



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

February 23, 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

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

Commissioners Present:

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

Commissioners Absent:

Jim Lawson

Staff Present:

Lucy Kempf, Executive Director
Todd Okolichany, Deputy Executive Director
Lisa Milligan, Planning Manager II
Tara Ladd, Legal
Andrea Barbour, Planner II
Dustin Shane, Planner II
Jason Swaggart, Planner II
Eric Matravers, Planner II
Amelia Lewis, Planner II
Laszlo Marton, Planner I

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

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

Legal Notice

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



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:03 p.m.

Chair Adkins congratulated Mr. Tibbs on being nominated and elevated as a Fellow of the American Institute of Architects.

Chair Adkins introduced Todd Okolichany as the new Deputy Executive Director of the Planning Commission.

B: ADOPTION OF AGENDA

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

Vice Chair Farr joined the meeting.

C: APPROVAL OF FEBRUARY 09, 2023 MINUTES

Ms. Blackshear moved and Mr. Henley seconded the motion to approve the February 9, 2023 meeting minutes. (8-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Gamble spoke in favor of Items 17 and 25.

Councilmember Toombs spoke in favor of Items 16a and 16b. She stated she supports the R20 of Item 33.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 2, 3a, 3b, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 31, 32

Ms. Milligan stated Ms. Blackshear has recused herself from Items 1a, 1b, 2, 3a and 3b.

Ms. Johnson moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

F: CONSENT AGENDA ITEMS 34, 38

Mr. Haynes moved and Ms. Blackshear seconded the motion to approve the Consent Agenda. (8-0)

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

- 1a. 2001UD-002-012**
MUSIC ROW UDO (CANCELLATION)
Council District 19 (Freddie O'Connell)
Staff Reviewer: Donald Anthony

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2001UD-002-012 to the March 9, 2023, Planning Commission meeting. (7-0-1)

- 1b. 2023SP-010-001**
16TH & MCGAVOCK SP
Council District 19 (Freddie O'Connell)
Staff Reviewer: Donald Anthony

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

Staff Recommendation: Defer to March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-010-001 to the March 9, 2023, Planning Commission meeting. (7-0-1)

- 2. 2018SP-026-009**
THE RESERVOIR (AMENDMENT)
Council District 17 (Colby Sledge)
Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2018SP-026-009 to the March 9, 2023, Planning Commission meeting. (7-0-1)

3a. 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 March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021CP-006-001 to the March 9, 2023, Planning Commission meeting. (7-01)

3b. 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 unit development, requested by Ragan Smith Associates, applicant; Dr. James E. Fussell, owner. (See associated case #2021CP-006-001).

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-061-001 to the March 9, 2023, Planning Commission meeting. (7-0-1)

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 28 single-family units, requested by Civil Design Consultants, LLC, applicant; Pointe Hialeah 3, LLC, owner.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-036-001 to the March 9, 2023, Planning Commission meeting. (8-0)

5. 2022SP-071-001
LIBERTY LANE

Council District 10 (Zach Young)
Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-071-001 to the March 9, 2023, Planning Commission meeting. (8-0)

6. 2022SP-079-001
717 SPENCE LANE SP

Council District 15 (Jeff Syracuse)
Staff Reviewer: Donald Anthony

A request to rezone from IR to SP zoning for property located at 717 Spence Lane, approximately 256 feet northeast of the corner of Murfreesboro Pike and Spence Lane, (5.5 acres), to permit multi-family residential uses, requested by Bradley Arant, applicant; Hillside Crossings, LLC, owner.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022SP-079-001 to the March 9, 2023, Planning Commission meeting. (8-0)

7. 2022Z-014TX-001

BL2022-1409
Staff Reviewers: Molly Pike and Seth Harrison

An ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws relative to trees.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrawn 2022Z-014TX-001. (8-0)

8. 2022S-232-001
KING'S SUB

Council District 09 (Tonya Hancock)
Staff Reviewer: Donald Anthony

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-232-001 to the March 9, 2023, Planning Commission meeting. (8-0)

9. 2022S-259-001
RESUB OF LOT 2 ON PLAN OF RURAL HILLS ACRES

Council District 32 (Joy Styles)
Staff Reviewer: Amelia Lewis

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-259-001 to the March 9, 2023, Planning Commission meeting. (8-0)

- 10. 2022S-264-001**
5713-5715 MAUDINA AVE
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Logan Elliott

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

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-264-001 to the March 9, 2023, Planning Commission meeting. (8-0)

- 11. 2023S-010-001**
TINNIN SUB
Council District 10 (Zach Young)
Staff Reviewer: Eric Matravets

A request for final plat approval to create two lots on property located at 7826 Old Springfield Pike, approximately 550 feet west of Dickerson Pike, zoned RS80 (5 acres), requested by Steven D. Delle, applicant; Sam and Glenda Tinnin, owners.

Staff Recommendation: Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2023S-010-001 indefinitely. (8-0)

- 12. 2023S-027-001**
PART OF THE VAULX PROPERTY MADE BY ERLE DRAKE
Council District 17 (Colby Sledge)
Staff Reviewer: Eric Matravets

A request for final plat approval to create three lots on property located at 821 Kirkwood Avenue, western of the corner of Kirkwood Avenue and Vaulx Lane, zoned R10 (1.01 acres), requested by Clint Elliott Survey, applicant;

Newell & Cynthia Anderson, owners.

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

The Metropolitan Planning Commission deferred 2023S-027-001 to the March 9, 2023, Planning Commission meeting. (8-0)

- 13. 2023DTC-005-001**
601 LAFAYETTE
Council District 19 (Freddie O'Connell)
Staff Reviewer: Eric Hammer

A request for overall height modification to permit a 32-story mixed-use tower with multi-family residential uses and nonresidential uses on property located at 601 Lafayette Street, southwest of the corner of Lafayette Street and Ewing Avenue, zoned DTC (1.06 acres), requested by Kimley-Horn, applicant; 601 Lafayette Owner, LLC, owner.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023DTC-005-001 to the March 9, 2023, Planning Commission meeting. (8-0)

14. 2023Z-017PR-001

Council District 25 (Russ Pulley)
Staff Reviewer: Dustin Shane

A request to rezone from R20 to R10 zoning for properties located at 3600 Abbott Martin Road, approximately 100 feet south of Burlington Place (4.29 acres), requested by Sett Studio, LLC, applicant; Abbott Land 3600, LLC, owner.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrawn 2023Z-017PR-001. (8-0)

15a. 2022CP-005-001

EAST NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 07 (Emily Benedict)
Staff Reviewer: Andrea Barbour

A request to amend the East Nashville Community Plan by changing from T4 NC and T4 NE to T4 NC with a supplemental policy for property located at 1510 Branch St. and 1500 Porter Rd., at the corner of Cahal Ave and Branch St, (19.93 acres), requested by Kimley-Horn, applicant; Par Investments, LLC and Berkshire Place Apartments, LP, owners. (See associated case #2022SP-031-001).

Staff Recommendation: Approve expansion of Urban Neighborhood Center (T4 NC) policy along Cahal Avenue and Porter Road and Urban Neighborhood Evolving along Porter Road and Straightway Avenue.

APPLICANT REQUEST

Amend East Nashville Community Plan to change Community Character Policy.

Major Plan Amendment

A request to amend the East Nashville Community Plan by amending the Community Character Policy from Urban Neighborhood Maintenance (T4 NM) to Urban Neighborhood Center (T4 NC) and Urban Neighborhood Evolving (T4 NE) located at 1510 Branch Street and 1500 Porter Road, zoned Mixed Use Limited (MUL) and Single- and Two-Family Residential (R6) (18.53 acres).

EAST NASHVILLE COMMUNITY PLAN

Current Policy

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

Urban Neighborhood Maintenance (T4 NM) policy is intended to maintain the general character of existing urban residential 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 when buildings are expanded or replaced. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

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

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

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

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance residential neighborhoods to include greater housing choice, improve multimodal connectivity, and develop with more creative, innovative, and

environmentally sensitive development techniques. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

BACKGROUND

The study area is located in the South Inglewood neighborhood at the intersection of Cahal Avenue and Porter Road. Currently, it contains the Berkshire Place Apartments and a Dollar General. To the north is the South Inglewood Community Center and Park. To the north, east, and south are single-family residences. To the west is another apartment complex, and to the northeast is a neighborhood center area. The policy amendment has been requested in conjunction with a request, 2022SP-031-001, to change zoning from Mixed Use Limited (MUL) and Residential (R6) to Specific Plan (SP) for these properties. The policy amendment would allow the site to be redeveloped with additional mixed use and a variety of housing.

COMMUNITY PARTICIPATION

Prior to submitting applications, the applicant met with Councilmember Benedict, residents within the Berkshire Place community, the South Inglewood neighbors, and surrounding area neighborhood associations. The applicant conducted the following community engagement efforts:

- Multiple web meetings and conference calls with Councilmember Emily Benedict and Councilmember Brett Withers (adjacent Council district) regarding project status updates and questions.
- Two in-person meetings with the residents of Berkshire Place (June 28, 2021, and July 24, 2021, combined attendance of 100+) to discuss plans for the new affordable residential development in Madison, the assistance provided by the developer/property owner, and the relocation timeline.
- Multiple web meetings and calls with Councilmember Benedict to discuss the project and strategy for outreach to the community at large.
- Web meeting and one in-person meeting with the South Inglewood Neighborhood Association (October 18 and 20, 2021, combined attendance of 50+ neighborhood residents).
- Web meeting with the Inglewood Neighborhood Association (October 28, 2021, 10+ attendees).
- Web meeting with area school administrators and teachers, including District 5 School Board member Christiane Buggs (November 16, 2021).
- Outreach to the Rosebank Neighborhood Association (mid-November, 2021).
- Canvas of the surrounding streets with a survey resulting in 94% project support from participating neighbors.

On May 16, 2022, Community Plans staff conducted a virtual (web) community meeting to discuss the applicant's plan amendment. The meeting was available via WebEx. Notices were mailed to 846 property owners in a 1,300 foot buffer of the plan amendment site. Details of the community meeting were made readily available on Metro Nashville Planning Department's webpage. Approximately 45 people attended, including the applicant, development team, and staff. Staff outlined the request to change policy. The applicant and development team presented site plans and conceptual renderings for the proposed development. Following the presentation, attendees were given the opportunity to ask questions. Several questions were asked of the applicant, development team, or staff by attendees. Questions asked and concerns shared by neighbors included:

- Potential grocery store tenant
- Addressing pedestrian connectivity and safety
- Allowing short term rentals
- Increasing traffic and congestion
- Installing sidewalks and bike lanes
- Current housing options for the apartment complex residents
- Including rent control

The meeting was recorded and posted to Metro's YouTube page. To date there have been a total of 52 views of the public meeting. There have been two letters of support submitted to the Planning Department. The applicant team also engaged in additional community outreach prior to the Metro Nashville Planning Department's public meeting. A "Porter and Cahal Petition Update" was completed between December 6th and January 13th of 2022. The applicant team canvassed 168 neighbors surrounding the proposed policy amendment site. Of those 168 knocks: 50 (68%) supported; 3 (4%) opposed; and 20 (27%) were neutral.

ANALYSIS OF T4 URBAN NEIGHBORHOOD CENTER AND T4 NEIGHBORHOOD EVOLVING POLICIES

In this analysis, staff is analyzing if it is appropriate to extend Urban Neighborhood Center (T4 NC) policy to apply to more frontage along Porter Road and Cahal Avenue to allow additional mixed use. The second part of the request is to change the Urban Neighborhood Maintenance (T4 NM) policy to Urban Neighborhood Evolving (T4 NE) policy for the southern portion of the property along Straightaway Avenue and Porter Road to allow a variety of housing. The study area is approximately 18.5 acres and shown on the next page.

The proposed policy amendment area, currently in T4 NC and T4 NM policy, is a suitable location for the expansion of T4 NC and the change to T4 NE 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 the community vision. The Concept Map shows the policy amendment area designated as a "Neighborhood." Neighborhood areas primarily include residential areas offering a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers.

The Concept Map for East Nashville illustrates strategically locating new residential development; building a complete transit network and allowing for strategic infill to support it; creating activity centers and allowing for strategic infill to support it; preserving established residential areas; protecting floodway/floodplain areas; and adding more connectivity, primarily through bikeways, greenways, multi-use paths, and transit. The NashvilleNext planning process applied the Concept Map designations generally rather than at the parcel-specific level.

Key Finding

- The policy amendment area is identified as a "Neighborhood" on the Growth & Preservation Concept Map and is suitable to change to allow a mix of uses and incorporate them into the Neighborhood and adjacent Green Network and Open Space areas.

Community Character Policy Application

There are 14 Community Plans which provide the vision and policy guidance of land uses for communities within Davidson County. Community Plans apply the guidance of the Concept Map to properties through land use policy. The East Nashville Community Plan makes use of Community Character Policy elements to ensure East Nashville continues to grow and strives to balance growth with preserving the character of established residential areas. Part of that balance is providing needed services, retail, recreation, and employment opportunities and improving the appearance of corridors, as well as their walkability. East Nashville consists primarily of historic urban residential neighborhoods and classic suburban neighborhoods, traversed by three main north-south corridors — Dickerson Pike, Main Street/Gallatin Pike (Gallatin Pike), and Ellington Parkway.

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

In this transect, social interaction is a product of density of housing, a mixture of uses, and streets and open spaces that create a welcoming public realm. With multiple housing types and choices, there is the potential for a greater socioeconomic mixture of residents. Commercial centers exist within walking distance of homes and provide residents with daily needs and conveniences. Open space is also within walking distance of homes and is an essential piece in the fabric of the neighborhood. These elements combined create a bustling neighborhood atmosphere.

The requested T4 NC policy promotes maintaining, enhancing, and creating an urban neighborhood center that provides daily needs and services for surrounding urban neighborhoods. Centers are generally at the intersection of two prominent roads and include infrastructure for pedestrians and bicyclists. Center areas have high levels of connectivity and complete street networks with sidewalks, bikeways, and existing or planned transit. Appropriate land uses include mixed use, commercial, office, institutional, and residential. The requested 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.

Early in the redevelopment discussion, the displacement of existing apartment residents and the difficulty in finding affordable housing options was voiced as a large concern. The Trent Development Group and First Cumberland Properties will be transferring the existing residents at Berkshire Place, roughly 195 housing credits, to a newly constructed, housing development in Madison called Birchstone Village. Birchstone Village includes a pool, large playground, multi-purpose court, fitness center, business center, and learning center. There will also be a social service center that will offer resources and programming for both children and adults. The Birchstone Village property is located near the new Madison community center and park. Also, there will be additional affordable housing options at Porter and Cahal for affordable housing inventory needed in the Nashville market.

The proposed development is more intense than what is usually seen in T4 NC policy. However, this is a unique larger property that allows the applicant to provide a variety of neighborhood retail, services, and amenities along with a variety of housing options. The community is supportive of this policy change and development.

Key Findings

- T4 NC policy allows for daily needs and services to be met for surrounding urban neighborhoods.
- An extension of T4 NC policy provides additional services and amenities to the surrounding urban neighborhood.

- T4 NE policy provides greater housing choice for the surrounding neighborhood, in this instance, a variety of housing types.
- T4 NE encourages green space, such as community gardens and the proposed Hillside Park.
- The applicant is constructing a new affordable housing complex in Madison and is moving many of the existing apartment residents to there; the applicant is also providing some affordable housing as part of this proposed development.
- The community supports the proposed development.

Transportation and Connectivity

An urban neighborhood center is located where the center's intensification is supported by surrounding existing or planned residential development, adequate infrastructure, and adequate access, such as the intersection of a local and collector street. The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets that make up the backbone of the city's transportation system. Cahal Avenue and Porter Road are both classified as Collector-Avenues.

The current block pattern includes blocks with and without sidewalks making it challenging to navigate the neighborhood on foot or bicycle. The proposed development includes sidewalks along Cahal Avenue, Porter Road, and Straightway Avenue as well as creating an internal sidewalk system. There will also be a crosswalk installed along Cahal Avenue to connect South Inglewood Park and the mixed use development.

WeGo Route 4 provides public transit with four bus stops located about 0.2 miles east and southeast of the policy site. These four stops are along Porter Road and Branch Street; with two of these stops located at Riverside Drive/Porter Road; and Porter Road/McKinnell Drive. The neighborhood development pattern lacks crosswalks at the identified bus stops and shelters.

Key Findings

- Local streets, collector-avenues, and alleys in the neighborhood area provide connectivity.
- The development will construct sidewalks along Cahal Avenue and Porter Road as well as create an internal sidewalk system.
- Public transit infrastructure surrounding the site makes it accessible and T4 NE promotes improved connectivity and infrastructure.

Relationship to Surrounding Policies

Currently, the policy amendment area is surrounded by several policies. The community plan amendment site's relationship to surrounding policy areas is as follows:

- Urban Neighborhood Center (T4 NC) policy is located to the northeast along Branch Street, Porter Road, and Cahal Avenue.
- Urban Neighborhood Maintenance (T4 NM) policy surrounds the site on four sides to the north, south, east, and west.
- Open Space (OS) policy is applied to the north along Cahal Avenue for the South Inglewood Park and Community Center.
- Suburban Neighborhood Maintenance (T3 NM) policy is applied along Porter Road further to the east.
- Conservation (CO) policy is applied to the northern border of 1500 Porter Road and sprinkled throughout the property for steep slopes.

Key Finding

- The site is in the T4 Urban Transect, and the proposed policies for the site, T4 NC and T4 NE, support a mix of housing types, mixed use centers, medium to high density, and pedestrian connectivity and complement surrounding policies.

Analysis Summary

Amending the Community Character Policy from T4 NM to extend T4 NC and change to T4 NE is appropriate for the study area due to the following:

- The policy amendment area is identified as a "Neighborhood" on NashvilleNext's Growth & Preservation Concept Map and is suitable to change to allow a mix of uses and incorporate into the Neighborhood and adjacent Green Network and Open Space areas.
- The site is in the T4 Urban Transect, and the proposed policies for the site, T4 NC and T4 NE, support a mix of housing types, mixed use centers, medium to high density, and pedestrian connectivity and complement surrounding policies.
- An extension of T4 NC policy allows for daily needs and services to be met for surrounding urban neighborhoods and also promotes improved connectivity and infrastructure.
- T4 NE policy provides greater housing choice for the surrounding neighborhood, in this instance, a variety of housing types.
- T4 NE encourages green space such as community gardens and the proposed Hillside Park.

- The applicant is constructing a new affordable housing complex in Madison and is moving many of the existing apartment residents to there; the applicant is also providing some affordable housing as part of this proposed development.
- Local streets, collector-avenues, and alleys in the neighborhood area provide connectivity, and public transit is available.
- The development will construct sidewalks along Cahal Avenue and Porter Road as well as create an internal sidewalk system.
- The community supports this development.

STAFF RECOMMENDATION

Staff recommends approval of the expansion of T4 Urban Neighborhood Center (T4 NC) policy along Cahal Avenue and Porter Road and the change to T4 Urban Neighborhood Evolving (T4 NE) policy along Porter Road and Straightway Avenue.

Ms. Barbour presented the staff recommendation to approve expansion of Urban Neighborhood Center (T4 NC) policy along Cahal Avenue and Porter Road and Urban Neighborhood Evolving along Porter Road and Straightway Avenue.

Chair Adkins stated he will open the Public Hearing for both Items 15a and 15b, but the Commissioners will vote on them separately.

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

Scott Morton, Smith Gee Studio, 602 Taylor Street, spoke in favor of the application.

Brandon Griffith, 7 Belle Forrest Avenue, spoke in favor of the application.

Christina Mullen, 1501 Porter Road, spoke in favor of the application.

Jennava Laska, no address given, spoke in favor of the application.

Pam Wallace, 2010 Upland Drive, spoke in opposition to the application.

Scott Morton spoke in rebuttal.

Councilmember Benedict spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Mr. Tibbs stated this is a well thought through plan. He asked how the heights were determined.

Mr. Shane stated that was one issue with the first iteration as the buildings were towering over the street, so they had a meeting to tighten up the design stepping down the height.

Ms. Milligan added that the buildings were taller at the intersection of the two roads and then moving down as it transitions into the neighborhood.

Vice Chair Farr thought this is an exciting project. She asked if there is a sense that this is a one to one replacement of the housing units and if the existing residents have a first right of refusal or a right to return to the new housing.

Alex Trent stated it is their plan to have a mixed income community. He said regarding the one to one replacement, if the residents wanted to stay, they are committed to do that, as well.

Vice Chair Farr said there aren't many other projects like this and hopes that other developers that find this opportunity can see this as a model of doing the right thing for the residents who have been living there for many decades. She recognized that the streets could get congested but said there are multiple ways to get in and out of this property. Ms. Farr stated she is excited to offer support for this project.

Ms. Blackshear thought the project was well thought out. She asked if the traffic study has been completed.

Ms. Milligan advised the traffic study has been completed and there are conditions of approval included in the staff report.

Ms. Blackshear asked if what is listed in the analysis as the minimum improvements are final.

Mr. Shane stated the study was submitted and there are a few tweaks that have to be made, but NDOT has come out with all of their mitigation conditions.

Ms. Blackshear asked, in broad strokes, what are the traffic improvements to be made in connection with the project.

Josh Roland stated he is with Kimley-Horn, part of the applicant's team. He said they have agreed with all of NDOT's recommendations and requirements associated with the traffic study. Mr. Roland advised there were a number of onsite improvements including widening of Straightway Avenue, Porter Road and Cahal Street and adding detached sidewalks and additional bike lane striping. He stated there are offsite improvements at Riverside and pedestrian safety improvements including safety zones for cross walks and a median drive at Riverside. Mr. Roland added that there are other signal timing and upgrades at Gallatin Pike.

Ms. Blackshear appreciated Mr. Roland's information and said she hoped the person in opposition can have some comfort knowing there are going to be tremendous traffic improvements made in connection with the project.

Councilmember Benedict stated the Neighborhood Street Calming Program is on the list, as well.

Ms. Blackshear asked what those traffic calming measures consist of.

Councilmember Benedict answered that they will see a stop sign on the corner of Scott and Cahal Streets and some speed humps along the way. She added they have the opportunity to work with NDOT to improve the traffic lights at Caroline and Cahal Streets and Gallatin Pike.

Ms. Johnson thought this is a great reflection of the community voice. She said there are different types of building and design and height differences that blend into the existing single family housing. Ms. Johnson felt this is a well thought out plan and is happy to support staff recommendation.

Councilmember Withers gave a history of this area and what began the process of extending the neighborhood center. He likes that this plan provides some commercial and added services that the neighborhood has been looking for. Mr. Withers thought this development thoughtfully provides future transit ridership and is pedestrian friendly.

Mr. Henley stated that in viewing the staff report, there is an extensive number of conditions and work from NDOT, with continuing work to be done. He said it gives him confidence that the effort to this point has been great and should be commended.

Mr. Haynes stated the team and Councilmember Benedict should be commended for taking three years to do this correctly. He asked in what current condition is Inglewood Park.

Councilmember Benedict stated she and Director Odom have been talking about the park since this came about. She advised the park is currently in the CIB to become a regional. Ms. Benedict said the park is in great shape and has recently had a new playground installed by a non-profit group and inside of the center is being remodeled for afterschool activities for kids.

Mr. Haynes asked if the applicant and developer may consider a public private landscaping maintenance agreement and felt tying the beauty and greenspace of the 20 acres with some improvements to Inglewood Park is a good idea.

Councilmember Benedict loved that idea. She advised the park space will be privately held but all of it is open to the public.

Mr. Haynes said he would love to do a postmortem on how this all happened as the city and development community need to learn this and try to model future projects after this.

Mr. Haynes moved and Mr. Henley seconded the motion to approve expansion of Urban Neighborhood Center (T4 NC) policy along Cahal Avenue and Porter Road and Urban Neighborhood Evolving along Porter Road and Straightway Avenue. (8-0)

Resolution No. RS2023-053

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022CP-005-001 is approved expansion of Urban Neighborhood Center (T4 NC) policy along Cahal Avenue and Porter Road and Urban Neighborhood Evolving along Porter Road and Straightway. (8-0)

15b. 2022SP-031-001

PORTER & CAHAL

Council District 07 (Emily Benedict)

Staff Reviewer: Dustin Shane

A request to rezone from R6 and MUL to SP zoning for properties located at 1500 Porter Rd and 1510 Branch St, at the corner of Cahal Ave and Branch St, (19.93 acres), to permit a mixed use development, requested by Kimley-Horn, applicant; Par Investments, LLC and Berkshire Place Apartments, LP, owners. (See associated case #2022CP-005-001).

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

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from One and Two-Family Residential (R6) and Mixed Use Limited (MUL) to Specific Plan (SP) zoning for properties located at 1500 Porter Road and 1510 Branch Street, at the corner of Cahal Avenue and Branch Street (19.93 acres), to permit a mixed use development.

Existing Zoning

One and Two-Family Residential (R6) 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. *R6 would permit a maximum of 135 lots with 33 duplex lots for a total of 168 units based on acreage alone. The Codes Department provides final determinations of duplex eligibility.*

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The site is located on the south side of Cahal Avenue, southwest of Branch Street, west of Porter Road, and north of Straightway Avenue. The site consists of two parcels and currently contains a multi-family residential development with a private drive that connects Cahal Avenue, Porter Road, and Straightway Avenue. The site slopes up to the west and south and is heavily wooded along the western boundary at the area of steepest slope. Surrounding uses include a park and one- and two-family uses zoned R6 to the north, a strip shopping center zoned CN to the northeast, one- and two-family uses zoned R6 and multi-family uses zoned RM20 and SP to the east (where a contextual overlay is in place for many of the properties), one- and two-family uses zoned R6 and SP to the south, and multi-family zoned RM6 to the west.

Site Plan

The SP is intended to create a mixed-use development. Uses are limited to 800 residential units (multi-family, two-family, and single-family, with the final mix between zones to be determined at Final SP stage) and 35,000 square feet of commercial. 10,000 square feet of this is planned to be restaurant and 25,000 square feet is to be retail/office. The SP includes a site plan as well as bulk standards, architectural renderings, and parking and preliminary landscaping. Street trees are included throughout the development and a large expanse of forested slope is preserved along the western boundary. A note indicates that all standards of Chapter 17.24 of the Zoning Code will be met for landscaping at Final SP unless indicated otherwise. A note indicates measures will be taken to protect large mature trees.

The plan is divided into five zones, each with different bulk and use standards. Zone 1, located at the corner of Branch Street and Porter Road, is the most intense mixed use area, with a maximum height of five stories in 75 feet. Setbacks and building separation are no greater than five feet (with a 0- to 15-foot build-to zone). A minimum ten foot-stepback at floor 5 mitigates the effect of the height relative to adjacent properties. Parking is structured. Architectural renderings show increased attention to detail in this zone, with classical stylistic touches adorning facades.

To the west, Zone 2 is a mixed use area with a maximum height of 60 feet in five stories with residential units over ground-floor commercial and active uses. A stepped Hillside Park will serve as a central gathering space and connect to a natural trail along the adjacent undisturbed hillside. Parking is structured. Setbacks, building separation, and stepbacks are the same as in Zone 1.

Zone 3 is located south of Zone 1 and is a multi-family use area with community-serving residential support space on the ground floor and a maximum height of four stories in 60 feet. Setbacks and building separation are the same as in Zone 1. Some surface parking will be featured interior to the zone and hidden from the ROW. A high degree of architectural detail will be applied to the proposed clock tower here, which will rise adjacent to the Hillside Park in Zone 2.

Zone 4 is located in the southwestern section of the site and provides two- to three-story split manor houses and four-story stacked flats buildings framing the hillside overlook. Surface parking is found in the rear. Height is restricted to four stories in 60 feet. Setbacks and building separation are the same as in Zone 1. Pedestrian paseos will feature outdoor kitchens and furnishings.

Zone 5 is located in the southeastern section of the site and includes three-story detached and townhome units with green space throughout. Height is limited to 45 feet, with the same setbacks as the other zones. Garage and surface parking will be provided.

Sidewalks, planting strips, and street trees per the MCSP for Cahal Avenue and Porter Road are proposed (existing ROW is sufficient such that no new dedications are required). One vehicular access is provided along all three street frontages, with a second access also being provided from Straightway Avenue to the parking aisle for Zone 4. Two new public roads are proposed through the site: a 65-foot-wide ROW extension of McKennell Drive west and north to Cahal Avenue, and a 57-foot-wide ROW connector between this new extension and Straightway Avenue, forming a "T" shape. The first street, labeled the "main promenade," will feature nine-foot-wide sidewalks, five-foot-wide planting strips, on-street parking, and two drive aisles, with a section interior to the site designated as a "festival street" with 0' curbs to encourage pedestrian circulation across the ROW. The 57-foot-wide street is based on the Metro ST-252-B cross section and includes six-foot-wide sidewalks and 4-foot-wide planting strips, with on-street parking and two drive aisles. Private drives will serve as access to parking throughout the site as well. Off-site improvements including a cross-walk to the South Inglewood Park across Cahal Avenue to the north. A consolidated WeGo bus stop is identified along Porter Road between the extension of McKennell Drive and Straightway Avenue.

Public access easements will be dedicated across significant portions of the site. Zone 1 includes a pedestrian paseo with a small amenity courtyard accessed by several stairways. The public areas are large enough to facilitate informal gathering but small enough not to be alienating.

Zone 2 will feature a terraced lawn park that will also play host to medium-sized gatherings. The space creates a town square atmosphere and will provide residents and patrons of the businesses with comfortable space in which to eat, rest, or observe outdoor entertainment.

In general, the proposed layout demonstrates several good design principles, including use of formal, symmetrical linear elements and vistas and "third place"-type spaces that provide areas where residents and patrons can "live in public" along well-designed streets and areas inaccessible to the automobile. Private amenities, parks, and pool areas will also be provided for residents. Automobile and bicycle parking will be provided within the garages and surface parking lots, pending the final tenant mix. On-street spaces will be created along both proposed roads to slow traffic and create a more pedestrian-friendly atmosphere.

While portions of the steep slopes along the western boundary will be graded for development, large expanses will be left vegetated in a natural state, maintaining a landscape buffer with the multi-family development to the west.

EAST NASHVILLE COMMUNITY PLAN

Current Policy

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.

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

Requested Policy

T4 Urban Neighborhood Center (T4 NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional

land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

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

ANALYSIS

The proposal is accompanied by a community plan amendment request that T4 NC policy be extended across Zones 1 and 2 and that the rest of the site be changed to T4 NE policy. The proposed plan meets many of the goals of the requested T4 NC policy, including providing for the daily needs and services of the surrounding urban neighborhood; being located along two prominent urban streets; providing reduced setbacks and spacing between buildings; hiding parking within structures or behind the buildings; contributing to a complete street network through provision of sidewalks, on-street parking, and bikeways; and providing formal landscaping areas. The policy allows for heights greater than three stories in limited instances, and in this case the high level of design and sensitivity to the pedestrian experience will ensure that the greater heights proposed enhance rather than detract from the built form of the development.

Those portions of the site within the requested T4 NE policy will area provide greater housing choice for the surrounding neighborhood with a variety of housing types. T4 NE encourages green space such as community gardens and the proposed Hillside Park. The proposed public rights-of-way will increase connectivity and access across the neighborhood, and the additional housing units will have easy and ready access to transit along Porter Road. The attached and detached housing and manor homes will provide an appropriate transition between the T4 NC policy area to the north and the surrounding neighborhood.

Staff recommends approval with conditions and disapproval without all conditions if the associated plan amendment is approved. If the associated plan amendment is not approved staff recommends disapproval. The proposed SP allows an appropriately intense retail, restaurant, office, and residential development that achieves the intent of the requested and existing policy areas. The SP includes design standards that are intended to provide for development that is urban in nature consistent with the T4 NC and T4 NE land use policies and the surrounding commercial and residential contexts while not overwhelming the established character. These include, but are not limited to, providing sidewalks, limiting vehicular access, activating streets with pedestrian spaces and paseos, and street- and open space-oriented commercial uses. The proposal will extend the existing adjacent commercial district and provide more opportunities to meet the needs of the surrounding community in a walkable and sustainable way.

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. - JLA.

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. 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 ROADS RECOMMENDATION

Approve with conditions

With final:

- Include proposed public roadway construction drawings (profiles, grades, drainage).
- Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards.
- Callout roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
- Show 'Now Entering Private Drive' signage where applicable off public roads.

- Provide stop control at intersections.
- Provide stopping sight distance exhibits at any relevant intersections and accesses.
- Provide adequate sight distance spacing at all access ramps and public streets with on-street parking.
- Dimension ROW pavement widths for clarity.
- Indicate loading/unloading for each zone on the site plan.
- Provide any truck turning movements relevant to loading/unloading ramps, new and/or realigned intersections.
- Reference Major Street Collector plan and provide call outs for ROW frontages accordingly.
- Note: A private hauler will be required for site waste/recycle disposal.
- Comply w/ NDOT traffic comments.
Specific approval comments:
- Continue to coordinate w/ NDOT and WeGo on intersection alignment at Poter/Cahal intersection, specifically the feasibility of bus turning movements through re-aligned intersection proposed.
- Continue to coordinate w/ NDOT and WeGo on Porter consolidated bus stops, stop layout, ROW constraints.
- Submit stopping sight distance exhibit(including triangles and profile view) for Western Straightway Ave access.
- Refer to traffic comments in regards to request for a speed study on Cahal.
- Submit ISD/SSD exhibit for Cahal vehicular site access, based on speed study.
- Continue to coordinate w/ NDOT traffic and roads on offsite improvements proposed, feasibility of improvements, ROW constraints.

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

Approval with the following conditions:

- The traffic study for this development has not been finalized with NDOT yet and the applicant’s traffic engineer shall continue to coordinate with NDOT to conclude the traffic study. Specifics of all off-site improvements will be determined with finalization, which may include other potential or additional improvements. At a minimum the applicant shall make the following improvements in Phase 1 of this development; reconfigure the alignment of the Porter Rd & Cahal Ave intersection to improve safety operations, construct the transit stop improvements on Porter Rd per WeGo’s guidance, install the enhanced ped crossing at Cahal Ave & Rebecca St, and install pedestrian crossings with landings at Porter Rd & Riverside Dr across the Northern, Southern, and Eastern legs.
- The applicant shall submit a speed study and a sight distance exhibit for Cahal Ave at the intersection of Rebecca St & future Road A prior to Final SP, to determine if adequate stopping sight distance (SSD) is available, countermeasures may be required. The Western access on Straight Away Ave can remain with the condition that the required sight distance for SSD is met (AASHTO), and the applicant shall submit an SSD exhibit prior to Final SP. If it is determined that the sight distance cannot be satisfied for the Western access, then the applicant will be required to coordinate with NDOT to determine alternatives. The Eastern access on Straight Away Ave is to remain an emergency access.
- The cross-section for Road A shall incorporate shared bikeway striping, 10’ travel lanes, 8’ on-street parking stalls (including curb & gutter), 5’ grass-strips, and 9’ sidewalks. The cross-section for Road B shall incorporate shared bikeway striping, 10’ travel lanes, 8’ on-street parking stalls (including curb & gutter), 4’ grass-strips, and 6’ sidewalks. The addition of raised cross-walks/intersections for traffic calming on Road A & B shall also be installed but the locations and details can be determined with NDOT at Final SP. All on-street parking stalls are to be placed 35’ from intersections, driveways, and pedestrian crossings.
- The final cross-section/character of Branch St is yet to be determined, the applicant shall continue to coordinate with NDOT. Additional pedestrian improvements may be required at the intersections of Branch & Porter and Branch and Cahal.
- Parking is to be per UZO Metro Code requirements.
- The applicant shall continue to coordinate with WeGo to address transit improvements in the area, which may require additional pedestrian infrastructure to provide safe access to the transit stops.
- All loading activity is to occur on the internal Roads A & B, no loading is to be permitted exterior public roads. Off-peak hour loading and deliveries for this development shall be enforced to minimize impacts to traffic operation.
- Comply with all Roads conditions and ensure final designs follow the codes and requirements of all metro agencies.
- Modifications to the above conditions may be required as this development’s phase(s) progress but further analysis will need to be conducted to justify said modifications.
- Additional comments/conditions are forthcoming with the finalization of the traffic study.

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

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*	18.53	7.260 D	142 U	1,436	105	143

*Based on two-family lots

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

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)	0.7	1.0 F	30 U	162	11	14

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.35	1.0 F	15,246 SF	576	14	58

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.35	1.0 F	15,246 SF	1,710	151	149

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)	-	-	800 U	4,358	262	326

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	-	-	12,500 SF	141	38	16

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	-	-	12,500 SF	472	11	48

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	-	-	10,000 SF	1,122	100	98

Traffic changes between maximum: **R6/MUL and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,209	+130	+124

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 and MUL districts: 13 Elementary 9 Middle 8 High

Projected student generation proposed SP-MU district: 57 Elementary 43 Middle 41 High

The proposed SP-MU zoning district is expected to generate 111 more students than what is typically generated under the existing R6 and MUL zoning districts. Students would attend Inglewood and Rosebank Elementary

Schools, Litton and Stratford STEM Campus Middle Schools, and Stratford High School. All of these 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 if the associated plan amendment is approved. If the associated plan amendment is not approved staff recommends disapproval.

CONDITIONS

1. Permitted uses shall be limited to 800 multi-family residential units and 35,000 square feet of commercial space as defined on the plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. Parking provision shall not exceed the UZO maximum parking standards for all uses.
3. On the corrected copy, change setback standards for each subdistrict based on the maximum height permitted in that subdistrict.
4. On the corrected copy, change references to "T4 NM" to "T4 NE" as appropriate.
5. 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.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the T4 NC policy area of the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district and the T4 NE policy area of the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Mr. Haynes moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions if the associated plan amendment is approved. (8-0)

Resolution No. RS2023-054

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Sp-031-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to 800 multi-family residential units and 35,000 square feet of commercial space as defined on the plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. Parking provision shall not exceed the UZO maximum parking standards for all uses.
3. On the corrected copy, change setback standards for each subdistrict based on the maximum height permitted in that subdistrict.
4. On the corrected copy, change references to "T4 NM" to "T4 NE" as appropriate.
5. 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.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the T4 NC policy area of the property shall be subject to the standards, regulations and requirements of the MUG-A

zoning district and the T4 NE policy area of the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

10. 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.

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

Ms. Johnson moved and Mr. Haynes seconded the motion to take Item 26 next. (8-0)

16a. 2023CP-003-001

WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN AMENDMENT

Council District 01 (Kyonzte Toombs)

Staff Reviewer: Cory Clark

A request to amend the Bordeaux - Whites Creek - Haynes Trinity Community Plan by changing from T3 Neighborhood Evolving (T3 NE) to T3 Suburban Neighborhood Maintenance (T3 NM) in order to align policy with a contextual overlay for various properties along Ashland City Highway, west of Clarksville Pike, zoned RS15 and SP (79.91 acres), requested by Metro Planning, applicant; various owners. (See associated case 2023COD-002-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

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

Minor Plan Amendment

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing the land use policy from Suburban Neighborhood Evolving (T3 NE) to Suburban Neighborhood Maintenance (T3 NM) for properties located along both sides of Ashland City Highway and the surrounding local streets, south of the Whites Creek waterway and north of North Ferry Road (approximately 79.91 acres).

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN

Current Policy

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

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

Requested Policy (Note: Conservation (CO) policy will remain in place.)

Suburban Neighborhood Maintenance (T3 NM) policy is intended to maintain the general character of existing suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood.

BACKGROUND

The plan amendment is in conjunction with Case 2023COD-002-001, a request to apply a Contextual Overlay District (COD) to properties located along both sides of Ashland City Highway and the surrounding local streets. The area is zoned Single-Family (RS15) and Specific Plan (SP). The plan amendment area is comprised of single-family properties within the Gold Coast Neighborhood. This residential area is located west of Clarksville Pike, a prominent corridor which provides access into North Nashville. The neighborhood wishes to have a Contextual Overlay District in place. Currently, a Contextual Overlay cannot be applied in Suburban Neighborhood Evolving (T3 NE) policy as it allows a variety of housing types, so a change to Suburban Neighborhood Maintenance (T3 NM) policy is necessary.

COMMUNITY PARTICIPATION

This is a minor amendment with no required community meeting.

ANALYSIS OF SUBURBAN NEIGHBORHOOD MAINTENANCE (T3 NM) POLICY

NashvilleNext Growth & Preservation Concept Map

The Growth & Preservation Concept Map (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map shows the site designated as a “Neighborhood” to accommodate nearby “Center” and “Transition & Infill” areas along Clarksville Pike. Neighborhoods are primarily residential areas offering a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers. Bordeaux neighborhoods are predominantly suburban in character.

Community Character Policy Application

Community character policies guide zoning and development decisions. Nashville-Davidson County is divided into 14 Community Plan areas which provide history and context along with community-specific issues, strategies, and visions of how different places in the community could change over time. The Bordeaux–Whites Creek–Haynes Trinity Community Plan uses land use policies that are tailored to the rural, suburban, and urban character of its neighborhoods and areas. To accommodate the community’s desire to preserve residential character, the placement of neighborhood maintenance policy has been applied to several neighborhoods and areas in the community. The requested policy, T3 NM, is intended to preserve the general character of developed suburban neighborhoods. T3 NM areas have an established development pattern consisting of low to moderate density residential housing with shallow and consistent setbacks spaced close together to achieve the desired suburban neighborhood form. It is appropriate to apply T3 NM policy here to recognize the established pattern of the neighborhood.

Transportation and Connectivity

T3 NM areas feature moderate levels of connectivity with street networks, sidewalks, bikeways, and mass transit. Ashland City Highway travels through the center of the plan amendment area, providing a direct route west to Ashland City, and east connecting with Clarksville Pike to other parts of Bordeaux, North Nashville, and Downtown. This roadway is classified by the Major & Collector Street Plan as an arterial-boulevard, a medium- to high-speed, high-volume street that serves longer trips within and between different communities in the Nashville area.

Single access driveways from Ashland City Highway and other local streets to individual residences are common throughout the neighborhood area. There are no existing sidewalks, but the interior of the site is walkable along the local streets. Bicycle access is provided by an existing bikeway that travels from Clarksville Pike and through the center of the site along Ashland City Highway for several miles. WeGo Route 22 provides local public transit service with the nearest bus stop located 0.5 miles southeast of the site on Clarksville Pike.

Analysis Summary

Amending the Community Character Policy from Suburban Neighborhood Evolving (T3 NE) to Suburban Neighborhood Maintenance (T3 NM) is appropriate for the following reasons:

- The site, identified as a “Neighborhood” on the Growth & Preservation Concept Map, is suitable for amending to T3 NM policy as it remains part of the neighborhood fabric.
- T3 NM policy is appropriate for preserving the established residential character.
- Arterial-boulevards, local streets, and public transit infrastructure provide adequate accessibility and connectivity.
- This policy change is necessary for the adoption of the associated Contextual Overlay District.

STAFF RECOMMENDATION

Staff recommends approval of the requested Suburban Neighborhood Maintenance (T3 NM) policy.

Approve. (8-0)

Resolution No. RS2023-055

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-001 is approved. (8-0)

16b. 2023COD-002-001

BL2023-1714/Toombs

Council District 02 (Kyontze Toombs)

Staff Reviewer: Amelia Lewis

A request to apply a Contextual Overlay District to various properties along either side of Ashland City Highway and surrounding local streets, located north of Hydes Ferry Road and south of Hydesdale Lane, zoned RS15 and SP (79.91 acres), requested by Councilmember Kyontze Toombs, applicant; various owners.

Staff Recommendation: Approve if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) to various properties along either side of Ashland City Highway and surrounding local streets, located north of Hydes Ferry Road and south of Hydesdale Lane, zoned Single-Family Residential (RS15) and Specific Plan (SP) (79.91 acres).

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

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 permits a detached accessory dwelling unit (DADU).*

Proposed Zoning Overlay

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

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN

Existing Policy

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

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

Proposed Policy

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

The existing CO Policy is intended to remain as currently applied.

CONTEXTUAL OVERLAY STANDARDS

Application of the COD would not change the existing entitlements afforded under the base zoning. The standards of the contextual overlay district are listed below. These standards are established in the zoning code and cannot be modified. The design standards are necessary to maintain and reinforce established form or character of residential development in an area.

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located on the east side of Ashland City Highway along Clintondale Drive and Jordan Drive, and on the west side of Ashland City Highway North of Windover Drive, and along Red Rose Court. There is a predominant development pattern in the neighborhood consisting of single-story and split-level residences with consistent setbacks, bulk and massing present throughout the proposed Overlay boundary.

The associated case, 2023CP-003-001, proposes to change the existing Suburban Neighborhood Evolving (T3 NE) policy to T3 Suburban Neighborhood Maintenance (T3 NM) policy area. The T3 NM policy is intended to maintain the general character of developed, suburban residential neighborhoods. Application of the Overlay would help to preserve the existing character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T3 NM policy. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Approve if the associated plan amendment is approved and disapprove if the associated plan amendment is not approved.

Approve. (8-0)

Resolution No. RS2023-056

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-002-001 is approved. (8-0)

17. 2023CP-000-001

MAJOR AND COLLECTOR STREET PLAN AMENDMENT (BRICK CHURCH LANE EXTENSION REMOVAL)

Council District 03 (Jennifer Gamble)

Staff Reviewer: Joren Dunnivant

A request to remove right of way designation for a future Collector Avenue identified by the Major and Collector Street Plan in the Whites Creek Pike area for properties located at 3484 Knight Drive, Knight Dive (unnumbered) and Whites Creek Pike (unnumbered), west of the corner of Knight Drive and Brick Church Lane, zoned R10, RS20, and SP (206.59 acres), requested by Shular Tennessee Holding Company, LLC, applicant; Cornerstone Land Company and The Farm Nashville, LLC, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

A request to amend a portion of the Major and Collector Street Plan.

MCSP Amendment

A request to amend a component of *NashvilleNext, the General Plan for Nashville and Davidson County Update 2017* – Major and Collector Street Plan (MCSP), a comprehensive plan and implementation tool for guiding public and private investment in the major streets. The amendment involves the removal of a Planned Collector.

BACKGROUND

NashvilleNext was adopted in June 2015, and the Update 2017 was adopted in August 2017. The Major and Collector Street Plan (MCSP) implements the NashvilleNext transportation element, known as the Access Nashville 2040 Transportation Plan (“Access Nashville”). This road was added with the readoption of the NashvilleNext Update on August 24, 2017.

Requested Amendment

The request is to remove a portion of a planned collector (Brick Church Lane Extension) from White’s Creek Pike, eastward and terminating at Knight Drive. *It is important to note that no changes are proposed to the overall structure of NashvilleNext with this MCSP amendment.*

COMMUNITY PARTICIPATION

On January 24, 2023, the applicant met with Councilmember Gamble, and local residents. The meeting was held at Whites Creek High School and there were approximately 40 people in attendance. The meeting was advertised via email, social media, and the council events website. This was a joint meeting to discuss both the MCSP amendment and proposed project at the site. There was no opposition at this meeting from the community to remove this planned Collector.

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

T2 Rural Maintenance (T2 RM) is intended to maintain the general character of rural neighborhoods as characterized by their development pattern, varying setbacks, building form, and land uses. Balance maintaining the rural countryside and existing rural development patterns with new development. Where transportation infrastructure is insufficient or not present, enhancements may be necessary to improve pedestrian, bicycle, and vehicular connectivity.

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

SITE AND CONTEXT

The 0.18-acre site (Map 049; Parcels 143, 154, and 145) is located just north of The Ridgecrest at Vista SP and south of the Whites Creek – Greenway Fontanel Park. The site is vacant and made up of three parcels. The property west of the site is zoned R10 and RS10 and is mostly vacant with some single-family residential development. The property north of the site is zoned RS20 and vacant; to the west, the property is zoned RS80 and vacant; and to the south there is a residential SP.

ANALYSIS

Staff finds the removal of the planned Collector consistent with policy as well as consistent with the contextual development patterns. The surrounding land is not zoned for high density and the policy does not encourage

rezoning to a higher intensity. The SP to the south as approved does not include the planned Collector, resulting in an inability to complete the full extent of the collector as planned.

STAFF RECOMMENDATION

Staff recommends approval of the request to remove of portion of a planned Collector (Brick Church Lane Extension from Whites Creek Pike to Knight Drive) within the Major and Collector Street Plan.

Approve. (8-0)

Resolution No. RS2023-057

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-000-001 is approved. (8-0)

18. 2023Z-001TX-001

BL2022-1581/Benedict

Staff Reviewer: Dustin Shane

A request to amend Metropolitan Code Sections 17.12.040 and 17.28.103 to regulate the location of electric utility meters in residential areas and to amend the requirements for underground utilities for new residential developments.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code to modify electric utility meter and underground utility regulations.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend Sections 17.12.040 and 17.28.103 of the Zoning Code to regulate the location of electric utility meters in residential areas and to amend the requirements for underground utilities for new residential developments.

These proposed changes of the bill as filed are shown below (new text in underline):

Section 1. That Metropolitan Code of Laws subsection 17.12.040.E.29 is hereby amended by deleting it in its entirety and replacing it with the following:

29. Utility transmission lines and associated structures, such as poles, provided that electric utility meters shall not be permitted in the required street setback unless expressly required by the power supplier for safety and access purposes;

Section 2. That Metropolitan Code of Laws section 17.28.103 is hereby amended by deleting it in its entirety and replacing it with the following:

17.28.103 - Underground utilities

A. Applicability. These standards shall apply to any application for residential development submitted to the metropolitan government for approval, wherein a new public or private street is to be constructed now or in the future, or where an existing public or private stub street, is to be extended, as follows:

1. Any application for a new or amended preliminary planned unit development;
2. Any new or amended preliminary SP plan;
3. Any new or amended preliminary urban design overlay district; or
4. Any new or revised preliminary subdivision plat; and in the case of a proposed revised preliminary plat, these provisions shall only apply to those plats deemed to be a major modification by the executive director of the metro planning department, as provided in the Subdivision Regulations.

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B. Utility Services.

1. A public utility easement shall be provided along all public and private streets and alleys by the property owner.
2. All public and private utility services installed shall be underground, including the conduit (raceway) from service equipment, except as provided in subsections C, D, and F of this section. Such conduit (raceway) shall be placed underground to the curbline and/or utility right-of-way, including but not limited to, electric, telephone, communication, exterior lighting and television cable.

3. Related equipment excluding electric utility meters shall be above ground, preferably within the furnishing zone between the curb and sidewalk, within the public utility easement, or within the required street setback; electric utility meters shall be above ground, not located within the required street setback, and located on or within three feet of the serviced structure unless otherwise expressly required by the power supplier for safety and access purposes. Equipment placed in the street right-of-way shall be subject to all applicable laws and ordinances.
C. Previously Approved Streets and Utilities. Where a subdivision abuts an existing public or private street, or one shown on an approved final plan with an overlay district, recorded final plat, or on the Metropolitan Government Official Street and Alley Map, then no undergrounding shall be required of existing utilities or new utilities proposed along that existing portion of the public or private street, unless underground utilities already exist.

D. Exemptions. The following items shall be exempt from complying with the provisions of this section.

1. Any residential lot or parcel greater than forty thousand square feet in size.
 2. Above-ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed thirty days in order to provide emergency utility services. The time limitation may be extended, if warranted, by the metro planning commission.
 3. Utility equipment utilized exclusively for street lighting purposes.
 4. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.
 5. Utility equipment appurtenant to underground facilities and which meet the requirements of subsection (B)(3) of this section, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures.
 6. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above-ground service shall be removed.
 7. Fire hydrants, fireplugs, and other utility equipment utilized exclusively for firefighting purposes.
 8. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.
 9. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.
 10. Electrical distribution lines on major streets as shown on the Major Street Plan, electrical transmission lines, or switch gear.
 11. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental regulatory reasons.
 12. Utility lines where severe disruption of existing improvements, diminished quality of service, or undue difficulty in repair would occur. Such exemption shall require the review and approval of the metropolitan planning commission.
 13. Utility lines where an affected adjoining property owner will not consent to modification of easements. Such exemption shall require the review and approval of the metropolitan planning commission.
- E. Variance. A property owner and/or developer may appeal to the board of zoning appeals indicating why undergrounding utilities are not feasible in accordance with the procedures set forth in Section 17.40.350 of this code. The board shall not act upon such a request without first receiving a recommendation from the metropolitan planning commission, as provided in Section 17.40.340 of this code.

F. Alleys. Where a subdivision proposes alleys, utilities may be located above or below ground in these alleys. If utilities are located above ground, then all utilities serving the proposed lots shall be placed in the alleys, except any street light system. Utilities connecting one alley to another alley may cross a public or private street above ground.

G. Property Owner Responsibility. The property owner and/or developer installing, requesting, or requiring the construction of the improvement, and not the metropolitan government or the utility, shall be responsible for the cost of placing utility lines underground and shall make the necessary arrangements with the serving utility companies. The utility shall have no obligation to underground facilities unless and until it receives full payment for costs to do so.

H. Non-Conforming Utility Equipment. Any utility equipment approved or installed and operating prior to the effective date of the ordinance codified in this section may be maintained in its present condition and may be upgraded to conform to new technologies and regulatory requirements.

I. Existing City Franchises Not Affected. The provisions of this section do not waive any right enjoyed by the metropolitan government with respect to any franchisee, nor waive the obligations created by any franchise. If any provision of this section conflicts with any provision of a franchising agreement or ordinance, said franchise provision shall control. The provisions of this section likewise are not intended to create any conflict with the rights granted pursuant to T.C.A. §§ 65-21-201, et seq. and 65-21-107.

J. Relationship to Other Requirements. In case of conflict between the standards of this section and any other standards, rules, or regulations adopted by any other applicable metropolitan government department or agency, the provisions of this article shall control.

K. Severability. If any portion of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other portion of this section.

BACKGROUND

The Zoning Code currently allows electric utility meters within required street setbacks but not within required landscape buffer yards. It also exempts Planned Unit Developments (PUDs), Urban Design Overlays (UDOs), and plats approved before July 1, 2005, from the underground installation requirements for utilities and does not mention Specific Plans (SPs). Also exempted from the undergrounding requirements are utility lines of less than 300 feet in length where existing lines have not been placed underground within the new subdivision, property abutting it, or within an approved but not yet built abutting subdivision where a plat has been approved.

The current regulations permit electric utility meters in conspicuous places within front yards. The exemptions to the undergrounding requirements were included to ease the transition to an underground utility system so that projects already in various states of approval would not be unexpectedly impacted by the new requirements. SPs were introduced into the zoning code after these requirements were adopted.

ANALYSIS

The bill as filed proposes to require electric utility meters to be located on or within three feet from the serviced structure and outside of the street setback unless such a location is necessary for safety or access. It adds new or amended Preliminary SPs to the list of applications that the underground utilities requirement applies to. It removes the exemptions related to projects approved before 2005 and the exemption based on existing and adjacent utility locations.

The inclusion of SPs and the removal of the exemption situations from the undergrounding requirements are welcome housekeeping items; the proposed requirements regarding electric utility meter placement will remove unsightly electric meter posts from street setback areas. This will be an aesthetic improvement; however, when safety or access requires it, meter location is permitted to be flexible. For these reasons, planning staff recommends approval of the proposed text amendment.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17.

ORDINANCE NO. BL2022-1581

An ordinance amending Metropolitan Code Sections 17.12.040 and 17.28.103 to regulate the location of electric utility meters in residential areas and to amend the requirements for underground utilities for new residential developments (Proposal No. 2023Z-001TX-001).

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

Section 1. That Metropolitan Code of Laws subsection 17.12.040.E.29 is hereby amended by deleting it in its entirety and replacing it with the following:

29. Utility transmission lines and associated structures, such as poles, provided that electric utility meters shall not be permitted in the required street setback unless expressly required by the power supplier for safety and access purposes;

Section 2. That Metropolitan Code of Laws section 17.28.103 is hereby amended by deleting it in its entirety and replacing it with the following:

17.28.103 - Underground utilities

A. Applicability. These standards shall apply to any application for residential development submitted to the metropolitan government for approval, wherein a new public or private street is to be constructed now or in the future, or where an existing public or private street, is to be extended, as follows:

1. Any application for a new or amended preliminary planned unit development;
2. Any new or amended preliminary SP plan;
3. Any new or amended preliminary urban design overlay district; or
4. Any new or revised preliminary subdivision plat; and in the case of a proposed revised preliminary plat, these provisions shall only apply to those plats deemed to be a major modification by the executive director of the metro planning department, as provided in the Subdivision Regulations.

B. Utility Services.

1. A public utility easement shall be provided along all public and private streets and alleys by the property owner.
2. All public and private utility services installed shall be underground, including the conduit (raceway) from service equipment, except as provided in subsections C, D, and F of this section. Such conduit (raceway) shall be placed underground to the curbline and/or utility right-of-way, including but not limited to, electric, telephone, communication, exterior lighting and television cable.
3. Related equipment excluding electric utility meters shall be above ground, preferably within the furnishing zone between the curb and sidewalk, within the public utility easement, or within the required street setback; electric utility meters shall be above ground, not located within the required street setback, and located on or within three feet of the serviced structure unless otherwise expressly required by the power supplier for safety and access purposes. Equipment placed in the street right-of-way shall be subject to all applicable laws and ordinances.

C. Previously Approved Streets and Utilities. Where a subdivision abuts an existing public or private street, or one shown on an approved final plan with an overlay district, recorded final plat, or on the Metropolitan Government Official Street and Alley Map, then no undergrounding shall be required of existing utilities or new utilities proposed along that existing portion of the public or private street, unless underground utilities already exist.

D. Exemptions. The following items shall be exempt from complying with the provisions of this section.

1. Any residential lot or parcel greater than forty thousand square feet in size.
2. Above-ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed thirty days in order to provide emergency utility services. The time limitation may be extended, if warranted, by the metro planning commission.
3. Utility equipment utilized exclusively for street lighting purposes.
4. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.
5. Utility equipment appurtenant to underground facilities and which meet the requirements of subsection (B)(3) of this section, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures.
6. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above-ground service shall be removed.
7. Fire hydrants, fireplugs, and other utility equipment utilized exclusively for firefighting purposes.
8. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.
9. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.
10. Electrical distribution lines on major streets as shown on the Major Street Plan, electrical transmission lines, or switch gear.
11. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental regulatory reasons.
12. Utility lines where severe disruption of existing improvements, diminished quality of service, or undue difficulty in repair would occur. Such exemption shall require the review and approval of the metropolitan planning commission.
13. Utility lines where an affected adjoining property owner will not consent to modification of easements. Such exemption shall require the review and approval of the metropolitan planning commission.

E. Variance. A property owner and/or developer may appeal to the board of zoning appeals indicating why undergrounding utilities are not feasible in accordance with the procedures set forth in Section 17.40.350 of this code. The board shall not act upon such a request without first receiving a recommendation from the metropolitan planning commission, as provided in Section 17.40.340 of this code.

F. Alleys. Where a subdivision proposes alleys, utilities may be located above or below ground in these alleys. If utilities are located above ground, then all utilities serving the proposed lots shall be placed in the alleys, except any street light system. Utilities connecting one alley to another alley may cross a public or private street above ground.

G. Property Owner Responsibility. The property owner and/or developer installing, requesting, or requiring the construction of the improvement, and not the metropolitan government or the utility, shall be responsible for the cost

of placing utility lines underground and shall make the necessary arrangements with the serving utility companies. The utility shall have no obligation to underground facilities unless and until it receives full payment for costs to do so.

H. Non-Conforming Utility Equipment. Any utility equipment approved or installed and operating prior to the effective date of the ordinance codified in this section may be maintained in its present condition and may be upgraded to conform to new technologies and regulatory requirements.

I. Existing City Franchises Not Affected. The provisions of this section do not waive any right enjoyed by the metropolitan government with respect to any franchisee, nor waive the obligations created by any franchise. If any provision of this section conflicts with any provision of a franchising agreement or ordinance, said franchise provision shall control. The provisions of this section likewise are not intended to create any conflict with the rights granted pursuant to T.C.A. §§ 65-21-201, et seq. and 65-21-107.

J. Relationship to Other Requirements. In case of conflict between the standards of this section and any other standards, rules, or regulations adopted by any other applicable metropolitan government department or agency, the provisions of this article shall control.

K. Severability. If any portion of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other portion of this section.

Section 2. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 3. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Approve. (8-0)

Resolution No. RS2023-058

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-001TX-001 is approved. (8-0)

19. 2016SP-040-002

BETHWOOD COMMONS (AMENDMENT)

Council District 05 (Sean Parker); 08 (Nancy VanReece)

Staff Reviewer: Amelia Lewis

A request to amend a portion of a Specific Plan on a portion of property located at 2634 Bethwood Drive and 0 Allenwood Drive, approximately 1,200 feet east of Oakwood Avenue, zoned SP (14.04 acres), to permit an additional 26 multi-family residential units, for a total of 103 units, requested by Dale & Associates, applicant; Upside, LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2022Z-140PR-001 indefinitely. (6-0)

20. 2019SP-014-003

GOODRICH TOWNHOMES (AMENDMENT)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan for properties located at 2143, 2145, and 2145B Goodrich Avenue, 2125 Buena Vista Pike and various properties located between Alpine Avenue and Goodrich Avenue, approximately 290 feet northwest of Buena Vista Pike, zoned SP and R8 (2.85 acres), to expand the boundary of the SP to permit 14 additional multi-family residential units for a maximum of 41 units overall and add nonresidential uses, requested by Catalyst Design Group, applicant; various property owners.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2017SP-034-003 to the March 9, 2023, Planning Commission meeting. (6-0)

21. 2022SP-045-001

813-1230 WATTS LANE

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Eric Matravers

A request to rezone from R6, R40, and SP to SP zoning for properties located at 813 Watts Lane, 1201, 1210, 1211, 1216, 1222, and 1230 Watts Terrace and Watts Terrace (unnumbered), approximately 1,000 feet east of Charlotte Pike, (6.22 acres), to permit 71 multi-family residential units, requested by Dale & Associates, applicant; Bo Derek, LLC, The Simpson Revocable Trust, N.T. & Mary Sue Clinton, Real Estate Rentals, LLC, Thomas & Cynthia Anderson, Carla Simpson Webb Dardamanis & Clifford Simpson, owners.

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

APPLICANT REQUEST

Preliminary Specific Plan approval to permit 71 residential units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6, R40) and Specific Plan (SP) to Specific Plan (SP) zoning for properties located at 813 Watts Lane, 1201, 1210, 1211, 1216, 1222, and 1230 Watts Terrace and Watts Terrace (unnumbered), approximately 1,000 feet east of Charlotte Pike, (6.22 acres), to permit 71 multi-family residential units.

Existing Zoning

One and Two-Family Residential (R6) 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. *R6 would permit a maximum of 22 lots with 5 duplex lots for a total of 27 units. Codes makes the final determination in duplex eligibility. This zone covers approximately 3.16 acres of the site.*

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 1 lots with 1 duplex lots for a total of 2 units. This zone covers approximately 0.81 acres of the site.*

Specific Plan (SP) 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. SP 2013SP-011-001 was approved for 813 Watts Lane (approximately 1.57 acres of the site) to permit light manufacturing and single-family residential (with a maximum of three lots).

Proposed Zoning

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

WEST NASHVILLE COMMUNITY PLAN

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

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

SITE CONTEXT

The 6.22 acre site is located approximately 1,000 feet east of Charlotte Pike across from the intersection of Watts Lane and Neighborly Avenue. The site is partially developed and occupied by an array of single-family houses and vacant land. The site has frontage on Watts Terrace.

The properties to the north across Watts Terrace are a mixture of single-family houses zoned R6 and an apartment complex zoned CS. The properties surrounded by the proposed development (see site plan) are attached townhomes and vacant land zoned RM15-A. The properties to the east and south are a church and single-family houses zoned R40. The property to the west is an apartment complex zoned RM9 (residential PUD).

PLAN DETAILS

The proposed SP would permit a maximum of 71 multi-family units with an overall density of 11.4 units per acre. Detached units front Watts Lane, with the rest of the site containing a mixture of attached and detached townhouses. Vehicular access to the site is provided by two private drives flanking either side of an existing development. The eastern private drive is within a public access easement to allow for future connection to the adjacent church property. A type B landscape buffer incorporating existing vegetation provides separation from the church.

Townhouses are oriented to either sidewalks or formal green spaces. Individual garages are oriented to the gridded interior street network. Stormwater facilities are incorporated into green spaces.

ANALYSIS

Most of the site is in the Suburban Neighborhood Evolving (T3-NE) policy area. T3-NE areas are described as moderate density, with moderate connectivity and environmentally sensitive building and site development techniques. The proposed development features townhouses with an internal sidewalk and street network that facilitates mobility. Small parts of the site in the northeast and south have Conservation (CO) policy due to natural slopes up to 20% grade. The sloped portion in the northeast area are designated formal green space, and sloped portion in the south is generally undisturbed as part of a B landscape buffer incorporating some existing vegetation.

Staff finds the proposed preliminary SP to be in keeping with the policy intent of T3 NE and CO policies, and recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes. Review of architectural plans and current fire hydrant flow test report is required prior to permit for construction.

NDOT RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. Following approval of final plans by NDOT, a recorded copy of any ROW dedications will need to be submitted to NDOT for Bldg. permit approval.
- Conditions of final approval: With ROW dedication proposed for Watts Lane widening, pull back curb line along East portions of Watts frontage to match adjacent development at 807 Watts lane.

STORMWATER RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Per TIS review, Watts Lane should be improved from west of Watts Circle to the eastern property line in order to provide a cross-section that is consistent with the Nashville Department of Transportation's (NDOT's) current standards for a two-lane local roadway. Adjustments to the scope of the widening may be required based on field conditions.
- Parking shall be shown per Metro Code.
- Comply with Roads comments.
- Ensure final designs follow the codes and requirements of all metro agencies.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private Water and Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% W&S Capacity must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2022037804 & T2022037809).

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	1.4	1.089 D	2 U	28	7	2

*Based on two-family lots

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

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)	3.2	7.260 D	28 U	322	25	30

*Based on two-family lots

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
Single-Family Residential (210)	-	-	3 U	41	7	3

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
Warehousing (150)	-	-	5,000 SF	53	1	1

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)	-	-	71 U	385	24	31

Traffic changes between maximum: **R40/R6/SP and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-43	-5	-5

METRO SCHOOL BOARD REPORT

**Projected student generation existing R6, R40, & SP districts: 2 Elementary 2 Middle 2 High
Projected student generation proposed SP-R district: 9 Elementary 7 Middle 4 High**

Students would attend Charlotte Park Elementary School, H.G. Hill Middle School, and Hillwood High School. Charlotte Park Elementary and Hillwood High have been identified as having additional capacity. H.G. Hill Middle School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 71 multi-family units. Short term rental property, owner occupied, and short term rental property, not owner occupied shall be prohibited.
2. Access easement shall be recorded prior to the issuance of any building permits.
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. 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.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Michael Garrigan, Dale & Associates, 516 Heather Place, spoke in favor of the application.

Doug Simpson, 6018 Hill Circle, spoke in favor of the application.

Derek Shendel, 400 River Rouge Court, spoke in favor of the application.

Councilmember Roberts spoke in favor of the application.

Carla Simpson, no address given, stated she owns property in the area. She spoke in favor of the application.

Mike Williams, 6457 Fleetwood Drive, spoke in opposition to the application.

Rob Cheplicki, 6453 Fleetwood Drive, spoke in opposition to the application.

Michael Garrigan spoke in rebuttal.

Councilmember Roberts stated she is open for any solution.

Chair Adkins closed the Public Hearing.

Ms. Johnson asked about the existing easement of the gravel road of the church property.

Ms. Milligan stated there is currently an access drive through the church property that connects to Watts Lane. She explained that a good part of the drive is on the church property and is shifting with this plan to the east and being improved. The church has rights to use that existing drive that goes through their property through Watts Terrace and up to Watts Lane. When it was shifting off of their property, they wanted to make sure they were maintaining the church's existing rights to utilize that drive up to Watts Lane, which is a currently existing condition.

Ms. Johnson confirmed that it is preserving existing rights but not requesting the project to construct the private street as standard of anticipating future development. She said they have to follow existing private street guidelines but preserve the easement for the future.

Ms. Milligan stated they have to preserve the easement for the access which currently exists. She said there is access already and they are preserving that access, in a slightly shifted drive, but it is still the same route.

Ms. Johnson thought density was in line with T3 Neighborhood Evolving and it would be great to have street improvements on Watts Lane and Watts Terrace. She said this project is good because they cannot eliminate the owner's rights and the language has to be included for legal protection. Ms. Johnson stated she would support staff recommendation.

Ms. Blackshear stated there are rights that are in existence. She asked if there is language permissible that could be added to the legislation.

Ms. Ladd stated that what she is hearing from staff, it is already a pre-existing legal right and is not sure how they could do anything to carve that out.

Ms. Blackshear stated she is in support of the plan.

Councilmember Withers felt this is a creative way of adding housing and green space with challenging street configurations.

Mr. Henley stated he liked the plan and is a fan of seeing the number of green spaces brought in.

Mr. Clifton stated he does not know what they could do to do what the neighbors' want to have done and will be voting for the motion.

Mr. Haynes said what if it is ten years in the future with a different Commission and someone comes in to try to develop the Knob Hill property and when they argue they have this public access easement and no one is there to remember institutionally that they said they could not do that and asked how that is handled.

Ms. Ladd responded they have the access easement in the SP.

Mr. Haynes said that is true for this project but asked about when someone comes in to develop the adjacent Knob Hill tower.

Ms. Kempf advised the access is already there today and would presume ten years down the road that they would say that if this did not happen, they already have access, and as a Commission would continue to do an assessment based on that plan. The church plan was denied several times and have been through several reviews and whether this was an improved access was not the basis of the final decision.

Ms. Milligan stated that was correct.

Ms. Kempf stated it is not that it is moved, this has been an existing factor when the church property development has been disapproved various times.

Ms. Milligan added if there was a proposal to do anything on the church property, it would either be a rezoning or a subdivision. There are standard regulations for access for subdivision that would have to be reviewed for any proposal that comes through; so, they are maintaining the access that is legally there that the church has right now. She said the Commission would have to look at any proposals for the property if they came forward.

Mr. Tibbs moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions including conditions noted in the memo. (8-0)

Resolution No. RS2023-059

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-045-001 is approved with conditions and disapproved without all conditions including conditions noted in the memo. (8-0)

Ms. Blackshear left the meeting.

22. 2022SP-057-001

THE BEND - NORTHGATE/GLEAVES' FARM DEVELOPMENT

Council District 15 (Jeff Syracuse)

Staff Reviewer: Amelia Lewis

A request to rezone from AR2a, CS, and R15 to SP zoning on properties located at 2400 Pennington Bend Road (unnumbered) and McGavock Pike (unnumbered), approximately 61 feet north of Opry Mills Drive, (214.37 acres), to permit a mixed-use development, requested by Gresham Smith, applicant; Gleaves Farm, LTD. L.P., LLC, NG Nashville LLC, owners.

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

APPLICANT REQUEST

Rezone from AR2a, CS, and R15 to Specific Plan to permit a mixed-use development.

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a), Commercial Service (CS), and One and Two-Family Residential (R15) to Specific Plan (SP) zoning on properties located at 2400 Pennington Bend Road (unnumbered) and McGavock Pike (unnumbered), approximately 61 feet north of Opry Mills Drive, (214.37 acres), to permit a mixed-use development,

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. *Approximately 197.45 acres of the site is zoned AR2a. Based on this acreage, AR2a would permit a maximum of 83 lots with 20 duplex lots for a total of 103 units. Application of the Subdivision Regulations may result in fewer lots.*

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *Approximately 8.10 acres of the site is zoned R15. Based on this acreage, R15 would permit a maximum of 19 lots with 4 duplex lots for a total of 23 units. Application of the Subdivision Regulations may result in fewer lots.*

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

Proposed Zoning

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

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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.

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

The approximately 214.37-acre site is located on Music Valley Drive, north of McGavock Pike. The site is comprised of three parcels. The site has frontage along Music Valley Drive along the eastern portion of the site, McGavock Pike along the southern portion of the site, and along Pennington Bend along the western portion of the site. The west and south portions of the site contain floodway and floodplain. The site was previously used for farm land.

The surrounding properties to the north are zoned Commercial Attraction (CA), CS, Mixed Use General (MUG) and SP. This area has been developed with commercial uses including RV sales and campgrounds. The surrounding properties to the west are zoned R15 and the have been developed with one and two-family residential uses. Further to the west is a portion of the Cumberland River. To the south and southeast of the site, the parcels are zoned CA and CS and the properties have been developed with commercial uses.

UPDATE

The item was heard at the January 12, 2023, Planning Commission meeting and was deferred for the applicants to review and submit a revised plan based on comments from members of the public and the commission. A revised plan has since been submitted and a full review of the plan is included in the analysis section. The primary issues from the January meeting and a summary of the changes following that meeting are outlined below:

Density of the Development

A question of the commission was generally if the density and intensity of the proposed development could be lowered. Overall, the revised plan shows a reduction in the number of RVs proposed, a reduction in the disturbance area of the floodplain, and the removal of the 3,500 person outdoor amphitheater. Further discussion on these changes is outlined below.

Floodplain Disturbance

Approximately 128 acres of the 214 acres of the site is within the floodplain area. The previous plan had proposed approximately 60 percent of the floodplain area to be disturbed. The revised plan proposes no more than 20 percent of the floodplain area to be disturbed, with the removal of some RV sites and other uses being removed or relocated on the site outside of the floodplain. Specific areas of the previous plan that were points of concern were the RV sites within the floodplain and the restaurant near McGavock, also within the floodplain. With the revised plan, the restaurant was relocated from McGavock Pike to the area off of Music Valley Drive.

Sewage Disposal

The discussion of sewage disposal for the RVs handled during a flood and if there was a danger of pollution. According to information provided by Metro Stormwater, all RVs placed on sites must be fully licensed and ready for highway use, attached to the site only by quick disconnect type utilities and security devices and the recreational vehicle must meet all the requirements for new construction including elevation. Sewers in flood prone areas are designed to achieve total containment of sanitary wastes and exclusion of I/I. This includes installing pipe with watertight joints, watertight connections to manholes, and watertight connections to service laterals or service lateral stubs and using trench design that minimizes the potential for migration of water along the trench per TDEC guidance.

Evacuation

The applicant has provided a typical Northgate Evacuation Plan from another resort as an example. A condition of approval is at the time of Final SP, a site specific evacuation plan for this development would be required.

Policy History

The portion of the site along Music Valley Drive is within the T3 Community Center (T3 CC) Policy. The policy in the 2004 Plan update was Commercial Arterial Existing which allowed a wide range of commercial uses. At the time of NashvilleNext, community members did not object to this being part of the commercial area. This may have been due to the existing commercial activity in the area as it had only been a few years since Opryland theme park had closed and the community was used to a theme park and more noise/activity within this area. With the application of CCM policies in 2013 NashvilleNext, the policy became T3 CC.

Sound Study

The previous plan included an outdoor amphitheater for 3,500 individuals. There was a concern for how the sound would travel, especially the potential impact to nearby residential properties. The outdoor amphitheater has been removed from the plan.

Buffering

The ownership for the adjacent campgrounds to the north were concerned about buffering between the two sites. With the updated plan, the layout of the multi-family buildings at the northeast corner has been modified slightly and a landscape buffer has been put in place behind the structure. A 30' wide C-1 landscape buffer is shown along the northern property line adjacent to the RV sites. A condition that a B level landscape buffer be added to the remaining portion of the northern property line, between the property line and the multi-family uses is added.

Archeology

According to Metro Historic staff, there are two registered archeological sites outside of the project area. The historical aeriels and maps indicate that this area has been primarily used historically for agriculture. The areas immediately along the Cumberland River have contained a large number of prehistoric sites. Therefore, judging by

the lack of intensive disturbance to the ground surface and the parcels proximity to the water, there is a medium to high possibility of a prehistoric site on the parcels. If any archeological discoveries are made on the site during grading and construction, the applicant will need to meet all state and federal regulations regarding the discovery. A condition to this effect has been added.

PLAN DETAILS

The proposed development is intended to provide an agricultural themed development with a mix of uses including multi-family residential, hotel, restaurant, event center space, RV campsites, cabin spaces, and various campground amenities. Along Music Valley Drive are three vehicular entrances, including the primary entrance into the development. This portion of the site contains the multi-family units, hotel, and event center. The SP permits a maximum of 300 multi-family units in several four story structures at the northeast portion of the site. A five-story, 120 room hotel is located at the intersection of the primary entrance drive, off of Music Valley Drive. South of the primary entrance drive and along Music Valley Drive is a proposed event center, outdoor amphitheater, and associated surface parking for the event center.

The site was previously used for agricultural uses. As such, the intent of the SP plan is to retain features of this previous use including the preservation of existing tree lines as natural buffers for different uses within the site and the preservation and rehabilitation of the existing farm structures on the site. The internal portion of the site is the primary area for campsites, resort event center, and cabins. A total of 425 campsites and cabins are proposed throughout the site. The primary area for campsites are bounded by existing hedgerows, breaking up the areas of campsites, as opposed to one large area of campsites. The RV sites are organized in a linear pattern and connected by a series of private drives. The cabin sites are intended to be developed with the existing grades in this area and maintaining the existing tree canopy around the cabins.

The western portion of the site, primarily within the floodplain area, is intended to maintain primarily undisturbed. Proposed uses within this portion of the site include: agricultural practices, passive recreational areas, and enhancements to the existing environmental features on the site. Passive recreational areas are intended for activities with limited disturbances such as running and walking paths, wildlife viewing, and lawn games. The crops area would provide an area for crop production to be used at the restaurant on the property. The environmental features referenced include an existing stream towards the southwest portion of the site. A gated vehicular entrance is located along Pennington Bend Road, intended for emergency access only. A recent update to the Walk and Bike Plan shows a multi-use path extending along Pennington Bend. The proposed path is shown along the portion of the site with frontage along Pennington Bend Road and re-directs east before heading south through the site again, ultimately connecting with McGavock Pike. Conditions related to the width and final location are included with this report, including a condition for a greenway access easement.

Previous versions of the site plan had a proposed restaurant, microbrewery and tasting room located on the southern portion of the site. The restaurant use has been relocated to be within the T3 CC policy area, and this area is now intended to remain primarily undeveloped with the following exceptions: public use paths, agricultural uses, enhancements to the environmental and natural resources that are already present on the site. Several accessory buildings are located throughout the site to provide site amenities such as welcome center/check-in, camp store, retail, food and beverage, crafts pavilion for classes and demonstrations, events pavilion, restrooms, recreation hall, fitness center, and maintenance buildings. The previously proposed vehicular entrance along McGavock Pike would remain in order to provide access for the proposed agricultural uses. Both the McGavock Pike and Music Valley Drive frontages will comply with the requirements of the Major and Collector Street Plan (MCSP) including 6 foot wide planting strips and 8 foot wide sidewalks.

ANALYSIS

A large portion of the site, primarily the western and southern portions, has Conservation (CO) Policy due to floodplain and an existing stream. The intent of the CO Policy is 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. Any new development is minimal to protect water quality, minimize infrastructure and public service costs, and preserve the unique environmental diversity of Davidson County, which is important to a healthy economy and overall sustainability.

Approximately 128 acres of the 214 acre site is within the floodplain area. The floodplain and CO policy areas are located on the western portion of the site. A component of the proposed development is to enhance the existing stream at the southwest portion of the site to make it a protected amenity feature of the site. The development proposed in the floodplain is primarily limited to RV campsites, and with the revised plan, campsites and non-residential uses have been removed from these areas. Proposed SP regulations to address the goals of the CO Policy include a minimum of 40 percent of the site retained for open space and agricultural uses, and 20 percent of the existing tree canopy to be retained. Forty percent of the development site would be approximately 85 acres.

The second policy on the site, Suburban Community Center (T3 CC) is located on the eastern portion of the site, adjacent to Music Valley Drive. This portion of the site is largely unencumbered by environmental features. The T3

CC policy areas are described as pedestrian-friendly areas, generally located at prominent intersections, consisting of a mix of uses including, commercial, office, residential, and institutional land uses. This is the portion of the site where the bulk of the development is to occur, including the multi-family uses, hotel, event center, and restaurant. Development within this policy area is oriented towards Music Valley Drive.

METRO PARKS RECOMMENDATION

Approve with conditions

- Coordinate and comply with all Metro Parks' requirements regarding Conservation Greenway Easement dedication, design, construction, and maintenance:
- Greenway trail is to be placed in a Conservation Greenway Easement to be dedicated and memorialized in a Conservation Greenway Easement Agreement with exhibits providing a legal description and boundary survey of the easement. Coordinate with and utilize Metro Parks' Conservation Greenway Easement Agreement template.
- Greenway design, construction and maintenance are to be by the developer for this project and are to be memorialized in a Participation Agreement. Design and construction is to comply with Metro Parks Greenway Standards and Metro ADA standards, and to be coordinated and approved by Metro Parks Greenways staff and Metro General Services ADA staff. Utilize Metro Parks' Participation Agreement template.
- Both the Conservation Easement and Participation Agreement must be approved by Metro Parks Board and Metro Council. Coordinate with Metro Parks Greenway staff on approval process.
- Approved Conservation Greenway Easement Agreement and Participation Agreement must be recorded with property deed after Metro Council approval and prior to final site plan approval.
- Coordinate with Parks Greenways staff to determine extent of the Conservation Greenway Easement and delineate and note it on the project plans and submittals to Metro.
- Greenway width is required to be 12-14' plus 2' shoulder. Pathway should be free of any utilities.
- Lighting will be required for this section. Plan and specifications to be coordinated with and approved by Greenways staff.
- Greenway must be open to the public during standard greenway operating hours, unless temporarily closed for maintenance.
- Greenway trail should be routed in a meandering direction generally following Pennington Bend Road but with sufficient separation to allow for a landscape buffer between the trail and the roadway and between the trail and the adjacent development's designated open space.
- Provide greenway sign graphics per Metro Parks standards. Location to be approved by Parks staff. Include design and construction of a trailhead where the greenway connects to McGavock Pike.
- Trail construction must comply with ADA standards and approved by Metro Parks staff and Metro General Services ADA staff prior to Use and Occupancy permits.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Correct General Note 18: "Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15' RCP)."

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. 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

- At final: Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
- Show 'Now Entering Private Drive' signage where applicable off public roads.
- Provide internal stop control at intersections.
- Provide stopping sight distance exhibits at any relevant intersections and accesses
- Dimension ROW pavement widths for clarity.
- Note: A private hauler will be required for waste/recycle disposal.
- Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Prior to Final SP approval, the applicant's traffic engineer shall coordinate with NDOT to submit a revised traffic study that analyzes the appropriate traffic control improvements that shall be installed at each of the study intersections. An updated signal warrant analysis shall be conducted at the Central Access on Music Valley Drive, as well as an updated analysis for the need of any auxiliary-lanes. If a traffic signal/auxiliary-lanes are warranted at the Music Valley Drive & Central Access intersection, the applicant will be required to install the signal and or auxiliary-lanes at the approval of NDOT. Final traffic conditions/improvements will be determined after further review of the revised traffic study, which may result in additional improvements.
- Prior to Final SP approval, the applicant's traffic engineer shall submit a comprehensive event management plan analyzes traffic in and out of the site, while also addressing the parking needs for future events. Further coordination with NDOT will be required.
- At the Central Access on Music Valley Drive, remove the median from the ROW, and the maximum driveway width shall not exceed 35'.
- The Northern proposed tertiary access on Music Valley Drive for the multi-family portion, shall be gated for emergency access only.
- The Southern proposed tertiary access on Music Valley Drive shall be limited to one-way exit only (right-out) for the commercial amusement portion.
- The applicant shall comply with all MCSP requirements; 8' sidewalks and 6' grass-strip on all public frontages.
- At a minimum the applicant will be required to close the roughly 170' sidewalk gap along the North-side of McGavock Pike between this developments Eastern property line and the intersection of Two Rivers Corporate Centre Drive. Additional pedestrian access accommodations at the intersection of McGavock Pike and Two Rivers Corporate Centre Drive may be required upon further analysis.
- Comply with Roads Conditions.
- Ensure final designs follow the codes and requirements of all metro agencies.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	202.67	0.50 D	107 U	1,107	81	108

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	11.7	0.6 F	305,791 SF	11,544	287	1,165

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
Campground (416)	-	-	450 C	-	2	6

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
Event Center (411)	-	-	42,000 SF	89	13	15

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)	-	-	300 U	1,633	100	128

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	-	-	10,000 SF	1,122	100	98

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	3.29	-	120 R	928	54	64

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-8,879	-99	-962

METRO SCHOOL BOARD REPORT

Projected student generation existing zoning districts: 14 Elementary 9 Middle 10 High
 Projected student generation proposed SP district: 15 Elementary 11 Middle 9 High

The proposed zoning is expected to generate two additional students than the existing zoning districts. Students would attend Pennington Elementary School, Two Rivers Middle School, and McGavock High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 300 multi-family units, a 120 room hotel, agricultural activity, on site agricultural sales, and all other uses of the CA zoning district with the exception of those identified as prohibited uses, as specified on the Specific Plan.
2. If the development is phased, with the final phase of the development the applicant shall provide documentation that the minimum open space and tree canopy amounts have been met on the site.
3. On the corrected copy, a B level landscape buffer shall be added to the remaining portion of the northern property line, between the property line and the multi-family structures.
4. On the corrected copy, remove existing label that states the trail is to be maintained by NDOT and replace with "minimum 12 foot wide greenway trail to be maintained by property owner and subject to all Metro Parks requirements."
5. On the corrected copy, update the tree preservation condition to: A minimum of 20% of canopy trees to be retained, unless required by Metro Code to retain a higher percent.
6. Prior to issuance of any permits, comply with all Metro Parks requirements regarding greenway dedication, construction, and maintenance for pathway along Pennington Bend.
7. Greenway easement agreement must be approved by Metro Parks Board and Metro Council prior to the issuance of building permits.
8. During grading and construction, the applicant will need to meet all state and federal regulations regarding archeological resources. Prior to the approval of the Final SP, a site specific evacuation plan for this development is required.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

10. 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.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Comply with all conditions and requirements of Metro reviewing agencies.
13. 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 CA zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. 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 recused herself from this Item.

Ms. Lewis stated this Item has been heard at the January 12, 2023 Planning Commission meeting and was deferred for the applicants to review and submit revised plans based on comments from members of the public and members of the Commission. Ms. Lewis presented the staff recommendation to approve with conditions and disapprove without all conditions. She also included and addressed a list of concerns from the January 12, 2023 meeting.

Chair Adkins advised the Public Hearing has already taken place and they are now procedurally in discussion.

Councilmember Syracuse spoke in favor of the revised plan and said he is in support.

Mr. Clifton said this plan seems a lot better but is concerned about the floodplain part of the conservation policy. He asked if the floodplain area and conservation policy will lose 80% of its existing tree canopy.

Ms. Milligan advised there is currently not a tremendous amount of tree canopy on this site because it was formerly agricultural use. The previous plan was disturbing around 60% of the floodplain area and as amended, it is disturbing around 20% of the floodplain area. She said they are maintaining existing tree cover and planting back a lot of trees. Ms. Milligan explained the tree canopy is not synonymous with conservation policy and there is a standard that says that 20% of the existing tree canopy on the entire site will be maintained and plant back a significant number of trees. The conservation policy is only applicable to the floodplain area and their conservation policy is reflective of floodplain, floodway, steep slopes and problem soils but not tree canopy.

Mr. Clifton stated that was one of his concerns. He said another concern was the RV parking pad as proposed within the floodplain.

Ms. Milligan stated there are RV parking pads within the floodplain, which is not an unusual situation. She advised a floodplain can be built upon as long as the storm regulations are met.

Mr. Clifton said he is in favor of most of the plan but not the entire plan.

Councilmember Syracuse stated there is going to be above the Metro requirement of trees on this site.

Trey Rudolph, Gresham Smith, 222 2nd Avenue South, stated they are certainly not intending to remove 80% of the tree canopy. It is the intent of the development to keep mature trees, as that is best for campgrounds. Mr. Rudolph explained if they impact any portion of the tree dripline, it cannot be counted as a preserved tree, whether it lives for another 30 years or not. The 20% was an effort on their behalf to go above and beyond and express they intend to keep those trees, but it is being perceived as they are trying to take out 80%, which is not their intent.

Discussion between Chair Adkins, Mr. Clifton and Ms. Ladd regarding the practice of opening the Public Hearing.

Mr. Henley stated there were a lot of things that were heard and discussed which were addressed with significant changes in the right direction. He said he was in favor of the plan as presented.

Councilmember Withers stated they have conservation policy in T3, T4, T5 and T6 and they do not necessarily stop all development from happening in any of those areas, but it needs to be done sensitively. He referred to a chapter of the Community Character manual and read the policy for conservation. He asked if this is considered more of a greenfield development site and how would they apply this policy to this land.

Ms. Milligan answered this would be more of a greenfield site where they have focused the majority of the development on to the non-floodplain sites and low impact development of the areas of the floodplain that are proposed to be disturbed.

Councilmember Withers stated that was helpful. He also thought the explanation of the RV use being a less intense use than permanent structures was helpful. Mr. Withers felt this has made great strides and meets conservation policy.

Ms. Johnson said she was pleasantly surprised by this proposed revision because it largely stays away from the floodplain and all the density and development is in the community center policy. She felt this is an ideal development with this specific site.

Mr. Tibbs felt this is a good example of listening to concerns and making changes and said he is in support.

Mr. Haynes stated the plan is much better. He said under the existing AR2A zoning, they can go in the current floodplain and raise the house up and asked if the disturbance could be greater.

Ms. Milligan said if they were to come in with a subdivision under the existing AR2A zoning, they could create two acre lots that is the minimum required by zoning. She stated there are no requirements in the zoning code for preservation of any of the trees on the site, and if it is under the subdivision, any of the trees could be removed and they could plat lots within the floodplain all along Pennington Bend Road and build houses on those lots so long as they met the Storm Water regulations, which requires you build above the flood elevation.

Mr. Haynes asked if they ending up with a much better plan because they are leaving a large component of this site undisturbed.

Ms. Milligan responded in the affirmative.

Mr. Haynes asked under the disturbance process how is it guaranteed that if they find an archeological find that the Commission is notified. He said, more specifically, is there a requirement they can put on the project to have some type of monitor.

Ms. Milligan advised that is all regulated very closely by the state regarding any disturbance or findings that they have to stop all work immediately and then have to meet the state regulations.

Ms. Ladd explained that it is controlled by the state and can they exercise more authority than has been delegated to them. She said it is predominately controlled by them, so she does not believe they have given them any authority. Ms. Ladd stated she would research to verify.

Mr. Haynes asked if this has to continue through Council.

Ms. Milligan answered that the bill has not yet been introduced and zoning bills, unlike other bills at Council, are amendable through third reading. The Councilmember could continue working on that and add additional conditions at Council.

Mr. Haynes moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions including the conditions noted in the memo. (6-1) Mr. Clifton voted against.

Mr. Haynes left the meeting.

Mr. Tibbs left the meeting.

Ms. Blackshear joined the meeting.

Resolution No. RS2023-060

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-057-001 is approved with conditions and disapproved without all conditions including conditions noted in the memo. (6-1)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 300 multi-family units, a 120 room hotel, agricultural activity, on site agricultural sales, and all other uses of the CA zoning district with the exception of those identified as prohibited uses, as specified on the Specific Plan.
2. If the development is phased, with the final phase of the development the applicant shall provide documentation that the minimum open space and tree canopy amounts have been met on the site.

3. On the corrected copy, a B level landscape buffer shall be added to the remaining portion of the northern property line, between the property line and the multi-family structures.
4. On the corrected copy, remove existing label that states the trail is to be maintained by NDOT and replace with "minimum 12 foot wide greenway trail to be maintained by property owner and subject to all Metro Parks requirements."
5. On the corrected copy, update the tree preservation condition to: A minimum of 20% of canopy trees to be retained, unless required by Metro Code to retain a higher percent.
6. Prior to issuance of any permits, comply with all Metro Parks requirements regarding greenway dedication, construction, and maintenance for pathway along Pennington Bend.
7. Greenway easement agreement must be approved by Metro Parks Board and Metro Council prior to the issuance of building permits.
8. During grading and construction, the applicant will need to meet all state and federal regulations regarding archeological resources. Prior to the approval of the Final SP, a site specific evacuation plan for this development is required.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. 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.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Comply with all conditions and requirements of Metro reviewing agencies.
13. 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 CA zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

23. 2023COD-001-001

BL2023-1708/Kyonzté Toombs
 Council District 02 (Kyonzté Toombs)
 Staff Reviewer: Jason Swaggart

A request to apply a Contextual Overlay District to various properties located west of Liberia Street and east of Baptist World Center Drive, zoned RS5 and R6-A (51.06 acres), requested by Councilmember Kyonzte Toombs, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST **Establish a Contextual Overlay District.**

Contextual Overlay District

A request to apply a Contextual Overlay District to various properties located west of Liberia Street and east of Baptist World Center Drive, zoned Single-Family Residential (RS5), One and Two-Family Residential-Alternative (R6-A), (51.06 acres).

Existing Zoning

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

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

Proposed Zoning Overlay

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

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.

CONTEXTUAL OVERLAY STANDARDS

Application of the COD would not change the existing entitlements afforded under the RS30 base zoning district.

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

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the proposed overlay includes properties located Haynes Meade, E.T. Brown, and the Scruggs/Brooklyn Heights subdivisions. The area consists of a variety of one and two-story homes. The area also includes numerous vacant parcels.

The proposed Overlay is located within a T4 NM policy area. The T4 NM policy is intended to maintain the general character of the areas. Application of the Overlay would help to preserve the existing character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T4 NM policy. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0)

Resolution No. RS2023-061

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-001-001 is approved. (8-0)

24. 2023COD-003-001

BL2023-1717/Kyonzté Toombs
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Laszlo Marton

A request to apply a Contextual Overlay District to various properties located north of Moormans Arm Road and west of Whites Creek Pike, zoned RS10, RS7.5, and R6 (208.23 acres), requested by Councilmember Kyonzté Toombs, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District to various properties located north of Moormans Arm Road and west of Whites Creek Pike, zoned Single-Family Residential (RS10, RS7.5), and One and Two-Family Residential (R6) (208.23 acres).

Existing Zoning

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

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 xx units.

One and Two-Family Residential (R6) 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. R6 would permit a maximum of xx lots with xx duplex lots for a total of xx units.

Proposed Zoning Overlay

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

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

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

CONTEXTUAL OVERLAY STANDARDS

Application of the COD would not change the existing entitlements afforded under the base zoning. The standards of the contextual overlay district are listed below. These standards are established in the zoning code and cannot be modified. The design standards are necessary to maintain and reinforce established form or character of residential development in an area.

Setback

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

Height

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

- Example – average is 24 feet; max allowed height is 30 feet

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located north of Moormans Arm Road and between Whites Creek Pike and Buena Vista Pike. There is a predominant development pattern in the neighborhood consisting of single-story and split-level residences, with consistent setbacks, bulk, and massing present throughout the proposed Overlay boundary.

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

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0)

Resolution No. RS2023-062

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-003-001 is approved. (8-0)

25. 2023HL-001-001

BL2023-1722/Gamble

Council District 03 (Jennifer Gamble)

Staff Reviewer: Laszlo Marton

A request to apply a Historic Landmark Overlay District to property located at 815 Nella Drive, approximately 450 feet west of the corner of Green Acres Street and Nella Drive, zoned RS20 (0.61 acres), requested by Councilmember Jennifer Gamble, applicant; Natalie & Andrew Hannigan, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply a Historic Landmark Overlay District

Historical Landmark Overlay

A request to apply a Historic Landmark Overlay District to property located at 815 Nella Drive, approximately 450 feet west of the corner of Green Acres Street and Nella Drive, zoned Single-Family Residential (RS20) (0.61 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 1 unit.*

Proposed Overlay

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

PARKWOOD – UNION HILL COMMUNITY PLAN

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

REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its February 15, 2023 meeting.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

The Metro Historic Zoning Commission (MHZC) recommended approval of the Historic Landmark designation at the February 15, 2023, MHZC meeting. The following is a brief excerpt of information provided in the published MHZC report.

Located at 815 Nella Drive, this 1961 ranch house was the “dream home” of country singer Patsy Cline. The house was built in 1961 in the Pleasant Hill subdivision developed by W.C. Allen and M.M. Cunniff (the name of the road— Nella—is developer Allen’s name spelled backward.) The subdivision is comprised of one-story, two-story, and split-level 1950s and 60s ranch-style houses with mainly cross-gabled, side-gabled, or hipped roofs on large lots. The house is an excellent example of a Ranch style home, with its one-story, rectangular form, low hipped roofline, patio/deck and sliding glass door, decorative iron work, picture window, and finished basement. Although Cline only lived in the home for a short time, it represents her at the peak of her career and embodies the dream home she had for herself and her family. Both the interior and exterior are remarkably intact and reflect the time period Patsy Cline lived here.

The house is also less than five miles away from the homes of other notable Nashville country singers from the same time period: Hank Snow’s Rainbow Ranch (312 E Marthona Rd) and Kitty Wells (1302 Saunders Ave). The Metro Historical Commission approved a Historical Marker for this location in 2018, dedicating it in 2019.

The Patsy Cline Dream Home meets criterion 2 of section 17.36.120 of the ordinance for its association with Patsy Cline at the peak of her career and it meets criterion 3 as remarkable example of a Ranch style home. In addition, it meets criterion 5 as it is eligible for listing the National Register of Historic Places.

STAFF RECOMMENDATION

The proposed Historic Landmark Overlay District is intended to preserve the historic structure and site through the implementation of development guidelines by the Metro Historic Zoning Commission and staff. The applicable policies encourage the protection and preservation of historic structures and sites in the policy areas. Staff recommends approval of the Historic Landmark Overlay District.

Approve. (8-0)

Resolution No. RS2023-063

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023HL-001-001 is approved. (8-0)

26. 2023Z-008PR-001

BL2023-1682/Kyonzté Toombs
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Jason Swaggart

A request to rezone from CL to CL-NS zoning for properties located at 2425 and 2427 Brick Church Pike, at the southeast corner of Dennis Drive and Brooklyn Avenue (6.09 acres), requested by Councilmember Kyonzte Toombs, applicant; Brick Church Pike Sitework, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CL to CL-NS.

Zone Change

A request to rezone from Commercial Limited (CL) to Commercial Limited-No Short-Term Rentals (CL-NS) zoning for properties located at 2425 and 2427 Brick Church Pike, at the southeast corner of Dennis Drive and Brooklyn Avenue (6.09 acres).

Existing Zoning

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

Proposed Zoning

Commercial Limited-No Short-Term Rentals (CL-NS) is intended for retail, consumer service, financial, restaurant, and office uses. Owner occupied and not-owner-occupied short-term rentals would be prohibited uses.

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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 Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

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

ANALYSIS

With the exception of owner occupied and not-owner-occupied short-term rentals all uses permitted in the existing CL zoning district are permitted in the proposed CL-NS zoning district. All development standards, including, but not limited to, bulk, parking, landscaping and signage are shared between the two districts. Since the only difference between the two zoning districts is that the proposed district does not permit any form of short-term rentals, staff has no issues with the proposed CL-NS zoning district.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Swaggart presented the staff recommendation to approve.

Councilmember Toombs spoke in favor of the application.

Dr. Tonya Dennis, 417 Dennis Drive, spoke in favor of the application.

Seth Tiedwell, 437 Dennis Drive, spoke in favor of the application.

Cheryl Mitchell, 457 Dennis Drive, spoke in favor of the application.

Cedric Dennis, no address given, spoke in favor of the application.

Jon Michael, Thompson Burton Law Firm, 1801 West End Avenue, spoke in opposition to the application.

Brent Smith, no address given, stated he is the Developer of this property. He spoke in opposition to the application.

Councilmember Toombs spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Haynes asked Ms. Ladd to speak about the vesting with the site plan approval and asked if it is really a vesting process with short term rentals or a vesting process with zoning that allows short term rentals under a one year permit only.

Ms. Ladd responded that they are in discussion and will get back with information.

Mr. Haynes asked if a short term rental permit cannot be renewed and revoked after a year.

Ms. Milligan advised when someone goes to file a building or master permit with the Codes Department, they are filing to build a multi-family or single family, not a building permit to build a short term rental. A short term rental is a use permit that is issued only after a Use and Occupancy permit has been issued.

Mr. Haynes asked what discretion the department has when that short term rental application is filed.

Ms. Milligan answered that there are conditions that have to be met to issue a short term rental permit and surrounding property owners have to be notified. She stated if it is permitted by the zoning district, it is permitted. It is not subjective determination by Codes.

Mr. Haynes asked if the short term rental permit can be denied the following year if there are several complaints made on the short term unit during the course of the one year permit.

Ms. Milligan stated that answer is made complicated by State Legislation that set the standards by which a permit can be revoked and there has to be three complaints within a year basis, and those complaints have been through a full repealable process.

Mr. Haynes stated that if the short term rental permit cannot be applied for before UO is issued, then the developer does not have a vested right yet in the short term rental permit.

Ms. Ladd agreed and said that is their conclusion.

Mr. Haynes said he would support Councilmember Toombs' request.

Mr. Henley asked if a hotel use is permitted on CS, as it is.

Ms. Milligan answered the current zoning is CL, Commercial Limited. She said there was discussion about the use as residential and CL does permit residential uses under certain conditions. Ms. Milligan advised this property does meet those conditions under which residential multi family can be built. A hotel use is permitted under CL under the existing zoning and would be limited to the FAR and ISR that is applicable to CL.

Councilmember Withers recognized that from a neighborhood quality of life standpoint, having a hotel nearby might be OK, and having a bunch of homes or townhomes turned into short term rentals may not. He said he is not against short term rentals, but as this goes further and further into a residential neighborhood, and for quality of life concerns, he supports Councilmember Toombs.

Ms. Johnson stated that given the information from Ms. Ladd that the short term usage is not a vested right, she supports staff recommendation and Councilmember Toombs' effort.

Ms. Blackshear stated according to current zoning, a hotel could be built there, but short term rental of however many units is not the best use from a policy making perspective for that land. She said she is in support of Councilmember Toombs in removing the short term rental from the zoning.

Vice Chair Farr said she is deferring to the legal advice and Ms. Milligan's information on the short term rental permitting process and revocation of permits. She stated she agrees from a policy perspective that it makes sense and is in support of staff recommendation.

Mr. Henley stated there may be confusion on both sides of exactly what this case was going to be and what would be ruled upon. He thought these are opportunities to utilize the SP to really vet what people will see in their neighborhood. Mr. Henley encouraged the Councilmember and current property owner to talk to the neighbors and find a resolution.

Mr. Tibbs moved and Ms. Blackshear seconded the motion to approve. (6-2) Chair Adkins and Mr. Henley opposed.

Resolution No. RS2023-064

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-008PR-001 is approved. (6-2)

Chair Adkins called for a ten minute break.

Vice Chair Farr left the meeting.

Mr. Clifton joined the meeting.

27. 2023Z-010PR-001

Council District 16 (Ginny Welsch)
 Staff Reviewer: Laszlo Marton

A request to rezone from RS5 to RM9-A-NS zoning for property located at 322 Elberta Street, approximately 260 feet east of Nolensville Pike (0.43 acres), requested by Amin Nabi, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to RM9-A-NS.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multi-Family Residential-Alternative-No Short-Term Rentals (RM9-A-NS) zoning for property located at 322 Elberta Street, approximately 260 feet east of Nolensville Pike (.43 acres).

Existing Zoning

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

Proposed Zoning

Multi-Family Residential-Alternative-No Short-Term Rentals (RM9-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short-Term Rental Property – Not-Owner Occupied uses from the district. RM9-A would permit a maximum of 4 units.

SOUTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle, and vehicular connectivity.

ANALYSIS

The application consists of one parcel (Map 119-05, Parcel 034) totaling .43 acres in size located on the northern side of Elberta Street just east of the intersection with Nolensville Pike. The property is vacant and surrounding uses include single-family residential, commercial, and institutional (church). The parcel to the west is also vacant residential land. Properties along Nolensville Pike to the west are within a T4 CM policy and zoned CS while the subject property and properties to the east are within a T4 NM policy area and zoned RS5.

The application proposes to rezone the property from RS5 to RM9-A-NS. The site is located within the T4 Urban Neighborhood Maintenance policy area. The T4 NM policy is intended to preserve the general character of urban neighborhoods. The property is located near T4 CM policy to the West, with close proximity to transit and other services along Nolensville Pike. The RM9-A-NS zoning district would permit 4 units on the property which provides a step down in intensity from the more intense uses along Nolensville Pike. The property is located in an area that is in transition and the proposed RM9-A-NS district increases density modestly and supports the transition between the T4 CM and T4 NM policy areas. Additionally, the -NS designation will prohibit short term rental properties (STRPs) as a permitted use, which is appropriate given the T4 NM policy area to the east. For these reasons, Staff recommends approval of RM9-A-NS.

FIRE RECOMMENDATION

Approve.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.43	7.41 D	1 U	15	5	1

Maximum Uses in Proposed Zoning District: **RM9-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 (220)	.43	9 D	4 U	29	3	3

Traffic changes between maximum: **RS5 and RM9-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				+14	-3	+2

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM9-A-NS district: 0 Elementary 0 Middle 0 High

The proposed RM9-A-NS zoning is expected to generate no more students than the exiting RS5 zoning district. Students would attend John B. Whitsitt Elementary School, Cameron College Prep Middle School and Glenclyff High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval of RM9-A-NS.

Approve. (8-0)

Resolution No. RS2023-065

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-010PR-001 is approved. (8-0)

28. 2023Z-018PR-001

Council District 01 (Jonathan Hall)

Staff Reviewer: Laszlo Marton

A request to rezone from CL to MUL-A-NS zoning for property located at 4026 Clarksville Pike, approximately 420 feet southeast of Cedar Circle and within the Clarksville Pike at Fairview Center Urban Design Overlay (0.33 acres), requested by Reginald Howard, applicant; Gladys Howard and Bruce Howard, Jr., owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CS to MUL-A-NS.

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Limited-Alternative zoning for property located at 4026 Clarksville Pike, approximately 420 feet southeast of Cedar Circle and within the Clarksville Pike at Fairview Center Urban Design Overlay (.33 acres).

Existing Zoning

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

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

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.

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

ANALYSIS

The application consists of one parcel (Map 069-04, Parcel 037) totaling .33 acres located on the eastern side of Clarksville Pike. The property contains a one-story office building. Surrounding land uses are residential, institutional and commercial while adjacent properties are zoned CL and MUL.

The application proposes to rezone the property from CL to MUL-A-NS. The requested MUL-A-NS zoning is supported by the T3 Suburban Mixed Use Corridor policy. According to the Community Character Manual, T3 CM areas will have a greater mix of higher-density residential and mixed use development along the corridor, prioritizing higher intensity mixed use and commercial uses at intersections with preference given to residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods. The proposed zoning allows for a mixture of residential, retail, and office uses that will increase housing choice and services along Clarksville Pike. Application of MUL-A-NS on this property aligns with the uses and standards outlined in the Clarksville Pike at Fairview Center UDO plan, which calls for this property to be included in *Sub-District 1: Mixed Use Corridor*. Additionally, the -NS designation will prohibit short term rental properties (STRPs) as a permitted use, which is appropriate given the T3 NM policy area to the east.

FIRE RECOMMENDATION

Approve.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	.33	0.6 F	14,374 SF	543	13	54

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	.16	1.0 F	7 U	36	3	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	.085	1.0 F	3,702 SF	140	3	14

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	.085	1.0 F	3,702 SF	415	37	36

Traffic changes between maximum: **CL and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+48	+30	-1

METRO SCHOOL BOARD REPORT

The mix of uses could vary and assumption of impact at this point is premature. Students would attend Alex Green Elementary School, Haynes Middle School and Whites Creek High School. All schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval of MUL-A-NS

Approve. (8-0)

Resolution No. RS2023-066

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-018PR-001 is approved. (8-0)

29. 2023Z-019PR-001

Council District 33 (Antoinette Lee)
Staff Reviewer: Laszlo Marton

A request to rezone from CL to IR zoning for property located at 936 Firestone Parkway, at the western corner of Gould Boulevard and Firestone Parkway (1.74 acres), requested by T. Michael Hayes, applicant; T. Michael Hayes and Judy Hayes, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CL to IR.

Zone Change

A request to rezone from Commercial Limited (CL) to Industrial Restrictive (IR) zoning for property located at 936 Firestone Parkway, at the western corner of Gould Boulevard and Firestone Parkway (1.74 acres).

Existing Zoning

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

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

D Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

ANALYSIS

The application consists of one parcel (Map 183, Parcel 133) totaling 1.74 acres located at the corner of Gould Boulevard and Firestone Parkway. The property contains a warehouse structure built in 2005 and the current use is a truck wash and repair facility. Surrounding properties are zoned CL, IR, and Commercial PUD.

The application proposes to rezone the property from CL to IR. The property is within the District Industrial policy area. D IN policy is intended to maintain, enhance and create industrial districts in appropriate locations. Appropriate land uses under the policy include commercial, distribution, manufacturing, storage, warehousing, and more. The proposed IR district is appropriate given the D Industrial policy as it is intended for a wide range of light manufacturing uses at a small to moderate scale.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.74	0.6 F	45,476 SF	1,717	43	173

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)	1.74	0.6 F	45,476 SF	117	8	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		-1,600	-35	-165

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0)

Resolution No. RS2023-067

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-019PR-001 is approved. (8-0)

30. 2023Z-020PR-001

BL2023-1728/Hancock
 Council District 09 (Tonya Hancock)
 Staff Reviewer: Laszlo Marton

A request to rezone from RS40, RS15, and CN to RS80 zoning for various properties located south of Evergreen Trail and Nawakwa Trail, on either side of Neely's Bend Road, (1,053.98 acres), requested by Councilmember Tonya Hancock, applicant; various owners.

Staff Recommendation: Approve with substitute.

APPLICANT REQUEST

Zone change from RS40, RS15, and CN to RS80.

Zone Change

A request to rezone from Single-Family Residential (RS40, RS15) and Commercial Neighborhood (CN) zoning for properties located south of Evergreen Trail and Nawakwa Trail, on either side of Neely's Bend Road (1,053.98 acres).

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Single-Family Residential (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

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

Proposed Zoning

Single-Family Residential (RS80) requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre. *RS80 would permit a maximum of approximately 573 units.*

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.

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

T2 Rural Neighborhood Center (T2 NC) is intended to maintain, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses.

ANALYSIS

The application consists of various parcels on either side of Neely's Bend Road, totaling 1,053 acres. Properties are currently zoned RS15, RS40, and CN. Uses in the area are primarily single family residential and vacant residential land.

The application proposes to rezone the properties from RS15, RS40 and CN to RS80. Most of the properties are located within T2 RM and CO policy areas, although a small part is within T2 NC policy. CO policy is intended to preserve environmentally sensitive land features through protection and remediation. The CO policy in the area is associated with streams, forested land, and areas identified in the floodplain which are located throughout the area. T2 RM intends to maintain rural character as a permanent choice for living within Davidson County. T2 RM areas are intended to be one of the lowest densities of development in the county, generally not exceeding one dwelling unit per two acres. RS80 zoning district has a minimum lot size of 80,000 square feet which is just under the two acres suggested by the T2 RM policy. Overall, the rezoning supports CO, T2 RM Policy to maintain rural residential land and preserve open space and environmentally sensitive land features. Staff recommends a substitute to remove the part of Map 63 Parcel 2.01 that is currently zoned CN and within the T2 NC policy area.

STAFF RECOMMENDATION

Staff recommends approval with a substitute.

Mr. Marton presented the staff recommendation to approve with substitute.

Councilmember Hancock spoke in favor of the application.

Jesse Strauss stated he is the new President of the Rural Neelys Bend Neighborhood Association. He spoke in favor of the application.

Brandon Krell, 325 Menees Lane, spoke in favor of the application.

Male, name unintelligible, no address given, spoke in favor of the application.

Female, no name given, stated if her property at 1700 Neelys Bend Road can be on record to be excluded and maintain its RS40, then she has no need to speak her opposition.

Councilmember Hancock stated she is willing to exclude any property that wants to be excluded. She explained that typically that is done at the Council level but wanted to put on record that she is willing to do so.

Chair Adkins closed the Public Hearing.

Ms. Blackshear stated she was curious about the interaction between the RS40 and the T2 Rural policy.

Ms. Kempf said that Councilmember Hancock took her on a tour and walked the area. Ms. Hancock asked Ms. Kempf how they preserve this with the zoning as it is. Ms. Kempf told her to get together with the neighbors and come forward with a proposal to rezone. She said her hat is off to Councilmember Hancock for trying to figure out how to do that and for working on this. She stated the Rural policy is something the Commission has been dedicated to and has given a lot of attention to. There are a series of zoning districts that are associated with the Rural policy to ensure they are promoting conservation and RS40 is in that policy category.

Ms. Milligan explained there are a lot of the RS40 zoning districts that are not necessarily aligned with the policy, which is not unusual. A lot of times the policies are forward thinking and an ideal scenario for an area, so they will set a policy that may not be aligned with the zoning, and that is what happened here. She stated there will still be pockets of RS40, but it is because of the size of those existing lots and the way they didn't want to create nonconformities. Ms. Milligan stated if properties are left out that are still zoned RS40, they would not be compatible with the policy, but if someone came in to want to develop those, then they would be in a scenario of reviewing them against the rural subdivision regulations.

Ms. Blackshear moved and Ms. Johnson seconded the motion to approve with substitute. (6-0)

Resolution No. RS2023-068

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-020PR-001 is approved with substitute. (6-0)

31. 2023S-016-001

840 OLD LEBANON DIRT ROAD

Council District 12 (Erin Evans)

Staff Reviewer: Dustin Shane

A request for final plat approval to create 11 lots on property located at 840 Old Lebanon Dirt Road, at the southwest corner of Old Lebanon Dirt Road and New Hope Road, zoned RS15 (5.3acres), requested by Dale & Associates, applicant; Wise Group, Inc., owner.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-016-001 to the March 9, 2023, Planning Commission meeting. (8-0)

32. 88P-038-001

LONG HUNTER CHASE

Council District 33 (Antoinette Lee)

Staff Reviewer: Logan Elliott

A request to amend a Planned Unit Development located at Hobson Pike (unnumbered), at the corner of Hobson Pike and Smith Springs Pkwy (6.11 acres), zoned RS15, to revise access points, requested by Long Hunter Chase, applicant; Living Waters Homes LLC & TN Homes LLC & Tadros, Sam, owners.

Staff Recommendation: Defer to the March 9, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 88P-038-001 to the March 9, 2023, Planning Commission meeting. (8-0)

33. 2023Z-015PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Eric Matravers

A request to rezone from RS15 to R15 zoning for property located at 3900 Hydes Ferry Road, approximately 280 feet northwest of Emerald Drive (0.82 acres), requested by Elliott Rushing, applicant and owner.

Staff Recommendation: Disapprove R15 and approve R20.

APPLICANT REQUEST

Zone change from RS15 to R15.

Zone Change

A request to rezone from Single-Family Residential (RS15) to One and Two-Family Residential (R15) zoning for property located at 3900 Hydes Ferry Road, approximately 280 feet northwest of Emerald Drive (0.82 acres).

Existing Zoning

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 1 unit.*

Proposed Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units. Final determination of duplex eligibility is made by Metro Codes.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

SITE AND CONTEXT

The 0.82 acre site is located on the north side of Hydes Ferry Road approximately 280 feet northwest of Emerald Drive. The site has double frontage on Ashland City Highway and Hydes Ferry Road. The site is occupied by a single-family house built in 1930. Properties abutting or adjacent to the north, south, east and west are all zoned RS15. The property abutting the western property line is vacant. The two properties along the eastern property line are both occupied by single-family houses. The properties to the south across Hydes Ferry Road are mostly single-family houses with some duplexes. The properties to the north across are contiguous single-family houses and contiguous vacant lots.

ANALYSIS

The proposed R15 zoning is likely not consistent with the T3 Suburban Neighborhood Evolving (T3-NE) policy at this location. While higher intensity zones can be permissible in T3 NE, this request is premature. There is a consistent single-family development pattern with limited duplexes on Hydes Ferry Road. The proposed R15 zoning would potentially allow for 2 two-family houses (4 total units) if subdivided.

R20 is an alternate zone that is more suitable for the request. The applicant has noted that they are seeking only a second unit for the site. Under R20, this property would not be able to be subdivided, but a two-family house would be permissible. Therefore, staff recommends disapproval of R15 and approval of R20.

FIRE MARSHAL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.82	2.47 D	2 U	28	7	2

Maximum Uses in Existing Zoning District: **R15**

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)	.82	3.09 D	4 U	54	8	5

*Based on two-family lots

Traffic changes between maximum: **RS15 and R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+26	+1	+3

METRO SCHOOL BOARD REPORT

Projected student generation existing RS15 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed R15 district: 0 Elementary 0 Middle 0 High

Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three 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 to disapproval of R15 and approval of R20.

Disapprove R15 and approve R20. (8-0)

Resolution No. RS2023-069

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-015PR-001 is disapproved R15 and approved R20. (8-0)

H: OTHER BUSINESS

34. Employment contract renewal for Amelia Lewis

Resolution No. RS2023-070

"BE IT RESOLVED by The Metropolitan Planning Commission that the Employee contract renewal for Amelia Lewis is **approved. (8-0)**

35. Historic Zoning Commission Report
 36. Board of Parks and Recreation Report
 37. Executive Committee Report
 38. Accept the Director's Report

Resolution No. RS2023-071

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved. (8-0)**

39. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

March 9, 2023

MPC Meeting

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

March 23, 2023

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 8:05 p.m.