are complementary supportive uses that can help to provide transitions in scale and intensity to surrounding Community Character Policy areas.

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. Successful infill and redevelopment in existing neighborhoods need 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.

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

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

### **PLAN DETAILS**

The site is located at the Hickory Hollow parkway interchange of Interstate 24. The site is approximately 286 acres, west of Interstate 24, east of Cane Ridge Road, and north of Old Franklin Road. The approved Preliminary SP includes a variety of uses and building types in five subdistricts. The subdistricts include: Residential, Retail, Neighborhood Transition, Office Concentration, and Mixed Use. Each subdistrict includes specific standards for building location, intensity, height, signage, etc. All subdistricts indicate that facades shall be identified during the Final SP process, with different façade types applying at various locations. The most recent approval includes 1,300 residential units. Several final site plans have been approved, and the infrastructure is mostly built out.

### Site Plan

The proposed amendment to the SP consists of a request for 300 additional residential units and several changes to the SP's district boundaries and development standards. These changes are detailed below.

- Shift district boundaries to remove Office Concentration from the area fronting the interstate. It is replaced by Mixed Use. The former Retail Subdistrict at the northern end of the site has been replaced with open space.

- Remove the “New Urbanist” and pedestrian-oriented elements from the Mixed Use Subdistrict and replace them with a typical auto-centric layout consisting of big box stores, parking lots, and drive aisles.
- Remove references to transit connections and complete streets.
- Permit “roof signs” six feet tall and 130 feet long, to be individually illuminated and allowed on top of buildings in the Neighborhood Transition Subdistrict.
- Add more multi-tenant Century Farms signage in common areas.
- Permit a 64-foot-tall “iconic silo” sign with Century Farms branding.
- Remove any building types that do not permit parking between the building and the ROW or private drive.
- Remove the “mixed use” building type.
- Reduce the number of parkways in the circulation plan.
- Replace references to greenways with trails to avoid the official greenway dedication process.
- Remove the façade classification system.
- Raise permitted height to five stories for all uses in the Neighborhood Transition Subdistrict, which was formerly only allowed for residential uses.
- Allow mixed uses in the Office Concentration Subdistrict.
- Add two acres of publicly accessible open space in the Office Concentration Subdistrict.
- Reduce minimum required parking ratios for hotels in the Mixed Use Subdistrict with an approved parking study.
- Raise the maximum height after the eighth story setback from twelve to fifteen stories in the Mixed Use Subdistrict when fronting the interstate.
- Add extra signage along the interstate.

Several of the changes streamline and simplify the SP, including the changes related to the façade types and the internal road system. Many of the changes, however, are intended to create a typical auto-centric suburban development, rather than the more mixed use and pedestrian-oriented vision that was originally approved. When first approved, however, the SP was speculative, and in the intervening years it has been difficult commercially to market anything except the more auto-oriented sites to commercial developers and tenants. The owners are requesting to be allowed to develop without these less conventional “New Urbanist” elements found in the original SP. Pedestrian infrastructure will be extended into the redesigned area, however.

#### **ANALYSIS**

With the amendment, the Mixed Use Subdistrict will become similar to other interstate interchange districts in the region. The developer has indicated there are market concerns that a town center would not be viable at this location. Planning recommends approval with conditions based on the reality of the development environment in such a location. The addition of 300 residential units and the changes to signage and district boundaries will have a relatively minor impact on the development as a whole. All previous conditions of approval remain in place.

#### **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**

2015SP-005-022

MWS has no objection to the latest SP Amendment (uploaded by Planning on 12/28/2022), 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- Development Services before their construction may begin.
- All capacity fees and/or DAPARC Fees must be confirmed paid prior to construction.

#### **NDOT RECOMMENDATION**

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

- Based on the traffic memo submitted, a revised TIS is not needed. The change in density has no additional impacts to the previously studied trips. With any following site plan submittals, off-site improvements, safety, and multi-modal improvements may be considered and applied where needed. Park per code.

#### **TRAFFIC AND PARKING RECOMMENDATION**

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

- Based on the traffic memo submitted, a revised TIS is not needed. The change in density has no additional impacts to the previously studied trips. With any following site plan submittals, off-site improvements, safety, and multi-modal improvements may be considered and applied where needed. Park per code.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	-	-	1,300 U	9,516	545	579

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
Hotel (310)	-	-	706 R	7,544	348	504

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)	-	-	520,000 SF	5,251	515	545

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
Medical Office (720)	-	-	116,000 SF	4,369	255	396

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)	-	-	612,000 SF	23,103	576	2,331

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
Supermarket (850)	-	-	48,000 SF	4,165	183	451

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)	-	-	65,000 SF	7,292	646	635

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
Gas Station/Conv Store (820)	-	-	40 pumps	9,577	663	559



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 (220)	-	-	1,600	11,712	665	697

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)	-	-	706 R	7,544	348	504

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
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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
Gas Station/Conv Store (820)	-	-	40 pumps	9,577	663	559

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
-	-	-	+300 U	+2,196	+120	+118

## **METRO SCHOOL BOARD REPORT**

**Projected student generation existing SP districts: 135 Elementary 110 Middle 101 High**

**Projected student generation proposed SP district: 166 Elementary 135 Middle 124 High**

The proposed SP zoning is expected to generate 79 more students than the existing SP zoning districts. Students would attend A.Z. Kelley Elementary School, Marshall Middle School, and Cane Ridge High School. The schools are identified as having capacity for additional students, except for Cane Ridge High School, which is listed as at overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Permitted uses shall be limited to 1,600 residential units within the entire SP, with the Residential Subdistrict limited to a maximum of 500 multi-family residential units; the Retail Subdistrict limited to uses allowed in SCR, excluding Alternative Financial Services; the Neighborhood Transition Subdistrict limited to a maximum of 600 multi-family residential units and all other uses allowed in MUL, excluding Alternative Financial Services; the Office Concentration Subdistrict limited to a maximum of 600 multi-family residential units and all other uses allowed in MUI, excluding Alternative Financial Services; the Mixed Use Subdistrict limited to a maximum of 600 multi-family residential units and all other uses allowed in MUI, excluding Alternative Financial Services. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
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 RM20 zoning district for the Residential Subdistrict, the SCR zoning district for the Retail Subdistrict, the MUL zoning district for the Neighborhood Transition Subdistrict, and the MUI zoning district for the Office Concentration and Mixed Use Subdistricts 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.

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

Kathryn Withers, Planning Manager with Barge Design Solutions, 615 3<sup>rd</sup> Avenue South, stated she is representing the developer, Oldacre McDonald. She spoke in favor of the application.

Andy Bhakta, 201 Crossings Place, spoke in favor of the application.

Twana Chick, Cane Ridge Community Club, spoke in opposition to the application.

John Stern, Cane Ridge Community Trust, spoke in opposition to the application.

Jeremiah Wooten, 1828 Wild Oaks Court, spoke in opposition to the application.

Kathryn Withers spoke in rebuttal.

Councilmember Styles spoke in favor of the application.

**Chair Adkins closed the Public Hearing.**

Councilmember Withers stated they have to plan for the future and there is language in the staff analysis that reads it is not marketable to do a town center development and he said he is not persuaded that is true. He was uncomfortable with the idea of taking such an important development for that community and not apply best practices.

Ms. Milligan stated that staff struggled with the removal portion of the SP. She explained that when the SP was approved, the plan was aspirational in its design and included more traditional suburban type development along with an area of a town center style development. She said their approval was based on the policy for the area. The policy is not a mixed use corridor, but rather a district destination retail, which was actually a policy written for that site and adopted as part of the rezoning of that site.

Councilmember Withers said he still has reservations, other than adding needed density.

Mr. Henley said the presentation of the trails looked different than beforehand. He commented about the overall scale of the development with added density and asked if there was any additional traffic study.

Ms. Milligan advised that the way that SP worked, because of its scale, it approved as a certain level of entitlement in sub districts. They did a very broad traffic study at the time the original SP was approved and have done a series traffic studies as pieces have come in. There was a traffic memo and analysis done based on transitioning square footage from what would have been a retail, office to residential.

Mr. Henley said there was added density and a roundabout and was looking for new traffic study information. He stated removing the town center piece was interesting because it did not guide him. He felt as far as the quadrant there is information that is not quite there yet. He said he understands making modifications as they go, especially on developments of this scale, but felt it would have been helpful to have some of that to look at beforehand.

Mr. Clifton felt this is a very interested and multi-faceted issue. He said it is not in shape enough for him to be voting for it at this time.

Vice Chair Farr said these are the areas where they want to concentrate on transit oriented development and it is going to be a transition, but they need to plan for the future. She said in reading the plan, they are going back to the past. She stated she does not feel those are minor housekeeping amendments to the SP but felt like very different orientation to the plan overall. Ms. Farr said if there are new renderings for the right quadrant, they should consider a deferral until they can review those new renderings. She asked if there was a way to take out the roundabout and move that piece forward.

Ms. Kempf stated that is what she would recommend if they were supportive of the roundabout and understood there would be additional work on the lower right quadrant. She said they have to deal with the policy because they try not to divorce the zoning from the policy. She advised to pursue the roundabout and defer the rest for further discussion.

Vice Chair Farr asked if the policy was in place before or after the SP was adopted.

Ms. Kempf answered they came in together.

Ms. Milligan responded that when this project came in, that policy was created for this project. It was a new district they created that did not exist before this project which was applied at the same time the SP was approved.

Vice Chair Farr said this SP had those characteristics so were they saying the SP was consistent with that.

Ms. Kempf responded in the affirmative. She said if the Commission is comfortable with the roundabout, they can propose to move that forward and then have discussion on how to square up the current changes with the policy.

Vice Chair Farr asked if they could keep some parts of the plan.

Ms. Kempf answered yes and said she understood they want more specificity and to see the renderings.

Chair Adkins said he remembered this case and thought it was the SP, town center and walkability they liked at the time. He agreed they need to clean up the plan.

Ms. Johnson felt this is not a minor modification of the existing plan. She said because they approved the existing SP based on existing destination policy; therefore, adding the conditions and changing it this way, she is not seeing what they are proposing entirely. Ms. Johnson stated she would love to see pictures regarding the changes. She said she does not want to hold up the tenants but they cannot move forward with the uncertainty.

Ms. Kempf asked Ms. Milligan if it is just the traffic piece, can NDOT and Planning handle that through Administrative review.

Ms. Milligan stated yes. She explained changing the cross section to make it into a traffic circle as opposed to a T-intersection, is an engineering change that does not require amending the SP and does not require Council action or Planning Commission action. It is an internal technical review that can be done by NDOT.

Ms. Kempf advised their options are the typical ones, which would be deferral, and asked Ms. Milligan what she would advise to do with the application based on the conversation.

Ms. Milligan stated they do not have to make any action on the traffic circle as they can work that out with Planning, NDOT and development team handled through engineering and construction documents. She suggested deferring to allow for community meetings.

Chair Adkins stated they are concerned about the town center being gone as part of the SP and would like to see the changes. He felt it was important to consider transit, bike-ability and walkability.

Councilmember Withers said this is a very important site and understands the need for flexibility. He would like to know the path on how to get back to a town center site if a big box retail does not work out.

**Ms. Farr moved and Mr. Clifton seconded the motion to defer to the April 13, 2023, Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission and to allow for a community meeting. (6-0)**

**Resolution No. RS2023-080**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-005-022 is deferred to the April 13, 2023, Planning Commission meeting to allow time for staff to research various topics as outlined by the Commission and to allow for a community meeting. (6-0)

**26a. 2001UD-002-012**

**MUSIC ROW UDO (CANCELLATION)**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Donald Anthony

A request to cancel an Urban Design Overlay District for properties located at 1609 McGavock Street, 115 16th Avenue South and 114 and 116 17th Avenue South, approximately 120 feet northwest of Division Street, zoned CF, located within the Music Row Urban Design Overlay District and Arts Center Redevelopment District (1.17 acres), requested by Roers Capital, LLC, applicant; Broadway Properties, L.P., Spotty Merle, LLC and Yer Man, LLC, owners. (See associated case 2023SP-010-001).

**Staff Recommendation: Approve if the associated SP is approved and disapprove if the associated SP is not approved.**

**APPLICANT REQUEST**

**A request for cancelation of an Urban Design Overlay District on four properties.**

UDO Cancelation

A request to cancel an Urban Design Overlay District for properties located at 1609 McGavock Street, 115 16<sup>th</sup> Avenue South, and 114 and 116 17<sup>th</sup> Avenue South, approximately 120 feet northwest of Division Street, zoned Commercial Core Frame (CF), located within the Music Row Urban Design Overlay District and Arts Center Redevelopment District (1.17 acres).

**EXISTING ZONING**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

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

## **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.

### **PLAN DETAILS**

An accompanying preliminary SP application (2023SP-010-001) proposes a mixed use development on the subject property. The proposed development includes a 29-story mixed use building and adaptive reuse of an existing single-story building located along the south side of McGavock Street, the east side of 17<sup>th</sup> Avenue South, and the west side of 16<sup>th</sup> Avenue South. The proposed mixed use building would include up to 450 multi-family residential units or 300 multi-family residential units and 200 hotel rooms; additionally, the mixed use building would include up to 35,300 square feet of nonresidential uses. The existing 7,051-square foot single-story building would be retained and repurposed, though the plan does not identify a specific use for the building.

### **CANCELATION REQUEST DETAILS**

The applicant requests cancellation of the Music Row Urban Design Overlay (UDO) on the subject property. The Music Row UDO—adopted in 2001—establishes guidelines for building placement, height, massing, architecture, access, parking, and signage. The UDO includes three subdistricts: core, corridor, and support. The eastern half of the subject property is located in the corridor subdistrict, while the western half of the subject property is located in the support subdistrict.

While the proposed SP would satisfy most of the UDO requirements for the corridor and support subdistricts, the height of the mixed use building would exceed the maximum height permitted in both subdistricts. In the corridor subdistrict, building height is limited to 91 feet at the build-to line; in the support subdistrict, height is limited to 65 feet at the front setback line. The proposed mixed use building would have a height of 29 stories and would span the majority of the McGavock Street frontage, crossing into both the corridor and support subdistricts.

### **ANALYSIS**

The Music Row UDO has multiple purposes, including: encouraging pedestrian activity in the area; encouraging active ground floor uses; and supporting adaptive reuse and rehabilitation of older buildings. The UDO was initially adopted in 2001, prior to the large-scale redevelopment that the Music Row area has seen in recent years. The area has seen increasing building heights since the adoption of the UDO, and UDO cancellations were approved in 2014 as part of the SkyHouse Nashville SP and again in 2015 as part of the Demonbreun Hill SP. In this case, the proposed 29-story mixed use building would be within three blocks of existing or approved developments with building heights of up to 39 stories.

The T5 MU policy supports building heights greater than 20 stories when warranted by a building's surroundings, relationship to street and sidewalk width, distance to public transit, and other context-based considerations. The subject property lies within close proximity to other buildings with heights exceeding 20 stories. The proposed SP would include broad sidewalks, and the site is located within walking distance to multiple WeGo bus routes.

### **STAFF RECOMMENDATION**

The proposed development is consistent with the area's development character and the T5 MU policy. Cancellation of the UDO on the subject property should not negatively impact other properties in the UDO. Further, cancellation of the UDO would allow for a more intense development in a growing area with multiple transportation options. Therefore, staff recommends approval of the UDO cancellation if the associated SP is approved and disapprove if the associated SP is not approved.

**Approve. (7-0)**

### **Resolution No. RS2023-081**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-002-012 is approved. (7-0)

## 26b. 2023SP-010-001

### 16TH & MCGAVOCK

Council District 19 (Freddie O'Connell)

Staff Reviewer: Donald Anthony

A request to rezone from CF to SP zoning for properties located at 1609 McGavock Street, 115 16th Avenue South, and 114 and 116 17th Avenue South, approximately 120 feet northwest of Division Street, located within the Music Row Urban Design Overlay District and Arts Center Redevelopment District, to permit a mixed use development with nonresidential uses and a maximum of 450 multi-family residential units (1.17 acres), requested by Roers Capital, LLC, applicant; Broadway Properties, L.P., Spotty Merle, LLC and Yer Man, LLC, owners. (See associated case 2001UD-002-012).

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

### APPLICANT REQUEST

**Preliminary SP to permit a mixed use development.**

#### Preliminary SP

A request to rezone from Commercial Core Frame (CF) to Specific Plan (SP) for properties located at 1609 McGavock Street, 115 16<sup>th</sup> Avenue South, and 114 and 116 17<sup>th</sup> Avenue South, approximately 120 feet northwest of Division Street, located within the Music Row Urban Design Overlay District and Arts Center Redevelopment District (1.17 acres), to permit a mixed use development with nonresidential uses and a maximum of 450 multi-family residential units.

#### **Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

Music Row Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code. *The applicant has submitted a request for cancelation of the Music Row UDO on the subject property (2001UD-002-012).*

#### **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 multifamily residential and nonresidential 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 POLICY**

The site is located in the Music Row Vision Plan (10-MR-T5-MU-01) supplemental policy area. Specifically, the site lies within subdistrict 1B of the Music Row North character area. The Music Row Vision Plan recommends a mix of uses including retail, bars, restaurants, live music venues, hotels, and residential uses. The plan further recommends building heights of up to 15 stories by right and 20 stories with preservation and commitment to music uses.

#### **SITE CONTEXT**

The preliminary SP application is for four parcels totaling 1.17 acres located along the south side of McGavock Street, the east side of 17<sup>th</sup> Avenue South, and the west side of 16<sup>th</sup> Avenue South. The property is currently zoned CF. The site is currently occupied by a restaurant, a paid parking lot, and a music recording studio. Adjacent properties on the north and south are zoned CF, and adjacent properties on the east and west are zoned SP. Adjacent land uses include: residential on the north; office and commercial on the south; a paid parking lot on the east; and mixed use on the west.

In addition to the CF base zoning, the subject property also lies within the Music Row Urban Design Overlay (UDO) and the Arts Center Redevelopment District. The Music Row UDO includes design standards for building location, height, façade breaks, transparency, building entrances, and on-site parking. The applicant has submitted a separate

application (2001UD-002-012) requesting cancelation of the UDO on the subject property. The Arts Center Redevelopment District includes guidelines for redevelopment established by the Metropolitan Development and Housing Agency (MDHA). The applicant will be required to submit a site plan to MDHA's Design Review Committee for review following approval of the preliminary SP.

### **PLAN DETAILS**

The preliminary SP application is for a 29-story mixed use building and adaptive reuse of an existing single-story building. The plan indicates that 5.5 feet of right-of-way would be dedicated along McGavock Street. A 10-foot sidewalk would be constructed along McGavock Street; the sidewalk would taper to accommodate the existing single-story building near the northwestern corner of the property. Protected bicycle lanes are planned for McGavock Street and would be supported by the proposed right-of-way dedication. Additional right-of-way dedications would be required along 17<sup>th</sup> Avenue South (5.5 feet) and 16<sup>th</sup> Avenue South (5 feet). Sidewalks of 10 feet and 14 feet would be installed along 17<sup>th</sup> Avenue South and 16<sup>th</sup> Avenue South, respectively.

#### Mixed Use Tower

The proposed 29-story mixed use building would include:

- up to 450 multifamily residential units, or 300 multifamily residential units and 200 hotel rooms; and
- up to 35,300 square feet of nonresidential uses.

The proposed mixed use building would be constructed to the edge of the sidewalk on McGavock Street and 16<sup>th</sup> Avenue South. The single-story building podium would be constructed to the edge of the rear property line. The tower portion of the building would have a minimum separation distance of 56 feet from the existing Roundabout Plaza building to the south. Parking would be provided in a multilevel underground 462-space parking garage, which would be accessed primarily via McGavock Street; the garage entry would be integrated into the front façade of the building. A separate service entrance to the garage would be provided on 16<sup>th</sup> Avenue South.

The proposed mixed use building would have a height of 29 stories. The area surrounding the subject property has rapidly developed with high-rise buildings; heights of up to 39 stories are either already present or approved within a three-block radius of the subject property. Adjacent building heights include:

- 6 stories – the Cadence building to the north;
- 9 stories – the Roundabout Plaza building to the south;
- 22 stories – Demonbreun Hill to the east (SP approved; not yet constructed); and
- 26 stories – the Skyhouse building to the northwest.

The SP application packet includes cross-sections comparing the height of the proposed mixed use building to the heights of other buildings in the area. The following image shows how the height of the proposed mixed use building would compare to other buildings in the immediate area. The subject property is highlighted in red.

The SP application includes specific building design standards for the proposed mixed use building. The first floor of the building will have a minimum of 40 percent glazing on the front façade along McGavock Street. All floors above the first floor will have a minimum of 35 percent glazing along all public street frontages. Architectural renderings are included in the SP application packet. The images below show perspectives from McGavock Street and 16<sup>th</sup> Avenue South, respectively.

#### Southern Ground Building

The proposed SP includes an existing 7,051-square foot music recording studio building (Southern Ground). The studio building has frontage on 17<sup>th</sup> Avenue South and McGavock Street. The building is currently served by a surface parking lot accessed via extended curb cuts along 17<sup>th</sup> Avenue South and McGavock Street. The application proposes retaining the existing studio building; a specific future use for the building has not yet been identified. The application indicates that the building may be modified to accommodate future users.

The SP application shows the continuous curb cuts along 17<sup>th</sup> Avenue South and McGavock Street that currently serve the studio building being removed. A small parking lot for the building would be accessed via two driveways and would be separated from both streets by a landscape strip. An ingress/egress driveway would be built on 17<sup>th</sup> Avenue South, while a single-lane ingress driveway would be built on McGavock Street. With these access points and the landscape strip along 17<sup>th</sup> Avenue South, vehicles would no longer have to back-out onto 17<sup>th</sup> Avenue South to exit the site.

### **ANALYSIS**

The T5 MU policy is characterized in part by vertical mixed-use development, buildings built to the back edge of the sidewalk with minimal spacing between buildings, and high levels of connectivity. A wide range of uses—including residential and commercial—are appropriate within the T5 MU policy area. The T5 MU policy emphasizes higher intensity development with high lot coverage. Building heights in the T5 MU policy area may range from two to 20 stories or greater, depending on the context of the surroundings.

The proposed SP would permit a mix of land uses including multifamily residential, hotel, and ground-floor commercial and office. The 29-story mixed use building would be constructed to the edge of the sidewalk on 16<sup>th</sup> Avenue South and McGavock Street. The existing Southern Ground building is not built to the edge of the sidewalk on 17<sup>th</sup> Avenue South; a parking lot lies between the street and the building. The application proposes retaining the Southern Ground building and designates the building as appropriate for adaptive reuse. As the Music Row area has lost a number of historic and cultural resources as the area has redeveloped, retention of existing resources is supported by the Music Row Vision Plan.

The subject property is accessible via 16<sup>th</sup> Avenue South, 17<sup>th</sup> Avenue South, and McGavock Street. Both 16<sup>th</sup> Avenue South and 17<sup>th</sup> Avenue South are identified on the Major and Collector Street Plan (MCSP) as collector-avenues. McGavock Street is a local street intended to be a complete street with separated bike lanes and broad sidewalks. Other major streets in the vicinity include Broadway and Division Street. WeGo operates multiple bus routes in the area. The presence of a traditional street layout and sidewalks and access to public transit would give residents and visitors to the area multiple transportation options.

The proposed mixed use building would have a height of 29 stories. While the T5 MU policy recommends a range of two to 20 stories, the policy makes allowance for additional stories, depending on site context. As noted previously in this report, adjacent buildings (existing or approved) range from six stories to 22 stories in height. Within a three block radius, at least four buildings exceeding 29 stories in height are planned or already constructed; these are generally located along Broadway. The proposed 29-story height appears to be compatible with other recently-constructed and approved though not yet built developments in the area.

The proposed plan is generally consistent with the T5 MU policy's emphases on mixed land uses, pedestrian-friendly site layouts, high levels of connectivity, and contextual building heights. Therefore, staff recommends approval.

#### **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**

- Final design must comply with the CSEP directive.
- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

#### **METRO WATER SERVICES RECOMMENDATION**

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

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

#### **NASHVILLE DOT RECOMMENDATION**

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

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Mandatory referrals will be required for the McGavock underground garage and 16th NES vault encroachments. All ROW frontages shall adhere to Major Collector Street Plan. Comply w/ NDOT traffic comments.

#### **TRAFFIC & PARKING RECOMMENDATION**

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

- At final SP submittal, address the following items per review of the TIS: (1a.) At the intersection of 16th Ave and Broadway/West End; The proposed relocation of the existing crosswalk across the Northeast bound approach on Broadway to decrease the pedestrian crossing distance appears to be in conflict with the proposed lay-by-lane for the 1601 Broadway development (2001UD-002-013). A revised location shall be presented at Final SP that accomplishes a shorter crossing distance while avoiding conflicts. Coordinate with NDOT's traffic signal team on any necessary signal re-phasing/re-timing at this intersection. (1b.) At the intersection of 16th Ave & McGavock; Remove the Eastern most lane of the Northbound approach and extend Southeastern curb line to decrease the pedestrian crossing distance (maintain a minimum 10' travel lanes). Install a RRFB pedestrian crossing along the Southern leg of the intersection, with ped ramps and detectable warning mats. Provide cross-walk striping along the Eastbound and Westbound approaches. Additional analysis may be required to verify the closure of the Eastern most through/right-turn lane on the Northbound approach of 16th Ave N and shall be presented at Final SP. (1c.) At the intersection of 17th Ave & McGavock; Install an enhanced pedestrian crossing (RRFB) across the Northern leg of the intersection,



ped ramps and detectable warning mats will also be required. (1d.) For the proposed bike-lanes on McGavock, if at the time of construction/installation there is not an existing bike-way network established on 16th Ave or 17th Ave, then the applicant shall make a contribution equivalent to the installation of the bike lanes on McGavock for the section between 16th & 17th. (1e.) The applicant shall coordinate with NDOT's traffic demand manager (Meghan.Mathson@nashville.gov) on potential TDM strategies for this development.

- The MCSP cross-sections along the frontage of McGavock, 16th Ave & 17th Ave shall be shown (10' sidewalk, 4' grass-strip), with exceptions to the existing structures that are to remain. The approval of the below grade encroachments along McGavock and 16th ave shall be determined through the mandatory referral process.
- The total parking count for this development may be impacted by the approval of the mandatory referral for the below grade garage encroachment, which is to be determined at Final SP. Further coordination with NDOT will be required.
- Off-peak loading and deliveries for this development shall be enforced to minimize impacts to traffic operations.
- Comply with NDOT Roads comments.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.17	5.0 F	254,826 SF	9,620	240	971

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	-	-	450 U	2,451	150	188

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)	-	-	15,000 SF	566	14	57

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)	-	-	15,000 SF	1,683	149	147

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-4,920	+73	-579

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses of the mixed use building are limited to a maximum of 450 multi-family residential units or 300 multi-family residential units and 200 hotel rooms, and up to 35,300 square feet of nonresidential uses. Nonresidential uses shall be limited to all uses permitted by the CS zoning district. Permitted uses of the existing one-story building shall be limited to uses permitted by the CS zoning district. Comply with all conditions and requirements of Metro reviewing agencies. Short term rental properties, owner occupied and short term rental properties, not owner occupied shall be prohibited.
2. 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.
3. 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 CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

4. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
5. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. 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.
7. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Maximum building height shall not exceed that of elevations included in the preliminary SP.
10. Building elevations submitted with final SP shall have building design—including massing, glazing, building materials, and façade articulation—that is substantially similar to the elevations approved with the preliminary SP; however, the exposed portion of the garage shall meet zoning standards for screening and active liner.
11. No specific alterations to the Southern Ground building are approved with the preliminary SP. Any proposed alterations to the Southern Ground building shall require final SP review and approval and may also be subject to separate Metro historic review and approval.
12. Parking calculations shall be reviewed with final SP.
13. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.

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

**Resolution No. RS2023-082**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-010-001 is approved with conditions and disapproved without all conditions. (7-0)

**CONDITIONS**

1. Permitted uses of the mixed use building are limited to a maximum of 450 multi-family residential units or 300 multi-family residential units and 200 hotel rooms, and up to 35,300 square feet of nonresidential uses. Nonresidential uses shall be limited to all uses permitted by the CS zoning district. Permitted uses of the existing one-story building shall be limited to uses permitted by the CS zoning district. Comply with all conditions and requirements of Metro reviewing agencies. Short term rental properties, owner occupied and short term rental properties, not owner occupied shall be prohibited.
2. 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.
3. 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 CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
5. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. 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.
7. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Maximum building height shall not exceed that of elevations included in the preliminary SP.
10. Building elevations submitted with final SP shall have building design—including massing, glazing, building materials, and façade articulation—that is substantially similar to the elevations approved with the preliminary SP; however, the exposed portion of the garage shall meet zoning standards for screening and active liner.

- 11. No specific alterations to the Southern Ground building are approved with the preliminary SP. Any proposed alterations to the Southern Ground building shall require final SP review and approval and may also be subject to separate Metro historic review and approval.
- 12. Parking calculations shall be reviewed with final SP.
- 13. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.

**27. 2021UD-001-034**

**1225 1ST AVENUE S.**

Council District 17 (Colby Sledge)  
Staff Reviewer: Jafar Ware

A request for final site plan approval for property located at 1225 D 1st Avenue South, approximately 170 feet northwest of Shepard Street, zoned RM40 and within the Wedgewood Houston – Chestnut Hill Urban Design Overlay District (0.26 acres), to modify side setbacks from 5'0' to 3'-9', requested by RootArch, PLLC, applicant; Carbine & Associates, LLC, owner.

**Staff Recommendation: Disapprove.**

Ms. Milligan stated the applicant for Item 27 requested a one meeting deferral.

**Ms. Johnson moved and Mr. Henley seconded the motion to defer to the March 23, 2023, Planning Commission meeting. (6-0)**

**Resolution No. RS2023-083**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021UD-001-034 is deferred to the March 23, 2023 Planning Commission meeting. (6-0)

**28. 2023Z-021PR-001**

Council District 16 (Ginny Welsch)  
Staff Reviewer: Eric Matravers

A request to rezone from RS5 to R6-A for property located at 2229 Foster Ave, west of Rose Street (0.17 acres), requested by Ali Al-Soraify, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS5 to R6-A.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) for property located at 2229 Foster Ave, west of Rose Street (0.17 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTH NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The 0.17-acre site is located on Foster Ave west of Rose Street, approximately 250 feet south of the I-440 overpass. The site is occupied by a single-family house built in 1946. Surrounding parcels to the north, south, east, and west are all zoned RS5 and occupied mostly by single-family homes and limited duplexes.

**ANALYSIS**

The Community Character Manual (CCM) lists R6-A zoning as a potentially appropriate zoning tool under T4 NM policy. There is precedent for this zone in the local policy context: two duplexes are located across the street on the east side of Foster Avenue.. There are also duplexes present along Rose Street to the west. This request aligns with the existing pattern of limited two-family houses in the Neighborhood Maintenance policy area. Therefore, staff recommends Planning Commission approve the request for R6-A.

**FIRE MARSHAL RECOMMENDATION**

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.17	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	.17	7.71 D	2 U	28	7	2

\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

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

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

Students would attend John B. Whitsitt Elementary School, Cameron College Preparatory, and Glencliff 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.

Mr. Matravers presented the staff recommendation to approve.

David Wood, 113 Rose Street, spoke in opposition to the application.

**Chair Adkins closed the Public Hearing.**

Vice Chair Farr stated she is inclined to disapprove or defer, but not approve.

Ms. Johnson stated that since the applicant is not in attendance, an approval is out of the question. She asked if there is a larger area policy which should be considered before they piece meal one by one.

Ms. Milligan stated she does not have the calculations for that area. If a new subdivision is platted and is in an area that permits duplexes, per the zoning code, the new subdivision would be limited to 25 percent of lots eligible for duplexes.

Councilmember Withers stated that since it is not a corner lot, there is not a general policy objective and there is not communication from the Councilmember expressing support, he is OK with a disapproval.

**Mr. Henley moved and Mr. Clifton seconded the motion to defer to the March 23, 2023, Planning Commission meeting to allow commission to hear from the applicant and to provide additional information on surrounding land use. The public hearing is to remain open. (5-1) Ms. Farr voted against.**

**Resolution No. RS2023-084**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-021PR-001 is deferred to the March 23, 2023, Planning Commission meeting to allow commission to hear from the applicant and to provide additional information on surrounding land use. The public hearing is to remain open. (5-1)

**29. 2023Z-022PR-001**

Council District 21 (Brandon Taylor)  
Staff Reviewer: Laszlo Marton

A request to rezone from CN to RM15-NS for property located at 2014 24th Avenue North, southeast of the intersection of Clarksville Pike and 24th Avenue North (0.19 acres), requested by AAF Investments, LLC, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CN to RM15-NS.**

Zone Change

A request to rezone from Commercial Neighborhood (CN) to Multi-Family Residential-Alternative-No STRP (RM15-NS) for property located at 2014 24<sup>th</sup> Avenue North, southeast of the intersection of Clarksville Pike and 24<sup>th</sup> Avenue North (0.19 acres).

**Existing Zoning**

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed Zoning**

Multi-Family Residential-No STRP (RM15-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property – Not-Owner Occupied uses from the district. *RM15-NS would permit a maximum of 3 units.*

**NORTH NASHVILLE COMMUNITY PLAN**

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

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.

**ANALYSIS**

The application consists of one parcel (Map 081-06, Parcel 353) totaling 0.19 acres located on the east side of 24<sup>th</sup> Avenue North. The property is currently vacant commercial land. Surrounding properties are zoned OR20, RM40, CS, and RS5, and surrounding uses are primarily residential south of Clarksville Pike.

The application proposes to rezone the property from CN to RM15-NS. The property mostly lies within the T4 Urban Mixed Use Corridor and a small portion is within T4 Neighborhood Evolving policy area. T4 CM is intended to

enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development. The Community Character Manual lists the proposed RM15-NS zoning district as appropriate under the T4 CM policy. RM15-NS would allow for a maximum of 3 units which is a slight increase in intensity than currently allowed on the site and changes the general use from commercial to residential. Overall, the RM15-NS district will provide an appropriate transition in scale and massing in an area where the T4 Urban Mixed Use Corridor policy adjoins the T4 Neighborhood Evolving policy directly south of the subject property.

**FIRE RECOMMENDATION**  
**Approve.**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	.19	0.25 F	2,069 SF	78	2	8

Maximum Uses in Proposed Zoning District: **RM15-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 (220)	.19	15 D	2 U	15	1	2

Traffic changes between maximum: **CN and RM15-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-63	-1	-6

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CN districts: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed RM15-NS district: 0 Elementary 0 Middle 0 High

The proposed RM15-NS zoning is expected to generate no more students than the existing CN zoning district. Students would attend Robert Churchwell Elementary School, John Early Middle School, and Pearl-Cohn High School. 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. RS2023-085**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-022PR-001 is approved. (7-0)

**30. 2023Z-023PR-001**

Council District 30 (Sandra Sepulveda)  
 Staff Reviewer: Jason Swaggart

A request to rezone from OR20 to CS for property located at 5050 Linbar Drive, east of the intersection of Wallace Road and Linbar Drive (1.08 acres), requested by Dewey Engineering, applicant; ARI Holdings, LLC, owner.  
**Staff Recommendation: Approve.**

**APPLICANT REQUEST**  
**Zone change from OR20 to CS.**

Zone Change

A request to rezone from Office/Residential (OR20) to Commercial Service (CS) for property located at 5050 Linbar Drive, east of the intersection of Wallace Road and Linbar Drive (1.08 acres).

**Existing Zoning**

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. OR20 would permit a maximum of 22 residential units.

**Proposed Zoning**

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

**SOUTHEAST 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.

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

**ANALYSIS**

The subject property is approximately one acre in size and is located on the east side of Linbar Drive, south of Wallace Road. Interstate 24 is adjacent to the rear property line. Sorghum Branch creek is located nearby and associated floodplain with the creek encroaches into the subject property. The immediate area consists of a variety of commercial, residential and office uses. The subject property is developed and includes a two-story commercial building and associated surface parking lot. The adjacent zoning to the north is CS. The adjacent zoning to the south is OR20, and the zoning on the opposite side of Linbar Drive is RM20.

Staff finds that the proposed CS district is consistent with the D EC land use policy at this location. The proposed CS district allows for office and other high employment businesses that are directly supported by the D EC land use policy. The CS district also supports more commercial oriented services such as retail, restaurants, and convenience stores. These uses support D EC policy areas by providing easy access to food and other items and can enhance walkability and reduce vehicular travel. Due to the location of the property, the proposed CS zoning district would also allow for adaptive residential. Residential uses can provide further support of D EC policy areas by providing opportunities for people to live near employment. The CO policy recognizes the floodplain on the site and any new development of the site will be required to meet Metro Stormwater requirements. Since staff finds that the proposed CS district is consistent with the D EC land use policy, staff recommends approval.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.54	20 D	10 U	53	4	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.54	0.8 F	18,817 SF	210	44	24

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.08	0.6 F	28,226 SF	1,066	26	108

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+803	-22	-79

**METRO SCHOOL BOARD REPORT**

Projected student generation existing OR20 district: **4 Elementary 3 Middle 2 High**

Projected student generation proposed CS district: **0 Elementary 0 Middle 0 High**

The proposed CS zoning district is not expected to generate more students than the existing OR20 zoning district. While CS would permit residential uses at this location, it is impossible to predict the number of units, thus the number of students that could be generated; therefore, for this report, CS has been reviewed as developing as only nonresidential. Students would attend Haywood Elementary School, McMurry Middle School, and Overton High School. There is additional capacity for elementary and middle school students. Overton High School is noted 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. RS2023-086**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-023PR-001 is approved. (7-0)

**31. 2023Z-026PR-001**

Council District 16 (Ginny Welsch)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to R8-A for property on 437 Patterson Street, east of Meade Ave (0.29 acres), requested by Justin R. Head applicant; Justin R. Head & Richard B. Betts, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS7.5 to R8-A.**

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential-Alternative (R8-A) for property on 437 Patterson Street, east of Meade Ave (0.29 acres).

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of one residential unit.*

**Proposed Zoning**

One and Two-Family Residential-Alternative (R8-A) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R8-A would permit a maximum of two residential units.*

**SOUTH NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The request pertains 437 Patterson Street. The property is located at the southeast corner of Patterson Street and Meade Avenue. Nolensville Pike is approximately 1,000 feet to the east. The property is zoned for one single family



home and the property is currently vacant. The surrounding zoning is RS7.5 and adjacent properties are identified as single-family. While the surrounding area is zoned for single-family, there are several duplexes in the area. In 2022, the Commission recommended that Council approve R8-A on the two properties on the opposite side of Patterson Street. Council subsequently approved R8-A. There is an existing alley at the rear of the property.

**ANALYSIS**

The T4 NM policy is generally intended to preserve the existing character of the area where it is applied. In this case, the surrounding area consist of a mixture of single and two-family homes. In addition, there is an existing alley located at the rear of the property. The alternative designation will require any new development to utilize the alley. Given the existing mixture of single and two-family homes, an existing alley that can be utilized by new development and the proximity to the Nolensville Pike corridor, staff finds that a two-family zoning district is consistent with the T4 NM policy at this location.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.29	4.94 D	1 U	15	5	1

**Maximum Uses in Proposed Zoning District: R8-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)	.29	5.79 D	2 U	28	7	2

\*Based on two-family lots

**Traffic changes between maximum: RS7.5 and R8-A**

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS7.5 district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed R8-A district: 0 Elementary 0 Middle 0 High**

The proposed R8-A zoning district is not expected to generate any additional students than what is typically generated under the existing RS7.5 zoning district. Students would attend Glencliff Elementary School, Wright Middle School, and Glencliff 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.

**Mr. Henley moved and Ms. Johnson seconded the motion to approve. (6-0)**

**Resolution No. RS2023-087**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-026PR-001 is approved. (6-0)

## 32. 2023Z-001PR-001

Council District 05 (Sean Parker)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to R6-A zoning for property located at 1717 Luton Street, approximately 450 feet south of East Trinity Lane (0.32 acres), requested by Development Management Group, applicant; X5 Construction LLC and Metropolitan Construction LLC, owners.

**Staff Recommendation: Approve with conditions.**

### APPLICANT REQUEST

**Zone change from RS5 to R6-A.**

#### Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 1717 Luton Street, approximately 450 feet south of East Trinity Lane (0.32 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

### 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.

#### Highland Heights Study 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. The T4 NE land use policy applicable to this site did not change with the adoption of the Highland Heights Small Area Plan.

This site is within the R5 sub-district of the Building Regulating Plan. The intent of the R5 sub-district is 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 R5 sub-district calls for improvements to existing street, sidewalk, bikeway, and stormwater infrastructure to T4 Urban Transect standards through new private sector development. 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 R5 sub-district supports duplexes, plex or manor house, courtyard flats, low-rise flats, mid-rise flats.

The Mobility Plan establishes a neighborhood-scale street hierarchy typology and cross sections, identifies new public street connections, and identifies new public alley infrastructure. The mobility plans calls for a local street connection between Dickerson Pike and Meridian Street.

### ANALYSIS

Staff finds that the proposed R6-A zoning district is consistent with the land use policies at this location. The rezone provides for increased density adjacent to the busy Dickerson Pike corridor. Higher density provides additional customers that can help support the Dickerson Pike corridor. The properties on the west side of Luton Street between East Trinity Lane and Gatewood Drive front Dickerson Pike and are zoned for moderate to intense commercial and high density residential. The subject property and all the properties along the east side of Luton Street between East Trinity Lane and Gatewood Drive are in a transitional area between Dickerson Pike and the lower intensity residential neighborhoods to the east. Additional density provides a transition from the higher intensity

uses along Dickerson Pike to the lower intensity residential neighborhoods to the east consistent with the policies. Public transit is located along Dickerson Pike. Increased density along and within close proximity to bus lines help support public transit. The alternative designation is intended to promote the urban character of the T4 NE land use policy. If there was an alley behind the subject property, then the policy would likely support a higher density zoning district than what is permitted under proposed R6-A zoning district. Staff is recommending approval with a condition requiring right-of-way dedication for a future alley at the rear of the property. This will work to implement the mobility plan found in the Highland Heights Small Area Plan.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.32	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential 3-10 (221)	0.32	15 D	2 U	28	7	2

**Traffic changes between maximum: RS5 and RM15-A**

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

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High**

The proposed R6-A zoning is expected to generate no more students than the existing RS5 zoning district. Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. There is additional capacity for elementary and high school students. All three schools are noted as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Prior to the issuance of building permits, half of the right-of-way for a public alley that meets Public Works standard shall be dedicated.

**Approve with conditions. (7-0)**

**Resolution No. RS2023-088**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-001PR-001 is approved with conditions. (7-0)

**CONDITIONS**

1. Prior to the issuance of building permits, half of the right-of-way for a public alley that meets Public Works standard shall be dedicated.

### 33. 2023DTC-005-001

#### 601 LAFAYETTE

Council District 19 (Freddie O'Connell)

Staff Reviewer: Eric Hammer

A request for overall height modification to permit a 32-story mixed-use tower with multi-family residential uses and nonresidential uses on property located at 601 Lafayette Street, southwest of the corner of Lafayette Street and Ewing Avenue, zoned DTC (1.06 acres), requested by Kimley-Horn, applicant; 601 Lafayette Owner, 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 thirty-two stories of building height where twelve are permitted by-right and sixteen are allowed with bonus height.**

#### DTC Overall Height Modification

A request to for a modification of overall building height on a property located at the southwest corner of the intersection of Lafayette Street and Ewing Avenue, within the Lafayette Subdistrict of the DTC.

#### Existing Zoning

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

#### PROJECT OVERVIEW

This project is located at the southwest intersection of Lafayette Street and Ewing Avenue and includes a mixed-use development consisting of 411 rental units (no STR), 5,715 sf of retail, and 373 parking spaces across three levels of underground parking.

#### PLAN DETAILS

The project site has frontage on Lafayette Street and Ewing Avenue. Lafayette Street is a primary street and Ewing Avenue is a tertiary street. Pedestrian entrances to the residential lobby and amenity spaces are located off Ewing Avenue. The building's underground parking is accessed from an entrance on Ewing Avenue and service and loading are proposed internal to the site.

The site is abutted to the west by an access drive serving City Winery to the south, with the access drive entering the 601 Lafayette site via an existing easement. The proposed building does not have reciprocal rights to this easement and does not propose to utilize it for building functions. A small area of surface parking is proposed on a portion of the property to the south of the structure, shielded in part by an existing building to the immediate south of the site.

#### 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 for a silver or higher level. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.

##### Community Meeting

The applicant held a community meeting on Monday, December 19, 2022 at 6:00 P.M. and sent notices to property owners within 300 feet. Four members of the public, and four people associated with the project, attended the community meeting. The public generally voiced support of the project and questions asked were related to clarifying

details of the project. This included questions about the amenity deck orientation, right-of-way programming, and drop-off functions.

#### Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on January 5, 2023. The Committee voiced support of the project, inquired about the stormwater features, canopy encroachment over the sidewalk, and step-back modification request. 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 with staff conditions. The Committee had additional conditions detailed as follows:

1. Prior to the MPC meeting the applicant shall provide Planning Staff with detail on the proposed water capture from the canopy runoff.
2. Prior to the MPC meeting the applicant shall provide Planning and NDOT Staff with a loading management plan

The applicant has since satisfactorily fulfilled these two conditions.

#### Exceptional Design

The tower of the project features a façade primarily of metal panel, with operational window systems that create a unique texture to the rectangular tower footprint. These systems are critical to the success of the tower design. The base of the project fully activates the street along Lafayette Street and recesses the tower to allow light and air to permeate to the street level.

The tower exhibits exceptionally strong streetscape. NDOT completed the Pie Town Mobility Study in 2022 and it is anticipated that the Major and Collector Street Plan (MCSP) segment will be updated to reflect a 108' right-of-way cross-section, rather than the 96' cross-section presently within the MCSP. The project has anticipated this change and is complying with the 108' cross-section, exceeding the MCSP standard.

Back of house operations will be contained within the site and existing above-ground utility lines will be buried underground. Additionally, the project has committed to financially participating in the design and implementation of a pocket park at 6th Avenue and Lea Avenue. This is an infrastructural improvement recommended directly by the Pie Town Mobility Study published by NDOT in 2022.

#### **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. Any non-occupiable architectural element encroaching over the Lafayette Street right-of-way, including but not limited to the proposed awning, shall be revised to encroach no more than 10' into the right-of-way.
2. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
3. A TIS shall be submitted and reviewed prior to consideration at the Metropolitan Planning Commission.
4. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
5. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
6. All overhead lines along the site's frontages shall be buried.
7. 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.
8. Prior to building permit approval, final exterior art design shall be reviewed by Planning staff. Planning staff may require the DTC DRC review of the design, if deemed necessary.
9. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.
10. Deviations from the plan set presented shall return to the DRC for review.

**Ms. Farr moved and Mr. Clifton seconded the motion to approve with conditions. (6-0)**

**Resolution No. RS2023-089**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023DTC-005-001 is approved with conditions. (6-0)

**CONDITIONS**

1. Any non-occupiable architectural element encroaching over the Lafayette Street right-of-way, including but not limited to the proposed awning, shall be revised to encroach no more than 10' into the right-of-way.
2. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
3. A TIS shall be submitted and reviewed prior to consideration at the Metropolitan Planning Commission.
4. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
5. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
6. All overhead lines along the site's frontages shall be buried.
7. 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.
8. Prior to building permit approval, final exterior art design shall be reviewed by Planning staff. Planning staff may require the DTC DRC review of the design, if deemed necessary.
9. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.
10. Deviations from the plan set presented shall return to the DRC for review.

**34. 2022S-171-001**

**WESTBROOK POINTE**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Dustin Shane

A request for concept plan approval to create 69 single-family residential cluster lots on property located on 8840 Highway 70, approximately 1218 feet east of McCrory Lane, zoned RS15 (31.7 acres), requested by Batson & Associates, applicant; Steven Eatherly, Trustee, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan to create 69 lots.**

Concept Plan

A request for concept plan approval to create 69 single-family residential cluster lots on property located on 8840 Highway 70, approximately 1,218 feet east of McCrory Lane, zoned Single-Family Residential (RS15) (31.7 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the northern side of Highway 70, north of the convergence of the Highway 70 and CSX Railroad ROW.

**Street Type:** The site has frontage onto Highway 70, which is classified as a scenic arterial boulevard in the Major and Collector Street Plan. The plan proposes three local streets which intersect.

**Approximate Acreage:** 31.70 acres or 1,380,747 sq. ft.

**Parcel/Site History:** This site is comprised of one parcel created in 2006. This application for a cluster lot subdivision was filed when the cluster lot regulations were still in effect.

**Zoning History:** The site is zoned Single-Family Residential (RS15). It has been zoned RS15 since 2003.

**Existing land use:** The parcel is identified as vacant rural land.

**Surrounding land use and zoning:**

- North: Single-Family Residential (AR2a)
- South: Multi-Family Residential and Vacant (RM15 and AR2a)
- East: Single-Family Residential (AR2a)
- West: Single-Family Residential, Vacant, and Commercial (RS80 and CS)

**Zoning: Single-Family Residential (RS15)**

- Min. lot size: 15,000 sq. ft.
- Min. lot coverage: 0.35
- Max. height: 3 stories
- Min. street setback: 40' (area within 10' of a scenic arterial ROW is to be designated a "scenic arterial easement" and planted with a Standard A landscape buffer yard. No unnecessary grading to be permitted with the easement).
- 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. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code (this application was filed when the cluster lot regulations were still in effect).

**Number of lots:** 69 (in three phases)

**Lot sizes:** Lots range in size from 7,500 sq. ft. to 19,253 sq. ft.

**Access:** The lots have frontage onto proposed Roads A, B, and C, while Lots 1-3 have frontage onto Highway 70. The site draws access from Highway 70.

**Open space:** 13.9 acres of open space are proposed.

**Subdivision Variances or Exceptions Requested:** None

**CLUSTER LOT OPTION**

**Plan Requirements (Section 17.12.090.A)**

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

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS15, which has a minimum lot area of 15,000 sq. ft. The minimum area within a cluster lot subdivision in the RS15 district is 150,000 sq. ft. The site contains approximately 1,380,747 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

**Maximum Lot Yield (Section 17.12.090.E)**

The Cluster Lot Option includes specific standards for calculation of maximum lot yield within a cluster lot subdivision that ensure that the maximum number of lots does not exceed what is permitted by the existing base zoning. The Zoning Code specifies that the lot yield shall be based on the gross acreage of the site, minus 15 percent of 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 of this site is approximately 31.70 acres or 1,380,747 sq. ft. The minimum lot size of the existing zoning district, RS15, is 15,000 sq. ft.

$$1,380,747 \text{ sq. ft.} \times 0.15 = 207,112 \text{ sq. ft. (15\% of the gross site area reserved for streets)}$$

$$1,380,747 \text{ sq. ft.} - 207,112 \text{ sq. ft.} = 1,173,635 \text{ sq. ft. (85\% of the gross area remaining to yield lots)}$$

$$1,173,635 \text{ sq. ft.} / 15,000 \text{ sq. ft.} = 78 \text{ lots}$$

**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 concept plan includes approximately 13.90 acres or 43.85% of the total land area as open space. The proposed open space exceeds the minimum requirement.

Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. In this case, the plan would permit up to 69 units; therefore, one facility is required. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The plan calls for one active recreational area that includes a gazebo and picnic tables. Passive areas of open space include landscape buffer yards and stormwater facilities.

### **Alternative Lot Sizes (Section 17.12.090.C)**

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

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. As proposed, all bulk standards meet this requirement.

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. Lots 1-3, which are oriented to Highway 70, are at least ninety percent (13,500 square feet) of the RS15 minimum lot size.

Minimum lot size for perimeter lots not oriented to an existing street depend on the abutting residential zoning district. Lots may be reduced in size the equivalent of one zoning district (RS15 to RS10) with the installation of a standard B landscape buffer yard located within common open space, or reduced the equivalent of two zoning districts (RS15 to RS7.5) with the installation of a standard C landscape buffer yard located within common open space. Perimeter buffers are not required at this site based on the Cluster Lot standards, Section 17.12.090.C. Standard A landscape buffer yards are being voluntarily included by the applicant along a portion of the northern property line.

### **Landscape Buffer Yard Requirements (Article IV)**

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the property lines are of an equal or greater intensity than the subject property's zoning. Section 17.24.230 of the Zoning Code dictates the type of buffer yard required. No landscape buffer yards are required.

### **Hillside Development Standards (Section 17.28.030)**

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. Lots 12, 13, 14, and 21 contain areas of greater than 20% slope but with building envelopes outside areas of greater than 25% slope. These lots are designated as critical lots. It is important to note that the Subdivision Regulations also include hillside development standards.

### **Floodplain Development Standards (Section 17.28.40)**

The eastern edge of the property is located within the floodplain and stormwater regulation buffers associated with the adjacent stream. This area is contained within undisturbed open space proposed on the eastern portion of the site and therefore so meets the standards of Section 17.28.40 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. The concept plan proposes 69 single family lots, and recreational facilities are provided which meet the minimum requirements for a cluster lot subdivision of this size. A gazebo and picnic tables are proposed for the active open space area at this time.

### **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 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 eastern portion of the site contains areas of steep slopes. Those areas are shown in largely undisturbed open space. Any lot 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 4 lots designated as critical located near the steep slopes contained within open space. The site also contains floodplain area which is designated as undisturbed open space.

### **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 RS15 zoning at the time of building permit. All proposed lots have frontage on a new 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.

Not applicable. All lots except Lots 1-3 are proposed on new streets. Lots 1-3 are proposed along an existing road, Highway 70, but are not adjacent to any R-zoned lots within the T3 Suburban transect.

### **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. The proposed concept plan indicates sidewalks will be provided consistent with the local street standard for Roads A, B, and C. 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**

The application proposes three local streets perpendicular to one another and intersecting, with Road A drawing access from Highway 70 and stubbing to the property to the north, Road B drawing access from Road A and ending in a cul-de-sac near the western property line, and Road C drawing access from Road B and stubbing out again at the northern property line. Future development is expected to occur on the adjacent parcels and connect to these stubouts. The stubouts will be over 150 feet long and therefore require temporary turnarounds, which are provided. Public street requirements are reviewed by Nashville DOT. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

### **3-10 Requirements for Dedication, Reservations, or Improvements**

The application proposes three local streets with 50 feet of right-of-way and proposes to dedicate the necessary right-of-way for Highway 70 to make the planned improvements per the Major and Collector Street Plan. Improvements will not be required along the portion of the property within T2 Rural Transect.

### **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 DOT reviews street names and signage requirements for public roads and has recommended approval of this concept plan. 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**

Harpeth Valley Utility District has reviewed the plan for water and has indicated water and wastewater service will be available once the related “Westbrook Pointe Off-Site Water And Sewer Improvements” are completed and accepted by the District.

**3-16 Sewerage Facilities**

Harpeth Valley Utility District has reviewed the plan for water and has indicated water and wastewater service will be available once the related “Westbrook Pointe Off-Site Water And Sewer Improvements” are completed and accepted by the District.

**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.

**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 subdivision complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each subdivision 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). T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NE areas within the suburban transect are intended to provide greater housing choice and improved connectivity.

Moderate to high levels of connectivity with existing street networks are a key feature of T3 NE areas. 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. Provide architectural elevations, fire hydrant flow test, and plan for second access point connection for review by Fire Marshal.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT ROADS RECOMMENDATION**

**Approve with conditions**

- See Traffic comments.

**NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Dedicate sufficient ROW to install minimum 6' sidewalk and 8' planting strip along site frontage, per MCSP.
- Maintain a minimum of 27.5' from property line to street centerline per half of MCSP requirement.
- Sidewalk and planting strip shall be in the public ROW.

**WATER SERVICES RECOMMENDATION**

**Not applicable**

Harpeth Valley Water and Sewer Utility District.

**HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION**

**Approve with conditions**

- Both water and wastewater service will be available once the related “Westbrook Pointe Off-Site Water And Sewer Improvements” are completed and accepted by the District.
- All extensions of water lines and sewer lines required to serve the development will be at the expense of the developer.
- The availability of service is valid for a period not to exceed one year from the date of this letter.

**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. Obtain a new approval letter from Harpeth Valley Utility District

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapprove without all conditions.

**RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2022S-171-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, including the Cluster Lot provisions, 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. RS2023-090**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-171-001 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. Obtain a new approval letter from Harpeth Valley Utility District

**35. 2023S-011-001**

**BROWN SUBDIVISION**

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create one lot on property located at 3674 Forte Road, approximately 550 feet south of the intersection of Forte Road and Eatons Creek Road, zoned AR2A (3.21 acres), requested by Delle Land Surveying, applicant; Abigail Lynne Brown, owner.

**Staff Recommendation: Approve with conditions.**

## **APPLICANT REQUEST**

**Request for final plat to create one residential lot.**

### Final Plat

A request for final plat approval to create one lot on property located at 3674 Forte Road, approximately 550 feet south of the intersection of Forte Road and Eatons Creek Road, zoned Agricultural and Residential (AR2A), (3.21 acres).

## **SITE DATA AND CONTEXT**

**Location:** The property is located on the east side of Forte Road, approximately 626 feet south of Eaton's Creek Road.

**Street type:** Forte Road is a local street with approximately 50 feet of right-of-way.

**Approximate Acreage:** 3.09 acres or 134,632 square feet.

**Parcel/Site History:** This site is comprised of a single parcel. The parcel was created by deed in 1986. The parcel was created illegally and included additional area that has since been platted as a legal lot to the north, adjacent to this site. The adjacent lot was platted in 2008.

**Zoning History:** This site has been zoned AR2a since at least 1974.

**Existing land use and configuration:** The site is developed with a single-family home and a detached shed. The proposed plat maintains the current property configuration.

### **Bulk Standards:**

Agricultural and Residential (AR2a)

Min. lot size: 2 acres

Min. street setback: 40'

Min. rear setback: 20'

Min. side setback: 20'

Max. building coverage: 0.20

Max. height: 3 stories

### **Surrounding land use and zoning:**

- North: Single-Family (AR2a)
- South: Single-Family (AR2a)
- East: Single-Family (AR2a)
- West: Abandoned school building (AR2a)

## **PROPOSAL DETAILS**

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

**Number of lot(s):** 1

**Lot sizes:** Lot 1 is 3.09 acres (134,632 sq. ft.).

**Access:** Access is from Forte Road.

## **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 property is in a Rural County Side (T2 RCS) policy

area. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

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

#### **4-2. Development Standards**

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

Not applicable as no new streets or joint access easements are proposed.

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

Not applicable as no new streets or joint access easements are proposed.

*4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designed as the Development Footprint.*

Not applicable as no new streets or joint access easements are proposed.

*4-2.4 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.*

All existing buildings have been shown on the plat.

#### *4-2.5 Rural Character Design*

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

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

Lots 1 is located along an existing street and was reviewed against below (a) through (d).

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

Complies. The building setbacks are required to be varied, and a minimum setback line is required to be platted when the average setback of abutting parcels is more than the minimum required street setback established by the zoning. The average front setback of the abutting parcels is approximately 49 feet and greater than the 40-foot minimum setback required by the Zoning Code. Lot 1 includes a 50' minimum front setback.

#### *b. Lot Depth along existing public streets.*

Complies. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 349-foot lot depth. Lot 1 is approximately 634 feet.

#### *c. Lot size along existing public streets.*

Complies. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size is 97,923 square feet. Lot 1 is 134,632 square feet.

#### *d. Lot frontage abutting existing public streets.*

Complies. A compatibility analysis was conducted per this requirement. Minimum lot frontage is either equal to or greater than 70% of the frontage of the average frontage of surrounding parcels or equal to or larger than the frontage of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot frontage along Forte Road is 182 feet. The frontage for Lot 1 is approximately 211 feet.

#### *e. Street lights.*

Not Applicable for this case.

*f. Cluster lot option.*  
Not Applicable for this case.

**Subdivision Variances or Exceptions Requested:** No variance or exception is required.

**PLANNING STAFF COMMENTS**

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

**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 subdivision complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each subdivision to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to this property is Rural County Side (T2 RCS). The intent of T2 RCS policy is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RCS areas have an established development pattern of very low-density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area's rural landscape.

Staff finds that the proposed subdivision meets the intent of the T2 RCS policy.

**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 with conditions

- Sewer is provided to this site by Septic System.
- Water Capacity fees must be paid before issuance of building permits.

**METRO HEALTH DEPARTMENT**

Approve

**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.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-011-001 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.

**Approve with conditions. (7-0)**

**Resolution No. RS2023-091**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-011-001 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.

- 36. 2022S-253-001**  
**FIRST REVISION LOT 1 RESUB LOTS 76 & 77 MADISON HEIGHTS**  
Council District 09 (Tonya Hancock)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create two lots on property located at 828 Neelys Bend Road approximately 194 feet west of Tahlana Avenue, zoned RS20 (1.5 acres), requested by Todd Bollinger, applicant; Rose Lyn Noland, owner.

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-253-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

- 37a. 2023SP-012-001**  
**PENNINGTON BEND SP – LIFEPLAN COMMUNITY**  
Council District 15 (Jeff Syracuse)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 and RS15 to SP zoning on properties located at 4340 Longfellow Drive and 2646 Lock Two Road, at the current terminus of Longfellow Drive, partially located within a Planned Unit Development Overlay District (135.06 acres), to permit 234 residential units and a 75 bed assisted-care living facility, requested by Civil & Environmental Consultants, Inc., applicant; The Stevenson Trust No. 6, Stevenson Trust No. 7, and J.E. Stevenson, Trustee, owners. (See associated case 18-86P-001).

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-012-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

- 37b. 18-86P-001**  
**RIVER TRACE ESTATES (CANCELLATION)**  
Council District 15 (Jeff Syracuse)  
Staff Reviewer: Jason Swaggart

A request to cancel a portion of a Planned Unit Development Overlay District for property located at 2646 Lock Two Road, north of Cain Harbor Road, zoned RS10 (76.21 acres), requested by Civil & Environmental Consultants, Inc., applicant; The Stevenson Trust No. 6, & Stevenson Trust No. 7, owners. (See associated case 2023SP-012-001).

**Staff Recommendation: Defer to the March 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 18-86P-001 to the March 23, 2023, Planning Commission meeting. (6-0)**

## H: OTHER BUSINESS

38. Adopt Amended Rules and Procedures

Approve. (6-0)

**Resolution No. RS2023-092**

“BE IT RESOLVED by The Metropolitan Planning Commission adopted the amended rules and procedures. (6-0)

39. Historic Zoning Commission Report  
40. Board of Parks and Recreation Report  
41. Executive Committee Report  
42. Accept the Director's Report and Approve Administrative Items

Approve. (6-0)

**Resolution No. RS2023-093**

“BE IT RESOLVED by The Metropolitan Planning Commission that the director’s report is approved. (6-0)

43. Legislative Update

## I: MPC CALENDAR OF UPCOMING EVENTS

**March 23, 2023**

MPC Meeting

4 pm, 700 President Ronald Reagan Way, Howard Office Building, Sonny West Conference Center

**April 13, 2023**

MPC Meeting

4 pm, 700 President Ronald Reagan Way, Howard Office Building, Sonny West Conference Center

## J: ADJOURNMENT

The meeting adjourned at 10:48 p.m.