



# METROPOLITAN PLANNING COMMISSION

## **DRAFT MINUTES**

**February 09, 2023**  
**4:00 pm Regular Meeting**

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

### **MISSION STATEMENT**

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

**Commissioners Present:**

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

**Staff Present:**

John Houghton, Assistant Director  
Lisa Milligan, Planning Manager II  
Amelia Lewis, Planner II  
Donald Anthony, Planner II  
Eric Matravers, Planner II  
Logan Elliott, Planner II  
Tara Ladd, Legal

**Commissioners Absent:**

Lillian Blackshear  
Jim Lawson  
Brian Tibbs

**Lucy Alden Kempf**

Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
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## Notice to Public

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

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

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

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

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

### Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by 2 pm on the Tuesday prior to meeting day. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

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

### Speaking to the Commission


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

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

Items set for consent or deferral will be listed at the start of the meeting.  
Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

### Legal Notice

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

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

# MEETING AGENDA

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## A: CALL TO ORDER

The meeting was called to order at 4:07 p.m.

## B: ADOPTION OF AGENDA

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

## C: APPROVAL OF JANUARY 12, 2023 MINUTES

Mr. Haynes moved and Mr. Henley seconded the motion to approve the meeting minutes of January 12, 2023. (6-0)

## D: RECOGNITION OF COUNCILMEMBERS

Councilmember Toombs spoke in favor of Items 29 and 32. She stated she is interested in hearing about Item 40. Ms. Toombs asked the Commission to take the cemetery into consideration when discussing Item 35.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 7a, 7b, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17a, 17b, 19, 27, 30, 34, 41, 44

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

## F: CONSENT AGENDA ITEMS 45, 49

Mr. Haynes moved and Ms. Johnson seconded the motion to approve the Consent Agenda. (6-0)

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

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

## G: ITEMS TO BE CONSIDERED

### 1. 2022Z-014TX-001

BL2022-1409/Murphy

Staff Reviewer: Molly Pike & Seth Harrison

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

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

**The Metropolitan Planning Commission deferred 2022Z-014TX-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

2. **2017SP-034-003** On Consent: No  
**BROADMOOR AND BEN ALLEN (AMENDMENT)** Public Hearing: Open  
 Council District 08 (Nancy VanReece)  
 Staff Reviewer: Laszlo Marton

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

**Staff Recommendation: 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)**

3. **2018SP-026-009** On Consent: No  
**THE RESERVOIR (AMENDMENT)** Public Hearing: Open  
 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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2018SP-026-009 to the February 23, 2023, Planning Commission meeting. (6-0)**

4. **2022SP-036-001** On Consent: No  
**HARPETH RESERVE** Public Hearing: Open  
 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 February 23, 2023, Planning Commission meeting.**

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

5. **2022SP-071-001** On Consent: No  
**LIBERTY LANE** Public Hearing: Open  
 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 February 23, 2023, Planning Commission meeting.**

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

- 6. 2022SP-079-001** On Consent: No  
**717 SPENCE LANE SP** Public Hearing: Open  
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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-079-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

- 7a. 2023SP-012-001** On Consent: No  
**SAMUELS PEAK** Public Hearing: Open  
Council District 15 (Jeff Syracuse)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 and RS15 to SP zoning on properties located at 4340 Longfellow Drive and 2646 Lock Two Road, at the current terminus of Longfellow Drive, located within a portion of a Planned Unit Development Overlay District (135.06 acres) to permit 234 residential units and a 75 bed assisted-care living facility, requested by Civil & Environmental Consultants, Inc., applicant; The Stevenson Trust No. 6, Stevenson Trust No. 7, and J.E. Stevenson, Trustee, owners. (See associated case 18-86P-001).

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

**The Metropolitan Planning Commission deferred 2023SP-012-001 to the March 9, 2023, Planning Commission meeting. (6-0)**

- 7b. 18-86P-001** On Consent: No  
**RIVER TRACE ESTATES (CANCELLATION)** Public Hearing: Open  
Council District 15 (Jeff Syracuse)  
Staff Reviewer: Jason Swaggart

A request to cancel a portion of a Planned Unit Development Overlay District for property located at 2646 Lock Two Road, north of Cain Harbor Road, zoned RS10 (76.21 acres), requested by Civil & Environmental Consultants, Inc., applicant; The Stevenson Trust No. 6, & Stevenson Trust No. 7, owners. (See associated case 2023SP-012-001).

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

**The Metropolitan Planning Commission deferred 18-86P-001 to the March 9, 2023, Planning Commission meeting. (6-0)**

- 8. 2022Z-140PR-001** On Consent: No  
Council District 12 (Erin Evans) Public Hearing: Open  
Staff Reviewer: Logan Elliott

A request to rezone from R15 to R8 zoning for properties located at 200-204 Misty Cape Cove and 206-219 Misty Cape Cove, north of the corner of Bell Road and Misty Cape Cove (3.48 acres), requested by SWS Engineering, Inc., applicant; The David W. Gaw Family Ltd. Partnership, SEG Investments, and SEG Investments, L.P., owners.

**Staff Recommendation: Defer Indefinitely.**

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

9. **2023Z-010PR-001** On Consent: No  
Council District 16 (Ginny Welsch) Public Hearing: Open  
Staff Reviewer: Laszlo Marton

A request to rezone from RS5 to RM20-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: Defer to the February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023-010PR-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

10. **2023Z-018PR-001** On Consent: No  
Council District 01 (Jonathan Hall) Public Hearing: Open  
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: Defer to the February 23, 2023, Planning Commission meeting.**

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

11. **2022S-221-001** On Consent: No  
**HAWK'S HAVEN** Public Hearing: Open  
Council District 23 (Thom Druffel)  
Staff Reviewer: Laszlo Marton

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

**Staff Recommendation: Defer to the June 8, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-221-001 to the June 8, 2023, Planning Commission meeting. (6-0)**

12. **2022S-232-001** On Consent: No  
**KING'S SUBDIVISION** Public Hearing: Open  
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 February 23, 2023, Planning Commission meeting.**

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

13. **2022S-259-001** On Consent: No  
**RESUB OF LOT 2 ON PLAN OF RURAL HILLS ACRES** Public Hearing: Open  
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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-259-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

14. **2022S-264-001** On Consent: No  
**5713-5715 MAUDINA AVE** Public Hearing: Open  
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 February 23, 2023, Planning Commission meeting.**

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

15. **2023S-010-001** On Consent: No  
**TINNIN SUBDIVISION** Public Hearing: Open  
Council District 10 (Zach Young)  
Staff Reviewer: Eric Matravers

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: Defer to the February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-010-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

16. **88P-038-001** On Consent: No  
**LONG HUNTER CHASE (AMENDMENT)** Public Hearing: Open  
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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 88P-038-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

**17a. 2022CP-005-001  
EAST NASHVILLE COMMUNITY PLAN AMENDMENT**

On Consent: No  
Public Hearing: Open

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: Defer to the February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022CP-005-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

**17b. 2022SP-031-001  
PORTER & CAHAL**

On Consent: No  
Public Hearing: Open

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: Defer to the February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-031-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

**18. 2016SP-024-005  
MCGAVOCK HOUSE SP (AMENDMENT)**

On Consent: No  
Public Hearing: Open

Council District 05 (Sean Parker)  
Staff Reviewer: Amelia Lewis

A request to amend a Specific Plan for various properties located at the northwest and northeast corners of Cleveland Street and Meridian Street (3.39 acres), to permit an increase in the number of permitted hotel rooms and permit the construction of a new hotel on the site, requested by Fulmer Lucas Engineering, applicant; Invent Communities, owner.

**Staff Recommendation: Disapprove as submitted or defer to the March 9, 2023, meeting to work with staff to bring the development closer to the supplemental policy.**

**APPLICANT REQUEST**

**Amend SP to permit an increase in the number of hotel rooms and permit the construction of a new hotel.**

Zone Change

A request to amend a Specific Plan for various properties located at the northwest and northeast corners of Cleveland Street and Meridian Street (3.39 acres), to permit an increase in the number of permitted hotel rooms and permit the construction of a new hotel on the site.

**Existing Zoning**

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

**Proposed Zoning**

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

**EAST NASHVILLE COMMUNITY PLAN**



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

#### Supplemental Policy

The site is within a Supplemental Policy, 05-T4-NC-02, which is intended to provide more specific guidance for the SP area than the T4 NC policy. It is generally located along Meridian Street from Cleveland Street to Vaughn Street. The intent of this SPA is to ensure appropriate transitions to and livability of the surrounding residential policy areas, given that these properties are included in the National Register-eligible Cleveland Park Historic District.

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

The SP is located at the northeast and northwest corners of Cleveland Street and Meridian Street and includes additional properties to the north along Meridian Street and along Vaughn Street. The SP is a total of 3.23 acres. The original SP was intended to function as a wholistic development with the properties sharing uses and parking across the entirety of the SP. The plan is broken into four subdistricts. Subdistrict A is located on the northwest corner of the intersection of Cleveland Street and Meridian Street. A final site plan for subdistrict A was approved in for 21 townhome units.

Subdistrict C, located north of subdistrict A, is the site of the McGavock House which is designated as a local Historic Landmark District. A final site plan is currently under review for Subdistrict C to permit a brewery within the existing structure and an outdoor seating area.

Subdistrict D, located north of subdistrict C, has frontage along Vaughn Street. A final site plan has not yet been approved for this phase.

The focused amendment area is within Subdistrict B, but given the original intent of the SP to provide uses across the entire SP area, staff had this amendment processed as an amendment to the entirety of the SP. Subdistrict B is comprised of four existing parcels at the northeast corner of the intersection of Cleveland Street and Meridian Street. There is an existing structure on the site which was previously used as a religious institution. The existing structure is eligible to be listed in the National Register. The uses for Subdistrict B within the preliminary SP included up to 50 multi-family residential dwelling units; restaurant, bed and breakfast inn, hotel, community education, office, retail. The hotel use was limited to one hotel with a maximum of 35 rooms. All uses within Subdistrict B were required to be within the existing buildings. The breadth of uses permitted was to provide for flexibility in the adaptive reuse of the existing structure.

Previous amendments to the SP include an amendment in 2019 (2016SP-024-003/BL2019-1727) to increase the number of permitted restaurants to three, as it was previously limited to two.

The surrounding properties to the south are zoned RS5 and have been established with institutional uses including a Metro Fire Department and a school. The properties to the north and east are zoned Single-Family Residential (RS5) and SP. These properties are part of a large SP within the area which permitted the construction of Detached Accessory Dwelling Units (DADUs). Further to the south along Meridian Street properties are zoned Commercial Limited (CL) and have been developed with a mix of uses including non-residential and residential uses.

The proposed amendment would increase the number of permitted hotel rooms to 89 and permit the construction of a new hotel structure adjacent to the existing structure on the site. North of the existing structure is a proposed pool and surface parking area with ten vehicular parking spaces. The existing structure would be modified to include a mix of uses including restaurant and hotel. The proposed new structure is four stories with a first floor retail space and parking spaces. The second through fourth floors would be hotel uses. A vehicular entrance is located east of the existing structure. An existing alley network at the rear of the property provides additional vehicular access.

### **ANALYSIS**

The supplemental policy has specific guidance on the appropriate land use, building form, site design, transitions, and zoning. These key guidance points are outlined below:

- Appropriate land use: limit appropriate land uses to residential and/or small office uses for properties adjacent to residential policy areas.
- Building Form and Site Design: Provide appropriate transitions in scale, massing, building orientation, and site design to surrounding properties in residential policy areas.
- Building Form and Site Design: Limit the height generally to two stories for properties adjacent to residential policy areas.
- Transitions — Infill and Adjacent Historic Structures: Provides appropriate on-site transitions to surrounding properties in residential policy areas through measures such as landscape buffering and distance between structures.
- Zoning: Design-based zoning district that, in addition to incorporating guidance described above, addresses the following: Ensures the preservation of any structures and their settings within the area of the supplemental policy.

The proposed SP amendment does meet the last guidance point above and overall works to renovate and preserve the existing structure on the site, which is a critical goal to staff; however, staff has several concerns with the proposed intensity of the development and conflicts with the supplemental policy points above, especially related to height and scale of the proposed new structure. The eastern most parcels in the site, where the new structure would be constructed are immediately adjacent to single-family residential uses within a residential policy. Based on the guidance in the supplemental policy, the proposed new structure should be limited to small scale uses, limit the height to two stories adjacent to residential policies, provide landscape buffering and increased distance between structures, and ultimately to provide a transition between the existing structure, the new structure, and residential uses and policy to the east of the site.

The intent of the original SP was primarily to renovate and rehabilitate the existing structure on the site while opening up the opportunities for new uses such as hotel and/or restaurant space. The supplemental policy area was specifically crafted for this development and the two were approved simultaneously. The proposed site plan does make improvements that weren't originally a part of the preliminary SP site plan. The original site plan had surface parking between the existing building and Cleveland Street, whereas now this area is planned for a landscaped plaza area, which is much more engaging and friendly towards the public realm at the intersection and along the street frontage. Staff's recommendation to disapprove the plan as currently proposed or defer with changes that will bring the plans closer to the guidance in the supplemental policy, indicates that staff may be able to support some level of changes to the site, but not as currently proposed. Staff would direct the applicant to make the following changes: reduce the proposed building height of the new structure and reduce the building footprint of the proposed structure substantially. Additional changes could include removing the curb cut from Cleveland Street to limit vehicular access to alley access exclusively, provide a fully activated first floor use along the new structure, and by reducing the building footprint, making up surface parking spaces at the rear of the site, off of the alley.

#### **HISTORIC COMMISSION RECOMMENDATION**

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

- Materials are approved prior to review of the Final SP:
  - Make, manufacture and materials of windows and doors;
  - Replacement glazing; and,
  - Railing design, canopy materials, and design and materials of fences/walls;
- Mechanical locations are approved prior to review of the Final SP;
- The front sanctuary stairs are not covered; and,
- Revised drawings are reviewed by MHZC staff prior to the approval of the Final SP.
- Staff finds that with these conditions, the project meets the Historic Landmark design guidelines for additions and alterations. The MHZC recognizes that the Planning Commission's review encompasses more considerations than just design and addressing those concerns may result in design revisions. Therefore, this recommendation should not be considered an "approval" and MHZC staff is available for discussions on additional revisions.

#### **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**

##### **Return for revisions**

- Update C/D Note to plans: (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. A minimum of 30% W&S Capacity must be paid before issuance of building permits.

#### **NASHVILLE DOT RECOMMENDATION**

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

- Approval for amendment only.
- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity.

- Note: A private hauler will be required for waste/recycle disposal.
- Call out alley paving and widening per ST-263, from new property line off alleys to CL of existing alleys.
- Coordinate w/ planning of MCSP requirements along Meridian.
- Provide ADA ramp at corner. Provide call out to close existing ramp on Meridian near intersection. New sidewalk will be required, once existing ramp has been closed.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- Approval only granted for the amendment, and the following conditions shall be shown at final;
- The minimum required parking for this site is the UZO standard for the proposed uses. Parking shall not exceed the minimum required. If a parking ratio less than the UZO standards for the uses is proposed at Final, it shall be reviewed and approved by T&P.
- Replace the existing driveway ramp on Meridian St with sidewalk.
- Improve ped ramp on the NE corner at the intersection of Meridian and Cleveland.
- Comply with all previous traffic conditions.
- Comply with Roads comments.
- Further traffic comments forthcoming at final submittal.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.35	-	35 R	32	12	0

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	-	-	9,000 SF	1,010	89	88

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)	-	-	89 R	183	22	14

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)	-	-	9,000 SF	1,010	89	88

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

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,274	+25	+25

**STAFF RECOMMENDATION**

Disapprove as submitted or defer to work with staff to bring the development closer to the supplemental policy.

Ms. Lewis presented the staff recommendation to disapprove as submitted or defer to the March 9, 2023 meeting to work with staff to bring the development closer to the supplemental policy.

Chip Howorth, Adapt Development, spoke in favor of the application.

Jamie Pfeffer spoke in favor of the application.

Patrick Napier, Fulmer Lucas Engineering, 2002 Richard Jones Road, spoke in favor of the application.

Samuel Boyd, 316 Joseph Avenue, spoke in favor of the application.

Michael Pringle, 300 B Edith Avenue, spoke in favor of the application.

**Chair Adkins closed the Public Hearing.**

Mr. Haynes asked about the intended uses for the sanctuary and the academic wing and if they have confirmed that in the original SP.

Ms. Lewis asked Mr. Haynes if he meant the original SP or what they are proposing today.

Mr. Haynes asked if they are changing the uses in the sanctuary and academic wing today.

Ms. Lewis replied that it would be part hotel with the option for retail and restaurant spaces. She said the changes are the number of hotel rooms that would be permitted from 35 to 89. Ms. Lewis advised the original SP also stated any use would have to be in the existing structure on the site and this would allow the uses to be permitted in an additional structure, as well.

Mr. Haynes asked about the use of the sanctuary and the use of the academic wing.

Chip Howorth responded the SP entitled it for 35 hotel rooms, with some other uses, and they currently show 35 hotel rooms in the church. He stated the academic wing and church are one in the same.

Mr. Haynes stated he likes the plan but struggles because of the policy with the four-story height of the addition and said he is not sure why that has to happen to make this work, except for bottom line economics. He said he would be more comfortable with a type of step down from four to three to two stories. Mr. Haynes stated he would be in support of a deferral to continue to work on this as the new structure needs to step down in height.

Mr. Henley felt it was important to balance and activate the streetscape and create an area that seems to be open for the community. He thought preserving the church is an opportunity to meet the spirit of what they want to do, as opposed to meeting the exact letter of the text. Mr. Henley asked for clarification on if it would allow for 40 feet of height without modification to entitlements of the existing adjacent residential permits.

Ms. Lewis showed the presentation slide of the Zoning SP and explained that the proposed new structure would be on the eastern most parcels, which are abutting parcels zoned RS5 along Cleveland Street, and those parcels would be permitted. She stated that today there is an existing single family, single story structure on the site and if they were to redevelop, they would be able to do three stories and 45 feet based on the RS5 zoning.

Mr. Henley said that information was helpful. He stated his challenge is when structures are modified and reduce usable space and a business model is required that is a lot more geared towards premium offerings.

Councilmember Withers stated it seemed like a lot for the addition. He said he would be more comfortable with a deferral to allow Councilmember Parker to check back in with the neighborhood groups and get more formal feedback.

Ms. Johnson said this is a great proposal and great repurpose; however, the existing supplemental policy is concerning. She is not ready to disapprove this but is in favor of a deferral for the applicant and staff to come up with a reasonable compromise to meet policy.

Vice Chair Farr said this looks like a great plan and a creative way to retain the building. She stated she is leaning towards a deferral. Ms. Farr asked what the other side of the building looks like.

Jamie Pfeffer responded that the idea for the addition was to wrap that around and create a courtyard space between the existing academic wing and the new build and keeping those existing openings on the academic wing intact while maintaining the consistent materiality all the way through the addition.

Ms. Milligan summarized the information in the staff report.

Ms. Farr asked if the supplemental policy goes towards the east.

Ms. Milligan stated the supplemental policy covers the entire site.

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

Mr. Clifton joined the meeting.

**Resolution No. RS2023-030**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-007PR-001 is deferred to the March 23, 2023, Planning Commission meeting. (6-0)

**19. 2019SP-014-003**

**GOODRICH TOWNHOMES (AMENDMENT)**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

On Consent: No

Public Hearing: Open

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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2019SP-014-003 to the February 23, 2023, Planning Commission meeting. (6-0)**

**20. 2022SP-046-001**

BL2022-1558/Nancy VanReece

**WALTON STATION**

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

On Consent: Tentative

Public Hearing: Open

A request to rezone from RS10 to SP zoning on properties located at 3302 Walton Lane and Walton Lane (unnumbered) and on part of 3300 and 3344 Walton Lane, approximately 211 feet west of Slate Drive, (15.2 acres), to permit 175 residential units, requested by Alfred Benesch & Co., applicant; Alcorn, Carrie A. S.(LE) & Suggs, Evelyn, Beulah M. Dotson, Albender, Donelson, May Alice Ridley and Faith is The Victory Church, Inc., owners.

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

**APPLICANT REQUEST**

**SP to permit 175 residential units.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan (SP) zoning on properties located at 3302 Walton Lane and Walton Lane (unnumbered) and on part of 3300 and 3344 Walton Lane, approximately 211 feet west of Slate Drive, (15.2 acres), to permit 175 residential units.

### History

The Planning Commission recommended that Council approve the subject SP on September 21, 2022, for 217 residential units. A bill was filed (BL2022-1558), and the bill passed first reading on November 1, 2022. Prior to the public hearing at Council, several property owners pulled their property out of the proposal. This resulted in approximately 3.16 acres being removed from the SP and required a redesign. At that point, the SP was withdrawn and referred back to Planning for review and for Planning Commission reconsideration. Updated public hearing notices were mailed.

### **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 80 residential units.*

### **Proposed Zoning**

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

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

The approximately 15-acre site is located near the northern end of Walton Lane approximately half a mile north of Broadmoor Drive. Adjacent zoning includes RS10 and a commercial PUD, zoned CS abuts the western site boundary. Surrounding uses include single single-family, a church and vacant commercial land. The terrain on the site various and Metro records does not indicate any large areas with steep slopes. A stream bisects the property and runs northeast to southwest. The site includes some areas of open field and dense tree canopy.

### Site Plan

The site plan includes a total of 175 residential units with a density of approximately 11.5 units per acre. Units include a mixture of attached and detached units and flats. The plan specifies the following unit types and count:

- Detached Homes: 98
- Flats: 77

All detached units front onto private streets and or open space. Elevations are not provided, but the SP includes design standards pertaining to entry ways, glazing, materials, foundations, and porches. As proposed, the plan includes the following height standards:

- Detached: 3 stories in 45'
- Flats: 4 stories in 60'

Access into the site is from Walton Lane. All drives are private. Parking includes a mixture of surface and garage spaces. An internal sidewalk network is provided, and a new public sidewalk is provided along Walton Lane. The plan is setup to allow for access from two points into the site from adjacent parcels when developed. Landscaping and tree density are per Metro Zoning requirements. Buffer yards are provided and specified on the plan.

The stream that bisects the site is located within Stormwater buffers and should be left undisturbed with the exception of stream crossings for private drives and pedestrian paths.

### **EAST NASHVILLE COMMUNITY PLAN**

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

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**

As proposed, staff finds that the plan is consistent with the T4 NE and T4 CC land use policies that apply to the site. The plan provides for a mixture of housing types. Attached and detached townhomes are located in the T4 NE policy area while the flats are located in the T4 CC area. The plan provides ample open space with many units fronting onto the open space areas providing for immediate outdoor recreational opportunities. The plan also preserves the stream and utilizes it as an asset. The plan allows for walkability through an internal sidewalk network which connects to the new public sidewalk proposed along Walton Lane. The project will extend the public sidewalk down Walton Lane to an existing sidewalk that extends to Maplewood High School and further to Broadmoor Drive. Staff considered a new public street connection to the west; however, the adjacent parcel is in a commercial Planned Unit Development (PUD) and the connection would require an amendment to the PUD which may be unlikely. The topography on the adjacent parcel would also make a public road connection difficult.

It is important to note that the Fire Marshal has recommend approval with conditions. The current plan does not meet Fire Code requirements for access. The Fire Marshal's condition requires any final site plan to provide access per Fire Code requirements. The applicant has indicated that the project will obtain additional access to meet Fire Code requirements through the adjacent church property. At this time, the church has not agreed to allow access but has indicated that it is under consideration. While the SP is for 175 residential units, not providing adequate access could lead to a significant reduction in density.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

- Secondary access via access easement agreement with Faith In Victory Church to be provided as part of Final SP.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**WATER SERVICES RECOMMENDATION**

**Approved with conditions**

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. A minimum of 30% W&S Capacity fees must be paid before issuance of building permits. (Water & Sewer Capacity Fee Permit No's. T2022032593 & T2022032599).

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
- Dimension ROW pavement widths for clarity. Submit SSD exhibits for intersections.
- Note: A private hauler will be required for waste/recycle disposal.
- Prior to final, Coordinate w/ NDOT on ST-251 road section transitioning into Walton Lane (Curved)-stop control, sight distance, etc.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Parking is to be per metro code.
- At each approach on Walton Ln (Road A), traffic control signs and pavement marking shall be installed at appropriate locations per MUTCD guidance.
- Internal traffic control signs and pavement markings will be required, per MUTCD guidance.
- The applicant shall construct 200 ft of additional offsite sidewalk from the development's Southern property line to the existing sidewalk that is on the West side of Walton Ln. The applicant shall also install a pedestrian crossing on Walton Ln near the location of Maplewood High School that shall be per MUTCD guidance. The exact location can be determined at Final SP and adjustments to existing striping may be required.
- At final confirm the intersection movements/operations for the Broadmoor Dr and Dickerson Pike intersection, signal retiming may be required.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	15.2	4.356 D	80 U	719	52	70

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)	15.2	-	175U	825	61	90

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+95 U	+106	+9	+20

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS10 zoning districts: 9 Elementary 8 Middle 10 High  
 Projected student generation proposed SP district: 28 Elementary 17 Middle 18 High**

The proposed SP zoning is expected to generate 36 additional students than what is generated by existing RS10 zoning. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. All schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 175 multi-family residential units. Short-term rental property, not-owner occupied shall be prohibited.
2. The ultimate number of units is dependent on the final site plan providing adequate access per Metro Fire Code; otherwise, the number of permitted units shall be reduced such that the final site plan does comply with Metro Fire Code. Final determination will be made with submittal of the final site plan.
3. A public sidewalk connection to the existing sidewalk along Walton Lane shall be provided and shall meet the local street standard.
4. Generally, all units on the final site plan shall front an internal private drive or open space and not be oriented to a property line.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**Resolution No. RS2023-031**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-046-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 175 multi-family residential units. Short-term rental property, not-owner occupied shall be prohibited.
2. The ultimate number of units is dependent on the final site plan providing adequate access per Metro Fire Code; otherwise, the number of permitted units shall be reduced such that the final site plan does comply with Metro Fire Code. Final determination will be made with submittal of the final site plan.



3. A public sidewalk connection to the existing sidewalk along Walton Lane shall be provided and shall meet the local street standard.
4. Generally, all units on the final site plan shall front an internal private drive or open space and not be oriented to a property line.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. 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.

**21. 2022SP-080-001**

**408 WOODLAND STREET**

Council District 06 (Brett Withers)  
Staff Reviewer: Donald Anthony

On Consent: Tentative  
Public Hearing: Open

A request to rezone from CS to SP zoning for property located at 408 Woodland Street, approximately 275 feet north of Stone Bluff Drive, located within the East Bank Redevelopment District (0.79 acres) to permit a hotel use, requested by Fulmer Lucas Engineering LLC, applicant; Jack Allinder Jr. ET UX, owners.

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

**APPLICANT REQUEST**

**Preliminary SP to permit a hotel.**

Preliminary SP

A request to rezone from Commercial Service (CS) to Specific Plan (SP) on property located at 408 Woodland Street (0.79 acres), located within the East Bank Redevelopment District, to permit a hotel use.

**Existing Zoning**

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

**Proposed Zoning**

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

**EAST NASHVILLE COMMUNITY PLAN**

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

**SITE CONTEXT AND PLAN DETAILS**

The preliminary SP application is for a 0.79-acre parcel located along the south side of Woodland Street east of Interstate 24 and west of South Fifth Street. The property is currently zoned CS. A one-story commercial building is currently located on the property. All adjacent properties are zoned CS. Adjacent land uses include: institutional (church and school) on the north; mixed use on the east; vacant property on the south; and Interstate 24 right-of-way on the west.

The preliminary SP application is for an eleven-story hotel. The proposed building footprint would cover the lot. Proposed setbacks are zero on the east, south, and west sides. Along the Woodland Street frontage, the structure would be built to the back of the sidewalk. The proposed sidewalk would mirror that of the recently-constructed Eastside Heights building, which is adjacent to the subject property on the east; the sidewalk would taper slightly at

the western end of the property's frontage. Woodland Street right-of-way would extend to the back of the sidewalk. Bike lanes are planned for Woodland Street as part of the "East Nashville Backbones" project. Vehicular access to the site would be via a single driveway located on the east end of the building's front facade on Woodland Street. Parking would be provided in an internal parking garage; no surface parking is proposed in the plan.

Proposed maximum building height would be eleven stories or 143 feet. The elevations submitted by the applicant show two outdoor terraces, one above the second floor and another above the eleventh floor. As shown on the elevations, windows will be vertically-oriented. The SP limits building materials to brick, brick veneer, stone, cast stone, cementitious siding, glass, and other similar materials. The primary entrances to the building would be located along the Woodland Street frontage. The plan also shows a retail space at the northwest corner of the building with a separate entrance. The following elevation shows the proposed building as it would appear from Woodland Street. The building would also be highly visible from public right-of-way on both the south and west. On the east, an adjacent six-story building would screen the lower portion of the proposed building; however, the upper stories would be visible from public right-of-way. The following elevations show the proposed building as it would appear from the south, west, and east, respectively.

#### **ANALYSIS**

The T5 MU policy is characterized in part by vertical mixed-use development, buildings built to the back edge of the sidewalk with minimal spacing between buildings, and high levels of connectivity. A wide range of uses—including residential and commercial—are appropriate within the T5 MU policy area. The T5 MU policy emphasizes higher intensity development with high lot coverage.

Building heights in the T5 MU policy area may range from two to 20 stories or greater. Among the factors that should be taken into account when determining appropriate building height are: the relationship of the height of the building to the width of the street and sidewalks; prominence of the street and its role in the T5 MU area's street hierarchy; and the planned heights of surrounding buildings and impact of adjacent historic structures.

The proposed elevations show a height of eleven stories and 143 feet from finished grade. The structure would include a setback at 49 feet. The current Woodland Street pavement width for the travel lanes is approximately 35 feet. Total building height would be approximately four times the pavement width. Creating a height setback above the second-floor banquet hall would create an immediate height below the setback of 49 feet, comparable to the right-of-way and pavement width.

The highest adjacent building is the Eastside Heights building located east of the subject property. Constructed in 2017, Eastside Heights is a five-story residential building with ground-floor retail uses. The building is constructed to the back of the sidewalk on both Woodland Street and South Fifth Street. The subject property is also located near a historic property, St. Ann's Episcopal Church. St. Ann's is a two-story brick structure located approximately 70 feet north of the Woodland Street right-of-way, northeast of the subject property. The St. Ann's building is most immediately impacted by Eastside Heights, which lies directly south of St. Ann's. Though the proposed building would be the highest in the immediate area, both the setback and distance from the two-story church should help mitigate any height incompatibility.

The proposed plan is generally consistent with T5 MU policy. Commercial use—including hotel use—is consistent with the policy. The eleven-story height falls within the range recommended in the T5 MU policy area. While the subject property is not a corner lot, it is located adjacent to Interstate 24; as the area between the subject property and Interstate 24 is State-owned right-of-way, it is unlikely to develop, giving the subject property some characteristics of a corner lot. Generally, higher buildings are supported at intersections. Because the proposed SP is consistent with stated policy goals, staff recommends approval.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

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

- After the construction drawings are approved, then show the Stormwater features to the plat (water quality, etc.).
- Once recorded, cite the Maintenance Agreement to the plat.

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

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

- Approved as a Preliminary SP only. Public and/or private Water and Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. 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**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Note: A private hauler will be required for waste/recycle disposal.
- Site plan shall utilize Alternative 1 proposed: Pull-off and Loading/unloading operations are to take place internally via the garage. (cont.) Apply to T&P to have the frontage signed no parking/loading zone. Comply w/ traffic comments.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- Off-site improvements and contributions to multimodal projects in the vicinity of the site will be finalized with NDOT prior to Final SP submittal. These improvements will be reflected in the finalized traffic study.
- Comply with Roads comments.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.79	0.6 F	20,647 SF	779	19	79

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	0.39	-	260 R	2,508	125	169

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.2	-	1,860 SF	70	2	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.2	-	4,550 SF	510	45	45

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,309	+153	+142

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to hotel with structured parking and all other uses permitted in the CS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.

4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Maximum building height shall not exceed that of elevations included in the preliminary SP.
11. The building shall incorporate a stepback with 15-foot depth above the second floor on the Woodland Street frontage. The stepback shall be no higher than 43 feet from finished grade.
12. Building elevations submitted with final SP shall have building design—including massing, glazing, and façade articulation—that is substantially similar to the elevations approved with the preliminary SP.
13. Parking calculations shall be reviewed with final SP.
14. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.

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

**Resolution No. RS2023-032**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-080-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to hotel with structured parking and all other uses permitted in the CS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Maximum building height shall not exceed that of elevations included in the preliminary SP.
11. The building shall incorporate a stepback with 15-foot depth above the second floor on the Woodland Street frontage. The stepback shall be no higher than 43 feet from finished grade.
12. Building elevations submitted with final SP shall have building design—including massing, glazing, and façade articulation—that is substantially similar to the elevations approved with the preliminary SP.
13. Parking calculations shall be reviewed with final SP.
14. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.

**22. 2022SP-084-001**  
**5646 AMALIE DRIVE**

Council District 27 (Robert Nash)  
Staff Reviewer: Amelia Lewis

On Consent: Tentative  
Public Hearing: Open

A request to rezone from R10 to SP zoning for property located at 5646 Amalie Drive, approximately 560 feet north of Huntington Parkway, (17.66 acres), to permit a multi-family residential development, requested by Catalyst Design Group, applicant; Amalie Property, LLC, owner.

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

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**APPLICANT REQUEST**

**Preliminary SP to permit 189 multi-family units.**

Zone Change

A request to rezone from One and Two Family Residential (R10) to Specific Plan (SP) zoning for property located at 5646 Amalie Drive, approximately 560 feet north of Huntington Parkway, (17.66 acres), to permit a multi-family residential development.

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 65 lots with 16 duplex lots for a total of 81 units, based on acreage alone. This does not account for compliance with Subdivision Regulations.*

**Proposed Zoning**

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

**SOUTH 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 AND PLAN DETAILS**

The 17.66 acre site is located on the east side of Amalie Drive, south of Amalie Court. The site has been developed with 109 multi-family units which would remain with the proposed development. The existing units are primarily located in the middle and southern area of the site. The northern portion of the site is currently undeveloped. The site is currently zoned R10. The proposed SP would retain the existing units on the site and permit the addition of 80 multi-family units, for a maximum of 189 units on the site, in the area of the site currently undeveloped. The existing units are referred to as District 1 in the proposed SP, while District 2 refers to the proposed new development.

The surrounding properties are primarily residential. To the north and south of the site the surrounding properties are zoned R10 and have been developed with one and two-family residential uses. The properties on the west side of Amalie Drive and to the east of the subject site are zoned R10 and Multi-Family Residential (RM15) and have been developed with multi-family units.

The proposed plan shows five structures in District 2. Two structures are oriented towards Amalie Drive, while the other structures are oriented internally. The structures are limited to 3 stories and 45 feet in height. The existing units in District 1 are oriented internally to the site and are 2-3 story split level structures. There is an existing vehicular entrance along Amalie Drive to serve the existing units. A proposed second vehicular entrance would be added to

serve the proposed units, and the two drives would be connected internally. A proposed 6 foot wide sidewalk and 6 foot wide planting strip are shown across the entirety of the site frontage.

#### **ANALYSIS**

There are two policies on the site. The Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban neighborhood with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. Development patterns in T3-NE areas will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land without sensitive environmental features and the cost of developing housing—challenges that were not faced when the original classic, suburban neighborhoods were built. Overall, the proposed density on the site is just under 11 units per acre, which is a density that can be supported by the T3 NE Policy.

The second policy on the site, Conservation (CO) is on the site due to grades ranging from 15 percent to greater than 25 percent. The existing units are constructed on the top of the grade on the site. The remaining, undeveloped portion of the site slopes down to Amalie Drive, with approximately 50 feet of grade change. The steepest grade is located along the boundary line between the proposed District 1 and District 2. The proposed site plan primarily locates the structures on the northwest and northern areas of the site, where the slopes are less intense. Between the two districts, with the most intense slopes, the site has been engineered to avoid grading in this area.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

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

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

#### **WATER SERVICES RECOMMENDATION**

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

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

#### **NASHVILLE DOT RECOMMENDATION**

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

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout any roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Approval comments: Refer to NDOT's conditions of approval for revised striping and a speed study for Amalie Dr.

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

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

- The applicant shall submit the previously scoped speed study for Amalie Drive once the data has been recollected. After review of the speed study the applicant may be required to implement necessary traffic calming measures on Amalie Drive. Further coordination with NDOT will be required.
- The applicant shall re-stripe Amalie Dr. from Old Hickory Boulevard to McMurray Drive. Modifications to the existing striping configurations on Amalie Drive may be required. Further coordination with NDOT will be required.
- All MCSP requirements along the frontage of Amalie Drive shall be shown.
- Parking shall be per Metro Code.
- Comply with Roads conditions.
- Ensure final design complies will all the codes and requirements of all Metro agencies.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	17.66	4.356 D	81 U	857	63	83

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	-	-	189 U	1,028	64	82

Traffic changes between maximum: **R10 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+108 U	+171	+1	-1

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R10 district: 7 Elementary 5 Middle 5 High

Projected student generation proposed SP district: 14 Elementary 10 Middle 6 High

The proposed zoning expected to generate 13 additional students than the existing zoning district. Students would attend Granberry Elementary School, Oliver Middle School, and Overton High School. All schools are identified as being at 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**

- Permitted uses shall be limited to a maximum of 189 multi-family units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
- On the corrected plan set, District 1 uses shall be revised to "109 multi-family units. Short term rental property (owner occupied) and short term rental property (not owner occupied) shall be prohibited.
- On the corrected plan set, District 2 uses shall be revised to "80 multi-family units. Short term rental property (owner occupied) and short term rental property (not owner occupied) shall be prohibited.
- On the corrected plan set, for District 1, architectural standard note 3 shall be revised to: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
- On the corrected plan set, references to fallback zoning shall be corrected to RM15.
- On page 9, remove note 28 under Development Notes.
- On the corrected plan please indicate the following: Along the norther property line, the 30' Type C Buffer Yard shall be located outside the existing drainage easement. No conflicts between the two shall occur.
- Comply with all conditions and requirements of Metro reviewing agencies.
- 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.
- If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 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.

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

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

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

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

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

Allison Tierney, 513 Amalie Court, spoke in opposition to the application.

John Tierney, 513 Amalie Court, spoke in opposition to the application.

Gilbert Gilchrist, 517 Amalie Court, spoke in opposition to the application.

Jennifer Squires, 336 Huntington Ridge Drive, stated she was not necessarily opposed but would like to see the conditions be more considered.

Andrew Wolthers spoke in rebuttal.

**Chair Adkins closed the Public Hearing.**

Vice Chair Farr said that from a policy perspective and looking at the surrounding development pattern, she can see how it is consistent and how this development scale would be a lot. She stated there may be a need for more analysis on the traffic on Amalie Court.

Ms. Johnson stated she understood the neighbors' concerns. She said that there are no restrictions and the property owner has the right to develop and sees improvements on the plan. Ms. Johnson asked if the green space on the plan is for reforestation.

Ms. Lewis responded that it is both preserving the area as a non-building area and also a revegetation area to help work as a retainer.

Ms. Johnson asked if they could add working with Storm Water where improvement is needed for the concrete drainage as a condition.

Ms. Milligan stated Storm Water would be analyzing the existing Storm Water facility to determine if it needed to be upgraded to meeting requirements. She said it will remain but may need to be modified to meet the Storm Water regulations.

Ms. Johnson asked for Ms. Milligan to address the blasting.

Ms. Milligan explained all of the blasting regulations are at the state level. Metro serves as a clearinghouse for getting permits but all of the inspections and regulations are through the state.

Ms. Johnson asked for clarification of the buffer.

Ms. Milligan advised there is a condition to make sure it is very clear that there is the Storm Water feature that is existing and then there will be a 30 foot Type C landscape buffer. She explained for every 100 feet there is a certain number of plantings required, made up of trees, canopy trees and lower level plantings. It is a combination of things that happen every 100 feet, repeated, that makes the buffer.

Ms. Johnson stated with the conditions and the ongoing traffic study discussion, she is in support of the plan.

Councilmember Withers stated the added density is efficient and adds much needed housing in a location that is close to a transit line and a school. He liked the preservation features built into the site.

Mr. Henley felt this is a project that highlights the ability to leverage development to address concerns with public infrastructure, traffic and storm water management. He said the addition in diversity of housing is solid.



Mr. Clifton asked what is ahead of them as far as an SP.

Ms. Milligan explained this is the preliminary SP, which is the point in the process where the uses and number of units are getting established. This is the rezoning to permit 80 new units on the site in this layout with these connections and sidewalks. This plan is what becomes the zoning on the property. She stated the next step is approval at the Council level. Ms. Milligan said if this is approved at the Council level, the second step is a final site plan. If the final site plan comes in and is consistent with this layout, then it is a technical administrative review, including Fire Department, Storm Water, Sewer, Planning and NDOT. She concluded, there are also master plans, final building permit plans and a grading permit.

Mr. Clifton stated he is reasonably comfortable with it with the understanding of how much still left to do.

Mr. Haynes stated that with the commitment from Councilmember Nash and the SP process, all of the concerned constituents will have another opportunity to voice feedback to make this a better plan. He said he was in support of staff recommendation.

**Mr. Haynes moved and Mr. Henley seconded the motion to approve with conditions and disapprove without all conditions. (7-0)**

**Resolution No. RS2023-033**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-084-001 is approve with conditions and disapproved without all conditions. (7-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 189 multi-family units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. On the corrected plan set, District 1 uses shall be revised to “109 multi-family units. Short term rental property (owner occupied) and short term rental property (not owner occupied) shall be prohibited.
3. On the corrected plan set, District 2 uses shall be revised to “80 multi-family units. Short term rental property (owner occupied) and short term rental property (not owner occupied) shall be prohibited.
4. On the corrected plan set, for District 1, architectural standard note 3 shall be revised to: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
5. On the corrected plan set, references to fallback zoning shall be corrected to RM15.
6. On page 9, remove note 28 under Development Notes.
7. On the corrected plan please indicate the following: Along the norther property line, the 30' Type C Buffer Yard shall be located outside the existing drainage easement. No conflicts between the two shall occur.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. 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.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. 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.
13. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Chair Adkins left the meeting.

Vice Chair Farr took over the meeting.

**23. 2022SP-087-001**

**6010 PASQUO ROAD SP**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Donald Anthony

On Consent: Tentative

Public Hearing: Open

A request to rezone from AR2a to SP zoning on a portion of property located at 6010 Pasquo Road, approximately 520 feet south of Nunahi Trail, (5.3 acres), to permit 20 multi-family residential units, requested by Dale & Associates, applicant; Nancy A. Tritschler, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit 20 residential units.**

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) on property located at 6010 Pasquo Road, approximately 520 feet south of Nunahi Trail (5.3 acres), to permit 20 multi-family residential units.

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units. Codes makes the final determination for duplex eligibility.*

**Proposed Zoning**

Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes 20 detached multi-family units.*

**BELLEVUE 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 CONTEXT AND PLAN DETAILS**

The preliminary SP application is for a 4-acre portion of a 5.3-acre parcel located along the west side of Pasquo Road, approximately 520 feet south of Nunahi Trail. The property lies adjacent to the Davidson County – Williamson County boundary, and approximately 5,000 square feet of the property lies within Williamson County; no development is proposed for the portion of the property located in Williamson County.

The property is currently zoned AR2a. One single-family residential unit is located on the property. Adjacent zoning includes: AR2a on the north, west, and southwest; SP on the southwest; and SP on the northeast. Adjacent land uses include institutional (church) on the north and single-family residential on the remaining sides. The Stephens Valley subdivision—a single-family residential development—is located southeast of the subject property in Williamson County.

The proposed SP includes 20 detached residential units and an amenities area. Each residential unit would have frontage on a gated private street, which would connect to Pasquo Road on the east. A sidewalk would be constructed along the Pasquo Road frontage. The private street serving the development would terminate in a hammerhead turnaround.

As shown on the elevations below, each unit would be two stories in height, have a front-entry garage, and have brick or masonry equivalent as the primary exterior material with cementitious and wood siding as accent materials. Gross density of the development would be five units per acre. While the proposed density is greater than the adjacent lots to the west and south, it is comparable to approved developments in the area, including the Stephens Valley subdivision (Williamson County) to the southeast, Stephens Valley West subdivision to the north, and

Traceside to the northwest. Proposed setbacks include 60 feet on the front, 20 feet on the rear, and 10 feet on the sides. Stormwater detention ponds would be situated on the east side of the property between the proposed development and Pasquo Road. A twelve-foot landscape buffer is proposed along the perimeter of the property. Existing trees along the Pasquo Road frontage will be preserved as well.

**ANALYSIS**

The T3 NE policy is characterized in part by moderate-density residential development, a diverse housing mix, and moderate to high levels of connectivity. Recommended building types include a range of housing choices including single-family residential units, low and mid-rise townhouses, and low and mid-rise flats.

The T3 NE policy emphasizes consistent landscaping and inviting, functional, and accessible open space within the development. The proposed plan includes a twelve-foot landscape buffer around the perimeter of the property. It also includes a pavilion and swimming pool for residents' use; the pavilion and pool would be located near the center of the development, within a short walking distance of all the residential units. The property itself is located approximately 1,000 feet east of the Natchez Trace Parkway and 400 feet from Parkway-associated property owned by the National Park Service.

The proposed plan is generally consistent with the T3 NE Policy. The proposed housing type, density, building height, and other characteristics of the development align with the T3 NE policy. While the proposed development would be of a higher density than the rural residential areas on the south and west, it would be consistent with the densities of newer and recently approved residential developments in the area. Because the proposed SP is consistent with stated policy goals, staff recommends approval.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- Position gate to allow 45' perpendicular approach and departure for fire apparatus access.
- RF operated 'Click-2-Enter' gate operation is required.
- T-turnaround shall be marked and signed as fire lane.
- Verify turning radius meets the requirements for fire apparatus (26' inside, 48' outside).

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Provide half ST-252 road section along Pasquo frontage.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- Shift vehicular turnaround on private access a minimum of 20' measured from the ROW Line.
- Divider/median on private road will need to be flush with the pavement to meet Metro Parking Design Standards.
- Parking shall be per Metro Code.
- Comply with Roads comments.

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)	4	0.50 D	4 U	54	8	5

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	-	-	20 U	107	7	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+16 U	+53	-1	+5

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing AR2a district: 0 Elementary 0 Middle 0 High**  
**Projected student generation proposed SP-R district: 1 Elementary 1 Middle 1 High**

The proposed SP is anticipated to generate 3 additional students beyond what is generated under the current SP zoning. Students would attend Harpeth Valley Elementary, Bellevue Middle School, and Hillwood High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 20 residential units. Short-term rental property, owner-occupied and short-term rental property, not-owner occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Maximum building height shall not exceed that shown on elevations included in the preliminary SP.

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

**Resolution No. RS2023-034**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-087-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 20 residential units. Short-term rental property, owner-occupied and short-term rental property, not-owner occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association

6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Maximum building height shall not exceed that shown on elevations included in the preliminary SP.

**24. 2023SP-003-001  
630 DIVISION STREET**

On Consent: Tentative  
Public Hearing: Open

Council District 19 (Freddie O'Connell)  
Staff Reviewer: Hazel Ventura

A request to rezone from DTC to SP zoning for property located at 630 Division Street, approximately 130 feet east of 7th Avenue South, (0.09 acres), to permit a mixed-use development, requested by Chisel Workshop, applicant; Jim & Candace Higgins, owners.

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

**APPLICANT REQUEST**

**Preliminary Specific Plan to permit a mixed-use development.**

Zone Change

A request to rezone from Downtown Code (DTC) to Specific Plan (SP) zoning for property located at 630 Division Street, approximately 130 feet east of 7th Avenue South, (0.09 acres), to permit a mixed-use development.

**Existing Zoning**

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

**Proposed Zoning**

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. This Specific Plan includes mixed-use building containing residential and commercial uses.

**DOWNTOWN NASHVILLE COMMUNITY PLAN**

**Existing Policy**

T6 Downtown Neighborhood (T6 DN) is intended to maintain and create downtown DN neighborhoods comprised of diverse development characteristics, that contain a mix of uses such as residential, commercial, and institutional uses. The policy seeks to appropriately transition from less intense areas of T6 DN areas to the more intense T6 Downtown Core policy areas. The neighborhoods are comprised of high levels of connectivity and complete street networks, sidewalks, bikeways, and transit.

**Gulch South Neighborhood**

**Supplemental Policy**

09-T6-DN-GS-Division Street is intended to accommodate a mix of uses limited to mid-rise developments. The supplemental policy identifies vital gateways, intersections where additional building height may be considered, as well as opportunities to provide recreation and leisure.

**SITE CONTEXT AND PLAN DETAILS**

The approximately .09-acre site is located approximately 638 feet due East from the intersection of Division Street and 8<sup>th</sup> Street Ave South. The site contains one street frontage, Division Street. Division Street is classified as an Arterial Boulevard in the Major and Collector Street Plan (MCSP). The surrounding area consists of multi-family residential and commercial uses.

**Proposed Site Plan for the Regulatory SP**

The site plan proposes an approximately 3,800 square foot mixed-use building. The first floor consists of retail or a restaurant space, and vehicular entry and access to the two parking spaces and a shared area for loading and unloading for the retail tenant and penthouse owner. The second floor is planned to be a one multi-family residential unit, referenced as the penthouse in the site plan.

The proposed building is situated on property that is irregularly shaped. It is enclosed by railroad tracks to the Northeast and a medical office to the West. The property's access is limited to Division Street. The building will have a separate entry drive which is positioned closest to the southwest corner of the site, making use of an existing curb cut that will be shared with the adjacent property. The existing sidewalk will remain as the site is partially constrained by the Division Street Bridge. The proposed design intends to have dining tables and seating fronting the retail or restaurant, which will require a mandatory referral for the encroachment within the Right-of-Way.

#### **ANALYSIS**

The site was created in 2019 from railroad right-of-way; The DTC designates property created by the abandonment of right-of-way to be zoned as Open Space Subdistrict. Rezoning the property to SP would allow the flexibility for the property to use the development standards of the Gulch South Subdistrict of the Downtown Code, bringing the site and proposal into compliance with the development standards of its surrounding neighborhood.

#### **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**

- Applicant to submit for grading permit exemption prior to building permit approval.

#### **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.

#### **GREENWAYS RECOMMENDATION**

##### **Approve**

- No greenway easement is being required due to surrounding obstruction and topography.

#### **NASHVILLE DOT RECOMMENDATION**

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

- Prior to final, proof of ownership and possible abandonment of excess ROW, between existing property line and Division St., shall be worked out. If aforementioned ROW was purchased and currently owned by Metro, coordinate w/ NDOT.
- Provide a site waste management (loading and unloading) plan. Loading/unloading will not be allowed curbside from Division St. ROW. Apply to Traffic & Parking to sign 'No loading/unloading zone' curbside along Division St. ROW frontage.
- Due to proximity of Division St. bridge, vehicular backing-out movements, via proposed access ramp, will not be allowed.

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

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

- Remove the call-out for Division St ROW abandonment. This request shall be done separately from the SP and shall be finalized prior to Final SP approval.
- The shared curb cut with the neighboring parcel to the West, shall not exceed 35'.
- Due to the proximity of this development to the Division Street Bridge, backing out of this access is prohibited and shall not occur in any circumstance.
- Comply with Roads comments.

#### **METRO SCHOOL BOARD REPORT**

Existing student generation existing DTC district: 0 Elementary 0 Middle 0 High

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

The proposed SP zoning district is not expected to generate additional students than what is typically generated under the existing DTC zoning district. Students would attend Jose Paideia Elementary Magnet School, John Early Middle School, and Pearl-Cohn High School. All schools are under capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be per the Downtown Code – West Area.
2. Building height should be a minimum of 25 feet at the street.
3. If any public street element, including but not limited to the planting strip, sidewalk, bridge, etc. is damaged during the construction of the proposed building, the owner must ensure the damage is repaired.
4. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
5. Comply with all conditions of Metro reviewing agencies.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The 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. 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 Gulch South Subdistrict of the Downtown Code zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**Resolution No. RS2023-035**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-003-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be per the Downtown Code – West Area.
2. Building height should be a minimum of 25 feet at the street.
3. If any public street element, including but not limited to the planting strip, sidewalk, bridge, etc. is damaged during the construction of the proposed building, the owner must ensure the damage is repaired.
4. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval by Planning Staff.
5. Comply with all conditions of Metro reviewing agencies.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The 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. 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 Gulch South Subdistrict of the Downtown Code zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

25. **2023SP-009-001**  
**5901 CALIFORNIA SP**  
Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Dustin Shane

On Consent: Tentative  
Public Hearing: Open

A request to rezone from IR to SP zoning for property located at 5901 California Ave., at the southeast corner of 60th Ave. North and California Ave. (8.12 acres), to permit a mixed-use development, requested by Fulmer Lucas, applicant; Skylight Land, LP, owner.

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

#### **APPLICANT REQUEST**

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

##### Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) zoning for property located at 5901 California Avenue, at the southeast corner of 60th Avenue North and California Avenue (8.12 acres), to permit a mixed-use development.

##### **Existing Zoning**

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

##### **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 application consists of one parcel (Map 091-02, Parcel 239) totaling 8.12 acres and bounded by California Avenue on the northeast, 60<sup>th</sup> Avenue North on the northwest, Treaty Oaks Drive on the southwest, and the West Mill Townhomes development on the east. The multi-family developments to the east and south are zoned SP. To the north across California Avenue is an area of CS zoning that governs a restaurant and a single-family home. The residential area across 60<sup>th</sup> Avenue North is zoned R6. The subject property contains a light manufacturing use that features a community mural along the 60<sup>th</sup> Avenue North frontage.

##### Site Plan

The SP is intended to create a mixed-use development. The plan authorizes the creation of 300 multi-family residential units (density of 16.55 units/acre) and commercial square footage based on a FAR of 1.5. The SP includes a site plan as well as bulk standards, a grading/drainage plan, and a landscaping plan with a note that the final site plan will meet the requirements of Code (with the exception of the southern buffer yard, which will be reduced to a Type A from the required Type B because of space constraints). A note indicates parking will not be provided in excess of the UZO maximum standard. Existing industrial buildings in the southern half of the site will remain and be repurposed for commercial activities on a separate parcel. East and north of these buildings are the multi-family units, housed in two buildings not to exceed four stories in height. These units will be parked by a parking garage wrapped on three sides. Amenities include pickle ball courts interior to the site and a patio dining area along 60<sup>th</sup> Avenue North. The leasing office corner along 60<sup>th</sup> Avenue North will be architecturally significant. The internal drives will feature surface parking. A pool and courtyard will be provided internal to the multi-family buildings. Five-foot sidewalks and parallel parking will be provided along the 60<sup>th</sup> Avenue North frontage. ROW will be dedicated, and a grass strip constructed along California Avenue.

#### **WEST NASHVILLE COMMUNITY PLAN**

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

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



## **ANALYSIS**

The property is within the T4 Urban Neighborhood Maintenance (T4 NM) policy area. (A small area of Conservation policy exists along 60<sup>th</sup> Avenue North but the feature it was intended to protect appears to have been removed.) T4 NM policy is intended to maintain urban neighborhoods as characterized by their moderate- to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. T4 NM areas will experience some changes over time, primarily when buildings are expanded or replaced. The existing context of the site and neighborhood is mixed-use in character, with medium-density multi-family present in SP zone districts, industrial buildings currently on site, and commercial uses in the vicinity. The application proposes to retain some of this existing built fabric by converting it to commercial use and integrating multi-family in a way that allows the site to retain its prominence while better interfacing with the surrounding streetscape. Medium-density uses are appropriate for T4 NM areas, especially in situations such as this where adjacent attached units are already present and where the existing industrial uses are being replaced by commercial and residential uses.

In addition, infill areas such as this are identified in the policy as being suitable for a more diverse mix of housing than similar locations that are also interior to the neighborhood. The stacked flats character of the development is an appropriate step up in intensity from the context based on this infill guidance but will not overwhelm the existing neighborhood because of the special characteristics and prominence of the site. The policy states that when sites contain uses not consistent with the T4 NM policy guidance (such as the existing industrial use on site), rezonings that otherwise might be considered inappropriate can be approved to achieve closer conformance with policy. The multi-family and commercial uses within the proposed SP would accomplish this goal.

The development will be within easy walking distance of a WeGo Route (19 Herman) and will be well integrated into the existing urban streetscape, thus featuring high levels of connectivity. The buildings will address the sidewalk with shallow setbacks, with parking being located internal to the site rather than between buildings and the ROW.

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows an appropriately intense mixed use development that achieves the intent of the urban policy areas within which it is located. The proposal will maximize this prominent location within the neighborhood while also providing more opportunities to meet the existing needs of the surrounding community.

## **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**

- Any improvements other than standard at grade paving or greenspace may require an encroachment agreement with Metro Water Services. This shall be determined upon application for grading permit and verified prior to Final SP approval.
- 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 RECOMMENDATION**

### **Approve with conditions**

- With 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 stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Dimension ROW pavement widths for clarity. Provide waste plan for site. Note: A private hauler will be required for waste/recycle disposal. Add note: There shall be no vertical obstructions in new sidewalks, ROW pavement and/or curb & gutter. If necessary, coordinate with NES to have existing utility poles relocated to either the furnishing zone or orient sidewalks to the rear of poles. (cont.) If needed, dedicate additional ROW to accommodate sidewalks jogs beyond MCSP requirements. Comply w/ NDOT traffic comments.
- Roads approval comments:
  - California Ave: Provide half the ST-252B (55 ft. ROW) section, from CL, along property frontage and call out on site plan.

- 60th Ave: Provide half the ST-252 (50 ft. ROW), from CL, along frontage and call out on site plan.
- Provide new curb and gutter, per ST-200, along entire ROW frontage.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- The southern driveway close to Louisiana Ave needs to be reduced to a 1 ingress/1 egress. Reduce width of the driveway to a max of 24'.
- The preliminary traffic memo assessed pedestrian infrastructure in the area. All of the infrastructure needs in the area outlined in that memo shall be constructed by this development in addition to any other outcomes from the full traffic that is to be submitted. These initial infrastructure improvements include the following:
  - Morrow & Tennessee:
    - Construct pedestrian curb ramps on Morrow Rd & Tennessee Ave for existing crosswalk.
    - Extend curbs for a shorter crosswalk distance.
    - An enhanced pedestrian crossing may be required per FHWA Guidance.
  - Morrow & 60th:
    - Install a crosswalk on the east leg with ADA compliant ramps and detectable warning mats.
    - Extend curbs on the Northern side of Morrow for each approach to shorten the crossing distance while also preventing parking near the intersection.
    - Install a crosswalk on the Northern leg of the intersection across 60th Ave with adequate ADA ramps and detectable warning mats.
  - 60th & California:
    - Install a crosswalk on the north & east legs with ADA compliance and detectable warning mats.
    - Add sidewalk on the South side of California Ave (to provide a continuous sidewalk between 60th Ave N and 58th Ave N).
    - Add sidewalk on the east side of 60th Ave N (to complete a gap and provide connectivity to the sidewalk on Morrow Rd).
    - Add stop lines on all approaches. v. Add 'all-way' plaque to westbound stop.
  - 58th & California:
    - Install a pedestrian crossing on California with adequate ADA ramps and detectable warning mats. Advanced pedestrian crossing signage shall also be installed per MUTCD and FHWA guidance.
    - Install a crosswalk on the Western leg of the intersection across 58th Ave.
- Prior to Final SP approval, applicant shall submit a full TIS that has been properly scoped with NDOT
- Prior to Final SP approval applicant shall coordinate with relevant Metro Nashville teams, including developer services, WeGo, and Walking and Biking, to determine appropriate improvements to be built by developer. These may include but are not limited to improvements listed in the study.
- Prior to Final SP approval, applicant may complete supplementary analysis as needed to ensure the safety and feasibility of the site.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	8.12	0.6 F	212,224 SF	381	36	40

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
Retail (820)	4.06	1.5 F	265,280 SF	10,014	250	1,011

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)	4.06	1.5 F	265,280 SF	29,759	2,637	2,592

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+41,025	+2,951	+3,691

**METRO SCHOOL BOARD REPORT**

Projected student generation existing IR districts: **0 Elementary 0 Middle 0 High**

Projected student generation proposed SP-MU district: **23 Elementary 18 Middle 14 High**

The proposed SP-MU zoning is expected to generate 55 more students than the existing zoning districts. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Approve with conditions and disapprove without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 300 multi-family residential units and a maximum FAR of 1.5 for non-residential uses as specified on the Specific Plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. At final site plan, comply with any architectural refinements from staff for the leasing office corner.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**Resolution No. RS2023-036**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-009-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to 300 multi-family residential units and a maximum FAR of 1.5 for non-residential uses as specified on the Specific Plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. At final site plan, comply with any architectural refinements from staff for the leasing office corner.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

4. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**26. 2023SP-013-001  
253 NESBITT LANE**

On Consent: Tentative  
Public Hearing: Open

Council District 08 (Nancy VanReece)  
Staff Reviewer: Donald Anthony

A request to rezone from R10 to SP zoning for property located at 253 Nesbitt Lane, near the southeast corner of Heritage Glen Drive and Nesbitt Lane, zoned R10 (9.88 acres), to permit a mixed-use development with 194 multi-family residential units and nonresidential uses, requested by Hawkins Partners, Inc., applicant; Nashville Public Radio, owner.

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

**APPLICANT REQUEST**

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

Preliminary SP

A request to rezone from One and Two-Family Residential (R10) to Specific Plan (SP) zoning for property located at 253 Nesbitt Lane, near the southeast corner of Heritage Glen Drive and Nesbitt Lane (9.88 acres), to permit a mixed use development with 194 multifamily residential units and nonresidential uses.

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 43 lots with 10 duplex lots for a total of 53 units. Codes makes the final determination on duplex eligibility.*

**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 194 multifamily residential units in addition to 7,000 square feet for commercial uses.*

**MADISON COMMUNITY PLAN**

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

**SITE CONTEXT AND PLAN DETAILS**

The preliminary SP application is for a 9.88-acre property located along the south side of Nesbitt Lane, approximately 40 feet east of Heritage Glen Drive. The property is currently zoned R10. Four radio towers are currently situated on the property. Adjacent properties are zoned: R10 on the north and northeast; IWD on the east; and RS7.5 and PUD on the south and west. Adjacent land uses include: two-family residential on the north; industrial on the west; open space for the Heritage Glen PUD Subdivision on the southeast and west; and single-family residential on the northeast and southwest. The site has frontage on Nesbitt Lane; however, no paved access currently exists on the site. The east property line—which lies adjacent to an industrial zoning district and uses—is lined with a dense, mature tree row.

The proposed SP includes: a 100,000-square foot mixed use building with up to 115 multifamily residential units and 7,000 square feet of commercial space; 79 townhouses; and a single radio tower situated at the southeast corner of the property. The mixed use building would have frontage on Nesbitt Lane and would have a height of four stories (55 feet). The building would have a stepback six feet in width above the third floor; residential balconies would be permitted within the stepback area. All residential units in the mixed use building would have one or two bedrooms.

The townhouse units would be located south of the mixed-use building and would have height of up to three stories (35 feet). All townhouse units would have two bedrooms. Of the 79 townhouse units, 70 would have two-car garages, while the remaining nine would be surface-parked. A large parking lot primarily serving the mixed use building would be located on the west side of the property, and parking rows primarily serving the townhouse units would be scattered throughout the development. Using the Zoning Code's parking standards, 196 spaces would be required for this development; 216 spaces are shown on the plan.

All streets within the development would be private. Access to the site would be via a single access point on Nesbitt Lane. The development includes an internal sidewalk network as well as an eight-foot sidewalk and four-foot planting strip along the Nesbitt Lane frontage. A 20-foot wide Type C landscape buffer would be installed along the western and southern boundaries where the development lies adjacent to the Heritage Glen PUD subdivision and associated open space. One radio tower would remain on the site; it would be situated near the location of an existing tower at the southeastern corner of the property and would have a 200-foot fall zone on all sides. The proposed radio tower would be subject to standards set forth in Chapter 17.16, Article II, of the Zoning Code.

The primary exterior materials for all structures would be brick and/or stone masonry; 45 percent or greater of each façade would consist of primary materials. Cementitious siding would be a secondary material and could constitute up to 35 percent of each façade. Prefinished metal panels would be incorporated as accent materials and would constitute no more than 20 percent of each façade. Other architectural components would follow MUL-A standards.

#### **ANAYLSIS**

The T4 MU policy is characterized in part by: high levels of connectivity and complete street networks; moderate to high density residential development, mixed use, commercial, light industrial, and institutional uses; parking behind or beside buildings and generally accessed by side streets or alleys; and buildings constructed to the back edge of the sidewalk, creating a pedestrian-friendly environment. The policy further supports mixed use buildings with first floor tenant space of 10,000 square feet or less.

The subject property is located along Nesbitt Lane, which is identified as a mixed use collector avenue on the Major and Collector Street Plan (MCSP). A 59-foot right-of-way is required; the SP includes right-of-way dedication to satisfy the MCSP requirement. The site lies approximately one-quarter of a mile west of Gallatin Pike. NashvilleNext identifies Gallatin Pike as an immediate-need high capacity transit corridor; this indicates that more frequent transit already operates in the area, and routes are likely to be upgraded to accommodate higher capacity transit in the future.

The proposed residential density (19.6 residential units per acre), uses, and parking layout are generally consistent with the T4 MU policy. The mixed use building fronting Nesbitt Lane would have 7,000 square feet of ground floor commercial space; this complies with the policy's guidance for first floor tenant spaces. The front façade of the mixed use building would be located approximately ten feet behind the sidewalk, providing a transition from the more suburban residential development on the west and north to the higher-intensity commercial development along Gallatin Pike to the east. Because the proposed SP is consistent with applicable policy goals, staff recommends approval.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

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

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

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

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

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, on final: Callout roadway sections (if necessary), ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.
- Offsite sidewalk extension and ramp along Nesbitt shall be in the public ROW. (cont.) Coordinate with Heritage Glen subdivision HOA on ROW dedication, if necessary to accommodate new intersection ramp and sidewalk extension.
- Dimension new sidewalk/grass along Nesbitt ROW. In general, reference MCSP for requirements.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- Phasing lines need to be adjusted to include the full roads that will be used as access points for phase 1.
- Phase 1's parking needs to all be included with Phase 1's construction. As the site plan is showing the phasing lines, Phase 1 only has 151 parking spots. Phase 1 requires 178 spots.
- Provide bedroom counts for the townhomes to confirm parking requirements. If they are all 1 or 2 bedrooms, then the requirement is being met.
- Note all off-site improvements from the finalized traffic study and include designs in building permit plan set submittal:
  - a) If there is existing ROW at Nesbitt & Gallatin, the eastbound approach of Nesbitt should be restriped to include one left-turn lane and one right turn lane with 75 feet of storage.
  - b) Coordinate with WeGo on transit improvement needs in the area. These improvements will be either completed by this development, or a contribution to go towards the improvements will be made.
  - c) At Gallatin Pike & Anderson Drive, the crosswalks are to be refreshed and detectable warning mats will be added where currently missing by this development.
  - c) At Nesbitt Lane & Gallatin Pike, add detectable warning mats, ADA ramps, and crosswalks where currently missing.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	9.88	4.356 D	72 U	527	35	44

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)	-	-	188 U	1,023	64	82

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)	-	-	7,000 SF	264	7	27

Traffic changes between maximum: **R10 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+760	+36	+65

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R10 district: 6 Elementary 5 Middle 6 High

Projected student generation proposed SP-MU district: 20 Elementary 13 Middle 12 High

The proposed SP is anticipated to generate 28 additional students beyond what is generated under the current SP zoning. Students would attend Stratton Elementary, Madison Middle School, and Hunters Lane High School. All three

schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

#### **CONDITIONS**

1. Permitted uses shall be limited to a maximum of 194 residential units and 7,000 square feet of nonresidential floor area. Short-term rental property, owner-occupied and short-term rental property, not-owner occupied shall be prohibited. Nonresidential uses are limited to those permitted in the MUL-A-NS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Prior to approval of final SP for the radio tower, all standards and procedural requirements for a telecommunications facility established in Section 17.16.16.080.C of the Zoning Code shall be satisfied.
11. A landscape strip with minimum width of five feet shall be placed along the entire frontage of each townhouse between the unit and the sidewalk. The landscape strip shall be shown on the corrected copy of the preliminary SP.
12. On corrected copy of the preliminary SP, reorient north arrow on cover sheet to show correct orientation.
13. Prior to approval of final SP, applicant shall provide water and sewer availability/cap

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

Parker Hawkins, Hawkins Partners, 110 South 10<sup>th</sup> Street, spoke in favor of the application.

Joe Neuzil, 4024 Murphy Road, spoke in favor of the application.

Valerie Scruggs, 429 Amquiwood Court, spoke in opposition to the application.

Brea Williams, 1753 Heritage Glen Drive, spoke in opposition to the application.

Sheila Stricklin Allen, 1712 Heritage Glen Drive, spoke in opposition to the application.

Don Allen, 1712 Heritage Glen Drive, spoke in opposition to the application.

Parker Hawkins spoke in rebuttal.

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

Mr. Henley commended the creativity in the plan. He said he wanted to highlight, from a design standpoint, the effort to condense four towers into one and the way the easement on the site is utilized to create a string of connectivity from the community spaces. Mr. Henley asked about the intention with only one entrance point onto the private drive.

Ms. Milligan stated there is limited opportunity for further connectivity. She said there are a couple of different pedestrian connections and one vehicular access, which NDOT has said is OK and it works from a fire safety standpoint. Ms. Milligan said they like to have public road connectivity but when it is more of an infill site, the surrounding land uses have already been established and it becomes more difficult to get multiple access points.

Mr. Henley said with that one entrance point, the queuing of the traffic is contained on the site. He stated the areas of bio retention is something that will hopefully have a complimentary impact on the homeowners nearby.

Mr. Clifton stated he does not have anything to add and will be supporting this plan.

Mr. Haynes said this is a fantastic repurposing of the site with four radio towers and is in support of the plan.

Councilmember Withers said this is a creative plan and thought it is neat to take the space in the easement and create a central parkway out of it. He stated it added density to continue supporting vitalization. Mr. Withers said he is happy to hear of crosswalk improvements and is in support of the plan.

Ms. Johnson thought overall this is a well thought out plan. She asked about the buffer for the new combined radio tower and if it was safe for the surrounding area.

Mr. Anthony responded that typically when looking at a radio tower, you look at a fall zone, the part of the tower that could fall over in a wind event. He advised they have installed 200 feet, which will be compared against the tower when they actually bring the tower in for them to review and make sure that is adequate.

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

**Resolution No. RS2023-037**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-013-001 is approve with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 194 residential units and 7,000 square feet of nonresidential floor area. Short-term rental property, owner-occupied and short-term rental property, not-owner occupied shall be prohibited. Nonresidential uses are limited to those permitted in the MUL-A-NS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Prior to approval of final SP for the radio tower, all standards and procedural requirements for a telecommunications facility established in Section 17.16.16.080.C of the Zoning Code shall be satisfied.
11. A landscape strip with minimum width of five feet shall be placed along the entire frontage of each townhouse between the unit and the sidewalk. The landscape strip shall be shown on the corrected copy of the preliminary SP.
12. On corrected copy of the preliminary SP, reorient north arrow on cover sheet to show correct orientation.
13. Prior to approval of final SP, applicant shall provide water and sewer availability/cap



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

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

On Consent: No  
Public Hearing: Open

A request to rezone from RS5 to RM15-A zoning for property located at 1717 Luton Street, approximately 450 feet south of East Trinity Lane (0.32 acres), requested by Development Management Group, applicant; X5 Construction LLC and Metropolitan Construction LLC, owners.

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

**The Metropolitan Planning Commission deferred 2023Z-001PR-001 to the March 9, 2023, Planning Commission meeting. (6-0)**

**28. 2023Z-003PR-001**

Council District 01 (Jonathan Hall)  
Staff Reviewer: Laszlo Marton

On Consent: No  
Public Hearing: Open

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

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

**Zone change from RS10 to R10.**

Zone Change

A request to rezone from Single Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 4120 Buenaview Court, west of the terminus of Bobwhite Court (.41 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 1 unit.*

**Proposed Zoning**

One and Two Family Residential - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 1 lots with 1 duplex lot for a total of 2 units. Codes makes the final determination of duplex eligibility.*

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

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

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

**ANALYSIS**

The application consists of one parcel (Map 059-05, Parcel 150) totaling 0.41 acres in size located on the southern side of Buenaview Court. The property contains a single-family home built in 1971. Surrounding uses are single-family residential and all surrounding properties are zoned RS10. The properties on both sides of Buenaview Court and Buenaview Blvd are within T3 NM policy area.

The application proposes to rezone the property from RS10 to R10. The requested R10 zoning allows for single-family dwellings and duplexes. According to the Community Character Manual, T3 Suburban Neighborhood Maintenance is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas allow for higher intensity residential buildings nearer to centers and corridors; however, this site is in the middle

of the T3 NM policy area and the character of the neighborhood is not defined by a mixture of housing types. The location of this parcel is not in an area of transition and therefore introducing a higher intensity is not appropriate considering the surrounding uses and the goals of T3 NM policy. The existing zoning is appropriate and allows for development at a scale that fits with the current character of the neighborhood.

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.41	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.41	4.356 D	2 U	28	7	2

\*Based on two-family lots

Traffic changes between maximum: **RS10 and R10**

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R10 district: 0 Elementary 0 Middle 0 High

The proposed R10 zoning is expected to generate no more students than the existing RS10 zoning district. Students would attend Cumberland Elementary, Haynes Middle School, and Whites Creek High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends disapproval of R10.

Ms. Milligan advised that the applicant for Item 28 would like a three meeting deferral, to defer to the March 23, 2023 meeting.

Erica Gilmore stood up and spoke from the audience. She stated she and ten others have waited two hours to hear this Bill and it was just pulled five minutes ago. Ms. Gilmore said the applicant did not give any courtesy to say he was going to pull the Bill and there have been no community meetings.

Ms. Milligan suggested the Planning Commission recommend deferral to the March 23, 2023 meeting and indicate that a community meeting needs to be held before it comes back to the Planning Commission on that date. Mr. Clifton asked if the Commission has the authority to move forward if they chose to do so?

Ms. Milligan answered that if an application is filed by the applicant and then they ask for the application to be deferred, they typically honor that request.

Ms. Ladd agreed that they keep in practice of how they have done it before.

Mr. Clifton said it is a courtesy offered to the applicant and the Councilmember but not required by Metro Ordinance.

Ms. Ladd stated it could be in the rules and would have to look it over. She said she would have that information for him tomorrow.

Mr. Henley encouraged constituents to send emails to the Commissioners, put their concerns in writing, as it is very impactful. He stressed that those concerns are read and could be presented as material even if the constituent is not present.

Mr. Clifton stated the constituents can do both; write them and also show up to the meeting.

**Mr. Haynes moved and Mr. Clifton seconded the motion to defer to the March 23, 2023, Planning Commission meeting including a community meeting be held prior to the next MPC. (6-0)**

**Resolution No. RS2023-038**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-013-001 is deferred to the March 23, 2023, Planning Commission meeting. (6-0)

Vice Chair Farr called for a ten minute break.

**29. 2023Z-004PR-001**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Laszlo Marton

On Consent: Tentative  
Public Hearing: Open

A request to rezone from RS10 to R10 zoning for property located at 2619 Old Buena Vista Road, approximately 300 feet northwest of Day Street (0.41 acres), requested by Reginald Holder, applicant; Reginald Holder & Cassandra Christiansen, ETAL, owners.

**Staff Recommendation: Approve R10 with conditions.**

**APPLICANT REQUEST**

**Zone change from RS10 to R10.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 2619 Old Buena Vista Road, approximately 300 feet northwest of Day Street (.41 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 1 unit.*

**Proposed Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 1 lot with 1 duplex lots for a total of 2 units. Metro Codes makes the final determination of duplex eligibility.*

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

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Haynes Trinity Supplemental Policy

The site is within the Haynes Trinity Supplemental Policy which was approved and adopted by the Planning Commission on January 11<sup>th</sup>, 2018. The mobility plan component of the Haynes Trinity Planning Study calls for a more connected street system to provide a strong and cohesive block structure. The Major Collector Street Plan has been updated because of the Haynes Trinity Supplemental Policy and a planned Collector Avenue that would connect Old Buena Vista Rd and Buena Vista Pike is slated to run through the southern portion of the site.

**ANALYSIS**

The application consists of one parcel (Map 070-07, Parcel 001) totaling .41 acres in size located on the western side of Old Buena Vista Road. The property contains a single-family home built in 1954. Surrounding uses are residential

and properties to the east and west are zoned RS10, and properties to the south were recently rezoned to RM20-A-NS.

The application proposes to rezone the property from RS10 to R10. The property is within the T3 Suburban Neighborhood Maintenance policy area. The CCM lists R10 zoning as an appropriate zoning under T3 NM policy. The proposed R10 district would allow single family and duplex dwellings next to an area that is in transition. The property's proximity to T4 RC and T4 NC Policy make the slight increase to One and Two-Family (R10) zoning more appropriate.

Staff would note that a rezone to this site should provide assurances for public infrastructure as specified in the Haynes Trinity Mobility Plan Supplemental Policy. A future collector street is planned to extend through the rear corner of the property, therefore staff's consideration for a rezone at this site is contingent on the condition to dedicate right-of-way for the future collector street.

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.41	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.41	4.356 D	2 U	28	7	2

Traffic changes between maximum: **RS10 and R10**

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 districts: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R10 district: 0 Elementary 0 Middle 0 High

The proposed R10 zoning is expected to generate no more students than the existing RS10 zoning district. Students would attend Cumberland Elementary, Haynes Middle School and Whites Creek High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval of R10 with conditions.

**CONDITIONS**

1. Prior to the issuance of building permits, right-of-way for the future collector street required to meet the Public Works standards shall be dedicated.

**Approve R10 with conditions. (6-0)**

**Resolution No. RS2023-039**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-004PR-001 is approved R10 with conditions. (6-0)

**CONDITIONS**

1. Prior to the issuance of building permits, right-of-way for the future collector street required to meet the Public Works standards shall be dedicated.

**30. 2023Z-008PR-001**  
Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

On Consent: Tentative  
Public Hearing: Open

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 Kyonzté Toombs, applicant; Brick Church Pike Sitework, LLC, owner.

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

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

**31. 2023Z-013PR-001**  
Council District 16 (Ginny Welsch)  
Staff Reviewer: Eric Matravets

On Consent: Tentative  
Public Hearing: Open

A request to rezone from RS7.5 to R8 zoning for properties located at 232 and 233 Wheeler Avenue, at the western corner of Wheeler Avenue and Tibbs Drive (0.55 acres), requested by Matthew McKinney, applicant; Chris Haynes and M&F Properties, LLC, owners

**Staff Recommendation: Approve.**

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#### **APPLICANT REQUEST**

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

##### Zone Change

A request to rezone from Single Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for properties located at 232 and 233 Wheeler Avenue, at the western corner of Wheeler Avenue and Tibbs Drive (0.55 acres).

##### **Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. RS7.5 would permit a maximum of 1 unit per each existing lot.

##### **Proposed Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. R8 would permit a maximum of 1 duplex per each existing lot for a total of 4 units. Duplex eligibility is made by the Codes Department.

#### **SOUTH NASHVILLE 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.

#### **SITE AND CONTEXT**

The 0.55-acre site is located at the western corner of Wheeler Avenue and Tibbs Drive, approximately 800 feet east of Nolensville Pike. Both 232 and 233 Wheeler Avenue are occupied by single-family houses built in 1945. Surrounding uses are residential to the north (RS7.5), west (RS7.5 and R8), east (RS10), and south (R8).

#### **ANALYSIS**

The Community Character Manual lists R8 zoning as a potentially appropriate zoning category under T3 NM policy. There is precedent for this zone in the local policy context: 2 four-family quadplexes abut the site to the south along Tibbs Drive, and two-family houses are located approximately 325 feet west at the corner of Wheeler Avenue and Sanford Avenue. This request aligns with the existing pattern of two-family houses at or near intersections in the Neighborhood Maintenance policy area. Therefore staff recommends Planning Commission approve the request for R8.

**FIRE MARSHAL RECOMMENDATION**

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.55	4.94 D	3 U	41	7	3

Maximum Uses in Proposed Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	.55	5.79 D	6 U	78	9	7

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	+37	+2	+5

**METRO SCHOOL BOARD REPORT**

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

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

The proposed R8 zoning is not expected to generate any additional students than the zoning district. Students would attend Glenclyff Elementary School, Wright Middle School, and Glenclyff High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

Mr. Matravers presented the staff recommendation to approve.

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

Sarah LaSpina, 3512 Sanford Avenue, spoke in opposition to the application.

Steve Sanders, 217 Wheeler Avenue, spoke in opposition to the application.

Jon Michael spoke in rebuttal.

**Vice Chair closed the Public Hearing.**

Ms. Johnson asked about the history of changing this property from R8 to RS7.5 in 2003.

Ms. Milligan stated it looks like that was at the request of Councilmember at the time, as part of a downzoning of around 640 or so acres, from R8 to RS7.5 and from R10 to RS10; so, this was part of that downzoning.

Ms. Johnson said looking at the larger area, this is T3 maintenance and mixed with R8 and is not outside the character to change R8. She stated she is torn on this one and is interested to hear how other Commissioners feel about his request.

Councilmember Withers stated Nashville's needs have changed and the need for housing is increasing all the time. He felt that R zoning is consistent with neighborhood maintenance and this seems like an appropriate location for the increase in units.

Mr. Henley stated he is a supporter of incremental and gentle density going into these communities. He said the storm water requirements are improving the dynamic of neighborhoods and is in support of the application.

Mr. Clifton stated he is in support of this because it is a corner lot and it makes sense for all the reasons Mr. Michael suggested.

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

**Resolution No. RS2023-040**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-013PR-001 is approved. (6-0)

**32. 2023Z-014PR-001**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Laszlo Marton

On Consent: Tentative  
Public Hearing: Open

A request to rezone from RS5 to R6 zoning for property located at 1210 Katie Avenue, approximately 260 feet north of Fern Avenue, (0.17 acres), requested by Brian Vance, Inc., applicant; Brian Milton Vance & James Garty, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS5 to R6.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6) zoning for property located at 1210 Katie Ave approximately 260 feet north of Fern Avenue (.17 Acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two-Family Residential (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 1 lot with 1 duplex lots for a total of 2 units. Final determination for duplex eligibility is made by Codes.*

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

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

Haynes Trinity Supplemental Policy

The site is within the Haynes Trinity Supplemental Policy which was approved and adopted by the Planning Commission on January 11<sup>th</sup>, 2018. The mobility plan component of the Haynes Trinity Planning Study calls for a more connected street system to provide a strong and cohesive block structure.

**ANALYSIS**

The application consists of one parcel (Map 071-10, Parcel 112) totaling .17 acres located on the western side of Katie Avenue. The property contains a single-family home built in 1948. Surrounding uses are residential and zoned RS5 and R6.

The application proposes to rezone the property from RS5 to R6. The property is within the T4 Urban Mixed Use Neighborhood policy area. The CCM lists R6 as an appropriate zoning district under T4 MU policy. T4 MU policy intends to maintain, enhance, and create urban mixed use neighborhoods. The proposed R6 district would allow up to 2 units on the property, a slight increase in intensity from the existing zoning. Nearby lots to the west and south of the subject property have been rezoned to R6 as recently as 2020. Overall, the rezoning supports T4 MU Policy and the goals of NashvilleNext to promote a mixture of housing types.

**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)	.17	8.712 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	.17	7.260 D	2 U	28	7	2

\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

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

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

The proposed R6 zoning is expected to generate no more students than the existing RS5 zoning district. Students would attend Alex Green Elementary, Haynes Middle School, and Whites Creek High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (6-0)**

**Resolution No. RS2023-041**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-014PR-001 is approved. (6-0)

**33. 2023Z-016PR-001**

Council District 21 (Brandon Taylor)

Staff Reviewer: Eric Matravets

On Consent: Tentative

Public Hearing: Open

A request to rezone from RS5 to R6-A zoning for property located at 913 33rd Avenue North, approximately 200 feet south of Clare Avenue (0.14 acres), requested by XE Development Company, LLC, applicant; Reuben O. Harris, owner

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 913 33<sup>rd</sup> Avenue North, approximately 200 feet south of Clare Avenue (0.14 acres).

**Existing Zoning**

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



**Proposed Zoning**

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

**NORTH NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The 0.14 acre site is located on the south side of 33<sup>rd</sup> Avenue North approximately 200 feet south of Clare Avenue. The site is vacant with no structures. Properties abutting or adjacent to the north, south, east and west are all zoned RS5. The property abutting the northern property line is vacant. The property along the southern property line is occupied by a single-family house. The properties abutting the western property line (across an alley) are occupied by single-family houses. The property directly across the street of 33<sup>rd</sup> Avenue North is occupied by a three-family house (adjacent to another three-family house, itself).

**ANALYSIS**

The existing pattern of development on this block is a mixture of 1–3 unit houses. The Community Character Manual lists R6-A as a potentially appropriate zone tool for T4 NM. In this context, the requested R6-A zone would continue the existing pattern of development and maintain the urban neighborhood character. Therefore staff recommends approval of the request.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.14	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	.14	7.71 D	2 U	28	7	2

\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

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

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

Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn 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 approval.

**Approve. (6-0)**

**Resolution No. RS2023-042**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-016PR-001 is approved. (6-0)

**34. 2023Z-017PR-001**

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

On Consent: No  
Public Hearing: Open

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: Defer to the February 23, 2023, Planning Commission meeting.**

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

**35. 188-84P-005**

**CENTURY SOUTH I-24**  
Council District 33 (Antoinette Lee)  
Staff Reviewer: Logan Elliott

On Consent: Tentative  
Public Hearing: Open

A request to revise a portion of a Planned Unit Development for properties located at Hobson Drive (unnumbered), approximately 200 feet west of Muci Drive (140.7 acres), zoned CS and R8, to permit 460 residential units and 315,100 square feet of nonresidential uses, requested by Gresham Smith, applicant; Century South Associates, LLC, Nishith Jobalia & Nayan Patel, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise preliminary plan for a portion of a Planned Unit Development.**

Revise Preliminary PUD

A request to revise a portion of a Planned Unit Development for properties located at Hobson Drive (unnumbered), approximately 200 feet west of Muci Drive (140.7 acres), zoned Commercial Service (CS) and One and Two-Family Residential (R8), to permit 460 residential units and 315,100 square feet of nonresidential uses.

**Existing Zoning**

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

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

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

**APPROVED PLAN**

The subject location of the PUD, referred to as Phase 3, is approximately 141 acres and is currently approved for 359,000 square feet of non-residential land uses and 460 multi-family residential units. The approved plan includes a public street that intersects Old Hickory Boulevard and extends north and parallel to I-24 and ultimately connects through other portions of the Century South PUD and up to Old Franklin Road. The approved plan also includes a new public street that extends to the west and makes a connection with the

adjacent phase to the west and to the north. Otherwise, the plan includes private drives and surface parking that draw access from these two public roads. The non-residential land uses are located near Old Hickory Boulevard and the residential land uses are more interior to the site.

### **REQUEST DETAILS**

This is a request to revise the preliminary PUD for Phase 3 of the Century South PUD. The application proposes to modify the site plan layout of the non-residential and multi-family residential land uses as well as the public street locations. The plan retains the same street connections currently approved and makes minor adjustments to the street layout. The application does not propose to modify the unit counts of any land uses. The application does not require concurrence by the Metro Council and the Planning Commission is the final reviewing authority for this application.

### **PLAN DETAILS**

The proposed plan modifies the site plan to adjust the layout and building forms for this approximately 141-acre section of the Century South PUD. The plan proposes to maintain the two public streets and the associated connection points that are included in the currently approved plan. The proposed plan includes four development phases and the first phase includes the entirety of the public street connection from Old Hickory Boulevard to the north property boundary, setting up for the future extension of this roadway ultimately to Old Franklin Road.

The four phases of development for this portion of the PUD are referred to as 3A, 3B, 3C, and 3D. A fifth phase, 3E, is identified, however no development is proposed and this portion of the property is left as natural open space.

#### Phase 3A

Phase 3A includes the public street stemming from Old Hickory Boulevard and running parallel to I-24 as well as a first portion of the public street that extends west. The land use of this phase is limited to 300 multi-family residential units with surface vehicle parking.

#### Phase 3B

Phase 3B includes the remainder of the public street infrastructure associated with this PUD and completes the public street network provided with Phase 3 of the Century South PUD. The land use of this phase is limited to 160 townhome units. The townhomes are permitted to be a maximum of 4 floors in 50' and include garage parking in combination with driveway parking.

#### Phase 3C

Phase 3C is the portion of property between I-24 and the new public street that runs parallel, and the site plan shows the retail land uses to be located in this phase. The plan provides large retail buildings to the rear, surface parking in front of these large buildings, and some smaller out-parcel type buildings that front onto the new public street.

A cemetery is known to exist in this area and the plans show the anticipated boundary of the cemetery for buffering purposes. This is shown on the site plan and this feature would be preserved with the development of the site as required by Tennessee state law. Staff is requesting that a Ground Penetrating Radar survey be conducted and the findings submitted with the first final site plan application within Phase 3 considering the proximity of the public street to this cemetery area. Additionally, staff is requesting a public access easement be provided to allow access to the cemetery once the property is developed.

#### Phase 3D

Phase 3D is the final development phase proposed with this application and is the property adjacent to Old Hickory Boulevard. A mixture of land uses are proposed including hotel, restaurant, fast-food, office, and retail. The 100-foot building setback along the southern property line is being maintained from the currently approved plan and a cross section included in the plans shows how these subdivision to the south will be buffered from this area.

### **ANALYSIS**

Section 17.40.120.F. permits the Planning Commission to approve "minor modifications" under certain conditions.

F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

- a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
- b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;

- c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
- d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
- e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
- f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

The proposed plan does not meet any of the criteria above for requiring concurrence by the Metropolitan Council. The application proposes to modify the site plan layout and building forms of the approved preliminary plan and is consistent with the concept of the council approved plan.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

- Second point of access is required for any multi-family development of 200 units or more. Maximum grade for fire apparatus access routes/ roads shall not exceed 10%.

**METRO HISTORIC ZONING STAFF**

Due to concerns about unmarked burials of the Pasquet Cemetery, particularly in overgrown areas near the edges of what MHC staff was able to survey and map in August 2022, MHC recommends GPR to confirm the boundaries of the cemetery and proceeding with caution when conducting any site preparation activity near the cemetery. Additional recommendations to support the preservation and protection of the cemetery include: 1) Construction fence at the 10 ft buffer line (or greater) during construction to be replaced by a permanent fence during or after construction; 2) A metal sign, not to exceed 6 square feet, noting the name and date of the cemetery at the cemetery entrance; and 3) A 5' wide public access easement (can consult with MHC on location).

**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 PUD 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. The required capacity fees must also be paid prior to Final PUD approval, a minimum of 30% of capacity & 100% of DAPARC fees must be paid in order to receive approval. (See Capacity fee Permit #'s T2022042001 & T2022042006).

**NDOT RECOMMENDATION**

**Approve with conditions**

- With final: Include proposed public roadway construction drawings (profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Provide detail section with plan set. 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 off public roads. Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments and phase conditions of the PUD. New North-South collector road section: Prior to final PUD submittal, coordinate with NDOT on final North-South collector roadway section.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Due to the absence of an explicit phasing plan associated with the overall PUD, the sequence of off-site improvements shall be determined upon approval of finalized PUD plans. Shared responsibility of each improvement's implementation shall also be agreed upon by land owners within the PUD prior to final plan approval.
- The nomenclature for each section of the overall PUD shall be as follows; (the Northern portion [Phase 1A & 1B], the Middle portion [Phase 2A, 2B, 2C, & 2D], and the Southern portion [3A, 3B, 3C, & 3D]).
- The following improvements shall be completed:
  - a. Old Hickory Boulevard and Firestone Parkway: The northbound approach of Old Hickory Boulevard shall be widened to convert the existing northbound right turn lane into a through lane, and a northbound right turn lane with at least 100 feet of storage. The additional northbound receiving lane shall be constructed in coordination with this improvement and shall extend 175 feet north of Firestone Parkway. Westbound dual left turn lanes shall be striped in at the intersection.

b. Old Hickory Boulevard and I-24 Westbound Ramps: Old Hickory Blvd shall be modified at the I-24 WB Ramps to accommodate a SB right turn lane utilizing the existing shoulder. The right turn lane shall have at least 150 feet of storage. Old Hickory Boulevard over I-24 shall be widened to include a secondary northbound left turn with at least 130 feet of storage. The I-24 WB On-Ramp shall be widened to provide a second receiving lane that extends 225 feet west of Old Hickory Boulevard and shall be associated with the construction of the northbound dual left turn lanes. The I-24 WB Off-Ramp shall be widened at Old Hickory Boulevard to include a secondary left turn lane with at least 150 feet of storage.

c. Old Hickory Boulevard and I-24 Eastbound Ramps: Old Hickory Boulevard over I-24 shall be widened to include a secondary southbound left turn with at least 130 feet of storage. The I-24 EB On-Ramp shall be widened to provide a second receiving lane that extends 225 feet east of Old Hickory Boulevard and shall be associated with the construction of the southbound dual left turn lanes. Old Hickory Boulevard shall be widened at the I-24 EB Ramps to include a northbound right turn lane with at least 150 feet of storage.

d. Old Hickory Boulevard and the Proposed Access Drive/Muci Drive: Old Hickory Boulevard at the proposed access shall be widened to include an additional southbound through lane, a southbound right turn lane with at least 150 feet of storage, and a southbound left turn lane with at least 100 feet of storage. A signal shall be installed at the intersection of Old Hickory Boulevard and the proposed access. Old Hickory Boulevard shall be widened at the proposed access to include a northbound left turn lane with at least 150 feet of storage. The site access along Hobson Drive shall be constructed with one entering and three exiting lanes. The secondary left turn lane shall be hatched until the intersection is signalized. The left turn lanes shall include at least 350 feet of storage. Old Hickory Boulevard shall be widened to include a second southbound through lane that ties into the existing left turn lane at the intersection with October Woods Drive. This improvement shall be associated with the construction of the secondary southbound through lane at the intersection of Old Hickory Boulevard and the proposed site access. Northbound Old Hickory Boulevard shall be striped to include a northbound left turn lane into Gilroy Church of Christ and shall be associated with the construction of the northbound left turn lane at the proposed access.

e. Old Franklin Road and Proposed Access Drive: A traffic signal shall be installed at the intersection of Old Franklin Road and the Proposed Access Drive, including pedestrian improvements.

- Without a full north-south roadway connection from Old Franklin Road to Old Hickory Boulevard through the PUD, full build-out of this portion of the PUD may not be permitted. A traffic access study may be required with each Final PUD.
- A traffic study to assess off-site intersections may be required prior to a Final PUD approval.
- Minor modifications may be made by NDOT to the required conditions of approval based on the findings and recommendations of future supplemental analyses related to this PUD.
- Phase 2A-2D (Barge Design) of the PUD will be conditioned to install a signal at the intersection of Old Franklin Road prior to full buildout of the development. It should be noted that an analysis for the signal should be completed at the end of Phase 2A, 2B, & 2C, to determine when it shall be constructed. The full connection to Old Hickory Boulevard will be required before full buildout of Phase 2 in order to accommodate this developments full density.
- At the time a connection is made to Old Hickory Boulevard, additional analysis shall be made to identify how the conditioned improvements (iii. [a] - iii. [d]) must be prioritized.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

#### **CONDITIONS**

1. A Ground Penetrating Radar survey shall be submitted with the first final site plan application for Phase 3 of the Century South PUD to identify and buffer the boundary of the known cemetery in Phase 3C.
2. A public access easement shall be provided in Phase 3C prior to the approval of the associated final site plan application.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

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

Mike Hunkler, Gresham Smith, spoke in favor of the application.

Quan Poole, Waller Lansden Law Firm, 511 Union Street, spoke in favor of the application.

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

Twana Chick, Cane Ridge Community Club, 5967 Cane Ridge Road, spoke in opposition to the application.

Quan Poole spoke in rebuttal.

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

Councilmember Withers stated he is interested in hearing from the applicant to get an understanding as to why constituents' concerns were not incorporated.

Quan Poole stated a lot of them are things you would see on the final plan and they have not gotten fully into the site. He said that was at the initial threshold level with some of the difficulty with those things.

Councilmember Withers referred to a presentation slide and asked if there were no changes to the blue section and is that why it is not included at this time.

Ms. Milligan stated the entire area came in for revision and there are not significant changes in the blue area, but the blue area is included for approval with this overall revision. She explained this is a grouping of phases and all of what is shaded is included in this approval, but there are substantial changes from the Council approved plan in that blue area and is consistent to what Council has approved.

Mr. Withers referred to the cemetery maintenance plan and asked about the plans to protect and preserve it after they identify the cemetery.

Quan Poole responded that they are going to follow whatever the recommendations come from the Tennessee Historical Commission.

Mr. Withers asked if the cemetery itself is part of the private property or if there is an endowment that pays to maintain it.

Quan Poole stated that when they do the radar technology and properly survey the area, if remains are found there, they are committed to doing the maintenance plan that has been outlined.

Mr. Withers asked Planning staff is that something that would be handled through the final version of the PUD review.

Ms. Milligan stated there is a condition that they would have to do the ground penetrating radar analysis prior to any final site plan approvals.

Mr. Withers asked to identify the location of the pedestrian rideshare and bus access.

Mike Hunkler stated that is one of the details they have no idea if there is going to be bus service on this road and if WeGo wants a bus pull-off that is something they can handle at final construction.

Mr. Withers asked about the speed limit.

Mike Hunkler responded they cannot set speed limits.

Ms. Milligan said that is a conversation that has to happen with their Department of Transportation, as it relates to the classification of the road and speed limit, and not a decision that can be made there.

Mr. Withers asked about a reserved parcel and how that would be handled.

Mr. Elliott answered that phase 3E is the white shaded phase on the center bottom portion of the presentation slide. He stated it has a lot of steep slopes and environmental areas with conservation policy. Mr. Elliott said the plan does not show development there, so no development is being approved for that portion of the site with this revision. He advised any future requests for development would either require a revision or a rezoning amendment application if they were increasing the land uses.

Mr. Withers thanked everybody for answering his questions and stated he was generally in support of the plan.

Ms. Johnson asked about the blue section of phase 3D because the applicant is not proposing any change to the plan and said she wanted to confirm that it is not their role to demand change or ask for change.

Ms. Milligan stated there is a slight change in the road layout and is generally the same as what was previously approved by the Council. She said if they wanted to come back and make changes, other than very slight changes, they would have to come back for another revision.

Ms. Johnson said everything is in the plan and the applicant will be following the State and Metro Historic recommendations; therefore, she is in support of this revision.

Mr. Haynes said the modifications are minor and he will support staff recommendation.

Mr. Clifton recognized a lot of work has been done on this and it is ambitious to try to deal with the cemetery and an active and aware neighborhood group. He felt there could be more discussion to make folks happier with what might happen. Mr. Clifton said he is not necessarily opposed to this but does not think he will vote for it now as it could be made clearer with a little bit more feedback from people who will be affected.

Mr. Henley stated he understood this plan has improved from where it was and knows there is still some work to be done. He is glad the Historic Commission is involved. Mr. Henley felt he is able to support what was put in front of them, especially with the staff conditions, particularly the requirement to study the cemetery through ground penetrating radar and commitment to continue work with the Historic Commission.

**Mr. Haynes moved and Mr. Henley seconded the motion to approve with conditions. (5-1) Mr. Clifton opposed.**

**Resolution No. RS2023-043**

"BE IT RESOLVED by The Metropolitan Planning Commission that 188-84P-005 is approved with conditions. (5-1)

**CONDITIONS**

1. A Ground Penetrating Radar survey shall be submitted with the first final site plan application for Phase 3 of the Century South PUD to identify and buffer the boundary of the known cemetery in Phase 3C.
2. A public access easement shall be provided in Phase 3C prior to the approval of the associated final site plan application.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**36. 2021S-183-001**  
**RESUBDIVISION OF PART OF LOT 40 PLAN OF CLIFTON**  
Council District 21 (Brandon Taylor)  
Staff Reviewer: Dustin Shane

On Consent: Tentative  
Public Hearing: Open

A request for final plat approval to create three lots on property located at 39th Avenue North (unnumbered), approximately 230 feet south of John L Driver Avenue, zoned RS7.5 (0.69 acres), requested by Dale and Associates, applicant; 39th Avenue Partners LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat to create three single-family residential lots.**

Final Plat

A request for final plat approval to create three lots on property located at 39<sup>th</sup> Avenue North (unnumbered), approximately 230 feet south of John L. Driver Avenue, zoned Single-Family Residential (RS7.5) (0.69 acres).

**SITE DATA AND CONTEXT**

**Location:** 230 feet south of John L. Driver Avenue on the west side of 39<sup>th</sup> Avenue North.

**Street Type:** The site has frontage along 39<sup>th</sup> Avenue North. The street is classified as a local street.

**Approximate Acreage:** 0.69 acres or 30,056.4 square feet.

**Parcel/Site History:** The property (Tax Map 091-04, Parcel 073) is comprised of a portion of Lot 40 on the Plan of Clifton, as of record in book 21, page 35, recorded in 1858.

**Zoning History:** The zoning is RS7.5. The RS7.5 zoning district was established in 2006. Prior to the RS7.5 zoning, the parcel was zoned R6.

**Existing land use and configuration:** One parcel consisting of vacant residential land.

**Surrounding land use and zoning:**

North: Single-Family Residential (RS7.5)

South: Single-Family Residential (RS7.5)

East: Institutional (R6)

West: Single-Family Residential (RS7.5)

**Zoning:** Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. height: 3 stories

Min. street setback: 40'

Min. rear setback for all properties: 20'

Min. side setback for all properties: 5'

Maximum Building Coverage: 0.45

**PROPOSAL DETAILS**

**Number of lots:** Three (3)

**Lot sizes:**

Lot 1: 10,956.67 sq. ft.

Lot 2: 11,626.97 sq. ft.

Lot 3: 11,284.31 sq. ft.

**Access:** All lots have direct access to 39<sup>th</sup> Avenue North.

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

**APPLICABLE SUBDIVISION REGULATIONS**

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

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

**3-1 General Requirements**

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

**3-2 Monument Requirements**

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed.

**3-3 Suitability of the Land**

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



### 3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the RS7.5 zoning district. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS7.5 zoning at the time of building permit.

### 3-5 Infill Subdivisions

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

*3-5.2 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels.*

- a. *All minimum standards of the zoning code are met.*  
All proposed lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*  
All lots have frontage along 39<sup>th</sup> Avenue North.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.* The T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS7.5 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
  1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*  
All lots meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 39.66 feet. The frontage width for Lot 1 is 137.98 feet; the frontage width for Lot 2 is 60 feet; and the frontage width for Lot 3 is 50 feet.
  2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*  
All lots meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.14 acres, or 6,098.40 square feet. Lot 1 is approximately 0.25 acres (10,956.67 square feet); Lot 2 is 0.27 acres (11,626.97 square feet); and Lot 3 is 0.26 acres (11,284.31 square feet).
  3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used.* New homes will be required to meet the contextual setback standards per the Metro Zoning Code.
  4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*  
The orientation of the proposed lots is consistent with the surrounding parcels along 39<sup>th</sup> Avenue North.
- e. *The current standards of all reviewing agencies are met.*  
All agencies have recommended approval or approval with conditions.

The proposed subdivision meets all requirements of subsections a, b, c, d and e and is therefore found to be harmonious and compatible with the goals of the General Plan. Subsection f of this section of the Subdivision Regulations applies only in instances where a subdivision fails to meet subsection d and is therefore not applicable to this case.

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

*3-5.6 Reasonable Conditions*  
Staff is not proposing any special conditions.

### 3-6 Blocks

Not applicable to this case. This proposal is for an infill subdivision. No new blocks are being created.

**3-7 Improvements**

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

Not applicable to this case. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalk requirements will be reviewed at the time of building permit, pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

Not applicable to this case. The proposal is for an infill subdivision located on an existing street. No new streets are proposed.

**3-10 Requirements for Dedication, Reservations, or Improvements**

39<sup>th</sup> Avenue North is classified as a local street. No dedications, reservations, or improvements are required.

**3-11 Inspections During Construction**

Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

Not applicable to this case. No new streets are proposed.

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

Not applicable to this case. No new streets are proposed.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

Public Water is provided to this site by Metro Water Services. Water Services has reviewed this plat and has recommended approval.

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

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

**PLANNING STAFF COMMENTS**

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

**POLICY CONSIDERATIONS**

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

The Community Character Manual (CCM) policy applied to the site is Suburban Neighborhood Maintenance (T3 NM). T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NM areas within the suburban transect are intended to maintain the general character of suburban areas while providing enhanced housing choice and connectivity.

Moderate levels of connectivity with street networks and sidewalks are a key feature of T3 NM areas. Lot sizes within the broader policy can vary and zoning districts ranging from RS40 to RS7.5 are supported depending on context.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**  
Approve

**STORMWATER RECOMMENDATION**  
Approve

**NASHVILLE DOT RECOMMENDATION**  
Approve with conditions

- New driveway connections or access points will require a permit from the Public Works Department. Adequate sight distance must be provided per AASHTO for new driveway connections.

**TRAFFIC AND PARKING RECOMMENDATION**  
Approve

**WATER SERVICES RECOMMENDATION**  
Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on November 29, 2022) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 22WL0008. A bond amount of \$111,000.00 is assigned to 22WL0008.

**STAFF RECOMMENDATION**  
Staff recommends approval with conditions.

**CONDITIONS**

1. Each lot shall be limited to single-family residential uses only.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2021S-183-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

**Resolution No. RS2023-044**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021S-183-001 is approved with conditions. (6-0)

**CONDITIONS**

1. Each lot shall be limited to single-family residential uses only.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**37. 2022S-079-002**  
**WILLIAMSON HOMESTEAD**  
Council District 12 (Erin Evans)  
Staff Reviewer: Logan Elliott

On Consent: Tentative  
Public Hearing: Open

A request for concept plan approval to create 99 residential lots on properties located at 1053 and 1061 Tulip Grove Road, approximately 950 feet south of Old Lebanon Dirt Road, zoned RS15 (46.27 acres), requested by Crenshaw Land Surveying, applicant; Albert Jones ET UX and Schell Brothers Nashville, LLC, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan approval to permit 99 single-family lots.**

Zone Change

A request for concept plan approval to create 99 residential lots on properties located at 1053 and 1061 Tulip Grove Road, approximately 950 feet south of Old Lebanon Dirt Road, zoned Single-Family Residential (RS15) (45.44 acres).

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

**Location:** The site is located on the east side of Tulip Grove Road, south of Old Lebanon Dirt Road. Rachael's Ridge, Christina Court, and Glenfalls Drive all stub into the site from existing subdivisions. Central Pike is just under a mile to the south.

**Street Type:** The site has frontage onto Tulip Grove Road which is classified as an Arterial Boulevard in the Major and Collector Street Plan.

**Approximate Acreage:** The proposed area for subdivision is approximately 45.44 acres or 1,979,336 square feet.

**Parcel/Site History:** This site is comprised of two parcels. The northern parcel has existed since at least 1969 and the southern parcel has existed since 1978.

**Zoning History:** The property is zoned RS15 and this zoning has existed since 1998, when it was rezoned from R15.

**Existing land use and configuration:** The site contains two single-family residential land uses.

#### **Surrounding land use/zoning:**

North: Residential/Single-Family Residential (RS15)  
South: Residential/Single-Family Residential (RS15)  
East: Residential/Single-Family Residential (RS15)  
West: Residential/Single-Family Residential (RS15)

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

Min. lot size: 15,000 square feet  
Max. height: 3 stories  
Min. front setback: 20'  
Min. rear setback: 20'  
Min. side setback: 10'  
Maximum Building Coverage: 0.35

#### **PROPOSAL DETAILS**

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application. This proposal utilizes the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code.

**Number of lots:** 99 single-family lots.

**Lot sizes:** Lot sizes range from 0.17 acres (7,500 square feet) to 0.41 acres (18,068 square feet).

**Access:** Access is proposed from Tulip Grove Road as well as from the three stub streets that are being extended into this development. These stub street connections include Rachael's Ridge, Glenfalls Drive, and Christina Court.

#### **APPLICABLE SUBDIVISION REGULATIONS**

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

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

This proposal meets Chapter 3 of the Subdivision Regulations and utilizes the cluster provisions allowed by the Zoning Code.

## **CLUSTER LOT OPTION**

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

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

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

The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district. The site is zoned RS15 and requires a minimum 15,000 sq. ft. lot size so the site would need to be a minimum of 150,000 sq. ft. to be eligible. The site contains approximately 2,013,778 sq. ft. and exceeds the minimum area requirement to be eligible to utilize the cluster lot option.

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

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

The gross area of this site is approximately 45.44 acres or 1,979,336 sq. ft. The minimum lot size of the existing zoning district, RS15, is 15,000 sq. ft.

$$\begin{aligned} &1,979,336 \text{ sq. ft.} \times 0.15 = 296,900 \text{ sq. ft. (15\% of the gross site area reserved for streets)} \\ &1,979,336 \text{ sq. ft.} - 296,900 \text{ sq. ft.} = 1,682,435 \text{ sq. ft. (85\% of the gross area remaining to yield lots)} \\ &1,682,435 \text{ sq. ft.} / 15,000 \text{ sq. ft.} = 112 \text{ lots} \end{aligned}$$

### **Open Space Requirements (Section 17.12.090.D)**

A minimum of 15 percent of the gross land area of each phase is required to be provided as open space in a cluster lot subdivision. The proposed concept plan includes only one phase. The total open space provided is approximately 17.69 acres or 39% of the site. The proposed open space exceeds the minimum requirement.

### **Alternative Lot Sizes (Section 17.12.090.C)**

Lots within a cluster lot subdivision may be reduced in area the equivalent of two smaller base zone districts. The subject site is zoned RS15 and a reduction of two base zone districts would be down to the RS7.5 zone district. The RS7.5 zoning district requires a minimum lot size of 7,500 sq. ft. The smallest lot proposed in this subdivision exceeds the minimum 7,500 sq. ft. lot size requirement.

Perimeter lots oriented to an existing street are required to be at least ninety percent of the minimum lot size of the actual zoning of the property. This application does not include any perimeter lots oriented to an existing street. The lots near Tulip Grove Road have an open space parcel with a landscape buffer separating these parcels from the roadway.

Minimum lot size for perimeter lots not oriented to an existing subdivision depend on the abutting residential zoning district and the buffering that is provided on site. Lots may be reduced in size the equivalent of one zoning district (RS15 to RS10) with the installation of a standard B landscape buffer yard located within common open space or reduced the equivalent of two zoning districts (RS15 to RS7.5) with the installation of a standard C landscape buffer yard located within common open space. As proposed, all lots abutting a residential zoning district either meet the minimum lot size requirement or include a standard C landscape buffer.

The bulk standards of the zoning district which most closely resembles the alternative lot sizes chosen for any given phase of the development shall be employed for that phase of the subdivision. As proposed, this concept plan meets this requirement. Bulk standards will be applied with individual building permits.

### **Landscape Buffer Yard Requirements (Article IV)**

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern and eastern property lines are zoned RS15. The adjacent lots to the north, south, and the east are similar in size to the proposed lots; therefore, a buffer is technically not required on those sides. The plan provides a buffer yard along all property boundaries except in locations where steep slopes or other environmental features exist and these areas will be left in their vegetated natural state.

### **Hillside Development Standards (Section 17.28.030)**

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards.

These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. It is important to note that the Subdivision Regulations also includes hillside development standards. The proposed plan clusters lots on the portions of the site with slopes less than 20% grade, consistent with the hillside development standards and the cluster lot option.

**Floodplain/Floodway Development Standards (Section 17.28.40)**

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

**Recreational Facilities (Section 17.12.090.G)**

This section establishes the requirements for recreational facilities in subdivisions utilizing the cluster lot option. Recreational facilities are required for cluster lot subdivisions that contain 25 or more residential units. One facility is required for cluster lot subdivisions with 25 to 99 units. An additional facility is required for every 100 units in excess of 99. Recreational facilities can include, but are not limited to playgrounds, swimming pools, ball fields, gazebos, picnic areas and walking trails. The plan identifies the necessary recreational facilities within common open space for a cluster lot subdivision of this scope.

**SUBDIVISION REGULATIONS – CHAPTER 3**

**3-1 General Requirements**

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

**3-2 Monument Requirements**

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

**3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

**3-4 Lot Requirements**

All proposed lots comply with the minimum lot size of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of the RS15 zoning district and cluster lot requirements at the time of building permit.

**3-5 Infill Subdivisions**

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

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

**3-6 Blocks**

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

**3-7 Improvements**

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

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

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

**3-9 Requirements for Streets**

All streets as shown on the concept plan meet the minimum requirements for a public street. Additionally, the Subdivision Regulations Section 3-9.4.d indicates that all streets shall be properly integrated with the existing and proposed system of streets. Rachaels Ridge, Christina Court, and Glenfalls Drive were all constructed as stub streets, intended to extend in the future to provide for an interconnected street network. They were not built as permanent dead end streets.

**3-10 Requirements for Dedication, Reservations, or Improvements**

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

**3-11 Inspections During Construction**

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

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

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

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

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

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

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

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

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

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

**PLANNING STAFF COMMENTS**

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

Street connectivity is an important concept in planning and is supported by Nashville Next An adequate street network benefits the entire community by connecting neighborhoods and provides shorter and safer routes for pedestrians and cyclists. It provides alternate routes for emergency vehicles such as fire, ambulance and police which can reduce response time. An interconnected network can alleviate traffic congestion by redistributing traffic across a wider street network.

Additionally, the applicant held a community meeting for this project and as a result of the meeting, the applicant has identified some impact mitigation features that are being proposed with this plan. These include extra landscaping and buffering standards, a commitment to apply to the Traffic & Parking Commission to reduce the speed limit of a proposed street extension, and a subdivision monument sign at the street connection of Rachael's Ridge Drive.

**POLICY CONSIDERATIONS**

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

The Community Character Manual (CCM) policy applied to the site is primarily Suburban Neighborhood Evolving (T3 NE) with Conservation policy recognizing sensitive environmental features such as steep slopes and water features. T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NE areas with the suburban transect are intended to provide greater housing choice and improved connectivity. Conservation policy areas are intended 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.

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

**FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final construction plans and road grades shall comply with the design regulations established by the Nashville Department of Transportation, NDOT. Slopes along roadways shall not exceed 3:1.
- Roundabout design to conform to FHWA and AASHTO standards and striping per MUTCD. For reference, see the geometric design reference source prepared by FHWA Turner-Fairbank Highway Research Center - Roundabouts: An Informational Guide. Identify the splitter islands / pedestrian crossing.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions and requirements of Metro agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. The applicant shall submit an application to the Traffic & Parking Commission to consider reducing the speed limit of Rachael's Ridge Drive and the proposed connection and extension to 15 MPH. The results of this application shall be provided to Planning prior to approval of the final site plan application.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-079-002 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Emily Lamb, Thompson Burton Law Firm, 1801 West End Avenue, spoke in favor of the application.

Jules Jones, 1061 Tulip Grove Road, spoke in favor of the application.

Albert Jones, 1061 Tulip Grove Road, spoke in favor of the application.

Rick Luff, 3548 Glenfalls Drive, stated he likes the plan but has a problem with the enforcement of the connectivity issue.

Emily Lamb spoke in rebuttal.

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

Mr. Henley said he liked the plan; the critical focus on the buffers, the connectivity piece and thinking about preserving and conserving a lot of the area. He stated this is appropriate.



Councilmember Withers said it is a great and thoughtful plan. He is a fan of the connectivity and said he is in support of staff recommendation.

Ms. Johnson said this is a difficult site with a lot of slopes, but thought the applicant did a great job placing all the lots away from the critical lots. She liked the connectivity. Ms. Johnson thought this was a well thought plan following the T3 Neighborhood Evolving subdivision regulations and is in support of this plan.

Mr. Haynes stated he will support staff recommendation.

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

**Resolution No. RS2023-045**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-079-002 is approved with conditions. (6-0)  
**CONDITIONS**

1. Comply with all conditions and requirements of Metro agencies.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. The applicant shall submit an application to the Traffic & Parking Commission to consider reducing the speed limit of Rachael’s Ridge Drive and the proposed connection and extension to 15 MPH. The results of this application shall be provided to Planning prior to approval of the final site plan application.

**38. 2022S-247-001**  
**MILLIE SWEENEY & KIRK M. SWEENEY**  
Council District 01 (Jonathan Hall)  
Staff Reviewer: Jason Swaggart

On Consent: Tentative  
Public Hearing: Open

A request for final plat approval to create two lots on property located at 3525 Old Clarksville Pike, approximately 606 feet west of Whites Creek Pike, zoned R40 and AR2A, (9.15 acres), requested by Chap Surveyors, applicant; Millie & Kirk M Sweeney, owners.

**Staff Recommendation: Approve with conditions including an exception from Section 3-4.2.d to allow a flag lot.**

**APPLICANT REQUEST**

**Request for final plat to create two residential lots.**

Final Plat

A request for final plat approval to create two lots on property located at 3525 Old Clarksville Pike, approximately 606 feet west of Whites Creek Pike, zoned Agricultural and Residential (AR2A), (9.05 acres).

**SITE DATA AND CONTEXT**

**Location:** The property is located in Joelton. It is on the south side of Old Clarksville Pike and is just west of the intersection with Whites Creek Pike.

**Street type:** Old Clarksville Pike is rural mixed-use collector (T2-M-CA-2) with approximately 50 feet of right-of-way.

**Approximate Acreage:** 9.05 acres or 394,218 square feet.

**Parcel/Site History:** This site is comprised of a single parcel. The parcel was created by deed in 1950.

**Zoning History:** This site has been zoned AR2a and R40 since at least 1974.

**Existing land use and configuration:** The site is developed with a single-family use. The existing residential structure will be retained.

**Bulk Standards:**

Front Portion

One and Two-family Residential (R40) Min. lot size: 40,000 square feet

Min. street setback: 40’

Min. rear setback: 20’

Min. side setback: 15’

Max. building coverage: 0.25

Max. height: 3 stories

Rear Portion

Agricultural and Residential (AR2a)

Min. lot size: 2 acres

Min. street setback: N/A (no road frontage)

Min. rear setback: 20'

Min. side setback: 20'

Max. building coverage: 0.20

Max. height: 3 stories

**Surrounding land use and zoning:**

- North: Joelson Elementary (R40)
- South: Mobile Home (AR2a)
- East: Strip Shopping Center (CL)
- West: Single-Family (R40)

**PROPOSAL DETAILS**

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

**Number of lots:** 2

**Lot sizes:** Lot 1 is 2.26 acres (98,628 sq. ft.); Lot 2 is 6.89 acres (300,035 sq. ft.)

**Access:** Access is proposed from Old Clarksville Pike. The existing house on Lot 2 will maintain the existing drive and a new drive will serve Lot 1.

**APPLICABLE SUBDIVISION REGULATIONS**

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The property is in a Rural Neighborhood Center (T2 NC) and Conservation (CO) policy area. While the property is in a Rural Transect, the Rural Regulations found in Chapter 4 of the Subdivision Regulations do not apply to T2 NC and Chapter 3 of the Subdivision Regulations apply.

**3-1 General Requirements**

Staff finds that all standards are met.

**3-2 Monument Requirements**

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed. Due to the slopes on the site, but

**3-3 Suitability of the Land**

While there are some steep slopes on the property, building envelopes are provided outside of these areas. The plat also places the areas with steep slopes within a conservation area.

**3-4 Lot Requirements**

Both lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R40 and AR2a zoning at the time of building permit.

**3-5 Infill Subdivisions**

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

N/A. Compatibility requirements do not apply to T2 NC.

**3-6 Blocks**

This application does not propose to create any new blocks.

**3-7 Improvements**

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

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

Sidewalks will be requirements will be reviewed at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

This application does not propose to create any new streets,

**3-10 Requirements for Dedication, Reservations, or Improvements**

Right of way dedication is not required.

**3-11 Inspections During Construction**

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

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

No new streets are proposed.

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

Not applicable to this case. The proposal does not include private streets.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

Metro Water Services has reviewed the plat for water and has recommended approval.

**3-16 Sewerage Facilities**

Metro Water Services has reviewed the plat for sewer and has recommended approval.

**3-17 Underground Utilities**

N/A

**Subdivision Variances or Exceptions Requested**

Yes. Lot 1 is a flag lot. Section 3-4.2.d. of the Regulations generally does not permit flag lots; however, the regulations allow the Commission to grant exceptions. A variance is not required. As proposed, staff finds that the proposed flag lot meets the requirements for the Commission to grant an exception to permit Lot 1 as a flag lot.

**PLANNING STAFF COMMENTS**

With the exception of the flag lot, the proposed subdivision meets the standards of the Metro Subdivision Regulations and the standards of the Metro Zoning Code. Staff recommends approval with conditions including an exception from Section 3-4.2.d. to allow the proposed flag lot.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve with conditions

- Driveway connections must be permitted by the Nashville Department of Transportation and conform with Metro Code requirements.
- Traffic conditions to be set at the time of building permit approval for individual lots. (Traffic studies, driveway distances, access sight triangles, etc.)

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends approval with conditions including an exception from Section 3-4.2.d. to allow the proposed flag lot.

**CONDITIONS**

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

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-247-001 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions including an expectation from Section 3-4.2.d to allow a flag lot. (6-0)**

**Resolution No. RS2023-046**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-079-002 is approved with conditions including an exception from Section 3-4.2.d to allow a flag lot. (6-0)

**CONDITIONS**

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

**39. 2023S-007-001**

**MONTE CARLO ESTATES**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

On Consent: Tentative

Public Hearing: Open

A request for concept plan approval to create two lots on property located at Monte Carlo Court (unnumbered), at the current terminus of Monte Carlo Court, zoned RS10, (1.33 acres), requested by Carlson Consulting Engineers, Inc., applicant; Facilities Development Group LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept Plan to permit the removal of reserve status and to create a two lot subdivision.**

Concept Plan

A request for concept plan approval to create two lots on property located at Monte Carlo Court (unnumbered), at the current terminus of Monte Carlo Court (1.33 acres), zoned Single-Family Residential (RS10).

**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 5 lots.

**SITE DETAILS**

The site is located midblock along Monte Carlo Drive, north of Barnes Road. The site is approximately 1.3 acres in size and is identified as a reserve parcel located at the end of unimproved public right-of-way. A reserve parcel is a parcel identified on the plat as not a building site. When identified as a reserve parcel, it may include a reason for the reserve status, such as lack of utility lines to the property. In this case, the plat did not include a reason for the reserve status. The site has sloped areas towards the north and rear of the site.

## **PLAN DETAILS**

The application proposes to create two lots and improve the Monte Carlo Court right-of-way with a standard cul-de-sac. The applicant has received a Sidewalk Waiver allowing for a payment in-lieu of building the sidewalks. Lot 2 has steep slopes as defined in the Metro Zoning Code at the rear of the site so this lot is labeled as a critical lot. Otherwise, the development of the lots will be regulated by the Zoning code.

## **ANALYSIS**

This application is to create two lots and to remove the reserve parcel status. It was evaluated against two provisions within the Subdivision Regulations: (1) Criteria for Compatibility; and (2) Criteria for Removing Reserve status.

### Compatibility

The proposal to create two lots is not required to meet the compatibility standards in the Subdivision Regulations. Compatibility standards are defined in Section 3-5 and are applied in certain areas on an existing street. Monte Carlo Court is platted, but not constructed; therefore, it is not considered an existing street for purposes of this evaluation. Although meeting the compatibility standards for Section 3-5 is not required for this application, the Planning Commission's review of the reserve status does require an evaluation of how the proposal fits within the character of the surrounding neighborhood. This evaluation is below. Staff utilized compatibility standards for lot frontage and size, as noted below.

### Reserve Status

The original plat does not include a reason why the reserve status was added to this parcel. Removal of the reserve status requires Planning Commission approval. Section 2.8-1 of the Subdivision Regulations establishes criteria for determining whether to remove the reserve status:

- 1) The parcel fits into the character of the area and is consistent with the general plan. The existing lots along Monte Carlo Drive range from 11,900 square feet to 14,442 square feet. The proposed lots on Monte Carlo Court range from approximately 26,000 square feet to 33,000 square feet. Staff finds the proposed lots are generally consistent with the existing lots on Monte Carlo Drive, and the pattern of potential future development and lot sizes are generally consistent with the neighboring residential context.
- 2) That all minimum standards of the Zoning Code are met. Staff Comment: The proposed lots meet the minimum standards of the RS10 zoning district.
- 3) That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.3.c, 4-6.3, or 5-3.1. Staff comment: The lots will have frontage on Monte Carlo Court.
- 4) The current standards of all reviewing agencies are met. Staff Comment: All agencies have approved the plat.

Staff finds the proposed concept plan and removal of reserve status is consistent with the community character.

## **FIRE MARSHAL RECOMMENDATION**

**Approve**

## **STORMWATER RECOMMENDATION**

**Approve with conditions**

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

## **WATER SERVICES RECOMMENDATION**

**Approved with conditions**

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

## **NASHVILLE DOT RECOMMENDATION**

**Approved with conditions**

- In-lieu of sidewalk construction payment should be assessed at the time of building permit application for cost of construction. ZW 20220080816
- With relocation of neighboring parcel's drive, previous access is to be closed and curb and gutter to be built on Monte Carlo Drive.
- A bond will be required for new public infrastructure. This will be assessed after road construction plan approval.

## **TRAFFIC & PARKING RECOMMENDATION**

**Approve**

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions as the request meets the Subdivision Regulations.

**CONDITIONS**

1. Comply with all conditions of reviewing agencies.

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

**Resolution No. RS2023-047**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-007-001 is approved with conditions. (6-0)

**CONDITIONS**

1. Comply with all conditions of reviewing agencies.

**40. 2023S-013-001**  
**3220 ALPINE PARK BOULEVARD**  
Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Donald Anthony

On Consent: No  
Public Hearing: Open

A request for final plat approval to create two lots on property located at 3220 Alpine Park Boulevard, at the southwest corner of Alpine Park Boulevard and Roberts Avenue, zoned R10 (0.57 acres), requested by Clint Elliott Survey, applicant; C&H Properties, LLC, owner.

**Staff Recommendation: Disapprove unless the Planning Commission makes an exception to the frontage requirement.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to create two lots on property located at 3220 Alpine Park Boulevard, at the southwest corner of Alpine Park Boulevard and Roberts Avenue, zoned One and Two-Family Residential (R10) (0.51 acres).

**SITE DATA AND CONTEXT**

**Location:** The site consists of one property located along the south side of Alpine Park Boulevard and west side of Roberts Avenue right-of-way.

**Street Type:** The site has frontage on Alpine Park Boulevard, which is classified as a local street.

**Approximate Acreage:** 0.51 acres or approximately 22,400 square feet.

**Parcel/Site History:** This site consists of one parcel, Lot 1 of Alpine Terrace Subdivision. The parcel was created in 1919.

**Zoning History:** The property has been zoned R10 since 1974.

**Existing Land Use:** The property is currently used for single-family residential.

**Surrounding Land Use and Zoning:**

- North: Vacant/R10
- South: Two-Family Residential/R10
- East: Vacant/R10
- West: Single-Family Residential/R10

**Zoning:** One and Two-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. building coverage: 0.40

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

**PROPOSAL DETAILS**

**Number of lots:** 2

**Lot sizes:** Lot 1 – 0.27 acres (11,656 square feet); Lot 2 – 0.23 acres (10,021 square feet)

**Access:** Access to both lots is provided from Alpine Park Boulevard. A shared access easement for a shared drive is shown on the plat.

**Subdivision Variances or Exceptions Requested:** The applicant seeks an exception from Section 3-5.3.c.1. of the Subdivision Regulations, which requires lots within the T3 Suburban Neighborhood Evolving policy area to have minimum frontage of 50 feet. The plat shows frontages of approximately 46 feet for each lot.

### **APPLICABLE SUBDIVISION REGULATIONS**

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

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

#### **3-1 General Requirements**

This subdivision is required to meet the standards of Chapter 3. Staff finds that all standards are met, except for the infill compatibility standard, which is discussed below.

#### **3-2 Monument Requirements**

Complies. Monuments will be set after plat approval.

#### **3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

#### **3-4 Lot Requirements**

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R10 zoning at the time of building permit.

#### **3-5 Infill Subdivisions**

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

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

- f. All minimum standards of the zoning code are met.*  
Complies. All lots meet the minimum standards of the zoning code.
- g. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*  
Complies. Both lots have frontage on Alpine Park Boulevard, an existing public street.
- h. Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*
  - 1. Within T3 Suburban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*  
Does not comply. Each lot has approximately 46 feet of frontage on Alpine Park Boulevard.
  - 2. Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*  
Not applicable. This site is not located within a T4 Urban Neighborhood Evolving policy area.

As proposed, the lots do not have 50 feet of frontage along Alpine Park Boulevard as required by Section 3-5.3.c.1. of the Subdivision Regulations. Both lots have approximately 46 feet of frontage. The Subdivision Regulations allow the

Planning Commission to grant an exception to the minimum frontage requirement by considering: the development pattern of the area; any unique geographic, topographic, and environmental factors; and other relevant information.

Staff reviewed the dimensions of other parcels in the area to determine whether the proposed 46-foot frontage would be in character with the neighborhood. No other parcel on the block face or along the entirety of Alpine Park Boulevard has a frontage of less than 90 feet. Looking more broadly, parcels along Alpine Park Avenue have a minimum frontage of 51 feet with the exception of the corner lot at Alpine Park Avenue and West Street, which has frontage on three streets including 35 feet of frontage on Alpine Park Avenue. Staff finds that the two proposed 46-foot lots are not consistent with the character of the area and, therefore, an exception to the minimum lot frontage requirement is not appropriate.

**3-6 Blocks**

Not applicable. No new blocks are being created.

**3-7 Improvements**

No public infrastructure or improvements are required with this subdivision. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

Not applicable. Sidewalks are required only in association with new streets. The proposed subdivision is located on existing streets. Sidewalks may be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

Not applicable. No new streets are proposed.

**3-10 Requirements for Dedication, Reservations, or Improvements**

An eight-foot right-of-way dedication along Alpine Park Boulevard is required per the MCSP and is shown on the plat.

**3-11 Inspections During Construction**

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

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

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

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

**PLANNING STAFF COMMENTS**

Staff recommends disapproval unless the Planning Commission grants an exception to the frontage requirement.

**POLICY CONSIDERATIONS**

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.



The Community Character Manual (CCM) policy applied to the site is Suburban Neighborhood Evolving (T3 NE). T3 areas are intended to provide a thoughtful transition from the least dense natural and rural environment to the denser urban environments. T3 NE areas within the Suburban transect are intended to include moderate-density residential and institutional land uses and moderate setbacks and spacing between buildings. Moderate to high levels of connectivity with street networks, sidewalks, bikeways, and mass transit are a feature of T3 NE areas. The policy supports a variety of building types including houses, low and mid-rise townhouses, and low and mid-rise flats. Lot sizes within the policy area can vary, and zoning districts ranging from RS7.5 up to RM-20A are supported depending on context.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Shared access between lot 1 and 2 per plat.
- Traffic conditions to be set at the time of building permit approval for individual lots. (Traffic studies, driveway distances, access sight triangles, etc.)

**WATER SERVICES RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends disapproval unless the Planning Commission grants an exception to the frontage requirement.

**CONDITIONS (if approved)**

1. Comply with all conditions and requirements of Metro reviewing agencies
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Add the following note: No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to 16 feet wide on a shared access easement located between the primary structure and the street.
4. Designate both lots as critical lots. Add an asterisk to each lot and label each as a Critical Lot. Add the following note: Lots are designated as critical lots and are subject to hillside standards established in Section 17.28.030 of the Metro Zoning Code.

Mr. Anthony presented the staff recommendation to disapprove unless the Planning Commission makes an exception to the frontage requirement.

Alex Crow, 610 Basswood Avenue, stated he is the owner and future builder of the property located at 3220 Alpine Park Boulevard. He spoke in favor of the application.

**Vice Chair closed the Public Hearing.**

Mr. Haynes asked staff to walk them through Roberts Road that has never been built and how the applicant can go about getting closed and reclaim the width.

Ms. Milligan explained that right of way abandonments starts at NDOT and a property owner can apply. She said they usually need all owner's signatures but if all owner's signatures are not obtained, the Councilmember can still take it forward if all efforts were made. Ms. Milligan stated it is easier when it is an unbuilt situation because it is not removing someone's ability to access something. If it was to be abandoned, it would be split evenly down the middle between the two. She said it is a process to get it done and it would add an additional 15 feet, or so, to either property.

Mr. Haynes asked the applicant if he has reached out to the Councilmember and NDOT to try to recapture this road that has never been built.

Alex Crow responded he has not. He said he was under the impression they needed both property owner's signatures to move forward.

Mr. Haynes said he assumed if the applicant were to reclaim the abandoned unbuilt road, then he might shift his site plan slightly towards the road.

Alex Crow said it is a possibility, but not too much, because it is being used as a drainage ditch. He said it would give him more road frontage but the site plan would stay the same.

Mr. Haynes stated subdivision regulations always compare lot frontage, but they have the ability to make exceptions. He said given the location of the lot, the circular nature of the dead end road and the unbuilt abandoned road, he will support an approval of this plan, disapprove staff recommendation.

Mr. Clifton said he agreed with Mr. Haynes and will vote to approve the plan, disapprove staff recommendation.

Mr. Henley said he has nothing further to add and is happy to support the plan.

Councilmember Withers concurred with the previous Commissioners.

Ms. Johnson asked if they have to meet Metro water regulations when they apply.

Ms. Milligan responded in the affirmative. She said Metro Water Services recommended approval of this plat with the two lots.

**Ms. Johnson moved and Mr. Haynes seconded the motion to approve with conditions including an exception to the frontage requirement. (6-0)**

**Resolution No. RS2023-048**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-013-001 is approved. (6-0)

**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Add the following note: No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to 16 feet wide on a shared access easement located between the primary structure and the street.
4. Designate both lots as critical lots. Add an asterisk to each lot and label each as a Critical Lot. Add the following note: Lots are designated as critical lots and are subject to hillside standards established in Section 17.28.030 of the Metro Zoning Code.

**41. 2023S-016-001**  
**840 OLD LEBANON DIRT ROAD**  
Council District 12 (Erin Evans)  
Staff Reviewer: Dustin Shane

On Consent: No  
Public Hearing: Open

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 February 23, 2023, Planning Commission meeting.**

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

**42. 2023S-019-001  
GEARY GREER FARMS**

On Consent: Tentative  
Public Hearing: Open

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to shift lot lines and create one lot on properties located at 3252, 3256 and 3258 Greer Road, at the corner of Greer Road and Timber Trail, zoned AR2A, (12.27 acres), requested by GreenLID Design, applicant; Geary & Debra Greer, owners.

**Staff Recommendation: Approve with conditions and exceptions to 4-2.5.1.b for Lot 8 and exceptions to 4-2.5 for Lot 10.**

**APPLICANT REQUEST**

**Request for final plat approval to shift lot lines and create one lot.**

Final Plat

A request for final plat approval to shift lot lines and create one lot on properties located at 3252, 3256 and 3258 Greer Road, at the corner of Greer Road and Timber Trail, zoned Agricultural/Residential (AR2a), (12.27 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the south and east side of Greer Road, along the county edge.

**Street type:** The site has frontage on Greer Road, a local road with an existing right-of-way width of approximately 35 feet.

**Approximate Acreage:** 12.27 acres or approximately 534,481.2 square feet.

**Parcel/Site History:** This site is comprised of three lots. Lot 7 was created by plat in 1993 (Book 8250, Page 236). Lots 8 and 9 were created by deed in 1996 (Instrument 10051-1).

**Zoning History:** The parcel has been zoned AR2a since 1974.

**Existing land use and configuration:** Lots 7, 8, and 9 have frontage along Greer Road.

**Surrounding land use and zoning:**

- North: Outside of Metro Zoning Boundaries
- South: Agricultural/Residential (AR2a)
- East: Agricultural/Residential (AR2a)
- West: Outside of Metro Zoning Boundaries

**Zoning:** Agricultural/Residential (AR2a)

Min. lot size: 2 acres

Max. building coverage: 0.20

Min. rear setback: 20'

Min. side setback: 20'

Max. height: 3 stories

Min. street setback: 40 feet per zoning, or contextual (to be determined by Metro Codes at the time of building permit)

**PROPOSAL DETAILS**

**Number of lots:** Four lots consisting of three existing lots and one new lot. Lots 7, 8, and 9 are existing lots with proposed lot line adjustments in order to create the new Lot 10. Lot 10 is a proposed utility lot to be used by White House Utility District (WHUD). Utility districts are not required to meet the zoning or subdivision regulations based on previous court rulings.

**Lot sizes:** Proposed lot areas are as follows: Lot 7, 2.0 acres (87,218 sf); Lot 8, 4.99 acres (217,196 sf); Lot 9, 5.13 acres (223,624 sf); Lot 10, 0.15 acres (6,400 sf). All lots have frontage along Greer Road with the exception of Lot 10, as noted below.

**Access:** Access to lots 7, 8, and 9 is available from Greer Road. Proposed Lot 10 does not have frontage along Greer Road and would be accessed by a 24 foot wide access and utility easement from Greer Road.

**Subdivision Variances or Exceptions Requested:** See below for exceptions required.

**APPLICABLE SUBDIVISION REGULATIONS**

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

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

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

#### **4-2. Development Standards**

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

Complies. There are no features on this site that require the identification and preservation of Primary Conservation Land.

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

Complies. See 4-2.1.

*4-2.3 Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designated as the Development Footprint.*

Complies. No Primary Conservation Land identified.

*4-2.4 Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.*

Not applicable. This final plat proposes a new joint access easement.

#### **4-2.5 Rural Character Design**

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

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

a. *Building Setback along existing public streets. The required building setback shall be varied between lots. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot(s) proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback of the abutting parcels. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used. Where the majority of the abutting parcels are not developed, the minimum building setback shall be two times the amount of lot frontage. However, in no instance shall the minimum building setback be greater than 1,000 feet.*

Based on the surrounding properties, the building setback for Lot 9 is 124.5 feet. The building setback for lots 7 and 8 is 61.8. The proposed Lot 10 is intended to be used as a utility lot.

b. *Lot Depth along existing public streets. The minimum depth for lots along existing public streets shall be the building setback required by Section 4- 2.5(a) plus 300 feet.*

The minimum lot depth for Lot 9 is 424.5 feet. The proposed lot depth is 875 feet. This standard is met. The minimum required lot depth for lots 7 and 8 is 361.8 feet. The proposed depth of lot 7 is over 500 feet and the proposed depth of lot 8 is 275.23. The proposed depth of lot 8 does not meet this standard. The proposed Lot 10 is not required to meet this standard.

c. *Lot size along existing public streets.*

1. *Individual lot sizes shall vary in size to reflect the rural character.*

2. *The minimum lot size is either equal to or greater than 70% of the lot size of the average size of the surrounding parcels or equal to or larger than smallest of the surrounding parcels, whichever is greater.*
3. *Flag lots shall not be included in the analysis.*  
The minimum lot size for Lot 9 is 3.3 acres, and the proposed lot size is 5.13 acres. The minimum lot size for lots 7 and 8 is 2.00 acres. The proposed lot size of Lot 7 is 2.00 acres and of Lot 8 is 4.99 acres. Lot 10 is proposed at 6,400 square feet, but it not required to meet this standard, nor the minimum lot size standard of the zoning district.
- d. *Lot frontage abutting existing public streets. Lot frontage is either equal to or greater than 70% of the average frontage of the surrounding parcels or equal to or greater than the smallest of the surrounding parcels, whichever is greater.*  
The minimum lot frontage for Lot 9 is 213.5 feet and the proposed frontage is over 300 feet. The minimum lot frontage required for lots 7 and 8 is 110 feet. The proposed frontage is 145 feet and 795 feet, respectively. This standard is met. Lot 10 does not have frontage along an existing street and is accessed via an easement through lots 7 and 8.
- e. *Street lights. Within the USD, street lighting shall be low intensity and shall be projected downward with illumination that shields light from being emitted upwards toward the night sky or on surrounding natural areas. Within the GSD, no private street lights are permitted.*  
The parcel is located within the GSD. No street lights would be required.
- f. *Cluster lot option. Development through the Countryside (Open Alternative) Character Option may utilize the provisions of Cluster Lot Option (Section 17.12.090 of the Zoning Code) within the Development Footprint area, excluding lots abutting existing public streets. Smaller lot sizes may be appropriate with the application of a Specific Plan (SP) zoning district that addresses building height, architecture, landscaping, building placement and detailed grading plan.*  
Not applicable. The cluster lot option is not used with this final plat.
- c. *Public Road Frontage. The Planning Commission may approve up to ten lots within a Rural Character subdivision without direct frontage on a public street provided there is a joint access easement to the lots.*  
The proposed Lot 10 does not have frontage along a public road, however it is intended to be used as a utility lot, with an access easement.
- d. *Preservation of Tree Canopy. Prior to any land disturbance within the Development Footprint, a tree survey shall be undertaken and all recommended canopy trees on the Urban Forestry Recommended and Prohibited Tree and Shrub List that are 12" or greater in diameter shall be identified. No such identified trees shall be removed unless the tree is within the designated building envelope as designated on the final plat or approved for removal by the Urban Forester due to condition, disease or damage.*  
The site has limited tree canopy.
- e. *Street Design. A primary objective of Rural Character Subdivisions is to maintain an open space and environmental network through the uninterrupted connection of Conservation Land. Buildings are often located and oriented on the land to reflect the natural features of the land, and not a standardized streetscape. When creating any new roads in rural policy areas, roads that complement the rural character of existing rural corridors by using a two-lane rural cross section with swale and reflective striping (ST-255) shall be required. It is anticipated that road connectivity in these subdivisions may be less than other parts of the County. However, road connections may be required whenever necessary to further the overall rural character of the area.*  
No new roads are proposed.
- f. *Private streets as defined in Section 3-9 3 of these regulations (Requirements for Streets) are appropriate as needed to maintain the rural character of proposed subdivision.*  
No private streets are proposed.
- g. *Drainage and Storm Sewers. The storm water system within a subdivision shall be designed in accordance with the requirements of Section 3-14 of these regulations and the requirements of the Metropolitan Stormwater Management Regulations. Use of rural appropriate or light impact storm-water management designs is encouraged.*  
Metro Stormwater has recommended approval of the plat.
- h. *Public Water Facilities. The public water system shall be designed in accordance with the requirements of Section 3-15 of these regulations and the requirements of the Metropolitan Department of Water Services.*  
Lot 10 is intended to be used by White House Utility District (WHUD) and the lots are served by WHUD. WHUD has provided a letter of approval.
- i. *Utilities. All utilities shall be located underground in accordance with the provisions of Section 3-17 of these regulations.*
- j. *Sewerage Facilities. All sewerage facilities shall be designed in accordance with the requirements of Section 3-16 of these regulations.*
- k. *Areas of Common Sewage Disposal for Individual Sewage Disposal Systems. The location of all operating parts of the individual sewage disposal systems or other sewage disposal system approved by Metro Water Services, situated in lands held in common and any easements shall be shown on the final subdivision plat.*
- l. *Lands Set Aside. Land that is dedicated for use for a sanitary sewer disposal, whether for a public system or an individual sewage disposal system or other sewage disposal system approved by Metro Water Services, or land that is dedicated for conventional stormwater management devices, that require a disturbance to the land, shall be set aside for such purposes and not included as Conservation Lands.*

**PLANNING STAFF COMMENTS**

There are several standards that are not met with the proposed plat: proposed depth of Lot 8, and all standards for the proposed Lot 10. The proposed Lot 10 is to be used by White House Utility District for a new water tower. Utility districts are not required to meet the zoning or subdivision regulations based on previous court rulings.

Future development will be required to meet the standards of the Metro Zoning Code in regard to setbacks, building standards, etc. In order to approve this subdivision, the Planning Commission will need to approve a variance to the minimum lot depth, lot size, and the standards for Lot 10, including section 4-2.5.c for public road frontage.

Section 4-2.5.c Public Road Frontage. The Planning Commission may approve up to ten lots within a Rural Character subdivision without direct frontage on a public street provided there is a joint access easement to the lots. An access and utility easement is provided for Lot 10.

The T2 regulations are intended to maintain a natural, open rural character by minimizing the visual intrusion of development along the primary roadways through the use of setbacks and building placement, existing vegetation and natural topographical features that obscure the view of development from the street. For this specific site, there are limited amounts of existing vegetation and topographical features. However, an existing variation in lot sizes, shapes, and configuration exists along Greer Road and would be maintained with the proposed plat.

**POLICY CONSIDERATIONS**

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a subdivision complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each subdivision to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to this property is T2 RM (Rural Maintenance). The intent of T2 RM is to maintain the general character of rural neighborhoods as characterized by their development pattern, varying setbacks, building form, and land uses. Additionally, T2 RM should balance maintaining the existing rural development patterns with new development. The creation of Lot 10 for utility services does not largely affect the previously established lots, especially from meeting the standards of the T2 subdivision regulations. The other existing lots, 7, 8, and 9 have been existing in the rural context for many years.

If the Commission can find that the proposed final plat is meeting the intent of the T2 RM policy and supports the creation of the utility lot, the Commission could place greater weight to this portion of the adopted General Plan (Nashville Next), and the Commission may approve the subdivision.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**  
Approve

**STORMWATER RECOMMENDATION**  
Approve

**NASHVILLE DOT RECOMMENDATION**  
Approve with conditions

- In regard to access, any driveway connections must be permitted by the Nashville Department of Transportation and conform with Metro Code requirements.

**TRAFFIC AND PARKING RECOMMENDATION**  
Approve

- Water provided by White House Utility District. A letter of approval from WHUD has been provided.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and exceptions to 4-2.5.1.b for Lot 8, and exceptions to 4-2.5 for Lot 10.

**CONDITIONS**

1. Add the following note to Lot 10 on the plat: Lot 10 is only to be used for utilities unless replatted.
2. Comply with all conditions and requirements of Metro reviewing agencies.

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

**RECOMMENDED ACTION**

Motion to approve the proposed subdivision Case No. 2023S-019-001 including a variance to the lot depth requirement for Lot 8 and the subdivision standards for Lot 10, as the proposed lot 10 is used for utility services.

**Approve with conditions and exceptions to 4-2.5.1.b for Lot 8 and exceptions to 4-2.5 for Lot 10. (6-0)**

**Resolution No. RS2023-048**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-013-001 is approved with conditions and exceptions to 4-2.5.1.b for Lot 8 and exceptions to 4-2.5 for Lot 10. (6-0)

**CONDITIONS**

1. Add the following note to Lot 10 on the plat: Lot 10 is only to be used for utilities unless replatted.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

**43. 2023S-022-001**

**117 EAST CAMPBELL ROAD**

Council District 08 (Nancy VanReece)

Staff Reviewer: Donald Anthony

On Consent: Tentative

Public Hearing: Open

A request for final plat approval to create four lots on property located at 117 East Campbell Road, approximately 230 feet north of Old Amqui Road, zoned RM9-NS, (0.92 acres), requested by Dale & Associates, Inc., applicant; Wendell & Julie Darrow, owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to create four lots on property located at 117 East Campbell Road, approximately 230 feet north of Old Amqui Road, zoned Multi-Family Residential No Short-Term Rentals RM9-NS (0.92 acres).

**SITE DATA AND CONTEXT**

**Location:** The site consists of one property located along the south side of East Campbell Road.

**Street Type:** The site has frontage on East Campbell Road, which is classified as a local street.

**Approximate Acreage:** 0.92 acres or approximately 40,075 square feet.

**Parcel/Site History:** This site consists of one parcel, Lot 1 of East Campbell Road and Old Amqui Road Subdivision. The parcel was created in 2022.

**Zoning History:** The property has been zoned RM9-NS since 2022.

**Existing Land Use:** The property is currently used for single-family residential.

**Surrounding Land Use and Zoning:**

- North: Government/RS20
  - South: Single-Family/RM9-NS
  - East: Single-Family/RM9-NS
  - West: Religious Institution/RM9-NS
- Zoning:** Multi-Family Residential No Short-Term Rentals (RM9-NS)  
 Min. lot size: 5,000 square feet  
 Max. building coverage: 0.50  
 Min. rear setback: 20’  
 Min. side setback: 5’  
 Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

## **PROPOSAL DETAILS**

**Number of lots:** 4

**Lot sizes:** Lots range in area from 8,648 square feet to 13,606 square feet.

**Access:** Access to all lots is provided from East Campbell Road. Shared drives are required. Lots 1 and 2 will share a drive, and lots 3 and 4 will share a drive.

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

## **APPLICABLE SUBDIVISION REGULATIONS**

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

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

### **3-1 General Requirements**

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

### **3-2 Monument Requirements**

Complies. Monuments will be set after plat approval.

### **3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section.

### **3-4 Lot Requirements**

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RM9-NS zoning at the time of building permit.

### **3-5 Infill Subdivisions**

Not applicable. Infill regulations apply to proposed subdivisions within the R, R-A, RS, and RS-A zoning districts.

### **3-6 Blocks**

Not applicable. No new blocks are being created.

### **3-7 Improvements**

No public infrastructure or improvements are required with this subdivision. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

Not applicable. Sidewalks are required only in association with new streets. The proposed subdivision is located on an existing street. Sidewalks may be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

### **3-9 Requirements for Streets**

Not applicable. No new streets are proposed.

### **3-10 Requirements for Dedication, Reservations, or Improvements**

No additional right-of-way is required.

### **3-11 Inspections During Construction**

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



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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

Water is provided by Madison Suburban Utility District. The district has provided an availability/capacity letter for this subdivision.

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

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

**PLANNING STAFF COMMENTS**

With all staff conditions, the proposed four lots meet all zoning and subdivision requirements.

**POLICY CONSIDERATIONS**

A recent appeals court decision (Hudson et al v. Metro) upheld a lower court decision which outlined that the Planning Commission has the authority to determine whether a concept plan complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each concept plan to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

The Community Character Manual (CCM) policy applied to the site is Suburban Mixed Use Corridor (T3 CM). T3 areas are intended to transition from the least dense natural and rural environment to the denser urban environments. T3 CM areas within the Suburban transect are intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. Moderate residential density residential and mixed use development with regularly spaced buildings built to the back edge of the sidewalk are features of T3 CM areas. Additionally, T3 CM areas are served by highly-connected street networks, sidewalks, and existing or planned transit. Lot sizes within the T3 CM policy area can vary; in addition to mixed use, office, and commercial zoning districts, residential zoning districts ranging from RM9-A up to RM20-A are supported depending on context.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Prior to recording change road name to 'East Campbell Road'
- Driveway connections must be permitted by the Nashville Department of Transportation and conform with Metro Code requirements.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Water provided by Madison Suburban Utility District.
- Sewer Capacity fees must be paid prior to building permits approval for new lots.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.
3. Add “to be removed” notation on gravel driveways.
4. Add note: Lots do not satisfy minimum bulk standards for multifamily residential uses. Residential uses shall be limited to single-family and two-family dwellings.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-022-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

**Resolution No. RS2023-049**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-013-001 is approved with conditions. (6-0)

**CONDITIONS**

1. Comply with all conditions and requirements of Metro reviewing agencies
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.
3. Add “to be removed” notation on gravel driveways.
4. Add note: Lots do not satisfy minimum bulk standards for multifamily residential uses. Residential uses shall be limited to single-family and two-family dwellings.

**44. 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 February 23, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023DTC-005-001 to the February 23, 2023, Planning Commission meeting. (6-0)**

**H: OTHER BUSINESS**

**45. Employment contract renewal for Deborah Sullivan.**

**Resolution No. RS2023-050**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Employee contract renewal for Deborah Sullivan is **approved. (6-0)**

**46. New employment contract for Celina Konigstein.**

**Resolution No. RS2023-051**

“BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment contract for Celina Konigstein is **approved. (6-0)**

47. Historic Zoning Commission Report
48. Board of Parks and Recreation Report
49. Executive Committee Report
50. Accept the Director's Report and Approve Administrative Items

**Resolution No. RS2023-052**

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved.**  
**(6-0)**

51. Legislative Update

## **I: MPC CALENDAR OF UPCOMING EVENTS**

### **February 23, 2023**

#### MPC Meeting

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

### **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 8:13 p.m.