



# METROPOLITAN PLANNING COMMISSION

## DRAFT MINUTES

**April 13, 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:**

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

**Staff Present:**

Lucy Kempf, Executive Director  
Lisa Milligan, Planning Manager II  
Tara Ladd, Legal  
Olivia Ranseen, Planner I  
Dustin Shane, Planner II

**Commissioners Absent:**

Greg Adkins, Chair  
Jim Lawson  
Jeff Haynes

**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.**



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# MEETING AGENDA

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## A: CALL TO ORDER

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

## B: ADOPTION OF AGENDA

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

## C: APPROVAL OF MARCH 23, 2023 MINUTES

Ms. Blackshear moved and Mr. Tibbs seconded the motion to approve the meeting minutes of March 23, 2023. (7-0)

## D: RECOGNITION OF COUNCILMEMBERS

No Councilmembers spoke at this time.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2a, 2b, 3, 4, 5, 6, 7, 8, 9, 10,11, 12, 13, 14, 15, 16a, 16b, 17a, 17b, 18a 18b, 25, 37, 38, 42

Ms. Milligan stated Ms. Blackshear recused herself from Items 1, 8, 16a, 18a and 18b.

Mr. Tibbs moved and Mr. Henley seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

## F: CONSENT AGENDA ITEMS 48

Ms. Milligan stated Ms. Blackshear recused herself from Items 39, 40 and 41.

Mr. Henley moved and Mr. Tibbs 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. 2015SP-005-022

#### CENTURY FARMS (BEAMAN & TURNER) (AMENDMENT)

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

**The Metropolitan Planning Commission deferred 2015SP-005-022 to the April 27, 2023, Planning Commission meeting. (6-0-1)**

**2a. 2023CP-012-001**  
**SOUTHEAST COMMUNITY PLAN AMENDMENT**

Council District 04 (Robert Swope)  
Staff Reviewer: Andrea Barbour

A request to amend the Southeast Community Plan by changing from T3 Neighborhood Evolving (T3 NE) to T3 Suburban Mixed Use Corridor (T3 CM) for portions of properties located at 6415 and 6419 Holt Road, west of Nolensville Pike, zoned SP (34.31 acres), requested by Anderson, Delk, Epps & Associates, Inc, applicant; Mohammad Nazemi, owner. (See associated case 2016SP-028-003).

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

**The Metropolitan Planning Commission deferred 2023CP-012-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**2b. 2016SP-028-003**  
**WILLIAMS MILL SP (AMENDMENT)**

Council District 04 (Robert Swope)  
Staff Reviewer: Donald Anthony

A request to amend a Specific Plan (SP) for properties located at 6415 and 6419 Holt Road and 6401 Nolensville Pike, at the southern corner of Nolensville Pike and Holt Road, zoned SP and CL, and partially located within the Corridor Design Overlay District (37.11 acres), to permit a mixed use development with nonresidential uses and 153 multifamily residential units, requested by Anderson, Delk, Epps & Associates, Inc., applicant; Mohammad Nazemi and 6260 Nolensville Road, LLC, owners. (See associated case 2023CP-012-001).

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

**The Metropolitan Planning Commission deferred 2016SP-028-003 to the April 27, 2023, Planning Commission meeting. (7-0)**

**3. 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 May 11, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-021-001 to the May 11, 2023, Planning Commission meeting. (7-0)**

**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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-036-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**5. 2022SP-069-001**

**2400 ELLISTON PLACE SP**

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to rezone from MUG-A to SP zoning for properties located at 2400 Elliston Place, 207 and 209 24th Avenue North, and 206 Reidhurst Avenue, at the corner of Elliston Place and 24th Avenue North, (1.38 acres), to permit 300 multi-family residential units and 12,500 square feet of commercial use, requested by Catalyst Design Group, applicant; Lorlyn, LLC, RMRTN, LLC, owners.

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

**The Metropolitan Planning Commission deferred 2022SP-069-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**6. 2022Z-109PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Donald Anthony

A request to rezone from RS7.5 to RM20-A zoning for property located at Ewing Drive (unnumbered), at the southeast corner of Knight Drive and Ewing Drive (2.54 acres), requested by Scott Davis, applicant; Stratus Construction, Inc., owner.

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

**The Metropolitan Planning Commission deferred 2022Z-109PR-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**7. 2023Z-002TX-001**

BL2023-1691/Johnston and Henderson

Staff Reviewer: Donald Anthony

A request to amend Section 17.12.030 of the Metropolitan Code, Zoning Regulations regarding street setbacks and building orientation for residential corner lots (Proposal No. 2023Z-002TX-001).

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

**The Metropolitan Planning Commission deferred 2023Z-002TX-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**8. 2023Z-003PR-001**

Council District 01 (Jonathan Hall)

Staff Reviewer: Laszlo Marton

A request to rezone from RS10 to R10 zoning for property located at 4120 Buenaview Court, west of the terminus of Bobwhite Court (0.41 acres), requested by George Thomas, applicant and owner.

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2023Z-003PR-001 indefinitely. (6-0-1)**

**9. 2023Z-028PR-001**

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

A request to rezone from RS5 to R6-A zoning for property located at 703 29th Ave North, approximately 80 feet north of Clifton Avenue (0.14 acres), requested by Miranda Kammeyer, applicant and owner.

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2023Z-028PR-001 indefinitely. (7-0)**

**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 Indefinitely.**

**The Metropolitan Planning Commission deferred 88P-038-001 indefinitely. (7-0)**

**11. 2018S-059-003**

**ORCHARDS PH3**

Council District 09 (Tonya Hancock)  
Staff Reviewer: Eric Matravers

A request for final plat approval to create 26 single family cluster lots on portions of properties located at 1020 C Old Hickory Boulevard, Old Hickory Boulevard (unnumbered), and New Providence Pass (unnumbered), approximately 270 feet west of Larkin Springs Road, zoned OR20 and RS10 (6.2 acres), requested by Wilson & Associates, applicant; Larkin Springs (TN) Owner IV LLC, owner.

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

**The Metropolitan Planning Commission deferred 2018S-059-003 to the April 27, 2023, Planning Commission meeting. (7-0)**

**12. 2018S-059-004**

**ORCHARDS PH2**

Council District 09 (Tonya Hancock)  
Staff Reviewer: Eric Matravers

A request for final plat approval to create 28 single family cluster lots on portions of properties located at 1020 C Old Hickory Boulevard and New Providence Pass (unnumbered), approximately 270 feet west of Larkin Springs Road, zoned RS10 (8.2 acres), requested by Wilson & Associates, applicant; Larkin Springs (TN) Owner IV LLC, owner.

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

**The Metropolitan Planning Commission deferred 2018S-059-004 to the April 27, 2023, Planning Commission meeting. (7-0)**

**13. 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 Tahlena Avenue, zoned RS20 (1.5 acres), requested by Todd Bollinger, applicant; Rose Lyn Noland, owner.

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

**The Metropolitan Planning Commission deferred 2022S-253-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**14. 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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-042-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**15. 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 Indefinitely.**

**The Metropolitan Planning Commission deferred 2023S-041-001 indefinitely. (7-0)**

**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: Defer to the May 11, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021CP-006-001 to the May 11, 2023, Planning Commission meeting. (6-0-1)**

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

**BEND AT BELLEVUE (ARIZA) SP**

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: Defer to the May 11, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-061-001 to the May 11, 2023, Planning Commission meeting. (6-0-1)**

**17a. 2023CP-000-002**

**MCSP AMENDMENT – EWING DRIVE EXTENSION REMOVAL**

Council District 02 (Kyonzté Toombs); 03 (Jennifer Gamble)

Staff Reviewer: Joren Dunnavent

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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023CP-000-002 to the April 27, 2023, Planning Commission meeting. (7-0)**

**17b. 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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-026-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**18a. 2023CP-002-001**

**PARKWOOD-UNION HILL COMMUNITY PLAN AMENDMENT**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Olivia Ranseen

A request to amend the Parkwood-Union Hill Community Plan by changing from T3 Suburban Neighborhood Evolving (T3 NE) to T3 Suburban Community Center (T3 CC) for a portion of the properties located at Hickory Hills Boulevard (unnumbered) and Brick Church Pike (unnumbered), east of Westcap Road, zoned R10 (approximately 5 acres), requested by Dale and Associates, Inc., applicant; Ardavan Afrakhteh owner. (See associated case 2022SP-063-001)

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

**The Metropolitan Planning Commission deferred 2023CP-002-001 to the April 27, 2023, Planning Commission meeting. (6-0-1)**



**18b. 2022SP-063-001**

**HICKORY HILLS RETREAT**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Dustin Shane

On Consent: No

Public Hearing: Open

A request to rezone from AR2A and R10 to SP on properties located at Hickory Hills Boulevard (unnumbered) and Brick Church Pike (unnumbered), approximately 42 feet west of Summertime Drive (92.63 acres), to permit a mixed-use development, requested by Dale & Associates; Ardavan Afrakhteh, owner. (See associated case 2023CP-002-001)

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

**The Metropolitan Planning Commission deferred 2023CP-002-001 to the April 27, 2023, Planning Commission meeting. (6-0-1)**

**19. 2023CP-003-002**

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY**

**PLAN AMENDMENT**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Olivia Ranseen

A request to change the policy from T2 RA to T2 NC for a portion of properties located at 7395 Old Hickory Blvd, between I-24 and Lickton Pike (42 acres), requested by Metro Planning, applicant; Austin and Anna Burton, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Major Plan Amendment

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing the policy from T2 Rural Agriculture (T2 RA) to T2 Neighborhood Center (T2 NC) policy for two properties along Old Hickory Boulevard, zoned R15 (42 acres).

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN**

**Current Policy**

T2 Rural Agriculture (T2 RA) policy is intended to maintain appropriate land for both agricultural activities and limited associated residential uses. The policy is applied in situations where there is an expressed interest in maintaining the predominant, existing, or desired condition for agricultural use.

**Requested Policy (Note: Conservation policy remains in place.)**

T2 Neighborhood Center (T2 NC) policy is intended to maintain, enhance, and create rural centers that fit in with rural character and that provide consumer goods and services for surrounding rural areas. Rural neighborhood centers are small-scale, pedestrian friendly areas, generally at the intersection of prominent roads and have access to sewer infrastructure.

**BACKGROUND**

The two properties are located at 7395 Old Hickory Boulevard (both share the same address), which is less than a half mile west of an interchange with Interstate 24. Currently, the properties contain one single-family house and vacant farmland.

In 2020/2021, the two properties, as well as others along Old Hickory Boulevard, were part of a land use policy amendment request to change the policy to T3 Suburban Community Center (T3 CC) to allow for trucking uses. The community overwhelmingly rejected the proposal, and the applicant withdrew their request. Since that time, the property has come under new ownership, unrelated to the previous request.

In March 2022, Councilmembers Gamble, Withers, Hall, Toombs, and Taylor sponsored Council Resolution 2022-1326, which requested that Planning staff review several areas across the county, including the Old Hickory Boulevard site, to see if land use policies should be updated to reflect changes that have occurred since the 2015 adoption of the NashvilleNext Plan. In Whites Creek, Council requested staff study extending T3 Suburban Community Center (T3 CC) or T2 Rural Neighborhood Center (T2 NC) policies west along Old Hickory Boulevard from Interstate 24 toward Lickton Pike within Council District 3. After analyzing surrounding policies and uses, staff recommended that the most appropriate policy would be an expansion of T2 Rural Neighborhood Center (T2 NC).

## **COMMUNITY PARTICIPATION**

On November 7, 2022, a Planning-led virtual community meeting was held to discuss changing the policy for the area. Notices were mailed to 20 property owners within 1,300 feet of the plan amendment area. Details of the community meeting were made available on Metro Nashville Planning Department's webpage and shared with the district Councilmember. Approximately 25 people attended the meeting, including neighbors, community leaders, the Councilmember, and staff. Planning staff provided an overview of the plan amendment request and then moved into Q&A and discussion with the public. Members of the public expressed concern about low meeting attendance due to notification buffers in rural areas usually only picking up a small number of properties. Attendees also voiced concerns about the large study area to which the draft land use policy change was applied initially (Figure 1) and its potential impacts on steep slopes. Because of these factors, staff recognized that further analysis and public engagement was needed and worked with the Councilmember to schedule an additional meeting. Staff committed to working with the Whites Creek leadership in advance of the follow-up community meeting to share the information with additional neighbors. The first meeting was recorded and uploaded to Metro Nashville's YouTube for subsequent viewing; to date it has been viewed 47 times.

It should be noted that the new owner of both properties attended the meeting and expressed that they have no intent (at this time) of redeveloping the properties. However, the property owner is supportive of the proposal and stated that if ownership changes due to unforeseen circumstances, T2 NC policy would better serve the community given its allowance of small, mixed use development.

## **ANALYSIS OF T2 RURAL NEIGHBORHOOD CENTER POLICY**

The proposed amendment area is a suitable location for T2 Rural Neighborhood Center (T2 NC) policy for the following reasons:

### ***NashvilleNext's* 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 designates the amendment area as "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. With the proposed policy change, this area remains within the Green Network.

### **Community Character Policy Application**

There are 14 Community Plans that provide the vision and community character policy guidance for communities within Davidson County. The Bordeaux-Whites Creek-Haynes Trinity Community Plan strives to balance growth with preserving the character of established urban and suburban residential neighborhoods and rural areas. The community plan area consists primarily of older and newer suburban development in Bordeaux, more urban and suburban development in Haynes Trinity, and rural development in Whites Creek, Scottsboro, and Bells Bend. With an abundance of natural resources and proximity to downtown, this area offers many residential character options.

The T2 Rural Transect category applies to the policy amendment area. The T2 Rural Transect provides living and working options, differentiated from suburban and urban categories, offering residents the choice of seclusion within the countryside. T2 Rural land is sparsely developed with primarily agricultural and low-density residential uses, complemented by limited, low intensity commercial uses. T2 Rural also reflects land with sensitive and unique topographic and geological characteristics, scarce prime agricultural land, or landscapes with a historic rural community character. In many cases, residents have chosen these communities largely due to the hillsides, valleys, forests, agriculture, wildlife habitats, and rural character found in T2 Rural areas.

The requested T2 NC policy area is located within 0.5 miles of an interchange with Interstate 24 and along a scenic arterial boulevard, Old Hickory Boulevard. This location would enable the site to contain small-scaled mixed uses, which could serve surrounding neighborhoods.

Typically, rural neighborhood centers are located on smaller properties at the intersection of prominent roads, and, as such, cover four corners and a smaller geographic area. However, given local environmental conditions and constraints, a more linear development pattern along the primary highway corridor is more likely. In this location, sensitive environmental features (steep slopes and floodplains) sharply constrain the depth of development. Existing Conservation (CO) policy, which remains in place, covers these sensitive features, and focuses development closer to the arterial rather than spreading across the entire properties.

### **Transportation and Connectivity**

The plan amendment area is located on a key Whites Creek thoroughfare, Old Hickory Boulevard, and is a half mile away from an interchange with Interstate 24. Old Hickory Boulevard is classified as a two-lane, scenic, arterial-boulevard by the Major & Collector Street Plan. Because of the plan amendment's location – significantly north of major population centers in the county – and the sprawling development pattern found in this area, vehicles are typically the only viable mode of transportation to neighborhood center areas.

### **Analysis Summary**

Amending the Community Character Policy from T2 RA to T2 NC is appropriate at this location. In summary, the change in policy for the study area is appropriate due to the following:

- Extending T2 NC policy supports a complete neighborhood center while maintaining the character of the T2 Rural Transect.
- The plan amendment area is identified within the Green Network area of the Growth & Preservation Concept Map and remains in the Green Network with the policy change.
- Implementation of T2 NC policy provides additional services, amenities, gathering spaces, and housing that complements the surrounding rural neighborhood.
- The plan amendment's location along an arterial, Old Hickory Boulevard, and within 0.5 miles of an interchange with Interstate 24 enables shorter travel times to amenities for nearby neighborhoods and communities.
- Extending T2 NC policy is in line with the linear development pattern found along many rural arterials. In this instance, the depth of development is limited due to environmental constraints.

### **STAFF RECOMMENDATION**

Staff recommends approval of extending T2 Rural Neighborhood Center policy to the study area.

Ms. Ranseen presented the staff recommendation to approve.

Councilmember Gamble spoke in favor of the application.

Angela Williams stated she is on the Board of Friends of Whites Creek and member of the Whites Creek Historical Society. She spoke in opposition to the application.

### **Vice Chair Farr closed the Public Hearing.**

Councilmember Gamble recognized the need for more services and amenities in the area and this plan would provide that. She said she appreciates and respects the opposition but feels this is well thought out.

Ms. Blackshear asked if the current zoning is more intense than what the policy in place now allows.

Ms. Ranseen answered yes, it is R15 and the policy in place, T2RA, would only allow for agricultural zoning.

Ms. Blackshear asked if the proposed policy would better align with the current zoning.

Ms. Ranseen explained the zoning recommended under T2NC is MUN, which allows for a mix of service. The current zoning, R15, would only allow for residential development. She said while it is more intense than what the current policy allows for, it does not allow for a mix of uses, which is what this policy would be adding.

Ms. Blackshear asked how it got out of alignment and how do they get it to align.

Ms. Milligan stated the policy is always the goal of what is envisioned for an area, but it is not unusual to have policy that is misaligned with zoning.

Ms. Kempf suggested that if in the future the body were to entertain a rezoning, they would entertain the new rezoning against the new policy if they approved it today, or the old policy, if they did not. She advised it is about how they want a future decision to be framed in that context.

Ms. Blackshear stated she understands the desire to keep the area rural and undisturbed but it looks like this is a proper way to better align the policy with what is currently entitled and what would be appropriate growth in the area.

Mr. Tibbs agreed with Ms. Blackshear's points and is in support.

Ms. Johnson asked if it would be permissible if anybody wanted to have farming on the property.

Ms. Milligan answered under the base zoning that now exists, agriculture and farming is not allowed. It is supported under the existing policy.

Ms. Johnson asked if someone wanted to consider mixed use on the property, would they have to come for a zone change for a specific design.

Ms. Milligan responded yes, under the existing zone. She explained regardless of the policies, under the existing zoning, someone could develop a residential subdivision so long as they met the subdivision regulations and zoning code. If they want to do something other than that, then any application would be judged under whichever policy is in place.

Ms. Johnson said the proposed policy will allow future residential, mixed use and commercial uses. She stated she understands the desire to keep some reasonable protected rural character type of development in the future and said considering the proximity to the interstate, the proposed T2NC policy would make sense.

Councilmember Withers asked about factors that would weigh on whether future expansion of this policy would be considered.

Ms. Ranseen advised they originally looked at potentially 84 acres instead of 42 and there was a lot of community concern. She said there are a lot of sensitive features in that area so that led to a reduction of size. Ms. Ranseen explained as far as expansion of the policy, they heard overwhelmingly and they were trying to be respectful of the community's intent to end the policy there, which is why they reduced it substantially in size. Lastly, due to the steep slopes, the depth of the property is limited, and it made sense to end it at 42 acres.

Councilmember Withers asked if someone where to rezone this property to MUN and pull a building permit, is that permit reviewed by the Planning staff or by Codes.

Ms. Ranseen responded that a rezoning to MUN would go through this body first for review.

Ms. Milligan added when someone goes to them in land development and expresses interest in rezoning property, their role is to look at what is being proposed and see if aligns with the zoning. She explained there are times they cannot meet the goals of the policy with a straight zoning and may recommend a straight SP.

Councilmember Withers said the answers provided him with a lot of comfort and looks forward to further discussion about the guidance update for the neighborhood center.

Mr. Henley stated he thought it was appropriate that the size was modified, especially without the level of clarity of what is to come. He said he feels more comfortable understanding the current zoning and that it has to come back before their body. Mr. Henley thought it was something that is reactive to the growth of the city and also planning for the future and said he is inclined to support staff recommendation.

Mr. Clifton expressed concern because the area was such a battleground with NashvilleNext and a lot of community involvement and investment in the whole process. He said the discussion has helped somewhat.

**Mr. Tibbs moved and Mr. Henley seconded the motion to approve. (7-0)**

**Resolution No. RS2023-112**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-002 is approved. (7-0)

**20. 2023CP-007-001**

**WEST NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District

Staff Reviewer: Andrea Barbour

A request to amend the West Nashville Community Plan, by changing land use policy from Urban Neighborhood Evolving (T4 NE) to Urban Neighborhood Maintenance (T4 NM) policy for property located north of Charlotte Avenue, east of 37<sup>th</sup> Avenue North and southwest of the I-40/I-440 interchange, various zoning districts (22.21 acres).

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Amend West Nashville Community Plan to change the policy.**

Minor Plan Amendment

A request to amend the West Nashville Community Plan, by changing land use policy for property located north of Charlotte Pike, 37<sup>th</sup> Avenue North and the I-40/I-440 interchange, various zoning districts (22.21 acres). The request would change the land use policy from Urban Neighborhood Evolving (T4 NE) to Urban Neighborhood Maintenance (T4 NM) policy.

**WEST NASHVILLE COMMUNITY PLAN**

**Current Policy**

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance neighborhoods—to include greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

### **Requested Policy**

Urban Neighborhood Maintenance (T4 NM) policy is to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street.

### **BACKGROUND**

In March 2022, Councilmembers Gamble, Withers, Hall, Toombs, and Taylor sponsored Council Resolution 2022-1326, which requested that Planning staff review several areas across the county, including West Nashville, to see if land use policies should be updated to reflect changes that have occurred since the 2015 adoption of the NashvilleNext Plan. These reviews are required to be completed no later than June 30, 2023. In West Nashville, Council requested staff study Urban Neighborhood Evolving policies generally north of Charlotte Pike, 37<sup>th</sup> Avenue North and the I-40/I-440 Interchange in Council District 24. Planning staff and the district Councilmember developed an appropriate study area, proposed Community Character Policy, and a statement of need for the change. Planning staff identified and created opportunities for interested community members to provide input on the proposed changes.

### **COMMUNITY PARTICIPATION**

On December 15, 2022, at the West Nashville Police Precinct (5500 Charlotte Pike) from 6PM-7PM, Community Plans staff conducted an in-person community meeting to discuss the West Nashville plan amendment. Details of the community meeting were made readily available in the form of a newsletter, multiple email blasts, texts, and phone calls via the Councilmember. There were six community members present at the public meeting. Staff outlined the request to change policy. Following the presentation, attendees were given the opportunity to ask questions and share comments. Several questions were asked of the staff by attendees. Questions and comments mainly focused on:

- Short term rentals
- Zoning
- Land use policy

On March 3, 2023, the Planning Department mailed 525 community notices to residents within the study area and within a 600 square foot buffer of the area. The community notice provided details and information about the requested policy amendment. In addition, a link to the West Nashville Community Plan page was provided so residents could access a narrated presentation for those who were unable to attend the initial community meeting.

The online presentation is roughly five minutes. To date there have been 30 views of the video presentation. Since the community meeting was held, there has been zero letters of support and zero letters of opposition submitted to the Planning Department and shared with the Commission.

### **ANALYSIS OF T4 URBAN NEIGHBORHOOD MAINTENANCE POLICY**

In this analysis, the study area, currently Urban Neighborhood Evolving (T4 NE) policy, was examined to apply Urban Neighborhood Maintenance (T4 NM) policy. The proposed policy amendment area is a suitable location for T4 NM policy for the following reasons:

#### **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. According to NashvilleNext, the Concept Map for West Nashville illustrates these key concepts: strategically locating new residential development; enhancing commercial centers and corridors to provide more desired retail and services; preserving established residential areas; protecting floodway/floodplain areas; and adding more connectivity, primarily through bikeways, greenways, multi-use paths and transit.

The Concept Map shows the policy amendment area situated in a location designated as a “Transition and Infill”. Transition and Infill areas primarily include moderately dense residential and small-scale offices that are appropriate along and around prominent corridors and centers to provide a harmonious connection to surrounding neighborhoods. Transition areas provide housing and offices in proximity to transit and commercial services, increasing the likelihood that residents can walk or bike to meet some of their daily needs. These areas also provide a diversity of housing types. With the policy change, the study area remains in the Transition and Infill designations.

The study area is primarily surrounded by residential throughout the larger area. Other uses that have a large presence include commercial and mixed use. The requested policy would allow for areas identified as Transition and Infill, to remain in place in addition to supporting continued growth.

### **Community Character Policy Application**

There are 14 Community Plans which provide the vision and policy guidance of land uses for communities within Davidson County. The West Nashville Community Plan makes use of Community Character Policy elements to ensure those areas continue to grow. The Community Character Policies are the standard by which development and investment decisions are reviewed and future zone change requests are measured. The policies thoughtfully encourage additional housing options in strategic locations, enhance the character of mixed-use centers, and preserve green spaces and environmentally sensitive features. The West Nashville community strives to balance growth with preserving the character of established residential areas while providing needed services, retail, recreations, and employment opportunities and improving the appearance of corridors, as well as their walkability.

Urban Neighborhood Maintenance (T4 NM) policy is intended to maintain urban neighborhoods as characterized by their moderate to high density residential development pattern, building form/types, setbacks, and building rhythm along the street. T4 NM areas will experience some changes over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood.

### **Transportation and Connectivity**

Per the Community Character Manual, T4 NM policy areas are generally accessed from alleys and have high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit. The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (arterial-boulevards, arterial-parkways, and collector-avenues) that make up the backbone of the city's transportation system. Charlotte Avenue is classified as arterial boulevards.

Regarding vehicular connectivity, alley access is common, while driveway access from the street is found in some instances. Blocks are linear with moderate to short distance between intersections. Pedestrian and bicycle connectivity is high and is provided in the form of sidewalks and bikeways throughout the neighborhood. While sidewalks are present, sidewalk design could be improved to facilitate better and safer walking conditions for pedestrians and additional connections could be made.

WeGo offers transit service to the community. Currently, the community is served by Routes 50. There are three bus stops located in the study area.

### **Relationship to Surrounding Policies**

Currently, the policy amendment area is surrounded by several policies in the surrounding study area:

- Conservation (CO) policy is applied throughout the policy amendment area.
- Civic (CI) is located to the west of 37<sup>th</sup> Avenue North of the policy amendment area.
- Center Mixed Use Neighborhood (T5 MU) is located east on the other side of the I-40/I-440 interchange.
- Urban Mixed-Use Corridor (T4 CM) is to the west at 37<sup>th</sup> Avenue North and south along Charlotte Pike.
- Suburban Neighborhood Maintenance (T3 NM) is located to the north on the other side of I-40.

### **Analysis Summary**

Amending the Community Character Policy from T4 NE to T4 NM is appropriate for the following reasons:

- Changing the policy to T4 NM fits within the larger area's context and creates continuity of policy that supports residential and institutional uses in addition to community gardens and other open spaces.
- T4 NM policy supports the neighborhood's desire to strategically locating new residential development, preserving established residential areas and adding more connectivity.
- Streets, including Charlotte Avenue are classified as arterials and provide connectivity both within the neighborhood and to the surrounding area.
- WeGo provides transit service to the community. In addition to the existing route, several stops are located throughout the neighborhood.

### **STAFF RECOMMENDATION**

Staff recommends approval of the policy change from Urban Neighborhood Evolving (T4 NE) policy to Urban Neighborhood Maintenance (T4 NM) policy.

### **Approve. (7-0)**

#### **Resolution No. RS2023-113**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-002 is approved. (7-0)

## 21. 2023CP-008-001

### NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District

Staff Reviewer: Andrea Barbour

A request to amend the North Nashville Community Plan, by changing the land use policy from Urban Neighborhood Evolving (T4 NE) to Urban Neighborhood Maintenance (T4 NM) policy for property located north of Clifton Avenue, south of Jefferson Street and 1-40, and north of the CSX railroad tracks, north of Clifton Pike, various zoning districts (183.66 acres), requested by Metro Planning, applicant; various property owners.

**Staff Recommendation: Approve.**

#### APPLICANT REQUEST

**Amend North Nashville Community Plan to change the policy.**

##### Minor Plan Amendment

A request to amend the North Nashville Community Plan, by changing land use policy from Urban Neighborhood Evolving (T4 NE) to Urban Neighborhood Maintenance (T4 NM) for property located north of Clifton Avenue, south of Jefferson Street and Interstate 40, and north of the CSX railroad tracks, north of Clifton Pike, various zoning districts (183.66 acres).

#### NORTH NASHVILLE COMMUNITY PLAN

##### **Current Policy**

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance neighborhoods in order to include greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

##### **Requested Policy (Note: Civic (CI) and Open Space (OS) policies remain in place.)**

Urban Neighborhood Maintenance (T4 NM) policy focuses on maintaining urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. T4 NM areas will experience some change over time, primarily as buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood.

#### **BACKGROUND**

In March 2022, Councilmembers Gamble, Withers, Hall, Toombs, and Taylor sponsored Council Resolution 2022-1326, which requested that Planning staff review several areas across the county, including in North Nashville, to see if land use policies should be updated to reflect changes that have occurred since the 2015 adoption of the NashvilleNext Plan. In North Nashville, Council requested staff study Urban Neighborhood Evolving policies generally between Clifton Avenue and Jefferson Street and Interstate 40 and the railroad in Council District 21. Planning staff and the district Councilmember developed an appropriate study area, proposed Community Character Policy, and a statement of need for the change. Planning staff identified and created opportunities for interested community members to provide input on the proposed changes.

#### **COMMUNITY PARTICIPATION**

On December 12, 2022, at Galilee Missionary Baptist Church (2021 Herman Street), Community Plans staff conducted an in-person community meeting to discuss the North Nashville plan amendment. Details of the community meeting were made readily available in the form of a newsletter, multiple email blasts, texts, and phone calls via the Councilmember. There were three community members present at the public meeting. Staff outlined the request to change policy. Following the presentation, attendees were given the opportunity to ask questions and share comments. Several questions were asked of the staff by attendees. Discussion mainly focused on concerns about gentrification, and questions about zoning and land use policy.

On March 3, 2023, the Planning Department mailed 2,691 community notices to residents within the study area and within a 600 feet buffer of the area. The community notice provided details and information about the requested policy amendment. In addition, a link to the North Nashville Community Plan page was provided so residents could access a narrated presentation about the land use policy change for those who were unable to attend the initial community meeting. The online presentation is roughly five minutes. To date there have been views of the video presentation. Since the community meeting was held, there has been zero letters of support and zero letters of opposition submitted to the Planning Department and shared with the Commission.

#### **ANALYSIS OF URBAN NEIGHBORHOOD MAINTENANCE POLICY**

In this analysis, the study area, currently Urban Neighborhood Evolving (T4 NE) policy, was examined to apply Urban Neighborhood Maintenance (T4 NM) policy. The proposed policy amendment area is a suitable location for T4 NM policy for the following reasons:

### **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. According to NashvilleNext, the Concept Map for North Nashville illustrates these key concepts: preserving environmentally sensitive features and open space; creating diverse and affordable housing options; enhancing commercial centers and corridors to provide more of a “brand” for North Nashville; and adding more connectivity, primarily through bikeways, greenways, and multi-use paths.

The Concept Map shows the policy amendment area designated as a “Neighborhood.” Neighborhood areas primarily include a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers. In addition to Neighborhood, the Concept Map shows “Transition and Infill” in the study area. Transition and Infill areas primarily include moderately dense residential and small-scale offices that are appropriate along and around prominent corridors and centers to provide a harmonious connection to surrounding neighborhoods. Transition areas provide housing and offices in proximity to transit and commercial services, increasing the likelihood that residents can walk or bike to meet some of their daily needs. These areas also provide a diversity of housing types. With the policy change, the study area remains in the Neighborhood and Transition and Infill designations on the Concept Map.

### **Community Character Policy Application**

There are 14 Community Plans which provide the vision and policy guidance of land uses for communities within Davidson County. The North Nashville Community Plan utilizes Community Character Policy elements to ensure those areas continue to grow. The Community Character Policies are the standard by which development and investment decisions are reviewed and future zone change requests are measured. The policies thoughtfully encourage additional housing options in strategic locations, enhance the character of mixed-use centers, and preserve green spaces and environmentally sensitive features. The North Nashville community’s desire to maintain and enhance its urban residential neighborhoods is shown by the placement of Neighborhood Maintenance policy in large parts of the community. In order to maintain long-term sustainability of the community and to provide housing for residents at every point in their lives, an appropriate mixture of housing types is found throughout the North Nashville community. Another area of emphasis is enhancing centers and corridors.

Complete urban neighborhoods feature an integrated mixture of housing within walking distance of commercial, services, and neighborhood-scaled open space. Since the adoption of NashvilleNext in 2015, the study area, like many areas across the city, has experienced growth and new housing construction. With the changes that have occurred in recent years, neighbors feel that these areas have “evolved” as the initial policy intended and now wish to change emphasis to maintaining the residential areas.

### **Transportation and Connectivity**

Per the Community Character Manual, T4 NM policy areas have high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit, along with alley networks. North Nashville has several prominent corridors, such as Jefferson Street, Buchanan Street, Rosa L. Parks Boulevard, and Clarksville Highway. North Nashville’s proximity to Downtown makes it a desirable place to live, work, and play. The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (arterial-boulevards, arterial-parkways, and collector-avenues) that make up the backbone of the city’s transportation system. Jefferson Street and Dr. D.B. Todd Jr. Boulevard are classified as arterial boulevards. Clifton Avenue, 21<sup>st</sup> Avenue North, and Herman Street are classified as collector-avenues.

Regarding vehicular connectivity, in the study area alley access is common, while driveway access from the street is found in some instances. Blocks are linear with moderate to short distance between intersections. Pedestrian and bicycle connectivity is high and is provided in the form of sidewalks and bikeways throughout the neighborhood. While sidewalks are present in most areas, sidewalk design could be improved to facilitate better and safer walking conditions for pedestrians and additional connections could be made. Other pedestrian, such as crosswalks, and bikeway improvements still need to be made.

WeGo offers transit service to the community. Currently, the community is served by Routes 29, 19 and 75. There are six bus shelters and forty bus stops located in the study area. The Dr. Ernest Rip Patton, Jr. North Nashville Transit Center is currently under construction at 26<sup>th</sup> Avenue and Clarksville Highway and scheduled to open in Spring 2024. Current routes that will be connected via the new transit center include Routes 22 Bordeaux, 42 St. Cecilia/Cumberland, 75 Midtown, and 77 Thompson/Wedgewood. In addition, an extension of Route 9 Metro Center is planned.

### **Analysis Summary**



Amending the Community Character Policy from T4 NE to T4 NM is appropriate for the following reasons:

- T4 NM fits within the larger area's context and creates continuity of policy that supports residential and institutional uses in addition to community gardens and other open spaces.
- T4 NM policy supports the neighborhoods, and the North Nashville community's, desire to maintain its residential character as much change has occurred in recent years since the 2015 adoption of NashvilleNext.
- The policy change fits within the designations on the NashvilleNext's Concept Map.
- T4 NM supports the neighborhood's vision for providing housing in walking distance of enhanced mixed-use centers and open spaces.
- Streets, including Jefferson Street and Dr. D.B. Todd Jr. Boulevard, are classified as arterials, and along with Clifton Avenue, 21<sup>st</sup> Avenue North, and Herman Street as collectors, provide connectivity both within the neighborhood and to the surrounding area.
- WeGo provides transit service to the community with a new transit station planned. In addition to the existing routes, shelters and stops are located throughout the neighborhood.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the policy change from Urban Neighborhood Evolving (T4 NE) policy to Urban Neighborhood Maintenance (T4 NM) policy.

**Approve. (7-0)**

#### **Resolution No. RS2023-113**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-002 is approved. (7-0)

## **22. 2016SP-029-003**

### **1636 LEBANON PIKE APARTMENTS SP (AMENDMENT)**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Donald Anthony

A request to amend a Specific Plan on property located at 1636 Lebanon Pike, approximately 1,000 feet west of Clovernook Drive, zoned SP (3.88 acres), to permit 48 multi-family residential units, requested by Murray D. Shanklin, applicant; Robert Berard, owner

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

#### **APPLICANT REQUEST**

**SP amendment to permit 48 multi-family residential units.**

#### SP Amendment

A request to amend a Specific Plan (SP) on property located at 1636 Lebanon Pike, approximately 1,000 feet west of Clovernook Drive, zoned Specific Plan (SP) (3.88 acres), to permit 48 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.*

#### **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 – OLD HICKORY 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.

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 area on the subject property applies to areas along the northern, eastern, and western sides of the property where slopes exceed 20 percent.*

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

The subject property consists of a 3.88-acre parcel located north of Lebanon Pike and approximately 1,000 feet west of Clovernook Drive. The property is currently vacant and is zoned SP; the site also lies within the Airport Impact Overlay district. Adjacent zoning includes: RS10 on the north and west; SP on the east; and CS-A on the south. Adjacent land uses include: single-family residential on the north and west; vacant on the east; and commercial on the south.

The subject property has no direct road frontage. The site is accessed from Lebanon Pike via an existing easement through the property to the south. The central and southern portions of the site lie at higher elevations than the northern portion of the site. Slopes in excess of 20 percent are present along the property's northern, eastern, and western sides.

The SP for the subject property was approved by Metro Council in 2016 (BL2016-404). The approved SP permits 36 multi-family residential units in a single building. The approved SP shows parking being provided on an 80-space surface lot; a rental office / clubhouse is also included on the plan. The Council bill limits the height of the apartment building to three stories in 36 feet; the rental office / clubhouse building is limited to one story in 25 feet. The bill also requires a five-foot wide sidewalk along the private drive connecting the site to Lebanon Pike.

The proposed SP amendment includes the following major changes to the approved SP:

- Increase the number of multi-family residential units to 48;
- Increase the number of parking spaces to 105;
- Eliminate the rental office / clubhouse building; and
- Increase maximum building height to four stories in 48.5 feet.

Additional changes include relocation of the dumpster enclosure and adding gated access to the site. Access would continue to be provided via an existing easement through the property to the south. The proposed building would be located along the site's southern boundary, and 105 parking spaces would be provided on surface lots located to the north and east of the building. Slopes of 20 percent or greater would remain undisturbed, and a 20-foot landscape buffer is shown along the western and northern boundaries where the subject property abuts other properties zoned for residential uses. Building height would be measured from finished floor elevation to the midpoint between the eave and the top of the roof. As shown in the SP document, brick would be the primary exterior material. The proposed front building elevation is shown below.

#### **ANALYSIS**

The T4 CM policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher-density residential and mixed use development. The policy is characterized in part by: high-density buildings; heights of three to five stories with potential for taller buildings in appropriate locations; and high-access management, served by highly-connected street networks, sidewalks, and mass transit. The policy provides additional guidance for developments at the edges of the T4 CM policy area; in such a case, the site should be designed to step-down in intensity when the site lies adjacent to a lower-intensity policy area.

The proposed SP amendment would increase density from the currently-approved 9.28 units per acre to 12.37 units per acre. The proposed building would have a height of four stories in 48.5 feet, which falls within the T4 CM policy's guidance. The development would have access to Lebanon Pike, a heavily-traveled arterial boulevard. Lebanon Pike is served by WeGo route 6, which runs from Downtown to Hermitage. Sidewalks are present along both sides of Lebanon Pike from Spence Lane westward; the sidewalk network eastward on Lebanon Pike is less consistent.

The northern portion of the subject property abuts a residential neighborhood in the Suburban Neighborhood Maintenance (T3 NM) policy area. The SP amendment proposes locating the building along the southern boundary of the property, which is the portion of the property farthest from the T3 NM area. The northernmost edge of the proposed parking lot lies approximately 110 feet from the northern property line. Additionally, an existing dense stand of mature trees along the northern property line would be preserved. Both distance and landscaping would provide a step-down in intensity between the T4 CM and T3 NM policy areas.

The Conservation policy applies to portions of the site that have slopes of 20 percent or greater. In some areas on the site, slopes exceed 25 percent. Consistent with the approved SP, the proposed SP amendment limits site disturbance to areas outside of steep slopes. The slopes and existing tree stands would be preserved. A 20-foot landscape buffer is shown along the western and northern boundaries of the site. Existing trees may satisfy the buffer requirement; supplemental plantings will be required where existing trees are not adequate.

The proposed SP amendment appears to be consistent with the T4 Urban Mixed Use Corridor and Conservation policies. 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. Site plans or construction may require changes to meet adopted fire and building codes.

**METRO WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**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, with a 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. Approval comments: From previous approval comments, Trim and/or remove existing vegetation roadside(looking left from accsss) to provide better line of sight between vehicles at access and approaching vehicles.
- Use NDOT ST-325 spec. for driveway ramp/ sidewalk crossing.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve**

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)	3.88	-	36 U	264	18	24

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)	-	-	48 U	351	23	30

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
-	-	-	+12 U	+87	+5	+6

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SR-R district: 2 Elementary 1 Middle 1 High  
 Projected student generation proposed SP-R district: 2 Elementary 2 Middle 1 High

The proposed SP is anticipated to generate one additional student beyond what is generated under the current SP zoning. Students would attend Pennington Elementary, Two Rivers Middle School, and McGavock High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

## **CONDITIONS**

1. Permitted uses shall be limited to 48 multi-family 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 RM15-A 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.
10. Maximum building height shall not exceed four stories in 48.5 feet, measured from finished floor elevation to midpoint of rooftop and eave, as shown in the preliminary SP.
11. 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.
12. Revise cover sheet to replace approval dates for previous SP with dates for the SP amendment.
13. With final SP submittal, show and clearly label the gated entrance on the site layout sheet. Work with the Fire Marshal's office on access requirements.
14. With final SP submittal, cite instrument # 20210301-0025284 for the easement through the lot to the south. The proposed access location shall align with that detailed in the recorded instrument.
15. With final SP submittal, show a five-foot wide sidewalk along the access drive. Per previous Council bill, sidewalk shall be installed prior to issuance of use and occupancy permit.
16. Trees marked to be preserved shall be preserved with the final SP. Final review of landscape plan shall meet requirements of RM15-A.

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

### **Resolution No. RS2023-114**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-029-003 is approved with conditions and disapproved without all conditions. (7-0)

#### **CONDITIONS**

1. Permitted uses shall be limited to 48 multi-family 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 RM15-A 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.
10. Maximum building height shall not exceed four stories in 48.5 feet, measured from finished floor elevation to midpoint of rooftop and eave, as shown in the preliminary SP.
11. 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.
12. Revise cover sheet to replace approval dates for previous SP with dates for the SP amendment.
13. With final SP submittal, show and clearly label the gated entrance on the site layout sheet. Work with the Fire Marshal's office on access requirements.
14. With final SP submittal, cite instrument # 20210301-0025284 for the easement through the lot to the south. The proposed access location shall align with that detailed in the recorded instrument.
15. With final SP submittal, show a five-foot wide sidewalk along the access drive. Per previous Council bill, sidewalk shall be installed prior to issuance of use and occupancy permit.
16. Trees marked to be preserved shall be preserved with the final SP. Final review of landscape plan shall meet requirements of RM15-A.

## 23. 2022SP-017-001

### 212 SUNSET

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP zoning for property located at 212 Sunset Drive, approximately 820 feet east of Dickerson Pike, (0.52 acres), to permit five multi-family residential units, requested by Rhodes Engineering, LLC, applicant; William I. Church, Jr., owner.

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

### APPLICANT REQUEST

**SP to permit five residential units.**

#### Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan (SP) zoning for property located at 212 Sunset Drive, approximately 820 feet east of Dickerson Pike, (0.52 acres), to permit five multi-family residential units.

#### **Existing Zoning**

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

#### **Proposed Zoning**

Specific Plan-Mixed 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 one housing type.

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

The approximately half acre property is located at the southeast corner of Sunset Drive and Morningside Drive. It is approximately 700 feet south of Ben Allen Road and approximately 800 feet east of Dickerson Pike. The site is relatively flat and an existing single-family home occupies the property. Surrounding zoning districts include RS10 and SP. The adjacent SP to the east is multifamily and the adjacent SP to the south is mixed use.

#### Site Plan

The proposed plan calls for five multifamily residential units with a density of approximately nine units per acre. Homes are limited to 28 feet in height and the plan includes house plans. Access is provided by a single private drive. A recorded access easement for the drive is provided on the adjacent property to the north and the adjacent property to the east. Each unit includes two parking spaces. A standard B-5 landscape buffer yard is provided along the northern property line and the eastern property line. In addition to vegetation, this buffer requires a six-foot-tall opaque fence.

#### **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.

**ANALYSIS**

Staff finds that the proposed SP is consistent with the T4 NE land use policy. The plan allows for additional density within close proximity to Dickerson Pike, which is a major mixed-use corridor. Dickerson Pike is a bus route, and a stop is located at the end of Sunset. Additional density supports nearby commercial areas and can increase bus ridership.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

- Fire-Separation-Distance <5' (3.75'). Exterior walls will require fire-rated construction in accordance with IRC 302.1.

**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. Submittal of an availability study is required before the Final SP can be reviewed. Once this study has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study. A minimum of 30% W&S Capacity must be paid before issuance of building permits.

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- With a general final submittal: Callout the following per NDOT ST- detail sections: access ramp/driveway, sidewalks, curb & gutter. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide a waste plan for site.
- A private hauler will be required for site waste/recycle disposal.
- Provide new paving in public ROW per ST-251 schedule. Pavement width through radius section shall be minimum full width (existing edge-to-edge) to cover extents of turning radius. How far beyond turning radius to be determined in field by NDOT inspector.
- Provide new concrete commercial driveway per ST-324, off public ROW radius.
- Provide ST-270 (trench backfill) for utility tie-in across existing public ROW.
- Provide waste/recycle plan (dumpster or roll-a-way cans) ref. SW1-8.E NDOT Waste Policy for 5 units.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Additional on-street parking may be required on the West side of the new proposed private drive.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.52	4.356 D	2 U	28	7	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.52	-	5 U	26	1	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	-2	-6	+1

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed SP district: 1 Elementary 0 Middle 1 High**

The proposed SP zoning is expected to generate two more students than the existing RS10 zoning district. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. There is additional capacity in all three schools. 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 disapprove without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 5 residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Comply with all conditions and requirements of Metro reviewing agencies.
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 RM9 zoning district as of the date of the applicable request or application.
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. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**Resolution No. RS2023-115**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-017-001 is approved with conditions and disapproved without all conditions. (7-0)

**CONDITIONS**

1. Permitted uses shall be limited to 5 residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Comply with all conditions and requirements of Metro reviewing agencies.
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 RM9 zoning district as of the date of the applicable request or application.
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. 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.

## 24. 2023SP-002-001

### 3013 BATAVIA SP

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to rezone from RS5 to SP zoning for property located at 3013 Batavia Street, approximately 100 feet east of 31st Avenue North, (0.26acres), to permit three residential units, requested by Regal Homes, applicant; Regal Development, LLC, owner.

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

### APPLICANT REQUEST

**Preliminary SP to permit a multi-family development.**

#### Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan (SP) zoning for property located at 3013 Batavia Street, approximately 100 feet east of 31st Avenue North (0.26 acres), to permit three 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 2 units.*

#### **Proposed Zoning**

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

### SITE CONTEXT AND PLAN DETAILS

The application consists of one parcel (Map 092-06, Parcel 300) totaling 0.26 acres and fronting on Batavia Street to the north and an unimproved alley ROW to the south. Surrounding properties are all single- and two-family uses zoned RS5 and within the T4 NM policy area. The subject property is currently vacant.

#### Site Plan

The SP is intended to create a multi-family residential development. The plan authorizes the creation of three detached multi-family residential units (density of 11.53 units/acre). The SP includes a site plan as well as bulk standards (0.70 max ISR, setbacks in line with the existing context, and a 3-story height limit) and a landscaping plan showing street trees. The ROW along Batavia Street will be rebuilt to provide a 4-foot grass strip and 5-foot relocated sidewalk, with private walks connecting to the front doors of the proposed homes. Seven parking spaces are provided in the rear. These spaces will be accessible from the alley, which the applicant proposes to improve within the current 10-foot ROW constraints along three neighbors' rear frontages, and to the required width per the NDOT cross-section along the applicant's rear frontage (dedicating an extra five feet to meet this standard).

#### **NORTH NASHVILLE COMMUNITY PLAN**

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

### ANALYSIS

The property is within the T4 Urban Neighborhood Maintenance (T4 NM) policy area. T4 NM policy is intended to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. T4 NM areas will experience some changes over time, primarily when buildings are expanded or replaced. The existing neighborhood context displays a range of built forms, with modest one- and one-and-a-half-story mid-century homes and newer, taller homes built closer together to maximize access to the public ROW (across Batavia Street to the northeast is a similar three-home configuration to that being proposed for this site). Batavia Street is along a WeGo bus route (19 Herman), and so maximizing access to this corridor is a planning goal.

The site is in an urban neighborhood well-served by a connected street grid, transit, and nearby commercial services along Clifton Avenue. The neighborhood features several housing types, with the proposal fitting into this existing context. The improvements to the alley and to several neighbors' properties will encourage use of this underutilized public amenity. For these reasons, staff recommends approval with conditions and disapproval without all conditions.



**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- 3/6/23- Reviewed revised plan. Units have less than 5' fire separation between units and to interior lot line. Fire rated exterior construction is required. Architectural plans elevations not provided. Subject to additional review prior to permit for construction.

**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 ROADS 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, with a 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.

**TRAFFIC AND PARKING 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)	.254	7.41 D	2 U	28	7	2

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)	-	-	3 U	15	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	-13	-6	+0

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS5 districts: 0 Elementary 0 Middle 0 High  
Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed SP-MU zoning is expected to generate no more students than the existing zoning districts. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Approve with conditions and disapprove without all conditions.

## **CONDITIONS**

1. Permitted uses shall be limited to 3 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Heights shall be limited to two stories with pitched roofs.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Ms. Blackshear has recused herself and left the meeting.

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

John Rankin, 1709 Woodland Street, spoke in favor of the application.

Tonya Wade, 726 26<sup>th</sup> Avenue North, spoke in opposition to the application.

John Rankin spoke in rebuttal.

### **Vice Chair closed the Public Hearing.**

Mr. Henley stated as they have development, a lot of the parking infrastructure in neighborhoods is lax. He said the proposed plan shows adding parking in the rear and it is accounting for the parking it will bring and looking to solve it for its neighbors. Mr. Henley asked if the right of way dedication is triggered for the other property or is it part of the SP to deliver the pad.

Ms. Milligan answered they can only require the dedication for the property that is part of the SP.

Mr. Henley said there is a three story height limit and asked if there was a height plane they are aligning with and are characteristics for the three story that is across the street, such as the width of the and how comparable it is.

Ms. Milligan advised that the three units that are similar in the layout of what is being proposed were built on existing 25 foot lots and were not a rezoning or SP. They were built under existing zoning and are two stories with pitched roofs. The existing zoning for this property, and all around, permits three stories and 45 feet and thinks this is a little less than what is permitted under base zoning.

Mr. Henley said it seems like the subject property is about 75 feet wide.

Ms. Milligan responded it is 74 feet in width and is very similarly situated to what is across the street regarding the width and lay out of the units.

Mr. Henley recognized the SP process is more burdensome but it allows them to guide development in areas that are sensitive. He said it gave him comfort that conversations with the Councilmember have been reflected in this SP.

Mr. Clifton said this seems to be consistent with a lot of their goals. He is sympathetic with established residential areas but said it looks like this has been done with care.

Councilmember Withers asked with the improvements to the alley, what is the width of the alley for the remainder of the frontage connection to the street.

Mr. Shane answered there is ten feet of right of way and they are going to pave the whole portion, and on their property, they will dedicate an extra five feet to do their part on it.

Mr. Withers said it is common to see applicants improve an alley and thinks adding parking pads for the neighbors is a good touch to help solve some of the problems the community is having.

Ms. Johnson said she understands the neighbors' concerns as it feels like the neighborhood is dramatically changing. She stated this is a T4 Neighborhood Maintenance area, and looking at the nearby neighborhood, particularly at the triplex across the street, this is in line with the existing neighborhood character and this proposal meets the policy guidelines.

Mr. Tibbs asked if there is anything in the SP about not allowing short term rentals.

Ms. Milligan advised short term rentals, both owner and not owner occupied, are prohibited.

Mr. Tibbs said an SP is a tough tool but works well, but feels it sometimes starts to take over a neighborhood. He felt with the current base zoning, this can be developed and still increase the density, but maintain the character of the neighborhood. Mr. Tibbs recognized the other diagonal has already started but this diagonal, which is closer to the street, should be kept in this manner and to disapprove and go with what they are already able to build to be more in line with the community.

Vice Chair Farr said they see this more in Neighborhood Evolving areas versus Neighborhood Maintenance and asked what kind of change they could expect to see in the Neighborhood Maintenance area.

Ms. Milligan explained Neighborhood Maintenance does not mean it is cast in stone never to change. She said when they are evaluating rezoning requests in Neighborhood Maintenance, they take context clues of what is going on nearby and in the larger neighborhood. On this street there is something very similar across the street, and they are maintaining the land use and development pattern on the street and broader neighborhood; but with Evolving, a different form may be expected.

Vice Chair Farr said if the three units across the street had not come in, they would not say this was consistent with Neighborhood Maintenance.

Ms. Milligan pointed out that if they go around the corner and down the block, there are similar units, and in the broader area, there is more of this pattern that has happened in this neighborhood.

Vice Chair Farr stated while driving through the area, she was struck with the rapid transformation that is underway in the area. She said the Commissioners are sensitive to the neighbors' concerns and urged them to continue to make their voices heard.

Mr. Clifton said Mr. Tibbs articulated some of what he was feeling as he also has reservations about the dramatic changes to this neighborhood that are not necessarily required.

Mr. Henley asked if the triplex on parcel 302 shares a different zoning designation than the current one.

Ms. Milligan answered no, it is zoned RS5 and is a non-conforming triplex, which are three units on 10,000 square feet and is smaller than this lot.

Mr. Henley stated he is adamant when they go from however many units down, as Nashville does not need to be going down in units.

Ms. Milligan stated she misspoke earlier and advised the property immediately next door is a triplex and the next one over, parcel 302, is a quadplex.

Mr. Tibbs stated he does not disagree that they need to look for opportunities for density but that does not mean every place is the best place for it just because you can do it. He felt maintaining community character is also important.

Ms. Johnson said this application is in line with the existing established development, has an added benefit of the improved alley and short term rentals are prohibited.

**Councilmember Withers moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions. (4-2) Mr. Clifton and Mr. Tibbs voted against. Ms. Blackshear recused herself.**

**Resolution No. RS2023-116**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-002-001 is approved with conditions and disapproved without all conditions. (4-2)

**CONDITIONS**

1. Permitted uses shall be limited to 3 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. Heights shall be limited to two stories with pitched roofs.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**25. 2023SP-022-001**

**2724 TUCKER ROAD**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Eric Matravers

A request to rezone from R10 to SP zoning for property located at 2724 Tucker Road, approximately 150 feet south of St. Marys Lane (2.4 acres), requested by Dale and Associates, applicant; Charles & Doris & Moss Pentecost, owners.

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

**The Metropolitan Planning Commission deferred 2023SP-022-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**26. 2023SP-030-001**

**1806 AND 1808 DIVISION STREET**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to rezone from MUI-A to SP zoning for properties located at 1806 and 1808 Division Street, approximately 170 feet east of 19th Ave. S. (0.34 acres) to permit a mixed-use development with multi-family residential uses, requested by Buchalter, applicant; Sounds Perfect, LLC, owner.

**Staff Recommendation: Disapprove.**

**The Metropolitan Planning Commission deferred 2023SP-030-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**27. 2023Z-027PR-001**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Eric Matravers

A request to rezone from IR to R6-A zoning for properties located at 4421, 4423, 4425, 4427 and 4427 B Michigan Avenue, approximately 250 feet west of 44th Avenue North, (0.35 acres), requested by L&S Development LLC, applicant; L & S Development, LLC, and O.I.C. 4461-4491 Michigan Ave. Commons, owners.

**Staff Recommendation: Approve.**

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**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Industrial Restrictive (IR) to One and Two-Family Residential Alternative (R6-A) for property located at 4421, 4423, 4425, 4427, and 4427 B Michigan Avenue, approximately 250 feet west of 44<sup>th</sup> Avenue North (0.35 acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two-Family Residential (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. R6-A would permit a maximum of 2 lots with 2 duplexes for a total of 4 units. Metro Codes determines duplex eligibility.

**WEST NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The 0.35-acre site is located on Michigan Avenue approximately 250 feet west of 44<sup>th</sup> Avenue North. The site is currently vacant. Parcels to the west and south are occupied by single-family houses, zoned R6 and SP. Parcels to the east and north are occupied by a mixture of industrial uses zoned IR. The rear alley is maintained.

**ANALYSIS**

The site is located on the western edge of the T4 MU policy area, which is concentrated along 44<sup>th</sup> Avenue North. This area is primarily zoned for light industrial uses and the policy envisions a transition towards mixed use with residential and ancillary commercial and light industrial. To the west of this policy area is a neighborhood interior with T4 Urban Neighborhood Maintenance (T4 NM) policy, which is intended to preserve and maintain urban neighborhoods.

Buildings at the edges of policy areas adjacent to lower intensity policies incorporate measures to transition, such as stepping down in height and mass. Although R6-A is not a zoning district explicitly listed in the T4 MU recommended zones, it does provide a means to provide a transition to the lower intensity T4 NM policy area it abuts. For these reasons, staff recommends approval of the requested R6-A.

**FIRE MARSHAL RECOMMENDATION**

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	.35	0.6 F	26,136 SF	87	4	5

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

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)	.35	7.71 D	4 U	54	8	5

Traffic changes between maximum: **IR and R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-33	+4	0

**METRO SCHOOL BOARD REPORT**

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

The requested zoning district is not anticipated to generate any students. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (7-0)**

**Resolution No. RS2023-117**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-027PR-001 is approved. (7-0)

**28. 2023Z-030PR-001**

Council District 24 (Kathleen Murphy)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to R6-A for property located at 323 51st Avenue North, approximately 160 feet north of the intersection of Elkins Avenue and 51st Avenue North (0.15 acres), requested by Shannon Konkell, applicant and owner.

**Staff Recommendation: Approve.**

**The Metropolitan Planning Commission deferred 2023Z-030PR-001 indefinitely. (7-0)**

**29. 2023Z-033PR-001**

Council District 28 (Tanaka Vercher)  
Staff Reviewer: Laszlo Marton

A request to rezone from AR2A to IR for property located at Donelson Pike (unnumbered), at the southwest corner of Citation Drive and Ezell Pike (24.42 acres), requested by Adapt Development Company, applicant; Eskimo Centennial, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from AR2a to IR.**

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Industrial Restrictive (IR) for property located at Donelson Pike (unnumbered), southeast of the intersection of Donelson Pike and Citation Drive (24.42 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

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

**ANALYSIS**

The application consists of one parcel (Map 134, Parcel 290) totaling 24.42 acres, located southeast of the intersection of Donelson Pike and Citation Drive. The property is currently vacant residential land while surrounding uses are vacant industrial land, office, warehouse, and residential single family. Surrounding properties are zoned IR, IWD, AR2a, and RS10.

The application proposes to rezone the property from AR2a to IR. The property is located within District Impact and Conservation policy areas. District Impact policy is intended to enhance and create areas that are dominated by one or more activities with the potential to have a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. The Conservation policy on the site is associated with gentle slopes and streams that intersect the property.

The proposed IR district is appropriate given the District Impact policy as it is intended for a wide range of light industrial uses at a small to moderate scale. Uses most suitable in IR operate within completely enclosed building with limited outdoor storage to minimize potential impacts on abutting properties. Uses permitted by the district include, but are not limited to, automobile sales, distributive business/wholesale, light manufacturing, warehouse, and recycling collection center.

District Impact policy supports uses that are even more impactful than allowed by IR, including landfills, mineral extraction, correctional facilities, and hazardous industrial operations.

**Maximum Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	24.42	0.50 D	10 U	125	12	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	24.42	0.6 F	638,241 SF	1,054	109	122

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+929	+97	+111

**STAFF RECOMMENDATION**

Staff recommends approval.

Ms. Milligan stated the person in opposition of Item 29 has left the meeting.

**Mr. Tibbs moved and Mr. Henley seconded the motion to place Item 29 back onto the Consent Agenda. (7-0)**

**Resolution No. RS2023-118**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-033PR-001 is approved. (7-0)

**30. 2023Z-034PR-001**

Council District 17 (Colby Sledge)  
Staff Reviewer: Celina Konigstein

A request to rezone from IWD to MUL-A-NS for properties located at 1514 and 1516 4th Avenue South, approximately 170 feet south of Bianca Paige Way (1.43 acres), requested by Thomas & Hutton, applicant; Bas, LLC and Essie & Donald Parks, ETUX, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from IWD to MUL-A-NS.**

Zone Change

A request to rezone from Industrial Warehouse/Distribution (IWD) to Mixed Use Limited-Alternative-No Short-Term Rental (MUL-A-NS) for property located at 1514 and 1516 4<sup>th</sup> Avenue South, approximately 170 feet southeast of Bianca Paige Way and 4<sup>th</sup> Avenue South intersection (1.43 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTH NASHVILLE COMMUNITY PLAN**

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

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



The CO policy at this site recognizes a small area of potential steep slopes near the southeast corner.

Wedgewood-Houston & Chestnut Hill Planning Study

The Wedgewood-Houston Chestnut Hill (WHCH) Planning Study was adopted on Thursday, October 24, 2019. The study includes updates to community planning, land use, and street plans in the Wedgewood Houston and Chestnut Hill Neighborhoods.

The WHCH Planning Study is a supplement to and part of the South Nashville Community Plan of NashvilleNext. WHCH includes six different character areas each comprising of several smaller subdistricts that address land use, transportation, and community design at the neighborhood scale. Each district is unique in terms of the recommended land use mix, intensity, and appropriate building types intended to guide future development of the neighborhoods.

The site is located in Character Area 4, 4<sup>th</sup> Avenue S./Nolensville Pike, Subdistrict 4d, which currently contains a mix of commercial and light industrial uses. Future development is intended to continue with these types of uses. Subdistrict 4d would also support higher density residential, mixed use, and live/work along 4<sup>th</sup> Avenue South/Nolensville Pike.

**ANALYSIS**

The application consists of two parcels (Map 105-08, Parcel(s) 234, 235) totaling 1.43 acres located on the east side of 4<sup>th</sup> Avenue North. 1514 4<sup>th</sup> Avenue N is 1.24 acres and currently has an automobile repair business on the site. 1516 4<sup>th</sup> Avenue N is 0.19 acres and is currently vacant. Surrounding properties are zoned SP, and CS surrounding uses are primarily industrial, commercial, and vacant land.

The SP located to the north of the parcels at 1414 4<sup>th</sup> Avenue S proposes incorporating mixed use development along a major corridor. Additionally, along 4<sup>th</sup> Avenue S, there are several other properties zoned with MUL base zoning. MUL-A-NS would support the policy’s intent to a greater degree than the existing IWD zoning.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.43	0.8 F	49,832 SF	124	9	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	.715	1.0 F	31 U	167	11	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	.3575	1.0 F	15,572 SF	588	15	59

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	.3575	1.0 F	15,572 SF	1,747	155	152

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,378	+172	+216

**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**

MUL-A-NS zoning includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend John B. Whitsitt Elementary School, Cameron College Prep Middle School, and Glencliff 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. RS2023-119**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-034PR-001 is approved. (7-0)

**31. 2023Z-035PR-001**

Council District 02 (Kyonzté Toombs)  
 Staff Reviewer: Celina Konigstein

A request to rezone from RS7.5 to RM20-NS for property located at 2505 Whites Creek Pike, approximately 120 feet north of Frances Street (0.3 acres), requested by Cream City Development, LLC, applicant and owner.

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

**Zone change from RS7.5 to RM20-NS.**

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Multi-Family Residential – No Short-Term Rentals (RM20-NS) for property located at 2505 Whites Creek Pike, approximately 120 feet north of Frances Street (0.3 acres).

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 1 unit based on acreage alone.* Compliance with the metro subdivision regulations may result in fewer lots.

**Proposed Zoning**

Multi-Family Residential- No Short Term Rentals (RM20-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 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. *RM20-NS would permit a maximum of 6 units based on acreage alone.*

**BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN**

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

existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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.

**ANALYSIS**

The application consists of one property located the east side of Whites Creek Pike, north of Frances Street, on approximately 0.3 acres. The site contains one existing single-family dwelling. There is an unbuilt alley along the rear of the property.

Surrounding properties are zoned RS7.5 and include single-family residential uses and vacant land. A Planned Unit Development Overlay District (PUD), with a base zoning of RM9, was approved in 2002 on several larger properties to the north. The PUD permits single-family and multifamily uses but remains undeveloped.

While T4 NM can support a variety of zoning districts, rezoning to RM20-NS would not be consistent with the context of the surrounding single-family development pattern. The lack of infrastructure to the north of Frances Street and unbuilt alley directly behind the property informs staff this area is not ready for increased density. Additionally, due to the mid-block location of this property and lack of a cohesive infrastructure network, staff recommends disapproval to an increase in zoning entitlements.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.3	4.94 D	1 U	15	5	1

Maximum Uses in Existing Zoning District: **RM20-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.3	20 D	6 U	31	3	3

Traffic changes between maximum: **RS7.5 and RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			+5 U	+16	-2	+2

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS7.5 districts: 0 Elementary 0 Middle 0 High**  
**Projected student generation proposed RM20-NS district: 1 Elementary 0 Middle 0 High**

The proposed RM20-NS zoning is expected to generate no more students than the existing RS7.5 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

Ms. Milligan advised the applicant for Item 31 has been in contact with Councilmember Toombs and Councilmember Toombs asked for Item 31 to be deferred one meeting, to which the applicant has agreed.

The applicant, no name given, stated Councilmember Toombs wanted him to mention they had a community meeting and they and she are in support. He stated Councilmember Toombs wanted to speak with Planning staff and asked to defer to the next meeting.

**Mr. Henley moved and Mr. Clifton seconded the motion to defer to the April 27, 2023, Planning Commission meeting. (7-0)**

**Resolution No. RS2023-120**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-03PR-001 is deferred to the April 27, 2023, Planning Commission meeting. (7-0)

**32. 2023Z-036PR-001**

Council District 33 (Antoinette Lee)

Staff Reviewer: Amelia Lewis

A request to rezone from AR2A to MUL-A-NS for properties located at 4037 and 4051 Murfreesboro Pike, approximately 1600 feet south of Old Hickory Boulevard and located within the Murfreesboro Pike Urban Design Overlay (8.50 acres), requested by Catalyst Design Group, applicant; Sevenplus LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from AR2a to MUL-A-NS.**

Zone Change

A request to rezone from Agricultural/Residential (AR2A) to Mixed-Use Limited Alternative No Short Term Rentals (MUL-A-NS) for properties located at 4037 and 4051 Murfreesboro Pike, approximately 1600 feet south of Old Hickory Boulevard and located within the Murfreesboro Pike Urban Design Overlay (8.50 acres).

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of three single-family lots for a total of three units, based on acreage alone. This does not account for compliance with Metro Subdivision Regulations.*

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.

**Proposed Zoning**

Mixed Use Limited-Alternative – No Short Term Rentals (MUL-A-NS) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. Short term rental properties are prohibited.

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

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

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

**SITE AND CONTEXT**

The subject property is approximately 8.5 acres and comprised of two adjacent parcels located on the west side of Murfreesboro Pike, south of the intersection of Old Hickory Boulevard. The surrounding parcels are zoned Industrial Restrictive (IR), AR2a, Specific Plan (SP), and MUL-A-NS. The surrounding land uses include one and two-family residential, industrial, and vacant properties.

The site is within the Murfreesboro Pike UDO. The intent of the UDO is to provide a wholistic vision for development along the corridor. The UDO includes standards for setbacks, building height, architectural standards, and access standards. Prior to developing, the applicant will be required to submit a final site plan to be reviewed against the UDO standards.

**ANALYSIS**

The intent of the Suburban Mixed Use Corridor (T3 CM) policy is to enhance suburban corridors by encouraging a greater mix of higher-density residential and mixed use development along the corridor. The proposed MUL-A-NS zoning district would permit a range of uses, including residential and non-residential land uses, and prohibit short term rental units. The site is located along Murfreesboro Pike, which is classified as an arterial-boulevard in the Major and Collector Street Plan (MCSP). Based on the T3 CM policy guidance, along primary corridors, additional density can be supported. The proposed MUL-A-NS zoning district is consistent with the intent of the policy to provide mixed-use development along the Murfreesboro Pike Corridor.

The Conservation (CO) is located along the rear property lines where there is an existing stream buffer. With the stormwater requirements for water buffers and for the required rear setbacks, the stream buffer is not likely to be disturbed. This is in line with the CO policy guidance to keep undisturbed environmentally sensitive land features in a natural state and remediate environmentally sensitive features that have been disturbed when new development or redevelopment takes place.

Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	8.5	0.50 D	3 U	41	7	3

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	4.25	1.0 F	185 U	1,007	62	80

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.125	1.0 F	92,565 SF	3,494	87	352

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	2.125	1.0 F	92,565 SF	10,384	920	905

Traffic changes between maximum: **AR2a and MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+14,844	+1,062	+1,334

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing AR2a districts: 1 Elementary 1 Middle 1 High**

**Projected student generation proposed MUL-A-NS district: 17 Elementary 9 Middle 7 High**

The proposed MUL-A-NS zoning is expected to generate 30 additional students than the existing RS10 zoning. Students would attend Cane Ridge Elementary School, Antioch Middle School, and Cane Ridge High School. Cane Ridge High School has been identified as being at capacity. Cane Ridge Elementary and Antioch Middle School have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (7-0)**

**Resolution No. RS2023-121**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-036PR-001 is approved. (7-0)

**33. 230-77P-001**

**PUD CANCEL**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Laszlo Marton

A request to cancel a Planned Unit Development for properties located at 2515 and 2525 McGavock Pike, approximately 900 feet west of Music Valley Drive, zoned CA (3.65 acres), requested by Catalyst Design Group, applicant; Rudy's Farm Company of Tennessee, LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Cancel a Planned Unit Development.**

PUD Cancellation

A request to cancel the existing Planned Unit Development for properties located at 2515 and 2525 McGavock Pike, approximately 900 feet west of Music Valley Drive, zoned CA (3.65 acres).

**Existing Zoning**

Commercial Attraction (CA) is intended for a wide range of amusement, recreational, and retail support uses typically associated with the tourist industry.

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**

Commercial Attraction (CA) is intended for a wide range of amusement, recreational, and retail support uses typically associated with the tourist industry.

**DONELSON – HERMITAGE – OLD 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 Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

#### **ANALYSIS**

The application consists of two parcels (Map 062, Parcels 235-236) totaling 3.55 acres, located on the Northern side of McGavock Pike. The property at 2515 McGavock contains a one-story commercial building while the property at 2525 McGavock is being used for automobile parking. Surrounding properties are zoned Commercial PUD and Commercial Attraction (CA) while land uses are primarily commercial.

The two properties were originally a part of PUD no. 230-77-U which was originally approved for an RV campsite. In 1988, MPC approved the combination of PUD no. 230-77-U and made it a part of PUD no. 74-73-G. Following their inclusion in PUD no. 74-73-G the properties have been permitted for a musical theater, a wax museum and parking uses. In 1997 a preliminary plan shows a proposed 65,000 square foot motel on the site; however, this plan was withdrawn before MPC. The last revision for the properties in the PUD was approved in 2008 to permit a 1,750 square foot sales trailer.

The properties are located within the T3 Suburban Community Center policy area. T3 CC areas are intended to enhance and create suburban communities generally within a 10-to-20-minute drive. Although the proposed zoning district, Commercial Attraction (CA), is not listed specifically as a suggested district in the CCM for T3 CC, commercial uses are generally supported by the policy. CA allows a diverse range of amusement, recreational, and retail uses, and are appropriate for areas with regional activity center policy, or where there are concentrations of mixed commercial development. The areas to the east and south of the site include hotels, restaurants, and retail uses and several adjacent properties are zoned CA. The cancellation of the PUD is consistent with T3 CC policy in that it will encourage development that is compatible with the general character of the area and will remain harmonious with the existing land use and associated public realm.

#### **STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (7-0)**

#### **Resolution No. RS2023-122**

"BE IT RESOLVED by The Metropolitan Planning Commission that 230-77P-001 is approved. (7-0)

### **34. 2019S-241-003**

#### **COARSEY FARMS**

Council District 08 (Nancy VanReece)

Staff Reviewer: Amelia Lewis

A request for final plat approval to create 44 lots on properties located at 500 and 510 E Campbell Road, at the northwest corner of E Campbell Road and Grayland Drive, zoned RS20 (23.53 acres), requested by Clint T. Elliott Survey, applicant; AMH TN Development LLC, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Request for final plat approval to create 44 lots.**

#### Final Plat

A request for final plat approval to create 44 lots on properties located at 500 and 510 E Campbell Road, at the northwest corner of E Campbell Road and Grayland Drive, zoned Single-Family Residential (RS20) (23.53 acres)

#### **CASE HISTORY**

A concept plan for the subdivision was approved by the Planning Commission in December of 2019. The final site plan was approved administratively in 2022. The proposed final plat application was filed in 2021. It includes 44 lots and is consistent with the approved final site plan.

#### **SITE DATA AND CONTEXT**

**Location:** The site is located at the northwest intersection of E Campbell Road and Highland Circle.

**Approximate Acreage:** 23.53 acres

**PROPOSAL DETAILS**

**Number of lots:** 44

**Subdivision Variances or Exceptions Requested:** None

**UPDATED FINAL PLAT RULES AND PROCEDURES**

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than 2 lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received concept plan approval in 2019, final site plan approval in 2021, and the 44-lot plat was subsequently administratively approved with conditions by staff in 2022. Although no changes have been made to the plat, approval by the MPC is now required because the plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

**APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site were met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3 of the Subdivision Regulations. No changes have been made to the policy for this area since approval of the preliminary/concept plan.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Bond is required for public infrastructure.
- The public roads are to be brought to binder prior to plat recording.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Attached is a copy of the above-referenced subdivision (uploaded at Planning on October 25, 2021) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project # 20SL0139. A bond amount of \$287,000.00 is assigned to 20SL0139. Water provided by the MSUD (Madison Suburban Utility District).

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" **at least three weeks** prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: *the Bond Desk at 862-7202, [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov)*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.



2. Comply with all conditions and requirements of Metro reviewing agencies.
3. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
4. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
5. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2019S-241-003 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

**Resolution No. RS2023-123**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019S-241-003 is approved with conditions. (7-0)"

**35. 2020S-171-001**

**STILL SPRINGS RIDGE PHASE 1 SECTION 4**

Council District 22 (Gloria Hausser)

Staff Reviewer: Abbie Rickoff

A request for final plat approval to create 28 lots on property located at Hicks Road (unnumbered), approximately 760 feet northwest of Still Spring Hollow Drive, zoned RS20 and located within a Planned Unit Development Overlay District (15.32 acres), requested by Kevin Edmonson, applicant; Merko Investments, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Request for final plat approval to create 28 lots.**

Final plat

A request for final plat approval to create 28 lots on property located at Hicks Road (unnumbered), approximately 760 feet northwest of Still Spring Hollow Drive, zoned RS20 and located within a Planned Unit Development Overlay District (15.32 acres).

**CASE HISTORY**

The site is located in Phase 1 of the Still Springs Ridge PUD, which was originally approved in 1989. The preliminary plan was amended in 1995 to absorb lots from the adjacent Hicks Road PUD, also known as Still Spring Hollow, with a combined total maximum of 190 lots permitted by the amended PUD. Multiple revisions and final site plans have been approved over the years. The Phase 1 final site plan was approved with conditions by the MPC at its September 27, 2007, meeting to permit 101 lots, bringing the total number of approved lots within the PUD to 187. There are five sections in Phase 1. This site is in Section 4, which was approved with 28 lots. The proposed plat includes 28 lots and is consistent with the approved final site plan. This is the last section of Phase 1 to be platted and will complete the southern portion of the PUD.

After final site plan approval was granted by the MPC in 2007, grading plans for Phase 1 were subsequently approved in 2014, reflecting the approved final site plan. All remaining sections of Phase 1 (Sections 1, 2, 3, and 5) have since been platted consistent with the approved final site plan. The associated public infrastructure improvements have been constructed for those phases, and the majority of those lots are occupied or currently under development. Road construction in Section 4 is underway and there is an active bond application under review by Metro.

**SITE DATA AND CONTEXT**

**Location:** The site is located on the north side of Hicks Road, northwest of Still Springs Hollow Drive.

**Approximate Acreage:** 15.32 acres or approximately 667,588 square feet.

## PROPOSAL DETAILS

Number of lots: 28

**Subdivision Variances or Exceptions Requested:** None.

### UPDATED FINAL PLAT RULES AND PROCEDURES

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than 2 lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary plan approval in 1995, final site plan approval in 2007, and the 28-lot plat was subsequently approved with conditions by staff in 2022. Although no changes have been made to the plat, approval by the MPC is now required because the plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994. Final plats for Section 1, 2, 3, and 5 were approved administratively before the enactment of the new State law.

### APPLICABLE SUBDIVISION REGULATIONS

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site had been met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3, as previously determined by staff prior to the 2022 plat approval, when approval of all final plats that had received preliminary/concept plan approval was delegated to staff. No changes have been made to the policy present at this site.

### COMMENTS FROM OTHER REVIEWING AGENCIES

#### FIRE MARSHAL RECOMMENDATION

**Approve with conditions**

- Revised plat dated 4/22/22

#### STORMWATER RECOMMENDATION

**Approve**

#### NASHVILLE DOT RECOMMENDATION

**Approve**

#### TRAFFIC AND PARKING RECOMMENDATION

**Approve**

#### WATER SERVICES RECOMMENDATION

**N/A**

- Harpeth Valley Water and Sewer Utility District (HVUD)

#### HVUD RECOMMENDATION

- HVUD has provided a letter confirming availability of water and wastewater service at this site.

#### STAFF RECOMMENDATION

Staff recommends approval with conditions.

#### CONDITIONS

1. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" **at least three weeks** prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: *the Bond Desk at 862-7202, [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov)*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
2. Comply with all conditions and requirements of Metro reviewing agencies.

3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2020S-171-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

**Resolution No. RS2023-124**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-171-001 is approved with conditions. (7-0)  
**CONDITIONS**

1. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" **at least three weeks** prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: *the Bond Desk at 862-7202, [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov)*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**36. 2022S-254-001**

**CARAWAY**

Council District 30 (Sandra Sepulveda)  
 Staff Reviewer: Logan Elliott

A request for final plat approval to create 28 lots, open space and dedicate right-of-way on property located at 356 Haywood Lane, approximately 540 feet west of Faulkner Drive, zoned RS10 (7.6 acres), requested by BA Land Professionals, applicant; AT2 Haywood LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat approval to create 28 single-family cluster lots.**

Final Plat

A request for final plat approval to create 28 lots, open space and dedicate right-of-way on property located at 356 Haywood Lane, approximately 540 feet west of Faulkner Drive, zoned Single-Family Residential (RS10) (7.6 acres).

**CASE HISTORY**

The concept plan for this project was approved October 9, 2021, and a final site plan was approved in April of 2022. The final plat application was filed in 2022. It includes 28 lots and is consistent with the approved final site plan.

**SITE DATA AND CONTEXT**

**Location:** The site is located on the north side of Haywood Lane, about a third of a mile east of where Haywood Lane intersects Nolensville Pike.

**Approximate Acreage:** 7.6 acres or 331,056 square feet.

**PROPOSAL DETAILS**

**Number of lots:** 28 single-family lots.

**Subdivision Variances or Exceptions Requested:** None

#### **UPDATED FINAL PLAT RULES AND PROCEDURES**

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than 2 lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received concept plan approval in 2021 and final site plan approval in 2022. Approval by the MPC is now required for the final plat because the plat contains more than 25 lots, per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

#### **APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site had been met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3. No changes have been made to the policy present at this site.

#### **COMMENTS FROM OTHER REVIEWING AGENCIES**

##### **STORMWATER RECOMMENDATION**

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

- plans approved under SWGR 2021069324. Revision to SD main in street on REV1 of SWGR plans.

##### **FIRE MARSHAL RECOMMENDATION**

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

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

##### **NASHVILLE DOT RECOMMENDATION**

###### **Approve**

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

###### **Approve**

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

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

- 2022S-254-001 356 Haywood Lane  
Attached is a copy of the above-referenced subdivision (uploaded by Planning on October 26, 2022) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 21SL0266 and 21WL0112. A bond amount of \$107,000.00 is assigned to 21SL0266, and an amount of \$94,000.00 is assigned to 21WL0112.

##### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

##### **CONDITIONS**

1. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" **at least three weeks** prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: *the Bond Desk at 862-7202, [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov)*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.

4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-254-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances, and resolutions, as noted in the staff report, subject to all of the staff recommended conditions.

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

**Resolution No. RS2023-125**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-254-001 is approved with conditions. (7-0)  
**CONDITIONS**

1. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" **at least three weeks** prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact: *the Bond Desk at 862-7202, [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov)*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**37. 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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-264-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**38. 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 April 27, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-016-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**39. 2023S-037-001**

**SKYRIDGE PHASE 4**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Donald Anthony

A request for final plat approval to create 41 lots on property located at Brick Church Pike (unnumbered), east of the terminus of Village Spring Drive, zoned RS7.5 and within a Planned Unit Development Overlay District (10.07 acres), requested by Wilson & Associates P.C., applicant; Meritage Homes of Tennessee, Inc., owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Request for final plat approval to create 41 lots.**

Final Plat

A request for final plat approval to create 41 lots on property located at Brick Church Pike (unnumbered), east of the terminus of Village Spring Drive, zoned Single-Family Residential (RS7.5) and within a Planned Unit Development Overlay District (PUD) (10.07 acres).

**CASE HISTORY**

The site is located in the Skyridge Subdivision PUD, which was originally approved as Mulberry Downs PUD in 1989. A final site plan for Phases 2-6 was approved in 2022; Phases 2-6 include a total of 214 lots. The proposed Phase 4 final plat includes 41 lots and is consistent with the approved concept plan and final site plan.

**SITE DATA AND CONTEXT**

**Location:** The site consists of a portion of one property located east of the termini of Valley Creek Drive and Village Spring Drive.

**Approximate Acreage:** 10.07 acres or approximately 438,832 square feet.

**PROPOSAL DETAILS**

**Number of lots:** 41

**Subdivision Variances or Exceptions Requested:** None.

**UPDATED FINAL PLAT RULES AND PROCEDURES**

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria are met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than two lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary plan approval in 1999 and final site plan approval in 2022. Because the plat contains more than 25 lots, consideration by the MPC is required per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

**APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site were met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3 of the Subdivision Regulations. No changes have been made to the policy for this area since approval of the preliminary/concept plan.

**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

- Approval is contingent on construction and completion of MWS Project #'s 20SL0216 and 20WL0110. A bond amount of \$170,000.00 is assigned to 20SL0216 and an amount of \$126,000 is assigned to 20WL0110.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-037-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (6-0-1)

**Resolution No. RS2023-126**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-037-001 is approved with conditions. (6-0-1)

**CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

**40. 2023S-038-001**

**SKYRIDGE PHASE 5**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Donald Anthony

A request for final plat approval to create 40 lots on property located at 3517 Brick Church Pike, west of Mulberry Downs Circle, zoned RS7.5 and within a Planned Unit Development Overlay District (6.75 acres), requested by Wilson & Associates P.C., applicant; Meritage Homes of Tennessee, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Request for final plat approval to create 40 lots.**

Final Plat

A request for final plat approval to create 40 lots on property located at 3517 Brick Church Pike, west of Mulberry Downs Circle, zoned Single-Family Residential (RS7.5) and within a Planned Unit Development Overlay District (PUD) (6.75 acres).

#### **CASE HISTORY**

The site is located in the Skyridge Subdivision PUD, which was originally approved as Mulberry Downs PUD in 1989. A final site plan for Phases 2-6 was approved in 2022; Phases 2-6 include a total of 214 lots. The proposed Phase 5 final plat includes 40 lots and is consistent with the approved final site plan.

#### **SITE DATA AND CONTEXT**

**Location:** The site consists of a portion of one property located east of the existing terminus of Northbrook Drive and south of Ewing Creek.

**Approximate Acreage:** 6.75 acres or approximately 294,000 square feet.

#### **PROPOSAL DETAILS**

**Number of lots:** 40

**Subdivision Variances or Exceptions Requested:** None.

#### **UPDATED FINAL PLAT RULES AND PROCEDURES**

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than two lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary plan approval in 1999 and final site plan approval in 2022. Because the plat contains more than 25 lots, consideration by the MPC is required per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

#### **APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site were met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3 of the Subdivision Regulations. No changes have been made to the policy for this area since approval of the preliminary/concept plan.

#### **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

- Approval is contingent on construction and completion of MWS Project #'s 20SL0217 and 20WL0111. A bond amount of \$190,000.00 is assigned to 20SL0217 and an amount of \$170,000 is assigned to 20WL0111.

##### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

##### **CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval



process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.

2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

#### **RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-038-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions. (6-0-1)**

#### **Resolution No. RS2023-127**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-038-001 is approved with conditions. (6-0-1)

#### **CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

### **41. 2023S-039-001**

#### **SKYRIDGE PHASE 6**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Donald Anthony

A request for final plat approval to create 33 lots on property located at 3517 Brick Church Pike, west of Mulberry Downs Circle, zoned RS7.5 and within a Planned Unit Development Overlay District (11.61 acres), requested by Wilson & Associates P.C., applicant; Meritage Homes of Tennessee, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Request for final plat approval to create 33 lots.**

#### Final Plat

A request for final plat approval to create 33 lots on property located at 3517 Brick Church Pike, west of Mulberry Downs Circle, zoned Single-Family Residential (RS7.5) and within a Planned Unit Development Overlay District (PUD) (11.61 acres).

#### **CASE HISTORY**

The site is located in the Skyridge Subdivision PUD, which was originally approved as Mulberry Downs PUD in 1989. A final site plan for Phases 2-6 was approved in 2022; Phases 2-6 include a total of 214 lots. The proposed Phase 6 final plat includes 33 lots and is consistent with the approved final site plan.

#### **SITE DATA AND CONTEXT**

**Location:** The site consists of a portion of one property located northwest of the existing terminus of Skyridge Drive and south of the existing terminus of Apple Valley Circle.

**Approximate Acreage:** 11.61 acres or approximately 505,600 square feet.

#### **PROPOSAL DETAILS**

**Number of lots:** 33

**Subdivision Variances or Exceptions Requested:** None.

**UPDATED FINAL PLAT RULES AND PROCEDURES**

At its March 9, 2023, meeting, the Metro Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to Tennessee State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than two lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary plan approval in 1999 and final site plan approval in 2022. Because the plat contains more than 25 lots, consideration by the MPC is required per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

**APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site were met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3 of the Subdivision Regulations. No changes have been made to the policy for this area since approval of the preliminary/concept plan.

**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

- Approval is contingent on construction and completion of MWS Project #'s 20SL0218 and 20WL0112. A bond amount of \$170,000.00 is assigned to 20SL0218 and an amount of \$60,000 is assigned to 20WL0112.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or [bond.desk@nashville.gov](mailto:bond.desk@nashville.gov).
2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-039-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions. (6-0-1)**

**Resolution No. RS2023-128**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-039-001 is approved with conditions. (6-0-1)

**CONDITIONS**

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
4. Revise setbacks to be consistent with approved PUD.

**42. 2023S-045-001**

**TEMPLE HEIGHTS**

Council District 22 (Gloria Hausser)  
Staff Reviewer: Eric Matravers

A request for concept plan approval to create six lots on property located at Old Charlotte Pike (unnumbered), approximately 800 feet west of Sawyer Brown Road, zoned R15 (4 acres), requested by Dewey Engineering, applicant; Vidya Bethi, owner.

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

**The Metropolitan Planning Commission deferred 2023S-045-001 to the April 27, 2023, Planning Commission meeting. (7-0)**

**43. 2023S-053-001**

**MICHAEL BOATMAN PROPERTY**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create one lot on property located at 6848 River Road Pike, approximately 900 feet west of Gower Road, zoned AR2A and R80 (2.4 acres), requested by Chandler Surveying, applicant; Michael & Jennifer Boatman, owner.

**Staff Recommendation: Approve with conditions including variances to Section 4-2.5.a.1.c for lot size and Section 4-2.5.a.1.d for lot frontage.**

**APPLICANT REQUEST**

**Request for final plat to create one lot.**

Final Plat

A request for final plat approval to create one lot on property located at 6848 River Road Pike, approximately 900 feet west of Gower Road, zoned Agricultural/Residential (AR2A) and One and Two-Family Residential (R80) (2.4 acres).

**SITE DATA AND CONTEXT**

**Location:** The property is located on the south side of River Road Pike, south of the River Road and River Road Pike split.

**Street type:** River Road Pike is classified by the Major and Collector Street Plan (MCSP) as a Scenic Arterial Boulevard with a minimum right of way of 86 feet.

**Approximate Acreage:** 2.36 acres or 102,930.65 square feet.

**Parcel/Site History:** This site is comprised of a single parcel. The subject parcel was created by deed in 1972 as a part of a larger 7 acre parcel.

**Zoning History:** The lot is split zoned with AR2a and R80 zoning. This site has been zoned AR2a since at least 1974, and the portion of the site zoned R80 was zoned in 1998.

**Existing land use and configuration:** The property is currently vacant. The proposed plat maintains the current property configuration and makes the lot a legal lot of record.

**Bulk Standards:**

Agricultural and Residential (AR2a)

Min. lot size: 2 acres

Min. street setback: 40' by Code, or contextual to be determined with building permits

Min. rear setback: 20'

Min. side setback: 20'

Max. building coverage: 0.20

Max. height: 3 stories

**Bulk Standards (cont.):**

One and Two-Family Residential (R80)

Min. lot size: 80,000 square feet

Min. street setback: 40' by Code, or contextual to be determined with building permits

Min. rear setback: 20'

Min. side setback: 20'

Max. building coverage: 0.20

Max. height: 3 stories

**Surrounding land use and zoning:**

- North: Commercial, Single-Family, Vacant (AR2a and R80)
- South: Single-Family, Vacant (AR2a and R80)
- East: Single-Family, Vacant (R80 and R40)
- West: Single-Family, Two-Family, Vacant (AR2a and R80)

**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 2.36 acres (102,930.65 sq. ft.).

**Access:** Access is from River Road Pike.

**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 Maintenance (T2 RM) 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.*

While there are no new streets or joint access easements proposed, staff is comfortable with the building area following the standards of the zoning code, and the setbacks as indicated above.

*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.*  
The average front setback of the abutting parcels is approximately 240 feet and greater than the 40-foot minimum setback required by the Zoning Code. Lot 1 does not show the front setback, as this will be determined by Codes at the time of building permit. There are also steep slopes on the rear of the site, by not platting the setback, it will allow for some flexibility at the time of building permit to allow for development on a more suitable portion of the lot.
- 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 540.67 foot lot depth. Lot 1 is approximately 866 feet.
- c. *Lot size along existing public streets.*  
The proposed plat does not comply. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size is 2.96 acres. Lot 1 is 2.36 acres.
- d. *Lot frontage abutting existing public streets.*  
The proposed plat does not comply. 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 River Road Pike is 157 feet. The frontage for Lot 1 is approximately 125 feet.
- e. *Street lights.*  
Not applicable for this case as the property is located in the GSD.
- f. *Cluster lot option.*  
Not applicable for this case as the cluster lot standards are not proposed to be used.

**Subdivision Variances or Exceptions Requested:** Yes. This request requires a variance from Section 4.2-5.a.1.c. pertaining to lot size and Section 4.2-5.a.1.d. pertaining to the required minimum lot frontage.

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

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

#### **Variance Analysis**

As proposed, staff finds that the variance from the lot size and lot frontage requirements is consistent with Section 1-11 of the Subdivision Regulations. The granting of the variances will not have any impact on public safety and is not inconsistent with the long-range plan.

#### **PLANNING STAFF COMMENTS**

With the exception of the frontage and lot size requirements, 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 Maintenance (T2 RM). The intent of T2 RM policy is intended to maintain the character of rural neighborhoods as characterized by their development pattern, varying setbacks, building form, and land use. T2 RM areas have an established development pattern of very low-density residential development, with varying lot sizes. The primary purpose is to maintain the area's rural landscape. Staff finds that the proposed subdivision meets the intent of the T2 RM policy.

#### **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. Site plans or construction may require changes to meet adopted fire and building codes.

##### **STORMWATER RECOMMENDATION**

###### **Approve**

##### **NASHVILLE DOT RECOMMENDATION**

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

- Access requirements and location will be addressed on building permit and does not need to be shown on plat.
- In regard to access, driveway connections must be permitted by the Nashville Department of Transportation and conform with Metro Code requirements.

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

###### **Approve**

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

###### **Not Applicable**

- Harpeth Valley Water and Sewer Utility District.

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

###### **Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions, including variances to Section 4-2.5.a.1.c for lot size and Section 4-2.5.a.1.d for lot frontage.

**CONDITIONS**

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

**RECOMMENDED ACTION**

Motion to approve with conditions proposed subdivision Case No. 2023S-053-001 including variances to Sections 4-2.5.a.1.c. for lot size and 4-2.5.a.1.d for lot frontages.

**Approve with conditions including variances to Section 4.2.5.a.1.c for lot size and Section 4-2.5.a.1.d for lot frontage. (7-0)**

**Resolution No. RS2023-129**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-053-001 is approve with conditions including variances to Section 4.2.5.a.1.c for lot size and Section 4-2.5.a.1.d for lot frontage. (7-0)

**CONDITIONS**

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

**44. 2023S-054-001**

**TIPTON PROPERTY**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create one lot on property located at 8929 McCrory Lane, approximately 600 feet southeast of McCrory Lane and Spring Ridge Drive intersection (3 acres), zoned AR2A, requested by Jim McAleer Jr., applicant; Hanna & Tyler Tipton, owners.

**Staff Recommendation: Approve with conditions including approval of a variances to Section 4-2.5.a.1.c and Section 4-2.5.a.1.d of the Subdivision Regulations.**

**APPLICANT REQUEST**

**Request for final plat approval to create one lot.**

Final Plat

A request for final plat approval to create one lot on property located at 8929 McCrory Lane, approximately 600 feet southeast of McCrory Lane and Spring Ridge Drive intersection (3 acres), zoned Agricultural and Residential (AR2a).

**SITE DATA AND CONTEXT**

**Location:** The property is located on the west side of McCrory Lane and is approximately a quarter mile north of Highway 100.

**Street Type:** The Major and Collector Street Plan (MCSP) classifies McCrory Lane as a rural arterial (T2-M-AB2-S).

**Approximate Acreage:** 3 acres or 130,661 square feet.

**Parcel/Site History:** The property is comprised of one parcel: Map 155, Parcel 291. The parcel was created in 2005. The parcel was cut out of an adjacent parcel (Map 155, Parcel 053) which is now approximately 18-acres. This adjacent 18-acre parcel is within a land conservation easement. The subject parcel was left out of the conservation easement to allow the family granting the easement to build a home. Per state law in order to be a legal building lot, any lots under 5 acres must be created by plat.

**Zoning History:** The property is zoned Agricultural and Residential (AR2a).

**Bulk Standards for AR2a:**

- Min. lot size: 2 Acres or 87,120 square feet
- Max. height: 3 stories
- Min. street setback: 40'
- Min. rear and side setback: 20'
- Maximum Building Coverage: 0.20

**Existing land use:** Vacant Rural Land.

**Surrounding land use/ zoning:**

- North: Vacant Rural Land/Agricultural and Residential (AR2a)
- South: Vacant Rural Land /Agricultural and Residential (AR2a)
- East: Residential/Single-Family Residential (RS40)
- West: Vacant Rural Land /Agricultural and Residential (AR2a)

**PROPOSAL DETAILS**

**Number of lots:** 1 lot.

**Lot size:** 3 acres or 130,661 square feet.

**Access:** Access is provided from McCrory Lane.

**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 T2 Rural Maintenance (T2 RM) policy. For T2 RM, 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.

*4-2.5 Rural Character Design*

- b. *Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.*
  - 1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*
    - 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 setback for the two adjacent properties is 214'. Due to septic field requirements, any home will be setback at least 400 feet from McCrory Lane.
    - b. *Lot Depth along existing public streets.*  
Complies. This provision requires a 340-foot lot depth. As proposed, the lot is approximately 935 feet deep.
    - c. *Lot size along existing public streets.*  
Does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot area should be at least 6 acres or 262,485 sq. ft. The proposed lot is 3 acres or 130,661 sq. ft.
    - d. *Lot frontage abutting existing public streets.*  
Does not comply. A compatibility analysis was conducted per this requirement. The outcome of the analysis is that the minimum lot frontage along McCrory Lane should be 204 feet. As proposed, the lot has approximately 149 feet of frontage.



e. *Street lights.*

Not applicable. No street lights are proposed with this plat.

f. *Cluster lot option.*

Not applicable to this case. The plat does not propose utilization of the cluster lot option.

**Subdivision Variances or Exceptions Requested:** Yes. This request requires a variance from Section 4.2-5.a.1.c. pertaining to lot size and Section 4.2-5.a.1.d. pertaining to the required minimum lot width along McCrory Lane.

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

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

**Variance Analysis**

As proposed, staff finds that the variance from the lot size and lot frontage requirements is consistent with Section 1-11 of the Subdivision Regulations. The granting of the variances will not have any impact on public safety and is not inconsistent with the long-range plan. While the owners of the subject site own the adjacent 18-acre parcel, it is within a land conservation easement that was granted by the family. If the land was not in a land conservation easement, then the size and frontage of the proposed lot could be increased. The land conservation easement did not include the subject parcel as it was intended to provide a home site for the family granting the easement.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**STORMWATER RECOMMENDATION**

Approve

**FIRE MARSHAL RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

N/A

**METRO HEALTH DEPARTMENT**

Approved

- Septic Area #1 is located on adjacent parcel (Map 155, Parcel 053) through easement agreement recorded in instrument number 202211070119610.

**HARPETH VALLEY UTILITY DISTRICT**

APPROVE

**STAFF RECOMMENDATION**

Staff recommends approval with conditions including approval of a variance to Section 4.2-5.a.1.c. and Section 4.2-5.a.1.d. of the Subdivision Regulations.

**CONDITIONS**

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

2. Lot shall be limited to a single-family home.

**RECOMMENDED ACTION**

Motion to approve with conditions subdivision Case No. 2023S-054-001 including a variance to Section 4.2-5.a.1.c. and Section 4.2-5.a.1.d. of the Subdivision Regulations

**Approve with conditions including variances to Section 4.2.5.a.1.c for lot size and Section 4-2.5.a.1.d for the Subdivision Regulations. (7-0)**

**Resolution No. RS2023-130**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-054-001 is approve with conditions including variances to Section 4.2.5.a.1.c for lot size and Section 4-2.5.a.1.d for the Subdivision Regulations. (7-0)

**CONDITIONS**

1. Comply with all conditions and requirements of Metro agencies.
2. Lot shall be limited to a single-family home.

**H: OTHER BUSINESS**

45. Historic Zoning Commission Report
46. Board of Parks and Recreation Report
47. Executive Committee Report
48. Accept the Director's Report

**Resolution No. RS2023-131**

“BE IT RESOLVED by The Metropolitan Planning Commission that the director’s report is approved. (7-0)

49. Legislative Update

**I: MPC CALENDAR OF UPCOMING EVENTS**

**April 27, 2023**

MPC Meeting

4 pm, 700 President Ronald Reagan Way, Howard Office Building, Sonny West Conference Center

**May 11, 2023**

MPC Meeting

4 pm, 700 President Ronald Reagan Way, Howard Office Building, Sonny West Conference Center

**J: ADJOURNMENT**

The meeting adjourned at 5:44 p.m.