



# METROPOLITAN PLANNING COMMISSION

## DRAFT MINUTES

**June 08, 2023**  
**4:00 pm Regular Meeting**

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

### MISSION STATEMENT

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

**Commissioners Present:**

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

**Commissioners Absent**

Greg Adkins, Chair  
Jim Lawson  
Brian Tibbs

**Staff Present:**

Lucy Kempf, Executive Director  
Todd Okolichany, Deputy Executive Director  
Lisa Milligan, Planning Manager II  
Tara Ladd, Legal  
Amanda Lewis, Planner II  
Jason Swaggart, Planner II  
Dustin Shane, Planner II  
Laszlo Marton, Planner I  
Logan Elliott, Planner II  
Donald Anthony, Planner II  
Celina Konigstein, Planner I

**Lucy Alden Kempf**

Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
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## Notice to Public

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

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

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

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

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

### Writing to the Commission

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

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

### Speaking to the Commission

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

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

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 Randi Semrick, ADA Compliance Coordinator, at (615) 880-7230 or e-mail her at [randi.semrick@nashville.gov](mailto:randi.semrick@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 4:02 p.m.

## **B: ADOPTION OF AGENDA**

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

## **C: APPROVAL OF MAY 25, 2023 MINUTES**

Ms. Johnson moved and Mr. Clifton seconded the motion to approve the meeting minutes of May 25, 2023. (6-0)

## **D: RECOGNITION OF COUNCILMEMBERS**

Councilmember Benedict spoke in favor of Item 11 but expressed concern about the ingress from McAlpine Avenue into the development. She stated if the Commission approves this Item, she will amend it at the Council level.

## **E: ITEMS FOR DEFERRAL / WITHDRAWAL 1a, 1b, 3, 4a, 4b, 6, 8, 10, 12, 13, 14, 18, 19, 20, 21, 22, 24, 26, 27, 30, 32, 34, 36, 37, 38, 44, 49**

Ms. Lewis advised Ms. Blackshear has recused herself from Items 1a, 1b, 27 and 34.

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

## **F: CONSENT AGENDA ITEMS 50, 54**

Ms. Lewis stated Ms. Blackshear has recused herself from Item 39.

Vice Chair Farr asked for clarification on Item 11.

Ms. Milligan explained the plan for Item 11 does not have the connection to McAlpine Avenue but it includes a staff condition that has the ingress to McAlpine Avenue. If the Councilmember wanted to take it to Council and remove that condition, then it would become a disapproved Bill.

Councilmember Withers stated McAlpine is on the list to receive funding for the Neighborhood Traffic Calming program.

Mr. Clifton stated he wanted to take Item 11 off of Consent so the Commission can discuss it.

Mr. Clifton moved and Mr. Henley 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**

**1a. 2021CP-006-001**

**BELLEVUE COMMUNITY PLAN AMENDMENT**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Anita McCaig

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021CP-006-001 to the June 22, 2023, Planning Commission meeting. (5-0-1)**

**1b. 2021SP-061-001**

**BEND AT BELLEVUE (ARIZA) SP**

Council District 35 (Dave Rosenberg)  
Staff Reviewer: Logan Elliott

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021CP-061-001 to the June 22, 2023, Planning Commission meeting. (5-0-1)**

**2. 2023CP-000-003**

**MAJOR AND COLLECTOR STREET PLAN AMENDMENT  
CALDERWOOD EXTENSION REMOVAL**

Council District 31 (John Rutherford)  
Staff Reviewer: Joren Dunnavant

A request to amend the Major and Collector Street Plan to remove a future collector street on property located at 7088 Burkitt Road, approximately 540 feet east of Old Burkitt Road, zoned AR2A (11.4 acres ), requested by CSDG, applicant; Blackburn Family Limited Partners II LP, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

MCSP Amendment

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

**BACKGROUND**

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

**Requested Amendment**

The request is to remove a portion of a planned collector (Calderwood Extension) from Burkitt Road, northbound and terminating at the northern property line of the subject parcel. *It is important to note that no changes are proposed to the overall structure of NashvilleNext with this MCSP amendment.*

**SOUTHEAST 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 AND CONTEXT**

The 11.82 acre site (Map 186; Parcel 006) is located directly north of Burkitt Road, an Arterial Boulevard, and is located just south of Pettus Road, a Collector Boulevard. The site is vacant and made up of one parcel and zoned AR2A. The surrounding property to the west, north, and east is zoned AR2A, and the property to the south is zoned RM9. The nearby SP to the east, Burkitt Ridge, has included a south to north planned Collector and has been mostly constructed.

#### **ANALYSIS**

During a preliminary feasibility study, Metro staff scored this Collector as highly difficult to construct given the crossing of multiple property lines as well as properties that have been subdivided since the approval of the Major and Collector Street Plan. Staff finds the removal of the planned Collector consistent with policy as the site and surrounding area is intended for suburban neighborhoods made up of a network of local streets. Additionally, the planned Collector to the east at the Burkitt Ridge SP will likely be completed with future development and will accomplish the connectivity between Burkitt Road and Pettus Road in this area.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the request to remove a portion of a planned Collector (Calderwood Extension) from Burkitt Road to the northern property line of 7088 Burkitt Road within the Major and Collector Street Plan.

**Approved. (6-0)**

#### **Resolution No. RS2023-213**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-000-003 is approved. (6-0)

### **3. 2015SP-069-003**

#### **SHELBY WOODS EAST NASHVILLE (AMENDMENT)**

Council District 06 (Brett Withers)

Staff Reviewer: Logan Elliott

A request to amend a Specific Plan on properties located at 1409 Davidson Street and Davidson Street (unnumbered), approximately 240 feet east of South 14th Street, zoned SP (9.64 acres), to permit 337 multi-family residential units, requested by Dale & Associates, applicant; Upside LLC, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015SP-069-003 to the June 22, 2023, Planning Commission meeting. (6-0)**

### **4a. 2017SP-087-004**

#### **THE HILL PROPERTY SP (AMENDMENT)**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

A request to amend a Specific Plan for a portion of property located at 8001 Warbler Way, southwest of the terminus of Tanager Drive, zoned SP (1.45 acres), to remove 1.45 acres of open space from the SP, requested by Land Solutions Company LLC, applicant; Green Trails, LLC, owner. (See associated case 2023SP-016-001).

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2017SP-087-004 to the June 22, 2023, Planning Commission meeting. (6-0)**

**4b. 2023SP-016-001**

**THE VILLAGE AT AUTUMN VIEW**

Council District 31 (John Rutherford)

Staff Reviewer: Logan Elliott

A request to rezone from AR2a and SP to SP zoning on properties located at 6419, 6423 and 6431 Pettus Road, and a portion of property located at 8001 Warbler Way, approximately 620 feet northeast of Nolensville Pike, (28.71 acres), to permit 218 multi-family residential units, requested by Land Solutions Company, applicant; Green Trails, LLC, owner. (See associated case 2017SP-087-004).

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-016-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**5. 2022SP-066-001**

**114-118 JC NAPIER**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Dustin Shane

A request to rezone from R6-A to SP zoning on properties located at 112, 114, 116, and 118 J C Napier Street and J C Napier Street (unnumbered), approximately 230 feet east of Fairfield Avenue (0.15 acres), to permit 5 multi-family residential units, requested by SWS Engineering, INC., applicant; MH Development, LLC, Yellow Ball Development, GP, owners.

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

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from One and Two-Family Residential-Alternative (R6-A) to Specific Plan (SP) zoning on properties located at 112, 114, 116, and 118 J C Napier Street and J C Napier Street (unnumbered), approximately 230 feet east of Fairfield Avenue (0.15 acres), to permit 5 multi-family residential units.

**Existing Zoning**

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of 2 lots with no duplex lots for a total of 2 units. Duplex eligibility is determined by the Codes Department.*

**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 site is located on the northern side of J C Napier Street, a substandard ROW in the Napier Area neighborhood of South Nashville, across the street from Napier Elementary School and the Napier Community Center. The site consists of five irregularly shaped parcels containing a single-family home, a covered seating area, and vacant residential land. The properties extend approximately 80 feet into the block and encompass a gravel drive in the rear that provides alley access to all of the properties in the block. Prescriptive easements protect this common access for this and surrounding properties. The adjacent parcels contain mostly single-family homes with a few vacant parcels, all zoned R6-A. Across the street the institutional uses are zoned R6-A.

**Proposed site plan**

Site Plan

The SP is intended to create a multi-family residential development. The plan proposes 2 attached and 3 detached multi-family residential units. The SP includes a site plan as well as bulk and architectural standards, as well as a note ensuring that landscaping will be per Code. Two parking spaces per unit are proposed for each unit (one garage and one driveway). FAR is limited to 0.95 and building height to 3 stories. A condition clarifies how height will be measured at the final and requires a note be placed on the plan. The buildings will be set back five feet along the improved and widened J C Napier Street ROW and at side lot lines.

The plan provides 3.6 feet of ROW dedication and ten feet of pavement along J C Napier Street along with a five-foot sidewalk with curb and gutter and four-foot grass strip. No driveways access J C Napier Street. The gravel drive in rear is protected by a prescriptive easement. The plan proposes to improve and widen it along the rear of the site. Portions of the widened "alley" that are outside the developer's control have a note on the plan: "Entitlements required." Garages and driveways will be accessed off the widened private alley.

Pervious paver driveways are proposed to mitigate runoff. More detail will be provided at final site plan stage regarding bioretention and stormwater treatment.

#### **SOUTH NASHVILLE COMMUNITY PLAN**

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

#### **ANALYSIS**

The neighborhood currently contains detached single-family homes interspersed with duplexes. The application respects this built form while offering a modest increase in density. The site is under T4 NE policy. The proposed plan meets many of the goals of the T4 NE policy, such as featuring higher densities and/or smaller lot sizes, with a broader range and integrated mixture of housing types providing housing choice. Regularly spaced buildings with shallow setbacks and minimal spacing between buildings, rear access, and high levels of connectivity are characteristics desired of these areas. The built form is consistent with the policy, which allows for one to three stories generally. No parking is being proposed between the buildings and the street per the policy guidance.

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows an appropriately intense residential development that achieves the intent of the policy area. The SP includes design standards that are intended to provide for development that will appropriately infill a neighborhood that provides some of the last remaining naturally occurring affordable housing in the urban core. Goals met include improving housing choice while not disturbing the scale and feel of the existing neighborhood, providing sidewalks, and activating streets with pedestrian entryways. For these reasons, 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.

#### **WATER SERVICES RECOMMENDATION**

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

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

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

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

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.

- In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity.
- A private hauler will be required for waste/recycle disposal.
- In regards to a gravel driveway access (or assumed prescriptive private easement), NDOT would prefer entire gravel extents out to ROW roadways to be paved, in order to mitigate the possibility of gravel debris being pulled into public ROW. The exact width beyond the property boundaries would need to be worked out with the adjacent property owners. Private site access as proposed would require entitlements from private owners. Any private entitlements required for site vehicular access (and turning out of driveways) out to the surrounding public ROWs, shall be agreed upon and recorded with private owners, prior to Final SP approval by NDOT.

**NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Update all references of 'Public Works' to 'NDOT'.

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*	.15	7.71 D	2 U	28	7	2

\*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
One and Two-Family Residential)	-	-	5 U	66	8	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3	+38	+1	+4

**METRO SCHOOL BOARD REPORT**

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

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

The proposed SP zoning district is expected to generate 5 more students than what is typically generated under the existing R6-A zoning district. Students would attend Napier Elementary School, Two Rivers Middle School, and McGavock High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 5 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. For final site plan approval, pave the rear access drive to at least a width of ten feet out to Donelson Avenue (in addition to the widening and paving of said drive shown on the plan along the property's rear). Should the applicant be unable to widen the portion of the drive to the full 20 feet as shown on the plan, the number of units permitted at final site plan may be reduced.
3. On the corrected copy, replace the architecture materials standard with the Metro standard comment: "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."
4. Height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof. Add note to the corrected copy.
5. On the corrected copy, correct the unit count cited in the purpose note and the fallback zoning note to reference "RM15-A."
6. On the corrected copy, identify soils from a generalized soil map unless a more specific study has been done.
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. 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.
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. Comply with all conditions and requirements of Metro reviewing agencies.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**Approved with conditions and disapproved without all conditions. (6-0)**

**Resolution No. RS2023-214**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-066-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to 5 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. For final site plan approval, pave the rear access drive to at least a width of ten feet out to Donelson Avenue (in addition to the widening and paving of said drive shown on the plan along the property's rear). Should the applicant be unable to widen the portion of the drive to the full 20 feet as shown on the plan, the number of units permitted at final site plan may be reduced.
3. On the corrected copy, replace the architecture materials standard with the Metro standard comment: "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."
4. Height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof. Add note to the corrected copy.
5. On the corrected copy, correct the unit count cited in the purpose note and the fallback zoning note to reference "RM15-A."
6. On the corrected copy, identify soils from a generalized soil map unless a more specific study has been done.
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. 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.
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. Comply with all conditions and requirements of Metro reviewing agencies.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**6. 2023SP-019-001**

**THE MEADOWS**

Council District 01 (Jonathan Hall)

Staff Reviewer: Amelia Lewis

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-019-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**7. 2023SP-030-001**

**1806 AND 1808 DIVISION STREET**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

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

**Staff Recommendation: Disapprove.**

**APPLICANT REQUEST**

**SP to permit mixed use development.**

Zone Change

A request to rezone from Mixed Use Intensive (MUI-A) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 1806 and 1808 Division Street, approximately 170 feet east of 19th Ave. S. (0.34 acres) to permit a mixed-use development with multi-family residential uses.

**Existing Zoning**

Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**Proposed Zoning**

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

**SITE CONTEXT AND PLAN DETAILS**

The site is approximately 0.34 acres (14,810 sq. ft.) in size and is located on the west side of Division Street and approximately 300 feet north of 19<sup>th</sup> Avenue South. The site consist of two properties and each property is occupied by a single-story building. The building located at 1806 Division Street is listed as a National Register Eligible District Property and the use is classified as a recording studio. The use classification for 1808 Division Street is listed as office. Surrounding land uses include hotel, multifamily and parking. The adjacent zoning district is MUI-A. The Major and Collector Street Plan (MCSP) classifies Division Street as an urban mixed-use collector (T5-M-CA-2). The stretch of Division Street in front of the subject site is a narrow two-lane section.

Site Plan

The proposed SP is regulatory and does not include a site plan. The regulatory document provides standards for use, building standards, and architectural standards. The proposed uses include multi-family, hotel/motel, owner-occupied short-term rental and non-owner short term rental property.

The proposed height is 25 story maximum with no step-back and a maximum floor area of fifteen (roughly 222,000 square feet). The SP includes language requiring any building to incorporate elements of the existing recording studio on the property and a listening room. Architectural standards require parking garage facades visible from a public street or adjacent parcels to be screened with a 15-foot garage liner that complements the architecture of any future building. Any other standards not specified in the SP must follow MUI-A standards.

**GREEN HILLS – MIDTOWN COMMUNITY PLAN**

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

**Music Row Vision Plan**

The Music Row Vision Plan identifies the significance of and pressures facing Music Row. It contains a broad range of recommendations and action steps to pursue. The overarching theme of the Vision Plan is to ensure that Music Row continues to be a vital hub of music business and innovation and a unique creative cluster within Nashville. It is a planning document, but also a call to action for the public and private sectors, neighbors, and developers, and all those who support and strengthen the Row. The purpose of the Music Row Vision Plan is to guide and inform the preparation and consideration of implementation tools and development proposals. The subject site is located in the Music Row Core character area of the Vision Plan, which is intended to focus on Class A office buildings that cater to music-related businesses.

The site is within Subdistrict 1B, which supports mixed-use with active retail, bars, and restaurants; office; live music venues; hotels; residential. In large building footprints, multiple public facing uses are encouraged to maximize activity, including activity on the weekends and evenings.

**ANALYSIS**

Staff finds that the proposed SP is not consistent with the Music Row Vision Plan. Furthermore, given the scale of the proposed SP, the site location and existing conditions of Division Street, any proposed SP should include a site plan that provides adequate information/detail for review, including how access is derived and how the building interacts with the pedestrian realm. The existing MUI-A zoning district allows for a maximum of 15 stories and limits height at the street level to seven stories. While Subdistrict 1B can support height above the 15-story maximum permitted by MUI-A, the maximum supported height is 20 stories and is only possible with preservation and commitment to music uses. The site for this proposed SP is small and the proposed height exceeds the policy recommended height. Furthermore, the proposed SP does not require a setback and would allow for 25 stories at the street which is not appropriate given the street width.

Staff received a request for a pre-application meeting and met with the applicant in advance of their formal application. Staff explained in the pre-app that a regulatory SP approach was not one that we would support and that the heights requested exceed the heights supported by the policy. The application was filed with no changes made. Upon formal application, staff once again provided the same feedback that the request is not supportable. The application has been unwilling to discuss the concerns with staff and has not responded to staff comments. As the proposal is not consistent with the adopted Music Row Plan, staff recommends disapproval. A site plan based SP that is within the heights supported by the land use policy is the appropriate path for this site. Additionally, not all agencies have recommended approval and NDOT indicates that a TIS is needed.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

- All projects in or draining to the combined sewer are required to have a CSEP Pre-Application meeting with MWS.CSEP@nashville.gov prior to Final SP Approval.
- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.

**WATER SERVICES RECOMMENDATION**

**Approved with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Returned for corrections**

- Comply with Traffic and Parking requirements.

**TRAFFIC AND PARKING RECOMMENDATION**

**Returned for corrections**

- Coordinate with NDOT to scope a traffic study for this development. Site access point need to be approved by NDOT. These things shall be completed as soon as possible. The TIS shall be submitted, review and finalized by NDOT prior to this SP approval. Off-site improvements are anticipated.
- Note that due to the lot frontage, only one access point/curb cut is allowed for this development per 17.20.170. Ensure curb cut is at least 35 feet away from any other parcel's curb cuts.

**METRO HISTORIC**

**Returned for corrections**

- **Project will result in demolition of National Register Eligible property. Consult with Historical Commission regarding plans to incorporate site's music industry history and resources into new project.**

**METRO SCHOOL BOARD REPORT**

Given the nature of this proposal, and the lack of information regarding the number of residential units, student generation for this project cannot be determined at this time.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

Mr. Swaggart presented the staff recommendation to disapprove.

Michael Babb, 1803 Broadway, stated he is the President of the HOA for the Bristol and Broadway. He spoke in opposition to the application.

Kevin Warner, no address given, stated he was speaking on behalf of the Scarritt Place South Condominium Owners Association, Inc. He spoke in opposition to the application.

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

Ms. Blackshear said there is a lot of information missing that would even allow approval of this plan.

Mr. Clifton asked about the Councilmember's feedback on this plan.

Ms. Milligan advised she has spoken with the Councilmember early on in the process about the concerns regarding the request to allow Short Term Rentals and how the height exceeded the Music Row plan. She said the Councilmember did not give her a position and has not requested any filing of legislation.

**Mr. Clifton moved and Ms. Blackshear seconded the motion to disapprove. (6-0)**

**Resolution No. RS2023-215**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-030-001 is disapproved. (6-0)

**8. 2023SP-040-001**

**4057 MAXWELL ROAD RESIDENTIAL SP**

Council District 33 (Antoinette Lee)

Staff Reviewer: Donald Anthony

A request to rezone from AR2A to SP zoning for properties located at 4057 Maxwell Road and Maxwell Road (unnumbered), approximately 760 feet west of Lavergne Couchville Pike (20.88 acres), to permit 78 single family units, requested by Catalyst Design Group, applicant; Michael Leon Martin, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-040-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

## 9. 2023SP-042-001

### 5043 MT. VIEW PRELIMINARY SP

Council District 28 (Tanaka Vercher)

Staff Reviewer: Logan Elliott

A request to rezone from AR2A to SP zoning for property located at 5043 Mt. View Road, approximately 1000 feet southeast of the intersection of Mt. View Road and Hickory Hollow Parkway (2.03 acres), to permit 20 multi-family residential units, requested by Catalyst Design Group applicant; Mt. View Development LLC, owner.

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

#### APPLICANT REQUEST

**Rezoned to SP to permit a multi-family residential development.**

#### Zone Change

A request to rezone from Agricultural/ Residential (AR2a) to Specific Plan (SP) zoning for property located at 5043 Mt. View Road, approximately 1000 feet southeast of the intersection of Mt. View Road and Hickory Hollow Parkway (2.03 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 1 duplex lot, based on acreage alone.*

#### **Proposed Zoning**

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

#### **ANTIOCH – PRIEST LAKE 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. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

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

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

#### Rural Hill- Moss Road Supplemental Policy

Antioch–Priest Lake’s Suburban Residential Corridor (T3-RC) Area 13-RHT3-RC-01 applies to undeveloped land within the Rural Hill–Moss Road neighborhood. This supplemental policy provides guidance on Building Form and Site Design, Connectivity, Zoning, Transportation, and Open Space.

#### **SITE**

The subject site is a single parcel comprising approximately 2.03 acres with frontage onto Mt. View Road. Mt. View Road is an Arterial Boulevard, in the Major and Collector Street Plan. The site is surrounded by other AR2a zoning with some R20 zoning north of the site. The surrounding land use is primarily single-family residential with a non-residential land use immediately adjacent to the east. The site slopes downwards as you move interior and away from Mt. View Road.

#### **PLAN DETAILS**

The application proposes 20 multi-family residential units with multiple unit types being provided on private drives. The building heights are limited to 3 stories in 45 feet. The plan proposes to provide connectivity to the adjacent parcels consistent with the Rural Hill-Moss Road supplemental policy. Landscape buffers are also provided around the perimeter of the site. The plans include architectural standards demonstrating that the units will have an appropriate form and pattern for the policy and considering the surrounding context. The plan also provides the multi-use path along Mt. View Road consistent with the Major and Collector Street Plan and the Rural Hill-Moss Road supplemental policy.

**ANALYSIS**

The application proposes a development pattern that is consistent with the policy guidance for T3 NE areas. The T3 NE policy encourages a suburban residential pattern that introduce a diversity of housing types and staff finds the proposed plan to be consistent with this. The plan is consistent with the intent of the T3 NE policy to improve pedestrian and vehicular connectivity where infrastructure is insufficient. The plan is also sensitive to the Conservation Policy area and avoids the building on the sloped areas. Staff finds the proposal to be consistent with the T3 NE and CO policy as well as the Rural Hill-Moss Road supplemental policy.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**HISTORIC ZONING STAFF RECOMMENDATION**

**Approve with conditions**

- Recommend Phase I archaeological testing. Contact Adam Fracchia, adam.fracchia@nashville.gov, with questions.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**TREE PRESERVATION/LANDSCAPING RECOMMENDATION**

**Approve**

**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, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Approval conditions:

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

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)	2.03	0.50 D	2 U	28	7	2

\*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 (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
-	-	-	+18 U	+79	+0	+8

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing AR2a district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed SP district: 4 Elementary 3 Middle 3 High**

The proposed SP zoning is expected to generate 10 additional students than what is typically generated under the existing AR2a zoning. Students would attend Eagle View Elementary School, Antioch Middle School, and Cane Ridge High School. Eagle View Elementary and Antioch Middle School are identified as having additional capacity. Cane Ridge High School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

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

**Approved with conditions and disapproved without all conditions. (6-0)**

**Resolution No. RS2023-216**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-042-001 is approved with conditions and disapproved without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 20 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
3. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses

not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**10. 2023SP-043-001**

**NOLENSVILLE PIKE SP**

Council District 17 (Colby Sledge)

Staff Reviewer: Jason Swaggart

A request to rezone from CS, IWD and R6 to SP zoning for properties located at 2180 Nolensville Pike and 2182 Carson Street, at the southeastern corner of Coleman Street and Carson Street (3.01 acres), to permit a mixed-use development with multi-family residential uses, requested by Bradley Arant, applicant; Barbara B. McRee, William B. Bass & Cato A. Bass, III, owners.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-043-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**11. 2023SP-047-001**

**MCALPINE SP**

Council District 07 (Emily Benedict)

Staff Reviewer: Amelia Lewis

A request to rezone from CS, MUL-A and RS10 to SP zoning for properties located at 4102 Gallatin Pike, 1103 McAlpine Avenue and McAlpine Avenue (unnumbered), approximately 415 south of Greenland Avenue, and partially within the Gallatin Pike Urban Design Overlay District (2.7 acres), to permit a mixed-use development, requested by Smith Gee Studio, applicant; The Vivian Bates Living Trust, owner.

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

**APPLICANT REQUEST**

**Rezoning from CS, MUL-A, and RS10 to Specific Plan to permit a mixed-use development.**

Preliminary SP

A request to rezone from Commercial Services (CS), Mixed-Use Limited Alternative (MUL-A) and Single-Family Residential (RS10) to Specific Plan (SP) zoning for properties located at 4102 Gallatin Pike, 1103 McAlpine Avenue and McAlpine Avenue (unnumbered), approximately 415 feet south of Greenland Avenue, and partially within the Gallatin Pike Urban Design Overlay (UDO) District (2.7 acres), to permit a mixed-use development.

**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. *Approximately 2.48 acres of the site is zoned RS10, which would permit a maximum of 10 lots and 10 units based on acreage alone. This does not account for compliance with the Metro Subdivision Regulations.*

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

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

**Proposed Zoning**

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



## **EAST NASHVILLE COMMUNITY PLAN**

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

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

## **PLAN DETAILS**

The 2.7 acre site is comprised of three contiguous parcels, located north of the intersection of Gallatin Pike and McAlpine Avenue. One parcel has frontage along Gallatin Pike, one parcel has frontage along McAlpine, and located towards the rear of these parcels is an existing landlocked parcel with no road frontage. The properties along McAlpine and Greenland Avenue, to north and east of the subject site are zoned RS10 and developed with single-family and two-family uses. The properties along Gallatin Pike are zoned MUL-A, Office/Residential (OR20-A) and have been developed with non-residential uses.

### Site Plan

The proposed site plan (Figure 1) includes a mix of uses and building types across the site. The proposed site plan defines three subdistrict areas (Figure 3). The first subdistrict is comprised of one commercial structure proposed along Gallatin Pike, the second subdistrict includes retaining the existing single-family structure along McAlpine Avenue, and the third subdistrict includes several multi-family structures behind the commercial structure.

Within District 1, the commercial structure is limited to a maximum of 15,000 square feet and all of uses of the MUG-A zoning district, except as noted by staff as prohibited in Condition 1. The maximum height for this structure is 3 stories in 50 feet. At this time, no residential development is envisioned in this district. District 2 includes the existing structure along McAlpine Avenue. District 2 is currently comprised of a single-family residential unit. This structure maintains the existing pattern of development along McAlpine. The conditions of approval include changing the fallback standards of this district to RS10 which is more consistent with the existing development along McAlpine than the proposed fallback zoning of RM20. District 2 permits a maximum of two multi-family units, which could allow for the conversion of the existing structure into two attached units. A condition of approval is that the bulk and massing of the existing structure on the site be maintained if the existing structure is demolished.

District 3 is the main residential component of the development. The proposed development is a maximum of 36 multi-family units. The multi-family units are within 12 structures within the eastern portion of the site, centered around a central lawn feature. Three building typologies are proposed within this portion of the site including three story townhome units, two-story duplexes, and two-story plex houses. The maximum building height for structures in districts 2 and 3 is limited to 3 stories in 45 feet.

The site is located within the Urban Zoning Overlay (UZO), which by Code does not require parking. The development has proposed a total of 74 spaces to serve the residential and commercial uses. This includes 26 surface parking spaces, 32 garage spaces, and 16 spaces in rear loaded garages for the townhome units. Single-story garages line the southern property line, located behind the rear of the RS10 properties along McAlpine Avenue. These garages are setback from the property line by 10 feet with a landscape buffer between the garages and property line.

Vehicular access is proposed from Gallatin Pike, north of the proposed commercial structure. There is existing unbuilt right-of-way from McAlpine Avenue that is north of the existing single-family structure along McAlpine. The proposed drive from Gallatin Pike is 20 feet wide to be dedicated as public right of way. This would connect into the right of way for the existing alley right of way located behind the proposed commercial structure. A previous site plan proposed (Figure 2) to dedicate additional right of way along this alley and improve the alley, to serve as a second vehicular into the development. Planning staff and NDOT recommend that a modified version of the second access point be incorporated back into the development, in accordance with Figure 2. An analysis of why the removal of the public alley impacts the proposed site plan is outlined below.

## **ANALYSIS**

There are two policies on the site, the first is Urban Mixed Use Corridor (T4 CM) and the second is Urban Neighborhood Maintenance (T4 NM).

The T4 CM policy is applied to the parcel located along Gallatin Pike, or the area within District 1. This policy area is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. Gallatin Pike is classified as an arterial-boulevard in the Major and Collector Street Plan (MCSP). The proposed development is consistent with the intent of the policy to provide high density mixed-use development along a corridor.

The remaining portion of the site is within the T4 NM policy, which 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. The proposal to maintain the existing structure along McAlpine Avenue is critical to maintaining the character and building rhythm along the street. The subject site is unique in that a large part of the site is landlocked, with no relationship to either the Gallatin Pike corridor or the McAlpine Avenue frontage. In discussions with the community plans team on how the T4 NM policy would be applied in this location, the guidance under Higher Intensity and Transitioning sections of policy would apply. According to this section, allowing for higher-intensity residential building types in such locations will add value to neighborhoods, growing the market and demand for consumer services and the demand for transit. Additionally, areas with adequate infrastructure, access, and the ability to form transitions and support existing or planned mass transit and the viability of consumer businesses are most appropriate for higher density.

The proposed development is more intense than may be considered in other areas of T4 NM policy and contains a greater mix of unit typologies than other areas of T4 NM policy. The T4 NM Policy indicates that sites with adjacency to the corridor, adequate infrastructure, and sensitive site design considerations can support higher density. The removal of the improved and constructed alley (Figure 1) negatively impacts the infrastructure of the proposed development. As the policy indicates, only with adequate infrastructure and access is a higher intensity supported.

Through conversations with NDOT, the preferred approach from both Planning and NDOT would be to have the only access be from McAlpine Avenue, as it is a lower classification of roadway and it prevents more turns in and out along Gallatin Pike, a major corridor. Although not preferred, having two vehicular access points into the site, as shown in Figure 2, is an alternative option that provides distribution of vehicular trips and provides additional pedestrian opportunities to both Gallatin Pike and McAlpine Avenue. Recognizing the concerns of surrounding property owners regarding the access point onto McAlpine, the conditions of approval from NDOT and Planning have been updated to make the alley one-way. This would provide access into the site from McAlpine but would prevent exiting onto McAlpine.

#### **FIRE MARSHAL RECOMMENDATION**

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

- Turnaround plaza's will be required as part of the FD access.

#### **STORMWATER RECOMMENDATION**

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

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

#### **WATER SERVICES RECOMMENDATION**

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

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

#### **NASHVILLE DOT RECOMMENDATION**

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

- With the final: Include proposed public roadway construction drawings (profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking.
- Dimension ROW pavement widths for clarity.
- Label assumed truck and bus routes around and/or through the site-internal or along ROW frontage(s). Provide a loading/unloading plan for each aspect of the development. Provide any truck turning exhibits relevant to loading/unloading activities-at intersections, site access points.
- Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments. Conditions of approval: Coordinate w/ NDOT on public alley width and function out to McAlpine.
- Comply w/ NDOT traffic comments.

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

**Approve with conditions**

- The Alley shall continue out to McAlpine Avenue and function as a one-way. The alley width shall reflect the adequate width of a one-way and nothing more.
- The Traffic Access Study (TAS) shall be completed and finalized with NDOT prior to Final SP approval.
- Transit improvements and safety improvements may need to be made by this development. Additional details following the TAS submittal.
- Gallatin Pike access shall be shared with the neighboring parcel to the north (either shared access easement or dedicated as a public street stub connecting to the public alley).
- Pedestrian infrastructure shall be per NDOT standards. ADA compliance, detectable warning mats, etc. Pedestrian connectivity through the site out to Gallatin Pike shall be provided.

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)	2.7	3.7 D	10 U	125	12	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	38 U	205	13	18

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	-	-	15,000 SF	566	14	57

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
-	-	-	+28 U	+646	+15	+64

**METRO SCHOOL BOARD REPORT**

Projected student generation existing zoning districts: 2 Elementary 2 Middle 1 High  
 Projected student generation proposed SP-MU district: 5 Elementary 3 Middle 2 High

The proposed SP-MU zoning is expected to generate five more students than the existing AR2a and R10 zoning districts. Students would attend Dan Mills Elementary School, Litton Middle School, and Stratford High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited as follows: District 1 shall be limited to all non-residential uses of MUG-A with the exception of hospital, automobile convenience, automobile parking, automobile service, park and ride lot, mobile storage unit, and warehouse. Residential uses are not permitted in District 1. District 2 shall be limited to a maximum of 2 multi-family units and District 3 shall be limited to 36 multi-family dwelling units. Short term rental property, owner occupied and short term rental property, not owner occupied uses are prohibited within the entire development.
2. A 20 foot wide alley shall be provided from McAlpine through the project site. The alley will be signed one way from McAlpine north through the site. Traffic will not be permitted to exit from the alley onto McAlpine.
3. If the existing detached unit along McAlpine Avenue is demolished, any new structure shall be similar in bulk and massing and maintain orientation towards McAlpine.
4. At the time of final, the multi-family structures internal to the site shall provide a consistent height transition to the surrounding properties.
5. At the time of final, elevations consistent with the renderings included with the preliminary SP shall be submitted.

6. On the corrected copy, the fallback zoning districts should be updated: Subdistrict 1 is MUL-A, Subdistrict 2 is RS10, and subdistrict 3 is RM20.
7. On the corrected copy, Note # 1 under the bulk standards table shall be removed and replaced with the following language: Height shall be measured from the average elevation at finished grade to the midpoint of the primary roof pitch, if sloped roof, or to the top of the parapet, if structure is built with a flat roof.
8. With the final site plan submittal, a pedestrian connection from the interior of the development shall be provided to McAlpine. The property with frontage along McAlpine shall be developed with a minimum 5 foot wide sidewalk. Sidewalks along Gallatin Pike shall meet the standards of the Major and Collector Street Plan. A pedestrian connection from Gallatin Pike to the internal portion of the site shall be included. Sidewalk connections that provide access to the site from existing rights of way shall be within existing right-of-way or placed in a public access easement.
9. With the submittal of the final site plan, a tree preservation plan shall be submitted, and existing mature trees shall be preserved to the greatest extent practicable.
10. 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.
11. 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.
12. 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.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. 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 MUG-A zoning district for subdistrict 1, the RS10 zoning district for subdistrict 2, and the RM20 zoning district for subdistrict 3 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
15. 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.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

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

Nathan Weinberg, no address given, stated he is one of the developers on the project. He spoke in favor of the application.

Scott Morton stated he has been told by a traffic engineer that the impact for the second access being removed would not impact the development of this size and they are committed to provide a full TIS at final, if necessary.

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

Ms. Johnson asked how the alley extension came about in the original plan.

Ms. Milligan stated the plan, as submitted, included the alley and they reviewed the plan based on that submittal and NDOT recommended approval of that plan with the alley.

Ms. Johnson asked if NDOT is OK with removing the updated plan or is it still recommended leaving it but making it just an ingress only.

Ms. Milligan said based on her conversation with NDOT, the preference is to just have the alley without an access point on to Gallatin Pike. She stated it was a compromise to provide that access point on to Gallatin Pike and to have the alley be ingress only.

Ms. Kempf explained the Planning Department will get proposals that are more intense than what the policy allows; so, the conversation with the developer is if they want to go more intense, they need to put in the mobility infrastructure to support that level of intensity. Then, they may hear that the community does not support the connectivity. NDOT looked at it technically and Planning indicated if this type of density is wanted, Planning would support it with more connectivity.

Ms. Johnson thought this is a great plan but said the only sticking point is the extension of the alleyway through McAlpine. She said having an ingress only is a good compromise. Ms. Johnson asked if there is anything the Commission can do if the Councilmember removes the ingress access and it then gets disapproved.

Ms. Kempf responded it is in Council's purview to decide if it wanted to remove a condition. Procedurally, the Council can have 27 votes to remove the condition or it could generate a re-referral.

Ms. Johnson said she really wants to emphasize that for future mobility and safety for fire access.

Councilmember Withers said he values the tradeoff of preserving existing trees and greenspace more than the alley connection, since there is already an egress and ingress point on Gallatin Pike.

Mr. Clifton said this may be too much density without certain things, as opposed to trying to sell density.

Ms. Kempf responded so many of the policy frameworks or decisions in the T4 areas value density where it needs to be, but it says they need to invest in the alley and other access infrastructure to accomplish that.

Mr. Clifton said he is trying to figure out how to do that. He stated he would like to see the alley work but also wants to see density for the missing middle.

Ms. Kempf advised the Commission's decision is technical and the Councilmember can make the political decision.

Mr. Henley said he preferred not to have the alley from the function of having community support to the types of housing projects needed, but also specific to this site. He stated there is already an access point off Gallatin Pike that serves commercial and thought this would function without the alley.

Ms. Blackshear stated she understood the neighbors' and Councilmember's concerns, but from a Planning perspective it is preferable to have the alley. She asked how practically do they make the alley one way.

Ms. Milligan answered alleys are technically wide enough for two cars but typically they are only one car at a time. She said signage is used to indicate the alley is for entrance only.

**Ms. Blackshear moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions including a condition to include the alley. (6-0)**

#### **Resolution No. RS2023-217**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-047-001 is approved with conditions and disapproved without all conditions. (6-0)

#### **CONDITIONS**

1. Permitted uses shall be limited as follows: District 1 shall be limited to all non-residential uses of MUG-A with the exception of hospital, automobile convenience, automobile parking, automobile service, park and ride lot, mobile storage unit, and warehouse. Residential uses are not permitted in District 1. District 2 shall be limited to a maximum of 2 multi-family units and District 3 shall be limited to 36 multi-family dwelling units. Short term rental property, owner occupied and short term rental property, not owner occupied uses are prohibited within the entire development.
2. A 20 foot wide alley shall be provided from McAlpine through the project site. The alley will be signed one way from McAlpine north through the site. Traffic will not be permitted to exit from the alley onto McAlpine.
3. If the existing detached unit along McAlpine Avenue is demolished, any new structure shall be similar in bulk and massing and maintain orientation towards McAlpine.
4. At the time of final, the multi-family structures internal to the site shall provide a consistent height transition to the surrounding properties.
5. At the time of final, elevations consistent with the renderings included with the preliminary SP shall be submitted.
6. On the corrected copy, the fallback zoning districts should be updated: Subdistrict 1 is MUL-A, Subdistrict 2 is RS10, and subdistrict 3 is RM20.
7. On the corrected copy, Note # 1 under the bulk standards table shall be removed and replaced with the following language: Height shall be measured from the average elevation at finished grade to the midpoint of the primary roof pitch, if sloped roof, or to the top of the parapet, if structure is built with a flat roof.
8. With the final site plan submittal, a pedestrian connection from the interior of the development shall be provided to McAlpine. The property with frontage along McAlpine shall be developed with a minimum 5 foot wide sidewalk. Sidewalks along Gallatin Pike shall meet the standards of the Major and Collector Street Plan. A pedestrian connection from Gallatin Pike to the internal portion of the site shall be included. Sidewalk connections that provide access to the site from existing rights of way shall be within existing right-of-way or placed in a public access easement.
9. With the submittal of the final site plan, a tree preservation plan shall be submitted, and existing mature trees shall be preserved to the greatest extent practicable.
10. 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.
11. 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.

12. 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.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. 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 MUG-A zoning district for subdistrict 1, the RS10 zoning district for subdistrict 2, and the RM20 zoning district for subdistrict 3 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
15. 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.
16. 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.

**12. 2018S-059-003**

**ORCHARDS PH3**

Council District 09 (Tonya Hancock)

Staff Reviewer: Eric Matravets

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2018S-059-003 to the June 22, 2023, Planning Commission meeting. (6-0)**

**13. 2018S-059-004**

**ORCHARDS PH2**

Council District 09 (Tonya Hancock)

Staff Reviewer: Eric Matravets

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2018S-059-004 to the June 22, 2023, Planning Commission meeting. (6-0)**

**14. 2019S-039-002**

**PAYNE RD SUBDIVISION**

Council District 28 (Tanaka Vercher)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 18 single family lots on property located at 4830 Payne Road, approximately 200 feet south of Reeves Road and within the Payne Road Residential Urban Design Overlay, zoned R8 (5.5 acres), requested by W&A Engineering, applicant; Moris Tadros, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2019S-039-002 to the June 22, 2023, Planning Commission meeting. (6-0)**

**15. 2020S-207-003**

**CHANDLER RESERVE**

Council District 11 (Larry Hagar)

Staff Reviewer: Dustin Shane

A request for final plat approval to create 49 lots and dedicate right-of-way on a portion of property located at Chandler Road (unnumbered), north of Chandler Road, zoned R10 (15.98 acres), requested by Wilson & Associates, P.C., applicant; Meritage Homes of Tennessee Inc, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Request for final plat approval to create 49 lots.**

Final plat

A request for final plat approval to create 49 lots and dedicate right-of-way on a portion of property located at Chandler Road (unnumbered), north of Chandler Road, zoned One and Two-Family Residential (R10) (15.98 acres).

**CASE HISTORY**

The site is located on vacant residential land bordering the county line in Hermitage. The site has been zoned R10 since 1974. A concept plan approving 253 residential lots was approved at the December 10, 2020, Planning Commission meeting (Case No. 2020S-207-001). A final site plan has been approved (Case No. 2020S-207-002).

The proposed Phase 1 final plat application was filed in 2023. It includes 49 lots and is consistent with the concept and final plans.

**SITE DATA AND CONTEXT**

**Location:** The site is located at the current terminus of Leesa Ann Lane.

**Street type:** All street connections proposed are local streets. Leesa Ann Lane will serve as the main connection to the proposed subdivision. Leesa Ann Lane provides a connection to Tulip Grove Road, a Major Arterial Street.

**Approximate Acreage:** 15.98 acres or approximately 696,089 square feet.

**PROPOSAL DETAILS**

This proposal is for final plat approval. The concept plan approved for the site utilized the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code that were in effect at the time. The final plat matches the approved cluster lot concept plan with regard to maximum lot yield, open space requirements, alternative lot sizes, landscape buffer yard requirements, hillside development standards, floodplain development standards, and recreational facilities.

**Subdivision Variances or Exceptions Requested:** None

**UPDATED FINAL PLAT RULES AND PROCEDURES**

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

The subject site received preliminary plan approval in 2020 and final site plan approval in 2021. Although no changes have been made to the plat, approval by the MPC is now required because the plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

**APPLICABLE SUBDIVISION REGULATIONS**

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

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT ROADS RECOMMENDATION**

**Approve**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- NET - see roads comments.
- From subdivision construction plans review
- Explore the possibility of installation of traffic calming measures with the MPW Traffic Calming program, and address with revised plans. The streets to be explored are Leesa Ann Lane and Lady Nashville Drive.
- Prior to the first final plat, applicant is to re-furbish and lengthen the left turn lane striping on Leesa Anne Lane at the intersection with Tulip Grove Road, and on Lady Nashville Drive at the intersection with Lebanon Pike. The length of the storage and taper should be determined by the applicants traffic engineer and submitted to MPW for confirmation.
- The pavement markings at the intersections of Lebanon Pike at Tulip Grove Road and Big Horn Drive are to be refurbished with this development, submit plans with the construction plan submission.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on January 25, 2023) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 21SL0010 and 21WL0005. A bond amount of \$371,000.00 is assigned to 21SL0010 and an amount of \$392,000 is assigned to 21WL0005.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

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

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2020S-207-003 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Ms. Kempf advised this would have been done as an administrative review prior to March of 2023, but because of the state law, they are having to review a final. She said there is not a substantive decision before them, it is based on a previous decision made and asked if that was correct.

Mr. Shane responded she was correct.

Ms. Ladd said she can confirm that RS2023-2047, they were able to administratively put back some of those responsibilities on the Planning Commission, but this is one of those where it exceeds the number. She explained what is different is that this procedure happened after they have been doing things the same way for so long and for here, they have already received an approved final plat.

Ms. Milligan stated this has had an approved concept plan and approved final site plan, which is a construction plan. She explained the platting process has three steps; concept plan, final site plan and final plat. The state law says if it has over 25 lots, it comes back to the Commission, but thought they have met thresholds that place them within the protection of the Vested Rights Act.

Ms. Ladd cited Resolution 2014-1330 and advised this plan is already vested.



Vice Chair Farr said procedurally there is not a substantive case to hear but they will go through the process.

Ms. Kempf confirmed and recommended they open the Item for Public Hearing and hear from the applicant and anyone who wishes to speak.

Chris Cowan, Meritage Homes, 2555 Meridian Blvd, Franklin, spoke in favor of the application.

Joe DeLucas, Representative for the Board of Heritage Hills, 152 Dueler Drive, spoke in opposition to the application.

Chris Cowan spoke in rebuttal.

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

Councilmember Withers asked on what basis can the Commission disapprove this application.

Ms. Kempf answered if this was a concept plan, they would review it against the subdivision regulations and the general plan. At this point, they have a final plat before them, staff has evaluated this against their earlier approval and they would need to find a mistake the staff made in consistency between this plan and their earlier approval. She advised the plan is already vested so it would be protected.

Ms. Ladd added that timing is what impacts this and asked at what process would they see the plans going forward.

Ms. Milligan explained they will always continue to see concept plans. A concept plan is the first time they see a subdivision of this size and that is the initial approval. State law continues to allow final site plans to be reviewed at the staff level. When a final site plan comes in, staff is reviewing it for consistency with the concept plan that was approved. She further explained the final site plan came in for this and was consistent with the concept plan, all of the technical reviewing agencies reviewed the construction plans and recommended approval and subsequently, construction began.

Mr. Clifton stated he agreed but they have to fix the process, as a citizen comes down to make his views known and then it comes out the Commission does not have any authority.

Ms. Kempf said this came too late timing wise for them to try to get to the legislature and there were risks associated with it, so they chose to let this go for right now but will go back to work with their lobbyists to ensure this process works.

**Councilmember Withers moved and Ms. Johnson seconded the motion to approve with conditions. (6-0)**

**Resolution No. RS2023-218**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-207-003 is approved with conditions. (6-0)

**CONDITIONS**

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

**16. 2022S-221-001**

**HAWK'S HAVEN**

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: Approve with conditions.**

## APPLICANT REQUEST

### Request for concept plan approval to create four lots.

#### Concept Plan

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 One and Two-Family Residential (R40) (4.7 acres).

## SITE DATA AND CONTEXT

**Location:** The site is located west of the terminus of Salyer Drive, west of Rodney Drive.

**Street Type:** Salyer Drive is currently unimproved right-of-way that extends from Rodney Drive to the eastern boundary of this site. Salyer Drive will be improved as a new local street that extends along the southern boundary before terminating into a cul-de-sac towards the west.

**Approximate acreage:** 4.7 acres or approximately 204,732 square feet.

**Parcel/Site History:** This site is comprised of one existing lot (northern portion) and a portion of one parcel (southern portion). Existing lot 2 (northern portion) comprises the majority of the proposed development and was last platted in 1978 on 4.51 acres. The southern parcel (214), in its current configuration, was created via deed in 1994. Parcel (214) was previously platted as a lot. In its current form parcel (214) comprises 50.53 acres. A small portion of this parcel (approximately 0.19 acres) is included in this proposal, located along the boundary with Salyer Drive.

**Zoning History:** The site has been zoned R40 since at least 1974.

**Existing land use and configuration:** The northern property (Lot 2) is developed with a single-family residential use that is identified to be demolished with the proposed subdivision. The rectangular-shaped property is located behind properties which front Rodney Drive, northwest of the terminus of the Salyer Drive right-of-way. Access to the existing residence at Lot 2 is currently

## PROPOSAL DETAILS

### Number of lots: 4

**Lot sizes:** Lots 1 through 4 are each approximately 0.92 acres. Lot 1 is approximately 40,027 square feet; Lot 2 is 40,030 square feet; Lot 3 is 40,097 square feet; and lot 4 is 40,042 square feet. Stormwater management areas are identified within an open space that spans the eastern boundary.

**Access:** Vehicular access will be provided from Salyer Drive, which currently exists as unimproved, platted right-of-way located between this site and Rodney Drive to the east. Salyer Drive will be constructed as a new public road extending from Rodney Drive, east of the site, through this site before terminating into a cul-de-sac. Areas of dedication are identified on the plan to accommodate a standard right-of-way width of 50 feet, outside of the proposed cul-de-sac. Construction of the new road will include a portion of parcel (214), which currently takes access along a private drive that cuts through the existing Salyer Drive right-of-way. The existing driveway will be removed from the right-of-way and reconfigured to connect to the proposed cul-de-sac.

**Subdivision Variances or Exceptions Requested:** None

## APPLICABLE SUBDIVISION REGULATIONS

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

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

### 3-1 General Requirements

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

### **3-2 Monument Requirements**

Staff finds that the internal monuments and lot pins comply with monument requirements.

### **3-3 Suitability of the Land**

Based on available data, the property contains areas of steep slopes, as identified on Metro's topographical maps, and potential problem soils. Lots 1-4 have been identified as critical lots on the concept plan due to the presence of slopes greater than 20 percent. Portions of each lot contain areas of steep slopes ranging from 20-24.99%. Critical lots on steep slopes are reviewed against applicable development standards of Sections 17.28.030 of the Zoning Code and the critical lot plan requirements of the Subdivision Regulations during subsequent phases of the subdivision review process. Potential problem soils have also been identified along the western boundary, along the rear of Lots 1 and 2. Lots identified with problem soils are subject to the development requirements of Section 17.28.050 of the Zoning Code during final site plan review.

### **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 R40 zoning at the time of building permit. All proposed lots have frontage on a proposed public street, Salyer Drive.

### **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.

As all proposed lots front on a new public street, this subdivision is not an infill subdivision.

### **3-6 Blocks**

The proposed Salyer Drive block width, length, and shape meets the standards of this section.

### **3-7 Improvements**

This subdivision proposes a new public road and public sewer/water line extensions. Construction plans for required public improvements and private improvements (private stormwater, water and sewer lines and connections) will be reviewed with the Final Site Plan as required by the Subdivision Regulations.

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

Not applicable to this case. Sidewalks shall not be required on new streets in residential subdivisions where the base zoning district requires a minimum area of at least 20,000 square feet and the area of each lot to be platted remains 20,000 square feet or greater.

The proposed subdivision is located on a new street and includes lots with a minimum area of 40,000 square feet where no sidewalks are required. Additionally, there are no existing sidewalks on the surrounding streets, including along Rodney Drive, where the new street will connect.

### **3-9 Requirements for Streets**

The proposal includes a new public street that is identified with a right-of-way width of 50 feet, consistent with the local street standard. The new street terminates into a cul-de-sac towards the center of the site. In general, street designs such as loop streets or closes are preferred to the use of a cul-de-sac design. However, cul-de-sacs shall be permitted where topographic features or configuration of property boundaries prevent street connections. In this case, areas to the west of this site include large areas of problem soils and steep slopes, where a cul-de-sac would be permitted. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section, subject to conditions.

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

Not applicable to this case. The subdivision does not adjoin or encompass either a greenway corridor shown on the Countywide Greenways Plan or Countywide Parks Master plan, it is not located on a substandard street, or on a route depicted on the Major and Collector Street Plan.

The portion of the existing Salyer Drive right-of-way adjacent to the proposed subdivision will be improved with the construction of the new street through the site.

### **3-11 Inspections During Construction**

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after approval of a final site plan by all reviewing agencies. Required public infrastructure must be inspected and accepted for dedication prior to recording of a final plan, or the applicant may choose to post a bond securing the required public improvements.

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

Nashville DOT reviews street names and signage requirements for public roads and has recommended approval with conditions of this concept plan.

**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 concept plan and found it to comply with all applicable standards of this section. Stormwater recommends approval with conditions.

**3-15 Public Water Facilities**

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

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

Utilities in subdivisions are required to be located underground whenever a new street is proposed, per Section 17.28.103 of the Zoning Code.

**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 regard to setbacks, environmental performance standards, 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) and Conservation (CO). T3 areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T3 NM areas with the suburban transect are intended to preserve and protect the existing character or residential neighborhoods. Conservation policy is intended to preserve environmentally sensitive land features through protection and remediation.

A range of zoning districts are supported by the policy. Lot sizes within the broader policy can vary and zoning districts ranging from RS7.5 to R/RS40 are supported depending on context. The existing zoning is consistent with the policy guidance and proposed lots are consistent with the surrounding area.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- With final plat, roadway construction drawings shall comply with NDOT Subdivision Street Design Standards.

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

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

- See Roads conditions.

#### **WATER SERVICES RECOMMENDATION**

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

- Approved as a Concept Plan only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits, W&S Capacity #'s T2022053969 & T2022053984.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

#### **CONDITIONS**

1. Remove Note #7.
2. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
3. Any critical lots shall be subject to the applicable development standards of Sections 17.28.030 of the Zoning Code and the critical lot plan requirements of the Subdivision Regulations.
4. Any lots identified with problem soils shall be subject to the development requirements of Section 17.28.050 with the final site plan.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. Pursuant to 2-2.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
7. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval of a concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

#### **RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-221-001 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.

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

Katie James, 798 Rodney Drive, spoke in opposition to the application.

Molly Miller, 6744 Pennywell Drive, spoke in opposition to the application.

Robert Heller, 801 Rodney Drive, spoke in opposition to the application.

Wayne Underhill, 6341 Torrington Road, spoke in opposition to the application.

Ann Underhill, 6341 Torrington Road, spoke in opposition to the application.

John Castleman, 6760 Pennywell Drive, spoke in opposition to the application.

Alex Crow, 811 Cammack Court, spoke in opposition to the application.

Lance Hornbuckle, 925 Harriswood Drive, spoke in opposition to the application.

Sue Danilack, 758 Rodney Drive, spoke in opposition to the application.

Michelle Goddard, 751 Rodney Drive, spoke in opposition to the application.

Brian Jepson, 751 Rodney Drive, spoke in opposition to the application.

Sandy Callahan, 732 Rodney Drive, spoke in opposition to the application.

Councilmember Druffel spoke in opposition to the application.

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

Ms. Kempf stated someone who testified raised a fundamental issue regarding property ownership that is included in the proposal. She said they have a foundational legal problem with the application as there is a notarized letter from Edna Salyer, or someone speaking on her behalf, stating this property owner would like to withdraw her name from the application. She explained on its face there is a core legal problem about what property should even be reviewed under this application. If they would have received a proposal without her signature, it would be considered an incomplete application. Ms. Kempf said they have a couple of options, but at a very bare minimum, they need to indefinitely defer to clarify who or what land is under consideration. She advised they can recommend disapproval but is trying to figure out how to lead them there because she is concerned they are reviewing a plan that does not have a sound basis.

Ms. Ladd advised she would recommend an indefinite deferral so they can hash out what the letter means, what it means for the application and it gives the applicant the benefit of the doubt with no prejudice involved.

Ms. Milligan pointed to the property map and explained the pieces that are owned by Ms. Salyer.

Ms. Johnson said they should defer indefinitely.

Mr. Clifton stated he was skeptical about this plan and did not think a new application would get far.

**Mr. Henley moved and Mr. Clifton seconded the motion to defer indefinitely. (6-0)**

Vice Chair called for a 10 minute break.

**Resolution No. RS2023-219**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-221-001 is deferred indefinitely. (6-0)

**CONDITIONS**

1. Remove Note #7.
2. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
3. Any critical lots shall be subject to the applicable development standards of Sections 17.28.030 of the Zoning Code and the critical lot plan requirements of the Subdivision Regulations.
4. Any lots identified with problem soils shall be subject to the development requirements of Section 17.28.050 with the final site plan.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. Pursuant to 2-2.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
7. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

**17. 2022S-253-001**

**FIRST REVISION LOT 1 RESUB LOTS 76 & 77 MADISON HEIGHTS**

Council District 09 (Tonya Hancock)

Staff Reviewer: Amelia Lewis

A request for final plat approval to create two lots on property located at 828 Neelys Bend Road approximately 194 feet west of Tahlana Avenue, zoned RS20 (1.5 acres), requested by Todd Bollinger, applicant; Rose Lyn Noland, owner.

**Staff Recommendation: Approve with conditions including an exception to Section 3-5.2.d.1 for lot frontage.**

**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 828 Neelys Bend Road approximately 194 feet west of Tahlana Avenue, zoned Single-Family Residential (RS20) (1.5 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the south side of Neelys Bend Road, west of Tahlana Avenue.

**Street type:** The site has frontage on Neelys Bend Road, which is classified as an arterial boulevard in the Major and Collector Street Plan (MCSP). This section of Neelys Bend Road has an existing right-of-way width of approximately 58 feet. The right-of-way required to meet the MCSP is outlined below.

**Approximate Acreage:** 1.5 acres or approximately 65,340 square feet.

**Parcel/Site History:** This lot was created in 1984 as part of a two lot plat recorded in Book 6050, Page 119. The lot exists in this current configuration.

**Zoning History:** The parcel was previously zoned One and Two-Family Residential (R20) and was rezoned to RS20 in 1998.

**Existing land use and configuration:** Single-family residential

**Surrounding land use and zoning:**

- North: Single-Family Residential (RS40)
- South, East and West: Single-Family Residential (RS20)

**Zoning:** Single-Family Residential (RS20)

Min. lot size: 20,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

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:** The proposal is to create two lots from one existing lot.

**Lot sizes:** Proposed lot areas are as follows: Lot 1, 0.775 acres (33,754 sf); Lot 2, 0.693 acres (30,180 sf); lots have frontage along Neelys Bend Road.

**Access:** Access to the proposed lots is available from Neelys Bend Road by a 16 foot wide shared access easement over the existing drive on the proposed Lot 1.

**Subdivision Variances or Exceptions Requested:** Exception from the frontage requirement for Lot 2, as outlined below.

**APPLICABLE SUBDIVISION REGULATIONS**

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

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

**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. The proposal does not propose any new streets.

**3-3 Suitability of the Land**

There are no known sensitive or environmental features on the site.

**3-4 Lot Requirements**

Both lots comply with the minimum 20,000 square foot lot size of the Zoning Code. Any development proposed on the resulting lot will be required to meet the bulk standards and all other applicable regulations of the RS20 zoning district 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.

**3-5.1 Infill Subdivisions.** In areas outside of T2 Rural Neighborhood and/or T2 Conservation policies that are previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R, R-A, RS, and RSA zoning districts on an existing street shall be compatible with the General Plan as outlined in Sections 3-5.2 through 3-5.6.

**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. For the purposes of this section, "surrounding parcels" is defined as the five R, R-A, RS, or RS-A 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. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or cluster lot subdivision by approval of the rezoning or concept plan.

**3-5.2.a.** All minimum standards of the zoning code are met.

**3-5.2.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.

**3-5.2.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.

**3-5.2.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; and
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; and
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; and
4. Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.

**3-5.2.e** The current standards of all reviewing agencies are met.

**3-5.2.f.** If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).

The compatibility requirements have a minimum lot frontage of 151.63 feet and a minimum lot size of 30,133 square feet. The proposed Lots 1 and 2 meet the minimum lot size requirement at 33,754 square feet and 30,180 square feet, respectively. The lot frontage of proposed Lot 1 is 175.63 feet and the frontage of proposed Lot 2 is 137.65 feet. The required frontage for Lot 2 is not met.

Section 3-5.2.f. above states that if the compatibility requirements are not met, the Planning Commission may consider other factors including the development pattern of the area. Given the current configuration of the lots on the south side of Neelys Bend Road between Florence Circle and Tahlana Avenue, only one lot to the east of the subject site was used in the compatibility criteria. Using one lot in the compatibility criteria is extremely limiting. On the north side of Neelys Bend Road, across from the subject site and within the T3 NM policy area, the lot frontages range in width from 115 feet to 137 feet with an average of 128 feet. The proposed frontage of Lot 2 is 137.5 feet. Additionally,



a proposed shared access easement is proposed between the two lots, consolidating the access along Neelys Bend Road.

**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**

For subdivisions, sidewalks are not required along existing streets. Per a recent court case, the section of the Zoning Code that requires sidewalks along existing streets has been voided.

**3-9 Requirements for Streets**

This application does not propose to create any new streets.

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

Neelys Bend Road is classified as an arterial boulevard in the Major and Collector Street Plan (MCSP) with a half right-of-way width of 37 feet. To meet this standard, a four foot dedication is required. A four foot wide right-of-way reservation is shown on the plat. A condition to make this right-of-way dedication is included in the report.

**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**

An exception to the compatibility requirements is requested for the proposed Lot 2 frontage.

**PLANNING STAFF COMMENTS**

With the exception of the lot frontage for the proposed lot 2, 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 to Section 3-5.2.d. for lot frontage by finding that the lots can provide for harmonious development.

**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 T3 Suburban Neighborhood Maintenance. The intent of T3 NM policy is to maintain the general character of suburban neighborhoods as characterized by their development pattern, building form, land use, and associated public realm. The proposed subdivision maintains the land use, and largely meets the compatibility standards of the subdivision regulations intended to maintain the existing development standards.

If the Commission can find that the proposed final plat is meeting the intent of the T3 NM policy, the Commission could place greater weight to this portion of the adopted General Plan (Nashville Next), and the Commission may approve the subdivision with the requested exception.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**  
Approve

**STORMWATER RECOMMENDATION**  
Approve

**NASHVILLE DOT RECOMMENDATION**  
Approve

**TRAFFIC AND PARKING RECOMMENDATION**  
Approve

**WATER SERVICES RECOMMENDATION**  
Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by planning on May 24, 2023) on which we recommend approval for sewer only.
- Water provided by Madison Suburban Utility District.

**MADISON SUBURBAN UTILITY DISTRICT**

- Water provided by Madison Suburban Utility District. A letter of availability from MSUD has been provided.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions including an exception to 3-5.2.d.1. for the proposed Lot 2.

**CONDITIONS**

1. The right-of-way reservation shall be revised to a right-of-way dedication.
2. The shared access easement shall be placed over the existing driveway on Lot 1 with a shared access shown into Lot 2.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

**RECOMMENDED ACTION**

Motion to approve the proposed subdivision Case No. 2022S-253-001 with conditions, including an exception to the lot frontage requirement for the proposed Lot 2.

**Approved with conditions and disapproved without all conditions including an exception to Section 3-5.2.d.1 for lot frontage. (6-0)**

**Resolution No. RS2023-220**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-253-003 is approved with conditions including an exception to Section 3-5.2.d.1 for lot frontage. (6-0)

**CONDITIONS**

1. The right-of-way reservation shall be revised to a right-of-way dedication.
2. The shared access easement shall be placed over the existing driveway on Lot 1 with a shared access shown into Lot 2.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission’s approval.

**18. 2023S-026-001**

**MARTIN RESERVE SUBDIVISION**

Council District 25 (Russ Pulley)

Staff Reviewer: Dustin Shane

A request for concept plan approval to create 7 lots and dedicate right-a-way on properties located at 3600 Abbott Martin Road, approximately 100 feet south of Burlington Place, zoned R20 (4.29 acres), requested by Stephen Vander Horst, applicant; Abbott Land 3600, LLC, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-026-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**19. 2023S-042-001**

**ST. LUKE PRESBYTERIAN CHURCH**

Council District 08 (Nancy VanReece)

Staff Reviewer: Logan Elliott

A request for final plat approval to create three lots on property located at 903 Old Hickory Boulevard, approximately 1,380 feet east of the corner of Dickerson Pike and Old Hickory Boulevard, zoned RS20 (6.3 acres), requested by WT Smith Land Surveying, applicant; St. Luke Cumberland Presbyterian CH., Inc, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-042-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**20. 2023S-063-001**

**THORNTON GROVE PUD PH 4A**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Donald Anthony

A request for final plat approval to create 29 lots and dedicate right-of-way on a portion of property located at 3500 Brick Church Pike, at the southern terminus of Thornton Grove Boulevard, zoned RM9 and within a Planned Unit Development Overlay District, (14.81 acres), requested by Dale & Associates, applicant; Thornton Grove Green, LLC, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-063-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**21. 2022Z-109PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Donald Anthony

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

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022Z-109PR-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**22. 2023Z-037PR-001**

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

A request to rezone from RS5 to R6 zoning for property located at 1229 John L Copeland Boulevard, approximately 170 feet south of Weakley Avenue (0.13 acres), requested by C&H Properties, LLC, applicant and owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023Z-037PR-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**23. 2023CP-003-003**

**PARKWOOD-UNION HILL COMMUNITY PLAN AMENDMENT**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Cory Clark

A request to amend the Parkwood-Union Hill Community Plan to change the community character policy from T3 Suburban Neighborhood Evolving (T3 NE) to Suburban Neighborhood Maintenance (T3 NM) for various properties along Ewing Drive located east of Brick Church Pike and west of Richmond Hill Drive, zoned R8, RS7.5, and SP (approximately 36 acres), requested by Metropolitan Nashville Planning Department, applicant; various owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Amend Parkwood-Union Hill Community Plan to change the community character policy.**

Minor Plan Amendment

A request to amend the Parkwood-Union Hill Community Plan by changing the community character policy from Suburban Neighborhood Evolving (T3 NE) to Suburban Neighborhood Maintenance (T3 NM) for various properties along Ewing Drive located east of Brick Church Pike and west of Richmond Hill Drive (approximately 36 acres).

**PARKWOOD-UNION HILL COMMUNITY PLAN**

**Current Policy**

Suburban Neighborhood Evolving (T3 NE) policy is intended to create and enhance suburban neighborhoods with the best qualities of classic suburban neighborhoods-greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. 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 housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods need to take into account considerations such as timing and some elements of the existing developed character. 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) policy is intended to preserve environmentally sensitive land features in a natural state and to remediate environmentally sensitive features that have been disturbed when new development or redevelopment takes place. This policy is applicable to areas with sensitive environmental features, including, but not limited to, stream corridors, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. In this location, CO policy is applied to areas of floodways/floodplains and steep slopes. CO policy is not proposed to change.

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

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve 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.

**BACKGROUND**

In March 2022, Councilmembers Gamble, Withers, Hall, Toombs, and Taylor sponsored Metro Council Resolution 2022-1326, which requested Metro Planning Department staff review several areas across the county, including the Ewing Drive area, to see if land use policies should be updated to reflect changes that have occurred since the 2015 adoption of the NashvilleNext Plan. In this case initially, suburban policies in a larger area along Ewing Drive were reviewed. This area is in Metro Councilmember Kyonzté Toombs Council District 2. After discussion, it was

determined that Suburban Neighborhood Evolving policy (T3 NE) along Ewing Drive would be studied while Suburban Community Center (T3 CC) policy and Suburban Neighborhood Maintenance (T3 NM) policy would remain as currently adopted. An appropriate plan amendment area for Ewing Drive was selected, new policy was proposed, and the opportunity for community members to provide input on the proposed policy change was offered.

The plan amendment area consists of various properties along Ewing Drive, east of Brick Church Pike and west of Richmond Hill Drive. Interstate 24 is to the west, and Interstate 65 is to the east. Housing in the study area is primarily single-family homes with most of the houses on larger lots over an acre in size. Since the adoption of NashvilleNext in 2015, two properties have been rezoned within the plan amendment area, one permitting 21 houses, and Ewing Heights, a 180-unit housing complex under construction. Two other properties have developed additional houses under the existing one- and two-family residential (R8) zoning. These developments provide a variety of lot sizes for housing options. The residents think that the area has evolved in character with the addition of new houses. Now, they wish to change the policy to T3 NM to better maintain some of the larger sized lots, although additional houses can be permitted under the area's existing R8 zoning. To the west, the residential area is bordered by a center with a mix of uses that is adjacent to Interstate 24, and Interstate 65 borders the study area to the south and east.

### **COMMUNITY PARTICIPATION**

As part of the policy review, the Metro Planning Department determined the proposed plan amendment to be minor with a required community meeting. On Thursday, May 4, 2023, Community Plans staff conducted a virtual community meeting to discuss the request for a community plan amendment. Approximately eight people attended, including Councilmember Kyonzté Toombs, members of the public, and Planning staff. Community Plans staff discussed the proposed community plan amendments for two areas, one in Haynes Trinity (discussed in a separate staff report) and this one along Ewing Drive. Only one question was asked by an attendee, and it was about Ewing Drive and why properties along Richmond Hill Drive were excluded from the plan amendment area. Staff explained that those properties already had the requested community character policy, Suburban Neighborhood Maintenance (T3 NM), for the plan amendment area applied to them. The meeting was recorded and uploaded to Metro's YouTube channel to be viewed by those not in attendance at the community meeting and to date has received 30 views.

### **ANALYSIS OF PROPOSED SUBURBAN NEIGHBORHOOD MAINTENANCE POLICY NashvilleNext Growth and Preservation Concept Map**

The Growth & Preservation Concept Map (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map designates the plan amendment area as "Neighborhood." Neighborhoods are primarily residential, offering a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers. These areas have different character, depending on the context (rural, suburban, urban, or downtown).

Neighborhood areas in the Parkwood-Union Hill Community Plan, such as southern Parkwood and Skyline are predominantly suburban in character, while the Union Hill community is mostly farmland and rural residential. The plan amendment area is suburban in character and will remain in the "Neighborhood" designation on the Concept Map with the policy change.

### **Community Character Policy**

Community character policies guide zoning and development decisions. Nashville-Davidson County is divided into 14 Community Plan areas which provide history and context along with community-specific issues, strategies, and visions of how different places in the community could change over time. The Parkwood-Union Hill Community Plan uses policies that respect the diversity of character. As the Parkwood-Union Hill community experiences growth so will its neighborhoods and with this comes an undeniable need to balance growth while preserving the character of established neighborhoods. To accommodate the community's desire to maintain and enhance the character of its neighborhoods, neighborhood maintenance policies have been applied to established suburban neighborhoods in the southern portion of the Community Plan area.

The intent of T3 NM policy is to maintain the character of established suburban neighborhoods. After experiencing two rezonings that allow for denser developments, the community now wants the policy to focus on alignment with the existing suburban residential development pattern of the area as it is today. The requested T3 NM fits within the suburban context of the surrounding area. As mentioned previously, the area's current R8 zoning allows for additional housing to be permitted.

### **Transportation and Connectivity**

Each of the Community Plans considers the needs of vehicular users, bicyclists, pedestrians, and transit users through guidance from the Major and Collector Street Plan (MCSP). T3 NM areas have a moderate level of vehicular connectivity in the form of local streets, arterials, and collectors creating a complete street network with the goal of providing residents with multiple routes and reduced trip distances. The plan amendment area runs along Ewing Drive, a collector-avenue that collects vehicular traffic from local streets and distributes it to Brick Church Pike and Dickerson Pike, arterial-boulevards located west and east, respectively, of the plan amendment area.

In T3 NM areas, pedestrian and bicycle connectivity is low to moderate. Currently, there are no existing sidewalks along Ewing Drive. However, there is existing sidewalk in the vicinity of the intersection between Brick Church Pike and Ewing Drive. There is an existing shared bikeway route, but not a separated bike lane, that travels east and west along Ewing Drive.

WeGo Route 23 provides local public transit service to various locations in the Parkwood-Union Hill community. This route travels through the plan amendment area along Ewing Drive with several transit stops along its path. Route 23 connects with additional WeGo routes, allowing riders access to various destinations throughout Nashville and Davidson County.

#### **Analysis Summary**

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

- Aligns with the Neighborhood designation of the NashvilleNext Growth & Preservation Concept Map.
- Aligns with T3 NM policy applied to existing suburban residential areas north and east of the plan amendment area.
- Focuses on maintaining the existing suburban residential character and development pattern of the plan amendment area which residents desire.
- Provides adequate access for different mobility choices to various destinations throughout the Parkwood-Union Hill community and other areas of Nashville and Davidson County, although the sidewalk and bikeway networks need enhancement.

#### **STAFF RECOMMENDATION**

Staff recommends approval.

**Approved. (6-0)**

#### **Resolution No. RS2023-221**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-003is approved (6-0)

### **24. 2023CP-003-004**

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

#### **PLAN AMENDMENT**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Cory Clark

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan to change the community character policy from Urban Mixed Use Neighborhood (T4 MU) to Urban Neighborhood Maintenance (T4 NM) for various properties north of Baptist World Center Drive and west of Brick Church Pike, zoned CS, MUN-A-NS, R6, RM20-A, RM20-A-NS, RS5, and SP (approximately 42.5 acres), requested by Metropolitan Nashville Planning Department, applicant; various owners.

**Staff Recommendation: Defer to June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023CP-003-004 to the June 22, 2023, Planning Commission meeting. (6-0)**

### **25. 2023CP-014-001**

#### **DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN AMENDMENT**

Council District 12 (Erin Evans)

Staff Reviewer: Cory Clark

A request to amend the Donelson-Hermitage-Old Hickory Community Plan to change the community character policy from Suburban Neighborhood Center (T3 NC) to Suburban Neighborhood Evolving (T3 NE) for various properties along John Hagar Road and Earhart Road, located east and south of Bluejay Court and Buttonquail Court, zoned RS15 (approximately 21.3 acres), requested by Metropolitan Nashville Planning Department, applicant; various owners.

**Staff Recommendation: Approve.**

#### **APPLICANT REQUEST**

**Amend Community Plan to change the community character policy.**

### Minor Plan Amendment

A request to amend the Donelson-Hermitage-Old Hickory Community Plan by changing the community character policy from Suburban Neighborhood Center (T3 NC) to Suburban Neighborhood Evolving (T3 NE) for various properties along John Hagar Road and Earhart Road located east and south of Bluejay Court and Buttonquail Court (approximately 21.3 acres).

## **DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN**

### **Current Policy**

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

Conservation (CO) policy is intended to preserve undisturbed environmentally sensitive land features in a natural state and remediate environmentally sensitive features that previously have been disturbed when new development or redevelopment takes place. CO is applicable to areas with sensitive environmental features, including, but not limited to, stream corridors, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. In this area, CO policy recognizes steep slopes and floodways/floodplains.

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

Suburban Neighborhood Evolving (T3 NE) policy is intended to create and enhance suburban neighborhoods with the best qualities of classic suburban neighborhoods— greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. 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 housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods need to take into account considerations such as timing and some elements of the existing developed character. 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.

## **BACKGROUND**

In March 2022, Councilmembers Gamble, Withers, Hall, Toombs, and Taylor sponsored Council Resolution 2022-1326, which requested Planning staff review several areas across the county, including Hermitage, to see if land use policies should be updated to reflect changes that have occurred since the 2015 adoption of the NashvilleNext Plan. This area is in Councilmember Erin Evan's Council District 12. In this case, initially, a larger area of Suburban Neighborhood Evolving (T3 NE) policy along John Hagar Road was reviewed. After discussion, it was determined that the Suburban Neighborhood Center (T3 NC) policy along John Hagar Road and Earhart Road would be studied. An appropriate plan amendment area (site) was selected, new policy was proposed, and the opportunity for community members to provide input on the proposed policy change was offered.

The plan amendment area consists of several properties along John Hagar Road and Earhart Road, south of Interstate 40 and west of the Wilson County line. Currently, these properties contain single family houses on large lots along with a family cemetery on one property. The Bridgewater residential subdivision with houses on smaller lots is directly across John Hagar Road to the west with Percy Priest Lake being further west. The county line between Davidson County and Wilson County is a quarter mile to the east of the plan amendment area on John Hagar Road.

## **COMMUNITY PARTICIPATION**

As part of the policy review Metro Planning Department determined the proposed plan amendment to be minor with a required community meeting. On Monday, March 20, 2023, Community Plans staff conducted a virtual community meeting to discuss the request for a community plan amendment. Approximately 20 people attended, including Councilmember Erin Evans, members of the public, and Planning staff. Planning staff discussed the proposed community plan amendment and took questions afterwards. This meeting was recorded and posted to Metro's YouTube page for later viewing. Currently, the video has been viewed 183 times.

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

### **NashvilleNext Growth and Preservation Concept Map**

The Growth & Preservation Concept Map (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map designates the plan amendment area as "Neighborhood." Neighborhoods are primarily residential offering a mix of housing types and character, with smaller civic and employment areas and small neighborhood centers. These areas have different character, depending on the context (rural, suburban, urban, or downtown). The Donelson-Hermitage-Old Hickory Community Plan neighborhood areas are comprised of both older and newer residential development that are predominantly suburban in nature. The plan amendment area is more suburban in character and will remain in the "Neighborhood" designation on the Concept Map with the policy change.

### **Community Character Policy**

Community character policies guide zoning and development decisions. Nashville-Davidson County is divided into 14 Community Plan areas which provide history and context along with community-specific issues, strategies, and visions of how different places in the community could change over time. The Donelson–Hermitage–Old Hickory Community Plan uses policies that are tailored to ensure that the form and character for its areas are achieved. This large Community Plan area includes the communities of Pennington Bend, Hadley’s Bend, Rayon City, Music Valley, and parts of Percy Priest. As these areas continue to expand so will its neighborhoods and with this comes a need to balance growth while preserving the character of established residential neighborhoods. To accommodate the community’s desire to maintain long-term sustainability and provide an appropriate mix of housing types, neighborhood evolving policies have been applied in various locations.

The intent of T3 NE policy is to create and enhance suburban neighborhoods. T3 NE areas are anticipated, over time, to develop residential patterns with the best qualities of classic suburban neighborhoods, but at higher densities and with greater housing variety than what may be seen in other suburban neighborhoods. Currently, the community wants the policy to focus on alignment with the evolving residential development pattern of the area, instead of providing a mix of uses.

### **Transportation and Connectivity**

T3 NE areas have moderate levels of vehicular connectivity in the form of local streets, arterials, and collectors that contribute to the overall street network and provide residents with multiple routes and reduced trip distances. In addition to community character, each of the Community Plans considers the needs of vehicular users, bicyclists, pedestrians, and transit users through guidance from the Major and Collector Street Plan (MCSP). The site runs along John Hagar Road and Earhart Road, both designated as collector-avenues by the MCSP and primarily used for residential traffic, both in this area and in the adjacent neighborhoods of Wilson County.

In T3 NE areas, pedestrian and bicycle connectivity is moderate and, where available, is provided in the form of sidewalks and bikeways throughout the neighborhood. Currently, there is no existing sidewalk along John Hagar Road in the plan amendment area. There is existing sidewalk that begins along this roadway as it crosses over Earhart Road, becoming New John Hagar Road, and continues into the Bridgewater residential subdivision. There are no designated bicycle lanes along John Hagar Road, Earhart Road, and New John Hagar Road. Local public transit service is not available in the area.

### **Analysis Summary**

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

- Aligns with the Neighborhood designation of the NashvilleNext Concept Map.
- Aligns with the adjacent T3 NE policy areas to the north, east, and south.
- Focuses on residential building types which the neighborhood desires, instead of a mix of uses.
- Street connectivity is appropriate, although sidewalks, bikeways, and transit service need to be enhanced.

### **STAFF RECOMMENDATION**

Staff recommends approval.

**Approved. (6-0)**

### **Resolution No. RS2023-222**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-014-001 is approved (6-0)

## **26. 2023Z-003TX-001**

### **DTC BONUS HEIGHT PROGRAM**

Staff Reviewer: Jared Islas

A request to amend Section 17.37 of the Metropolitan Code of Laws to update the Downtown Code’s Bonus Height Program, all of which is described herein.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023Z-003TX-001 to the June 22, 2023, Planning Commission meeting. (6-0)**



**27. 2014SP-050-002**

**4214 CENTRAL PIKE (AMENDMENT)**

Council District 12 (Erin Evans)

Staff Reviewer: Laszlo Marton

A request to amend a Specific Plan for property located at 4214 Central Pike, at the southwest corner of N. New Hope Road and Central Pike, zoned SP (14.02 acres), to permit 320 multi-family residential units, requested by Kimley-Horn, applicant; NHC/OP, LP, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2014SP-050-002 to the June 22, 2023, Planning Commission meeting. (5-0-1)**

**28. 2016SP-043-005**

**TRINITY LANE MASTERPLAN (AMENDMENT)**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to amend a portion of a Specific Plan on property located at Old Matthews Road (unnumbered), approximately 420 feet north of W. Trinity Lane, zoned SP (10.29 acres), to revise the layout and residential unit count for Block 3 to permit a maximum of 65 attached units, 6 detached units and 11 single-family lots, requested by Transformation Title and Escrow, applicant; North Lights, LLC, owner.

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

**APPLICANT REQUEST**

**Amend SP to permit 71 multifamily residential units and 11 single-family residential units.**

Zone Change

A request to amend a portion of a Specific Plan on property located at Old Matthews Road (unnumbered), approximately 420 feet north of W. Trinity Lane, zoned Specific Plan (SP) (10.29 acres), to revise the layout and residential unit count for Block 3 to permit a maximum of 65 attached units, 6 detached units and 11 single-family lots.

**Existing Zoning**

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

**Proposed Zoning**

Specific Plan-Mixed 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 site is approximately ten and a half acres in size and has frontage along Old Matthews Road to the east and Toney Road to the west. The site is within the Trinity Master Plan SP which was approved by Council in 2016 (BL2016-368). The plan as reviewed by Planning the Commission and Council showed 352 total units; however, the bill limited the total units to 341. This was an oversight and a result of not accounting for the eleven single-family lots on the northern portion of the site.

The Trinity Master Plan includes three blocks/phases. The proposed amendment includes a portion of Block 2 and all of Block 3 as shown on the Council approved plan. Block 1 and Block 2 have final site plan approvals which included minor modifications to the overall layout, distribution of unit types, and block/phasing. The portion of Block 2 within the scope of this amendment was added to Block 3. On the Council approved plan, this portion of Block 2 included eight detached residential units along Old Matthews Road.

Site Plan

The proposed plan allows up to 71 multifamily residential units and 11 single-family residential lots. The multi-family units include up to 65 attached units and up to six detached units. Attached units are located along Old Matthews Road, proposed extension of Toney Road and internal drives and open space. Detached units are located along the south side of the extension of Toney Road, at the northwest corner of the development. While the plan only shows 5 detached units currently, the proposal would allow up to 6. The eleven single-family lots are located north of the

proposed extension to Toney Road. Access for all units is from internal drives from Block 1 and Block 2, Old Mathews Road, and the extension of Toney Road.

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

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

T3 Suburban Neighborhood 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.

#### Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The policy calls for an alley through the site.

### **ANALYSIS**

Staff finds that the proposed amendment is consistent with the T3 NE land use policy and the currently approved plan. The layout includes no change to the currently approved single-family lots, and the layout to the remainder of attached and detached units in Block 3 are minimal. Since the plan is consistent with the policy, then staff recommends approval with conditions and disapproval without all conditions.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approved with conditions**

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

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Site to have a concurrence letter from TDEC and any necessary stormwater variances prior to final approval.

### **WATER SERVICES RECOMMENDATION**

#### **Approved with conditions**

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

### **NASHVILLE DOT RECOMMENDATION**

#### **Approve with conditions**

- At final:
  - Include proposed public roadway construction drawings(profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards.
  - Callout roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
  - Show 'Now Entering Private Drive' signage where applicable off public roads.
  - Provide internal stop control at intersections. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP).
  - Dedicate ROW along all frontages to accommodate MCSP requirements.
  - Provide call outs on final site plan for MCSP requirements.
  - Show 'Now Entering Private Drive' signage where applicable off public roads into site.
  - Provide internal stop control at private or public intersections.
  - Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses.

- Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity.
- Provide a loading/unloading and waste plan for each aspect/phase of the total development.
- Provide any truck turning movements relevant to loading/unloading waste plan activities.
- Note: A private hauler will be required for site waste/recycle disposal.
- Previous road and traffic conditions (per BL2016-368) apply.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- MCSP requirements shall be met along all frontages.
- On-street parking and/or bulb-outs on W Trinity Lane shall not be shown on any final plans.
- Provide a crosswalk on Old Matthews Road at the intersection with W Trinity Lane. Directional-facing ADA compliant ramps and detectable mats shall be provided.
- Coordinate with WeGo prior to Final SP submittal on transit needs in the area. Note that WeGo has plans to provide a transit route along W Trinity Lane from Clarksville Pike to Gallatin Pike and they may need a stop along property frontage.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	-	-	11 U	136	12	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	61 U	331	21	28

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
Single-Family Residential (210)	-	-	11 U	136	12	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	71 U	385	24	31

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
-	-	-	-	+54	+3	+3

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP district: **20 Elementary 11 Middle 10 High**  
 Projected student generation proposed SP district: **23 Elementary 12 Middle 11 High**

The proposed amendment is expected to generate five additional students than the existing SP zoning district. Students would attend Alex Green Elementary School, Brick Church College Prep Middle School, and Whites Creek High School. There is additional capacity in all three schools. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses in Block 3 shall be limited to a maximum of 71 multifamily residential units and a maximum of 11 single-family residential lots. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited in the entire development.
2. The max unit count for Block 1 and Block 2 shall be limited to the number of units approved on the final site plan for each block.
3. All applicable requirements per BL2016-368 shall remain in effect.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for multi-family units and RS7.5 for single-family lots as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**Resolution No. RS2023-223**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-043-005 is approved with conditions and disapproved without all conditions (6-0)

**CONDITIONS**

1. Permitted uses in Block 3 shall be limited to a maximum of 71 multifamily residential units and a maximum of 11 single-family residential lots. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited in the entire development.
2. The max unit count for Block 1 and Block 2 shall be limited to the number of units approved on the final site plan for each block.
3. All applicable requirements per BL2016-368 shall remain in effect.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for multi-family units and RS7.5 for single-family lots as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**29. 2023SP-039-001**

**2500 & 2506 BUENA VISTA PRELIMINARY SP**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Amelia Lewis

A request to rezone from R8 to SP zoning for properties located at 2500, 2506 Buena Vista Pike, and Buena Vista Pike (unnumbered), approximately 400 feet south of the intersection of Buena Vista Pike and W. Trinity Lane (6.51 acres), to permit a mixed-use development, requested by Catalyst Design Group, applicant; ARG Investments GP and ARG Investments, LGP, owners.

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

**APPLICANT REQUEST**

**Rezone from R8 to SP.**

### Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan (SP) zoning for properties located at 2500, 2506 Buena Vista Pike, and Buena Vista Pike (unnumbered), approximately 400 feet south of the intersection of Buena Vista Pike and W. Trinity Lane (6.51 acres), to permit a mixed-use development.

### **Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 zoning would permit maximum of 30 lots, including 7 duplex lots, for a total of 44 units based on acreage alone. This does not account for compliance with the Metro Subdivision Regulations.*

### **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.*

### **BORDEAUX – WHITES CREEK - HAYNES TRINITY NASHVILLE COMMUNITY PLAN**

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

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.

### **PLAN DETAILS**

The 6.51 acre site is located on the south side of Buena Vista Pike, west of the intersection of Buena Vista Pike and W. Trinity Lane. The site is comprised of five contiguous parcels. The rear property line of the site abuts the Cumberland River. The property to the west is zoned R8 and has been developed with a multi-family residential development. The property to the east is a part of the Riverside SP (2022SP-027-001) development, which was on the agenda at the March 11, 2023, Planning Commission meeting. The properties to the north, across Buena Vista Pike are zoned SP and One and Two-Family Residential (R10). Existing and future land uses include multi-family residential and mixed-use developments.

### Site Plan

The proposed plan is somewhat regulatory in nature, with the exception of planned roadways. A proposed 59 foot wide collector road is proposed to run east-west through the site, connecting to the Riverside development to the east. This roadway connection is shown as a planned roadway in the Major and Collector Street Plan (MCSP). A proposed local street section is proposed to provide access from Buena Vista Pike to the site, intersecting with the proposed collector street.

The proposed plan divides the site into two districts. District 1 is located along the northern portion of the site and permits up to 10,000 square feet of non-residential uses and a maximum of 280 multi-family residential units. The permitted non-residential uses are those of the MUG-A-NS zoning district, with the exception of those identified as prohibited uses in the SP document. District 2 is limited to a maximum of 20 multi-family residential units. As the proposed plan is regulatory, the following provisions have been included to guide future development on the site:

- Minimum glazing requirements
- Unit orientation requirements
- Building frontage requirements within the build-to-zone along Buena Vista Pike
- Structured parking at the street level and along public streets shall be lined with active spaces: residential units, commercial spaces, or lobby area. Surface parking above the ground floor along public streets, if not lined with active uses, shall be screened with vertical and horizontal integration of the architecture of the building, using the same materials and glazing systems across the building.
- "Surface parking above the ground floor along public streets" to "structured parking above the ground floor along public streets"
- Building facades fronting a street shall provide a minimum of one principal entrance.

### **ANALYSIS**

There are two policies on the site, Urban Mixed Use Corridor (T4 CM) and Conservation (CO). The intent of the T4 CM policy is intended to enhance urban mixed-use corridors by encouraging a greater mix of higher density residential and mixed use developments. The proposed development is consistent with the policy to provide high density residential development along corridors, an opportunity for mixed use developments, strengthen the mobility network by providing new street connections, and provide improved pedestrian facilities along Buena Vista Pike. The proposed District 1 provides the mixed-use and high intensity residential along the corridor. District 2 steps down the density, given the reduced building area available between the constraints of the planned roadway and the river.

The Conservation policy is in place along the southern portion of the site, against the river bank. Additional conservation policy is applied through the site due to stream buffers and slopes. This area is largely unaffected by the proposed development due to the proposed buffers around district 2. The proposed east-west collector road does cross over the stream buffer, however, the CO policy guidance indicates that where there is policy calling for more intense development, there should be a balance between the two policies. Some disturbance may be permissible to achieve other goals such as broader connectivity through the area. The proposed plan shows a greenway connection from the collector road to the southern portion of the where the greenway would continue to the western property line. Conditions below require the construction and dedication of the greenway in accordance with Metro Parks standards for greenways.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **PARKS RECOMMENDATION**

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

- Edit the text box on page 3 that begins "20' GREENWAY EASEMENT" by adding "MINIMUM" before 20'.
- Edit the text box on page 4 that begins "20' GREENWAY EASEMENT" by adding "MINIMUM" before 20'.
- Edit the text box on page 5 that begins "20' GREENWAY EASEMENT" by adding "MINIMUM" before 20'.
- Edit the text box on page 6 that begins "20' GREENWAY EASEMENT" by adding "MINIMUM" before 20'.
- Edit the text box that begins "10' WIDTH CONNECTION" on page 6 by removing the text in its entirety and replacing it with, "CONCEPTUAL LOCATION OF A 14' WIDE PAVED GREENWAY."
- Edit page 6 by extending the 14' WIDE PAVED GREENWAY (the solid green line) all the way to the east property line.
- Identify in the legend on page 6, what the dashed green line indicates.
- Add a new section, "Parks/Greenways and Open Space Requirements" after numbered item 24 on page 7. Begin with and add the new number 25 - 42 and renumber existing items 25 and 26 as appropriate.
  - The construction of greenway and greenway trail must be a liner component of the overall onsite open space system traversing the site east to west, from map and parcel 07010000500, 0 Buena Vista Pike (the Riverside Development) to map and parcel 07009013900, 2400 Buena Vista Pike is required. The greenway trail will run generally east-west along the river from the west property line to the east property line. The second greenway trail shall be in the form of a multi-modal path, parallel to the proposed collector road, from east to west, in a manner acceptable to Parks and NDOT.
  - The greenway should provide a "park-like" experience serving as recreational space and maximizing health benefits and the conservation of natural resources.
  - The greenway and greenway trail to be designed and constructed by applicant and/or developer per Metro Parks' standards and terms approved by Metro Parks Greenways staff. All to be memorialized in a Participation Agreement, with covenants that run with the land, that must be approved by Division of Greenways and Open Space, Park Department staff (Greenways Staff) prior to approval of the Final SP. The applicant and Greenways Staff shall agree upon terms to be included in the Participation Agreement to allocate responsibility for maintenance of the dedicated greenway easement between the property owner and Metro. The Participation agreement must be recorded with the Davidson County Register of Deed's Office prior to any use and occupancy or issuance of the first Use and Occupancy letter.
  - The greenway and greenway trail must be placed in an easement that includes the floodway, a 75' buffer, and additional width to the extent necessary to include all aspects of greenway connectivity throughout the site. Where the regulatory plan and document refers to a 20' wide greenway easement, it refers to a minimum easement width. Additional easement area will be required to facilitate the full length of the greenway on site and additional width may be required to accommodate greenway design requirements including ADA design standards. Coordinate with Greenways staff to determine final location of the greenway trail and the extent of easements. The greenway and easement to be delineated and noted on the project plans prior to Final SP approval.
  - The Conservation Greenway Easement must be dedicated and memorialized in a Metro Parks' Conservation Greenway Easement Agreement, with two exhibits: a legal description and a boundary survey of the easement, that must be recorded with the Davidson County Register of Deed's Office prior to any use and occupancy or issuance of the first Use and Occupancy letter.

- Coordinate with Metro Parks Greenways staff regarding Park Board and Metro Council approval processes for these Agreements. Approved Agreements to be recorded with the Davidson County Register of Deeds Office prior to any use and occupancy or issuance of the first Use and Occupancy letter.
- The minimum greenway paved surface width to be 14' with a 2' shoulder on each side.
- Greenway lighting, furniture, and landscaping to be approved by Parks staff during Final SP review.
- Greenway must be fully ADA compliant.
- Greenway trail to be open to the public 365 days/year per Metro Parks approved operating hours, except for times of routine maintenance where temporary closure is required for public safety.
- No dumpsters, loading zones, HVAC units, or similar to fronting the greenway and must be screened from greenway view.
- No conflict between pedestrians and parking garage and loading zone ingress and egress.
- Access from individual residential units onto the greenway shall not be allowed and access will be consolidated and limited. All access, including access from commercial uses to be approved by Metro Parks.
- Screen façade of parking garages and/or screen surface parking from greenway view.
- No obstructions will be in a greenway easement, unless approved by Metro Parks staff, including, but not limited to site furniture, signage, and lighting.
- The multi-modal pathway along collector street to be constructed with the first permitted building in District 1, and the riverfront greenway to be constructed with the first permitted building in District 2.
- Construction of greenway must be approved by Metro Parks and Metro ADA prior to any use and occupancy or issuance of first Use and Occupancy letter.
- The final location of the greenway and greenway easement shall be determined with the Final Site Plan submittal. The applicant should coordinate with Metro Parks and Greenways to determine final location.
- The paved surface of the greenway will be a minimum of 9' from any building or structure.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- With the final: Include proposed public roadway construction drawings (profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
- Show 'Now Entering Private Drive' signage where applicable off public roads.
- Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking.
- Dimension ROW pavement widths for clarity.
- Label assumed truck and bus routes around and/or through the site-internal or along ROW frontage(s). Provide a loading/unloading plan for each aspect of the development. Provide any truck turning exhibits relevant to loading/unloading activities-at intersections, site access points.
- Note: A private hauler will be required for waste/recycle disposal.
- Comply w/ NDOT traffic comments.
- East-West proposed public collector road should tie into and align with future collector stub road on the East adjacent parcel 'The Riverside' redevelopment.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Based on the proposed densities a Traffic Impact Study will be required. The scoping, traffic study submittal, and finalization of the study with NDOT shall all be completed prior to Final SP submittal.
- MCSP requirements shall all be met.
- Site access point(s) and loading (if applicable) shall be finalized with NDOT prior to final SP submittal.
- Off-site improvements are anticipated and shall be determined with the traffic study.
- Parking shall be per code.
- Comply with Roads conditions on the proposed East-West collector road.

Maximum Uses in Existing 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)	6.51	5.79 D	37 U	417	31	39

\*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 (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)	-	-	5,000 SF	189	5	19

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)	-	-	5,000 SF	561	49	49

Traffic changes between maximum: **R8 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,966	+123	+157

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R8 zoning district: **13** Elementary **7** Middle **6** High  
 Projected student generation proposed SP-MU district: **91** Elementary **48** Middle **43** High

The proposed SP-MU zoning is expected to generate 156 more students than the existing R8 zoning district. Students would attend Alex Green Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

- Permitted uses in District 1 shall be limited to a maximum of 10,000 square feet of non-residential land uses and 280 multi-family units. Non-residential land uses within District 1 are limited to all uses of MUG-A-NS with the exception of those outlined in the SP document as prohibited. Permitted uses in District 2 shall be limited to 20 multi-family units. Short term rental properties, owner occupied and short term rental properties, not owner occupied are prohibited throughout the entire development.
- As the proposed development will connect to the adjacent Riverside development, consistency along the roadways will be required. With the first final site plan submittal, the final street sections shall be coordinated with NDOT and Planning Staff.
- The proposed right-of-way dedications shall be complete prior to the issuance of building permits.
- On the corrected copy, update the district 2 fallback zoning on page to RM20-A-NS.
- On the corrected copy, update note 8 under architectural standards: Street Level Parking Decks: Structured parking shall be lined with residential units, commercial uses, or spaces with a functional use shared by the residents (i.e. shared amenity or office space) for any façade facing toward a public street. Structured parking above the



ground floor along public streets, if not lined with active uses, shall be screened with vertical and horizontal integration of the architecture of the building, using the same materials and glazing systems across the building.

6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

7. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.

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

9. Comply with all conditions and requirements of Metro reviewing agencies.

10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A-NS zoning district in District 1, and the RM20-A zoning district for District 2 as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.

11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

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

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

David Kleinfelter, Reno & Cavanaugh, 424 Church Street, spoke in favor of the application.

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

Mr. Clifton stated it makes sense to make the modifications in which Mr. Kleinfelter described. He asked for clarification of the memo with added conditions.

Ms. Kempf explained if the Commission is generally OK with what was presented by the applicant, they would say they are recommending approval of the project with all conditions including the two referenced on the memo by Reno & Cavanaugh.

Vice Chair Farr asked if it is new with greenway projects to have several pages of conditions.

Ms. Kempf responded they continue to work with all of the departments on the condition development.

Councilmember Withers asked how the law department would assess the Nollen Dolan standard to this.

Ms. Ladd explained the Provision of Sidewalks, section 17.2120, is dead and Metro is not enforcing that Code section. The court said to look at the Nollen Dolan standard to determine when to request a sidewalk before that existed and that determination is pinged if they are conditioning something on it, like a building permit. On the other side of it, there are SPs where the applicant is asking for permission to do something in exchange to add something, like a sidewalk. It is a very case property specific inquiry.

Councilmember Withers said he and the Council are working on a lot of SPs and trying to get some guidance about what is a reasonable request from the departments.

Ms. Ladd agreed and said for SPs in particular, they do not have a right to what they are asking for, and for that, the nexus is not necessarily required, so it would come to what is reasonable.

Ms. Kempf added they seek some predictability from the community and the property owner as to what they can reasonably anticipate when developing the land.

Ms. Johnson asked if this greenway and Riverside greenway will be connected.

Ms. Kempf answered it is their expectation that this greenway will be connected with Riverside greenway. Vice Chair Farr asked if there would be access from Buena Vista Pike to the greenway at some point.

David Kleinfelter stated the greenway will connect because it connects to the multimodal pathway.

**Mr. Henley moved and Councilmember Withers seconded the motion to approve with conditions and disapprove without all conditions including amending conditions 25 and 40 in the staff memo dated 6/8 and replacing those conditions with the following - removing requirements for n/s greenway in condition 25 and in condition 40, modifying the phasing in which order the greenway segments shall be completed. (6-0)**

**Resolution No. RS2023-224**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-039-001 is approve with conditions and disapprove without all conditions including amending conditions 25 and 40 in the staff memo dated 6/8 and replacing those conditions with the following - removing requirements for n/s greenway in condition **25 and in condition 40, modifying the phasing in which order the greenway segments shall be completed (6-0)**

**CONDITIONS**

1. Permitted uses in District 1 shall be limited to a maximum of 10,000 square feet of non-residential land uses and 280 multi-family units. Non-residential land uses within District 1 are limited to all uses of MUG-A-NS with the exception of those outlined in the SP document as prohibited. Permitted uses in District 2 shall be limited to 20 multi-family units. Short term rental properties, owner occupied and short term rental properties, not owner occupied are prohibited throughout the entire development.
2. As the proposed development will connect to the adjacent Riverside development, consistency along the roadways will be required. With the first final site plan submittal, the final street sections shall be coordinated with NDOT and Planning Staff.
3. The proposed right-of-way dedications shall be complete prior to the issuance of building permits.
4. On the corrected copy, update the district 2 fallback zoning on page to RM20-A-NS.
5. On the corrected copy, update note 8 under architectural standards: Street Level Parking Decks: Structured parking shall be lined with residential units, commercial uses, or spaces with a functional use shared by the residents (i.e. shared amenity or office space) for any façade facing toward a public street. Structured parking above the ground floor along public streets, if not lined with active uses, shall be screened with vertical and horizontal integration of the architecture of the building, using the same materials and glazing systems across the building.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
8. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A-NS zoning district in District 1, and the RM20-A zoning district for District 2 as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**30. 2023SP-051-001**

**BELL CENTER PLACE**

Council District 32 (Joy Styles)

Staff Reviewer: Dustin Shane

A request to rezone from AR2A and CS to SP zoning for properties located at 532 and 538 Bell Road, approximately 570 feet south of Murfreesboro Pike and located in the Murfreesboro Pike Urban Design Overlay District and Corridor Design Overlay District (5.25 acres), to permit a mixed-use development, requested by Dale & Associates, applicant; EHE Properties, LLC, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-051-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**31. 2023SP-052-001**

**BRENTWOOD CHASE 2**

Council District 04 (Robert Swope)

Staff Reviewer: Laszlo Marton

A request to rezone from R40 to SP zoning for property located at 5629 Valley View Road, approximately 800 feet south of Old Hickory Boulevard (1.35 acres), to permit five multi-family residential units, requested by Dale & Associates, applicant; John & Kathleen Hyland, owners.

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

**APPLICANT REQUEST**

**Zone change from R40 to SP.**

Zone Change

A request to rezone from One and Two Family Residential (R40) to Specific Plan (SP) zoning for property located at 5629 Valley View, approximately 879 feet southwest of the intersection of Valley Drive and Old Hickory Boulevard, to permit five detached residential units (1.35 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTHEAST 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 CONTEXT AND PLAN DETAILS**

The application proposes a Specific Plan zoning district that permits 5 detached multi-family residential units. The site is located just south of Old Hickory Boulevard, and borders the Brentwood Chase SP to the north, which permits 12 multi-family residential units. The first home on the site is oriented to Valley View Drive, while 4 smaller homes located at the rear, orient internally, and face each other across a drive. All buildings are accessed by Valley View Road and a shared drive which runs along the southern portion of the site. The plan includes 10,000 square feet of open space, an area for stormwater detention, and shows a class B-3 Landscape Buffer Yard.

**ANALYSIS**

The site is located within T3 Neighborhood Maintenance (T3 NM) and includes a small portion of Conservation (CO) policy. T3 NM is intended to maintain the general character of developed suburban residential neighborhoods. The subject property's surrounding neighborhood has an established development pattern with low to moderate density, moderate to deep building setbacks, and includes single-story single-family homes, as well as multi-family residential townhomes closer to Old Hickory Boulevard. The CO policy on the site is associated with a stream buffer at the southeast corner of the plan. There is no building proposed in this area.

The plan calls for a modest increase in density on the site and provides a transition in intensity from the Brentwood Chase SP which permits 12 multi-family residential units and borders the property to the north. The unit that fronts Valley View Drive retains the existing setback, respecting the current spacing conditions along the street, while the smaller homes at the rear provide an opportunity for a mixture of housing types on the site. The plan limits the heights of the units to 2 stories and 35 feet, which will retain the existing character of 1 and 2 story homes along Valley View Road.

The proposed plan is generally consistent with the T3 NM Policy. The proposed design provides appropriate transitions in building type, massing and orientation that blends the development in to the surrounding neighborhoods. For these reasons, staff recommends approval with conditions and disapproval without all conditions.

**FIRE RECOMMENDATION**

**Approve with conditions**

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Site plans 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. 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 the final: Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a waste plan for the development. Note: A private hauler will be required for site waste/recycle disposal. Approval conditions: 1. Valley View Rd. frontage shall meet half of the ST-252 road section. See traffic prelim approval comment in regards to shared access w/ Brentwood Chase 1 development.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- This development is a different owner than the Brentwood Chase 1. If the owners become the same prior to Final SP, the site access on this parcel shall be removed and it should share access with Brentwood Chase 1.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	1.35	1.16 D	2 U	28	7	2

\*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 (220)	-	-	5 U	37	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	+9	-4	+3

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing R40 districts: 0 Elementary 0 Middle 0 High**  
**Projected student generation proposed SP district: 0 Elementary 0 Middle 0 High**

The proposed SP zoning is expected to generate no more students than the existing R40 zoning. Students would attend Granbery Elementary School, Oliver Middle School, and Overton High School. All schools were 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 5 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and 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. On the correct copy, remove language under "Architectural Notes" and keep building standards under "Architectural Notes".
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
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. 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 Property Owners' Association.
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.
10. 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 of any building permits.

**Mr. Clifton moved and Ms. Blackshear seconded the motion to place Item 31 back onto the Consent Agenda. (6-0)**

**Resolution No. RS2023-225**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-052-001 is approve with conditions and disapprove without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 5 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and 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. On the correct copy, remove language under "Architectural Notes" and keep building standards under "Architectural Notes".
5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
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. 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 Property Owners’ Association.
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.
10. 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 of any building permits.

**32. 2023SP-054-001**

**CHARLOTTE PIKE MIXED USE**

Council District 24 (Kathleen Murphy)

Staff Reviewer: Donald Anthony

A request to rezone from IR to SP zoning for properties located at 3900, 3906, and 3914 Charlotte Avenue, 3905, 3907, 3909, 3911, 3913, and 3915 Alabama Avenue, 411 39th Ave. N., and 406 40th Ave. N., at the northwest corner of Charlotte Avenue and 39th Ave N (2.7 acres), to permit a mixed use development with 249 multi-family residential units, requested by Thomas & Hutton, applicant; Zary & Mohammad Rahimi, 3905 Alabama Ave, LLC, and The Ragan Family Revocable Living Trust, owners.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-054-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**33. 2023SP-055-001**

**PENNINGTON BEND SP**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Logan Elliott

A request to rezone from R15 to SP zoning for property located at Pennington Bend Road (unnumbered), at the corner of Wooddale Lane and Pennington Bend Road, (13.44 acres), to permit 39 multi-family residential units, requested by Dale & Associates, applicant; Christopher Harwell, Trustee, owner.

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

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**APPLICANT REQUEST**

**Preliminary SP to permit 39 multi-family residential units.**

Preliminary SP

A request to rezone from Single-Family Residential (R15) to Specific Plan(SP) zoning for property located at Pennington Bend Road (unnumbered), at the corner of Wooddale Lane and Pennington Bend Road, to permit 39 multi-family residential units (13.44 acres).

**Existing Zoning**

Single-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 33 lots with 8 duplex lots for a total of 41 units based on acreage alone.*

**Proposed Zoning**

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

**DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN**

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.

### **CONTEXT AND PLAN DETAILS**

The 13.44-acre site is located on the southwest side of Pennington Bend Road and is adjacent to Briley Parkway. Pennington Bend Road is identified as a collector-avenue on the Major and Collector Street Plan (MCSP). The site is vacant and densely forested. Many of the surrounding properties have previously been subdivided and contain single-family residential lots, including properties to the east and northwest. Further southeast there is an SP that was approved in 2022 to permit 42 single-family lots. The majority of the site is within the 100-year floodplain.

#### Site Plan

The plan proposes 39 multi-family residential units that are accessed from a proposed private drive. The site area is 13.44 acres total, however, much of the site is within Conservation policy due to the floodplain and only 3.28 acres is slated to be disturbed. 21 units front onto Pennington Bend Road and the remaining 18 units front onto internal open space in courtyard type configurations. The units include garage parking and surface parking is dispersed throughout the site.

Pedestrian access is provided in the form of interior sidewalks connecting to a multi-use path along the northern part of the site adjacent to Pennington Bend Road. A ten-foot multi-use path linking The Sound apartments on Pennington Bend Road to the south with Lock Two Park on the Cumberland River to the north is being provided. Approximately 10-acres are proposed as open space, excluding stormwater management areas and landscape buffer yards proposed around the perimeter of the site which add further greenspace.

### **ANALYSIS**

The SP is consistent with the T3 NE policy at this location. The proposed unit count and development pattern is comparable to what would be permitted under current zoning. Additionally, the plan includes landscape buffers along the shared boundary with the adjacent southern property. Proposed buffer yards exceed the minimum required by Code. The plan also proposes to improve Pennington Bend Road along the entire parcel frontage with a multi-use path, additional pavement, and a curb and gutter. The plan is also sensitive to the Conservation Policy areas and focuses the development on the portion of the site that's above the floodplain.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Site plans or construction may require changes to meet adopted fire and building codes. Provide architectural elevations, fire hydrant flow test report for review at final SP.

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Applicant may need to appeal to Stormwater Management Committee for offsite walkway/greenway located in wetland buffers.

### **WATER SERVICES RECOMMENDATION**

#### **Approve with conditions**

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

### **NASHVILLE DOT RECOMMENDATION**

#### **Approve with conditions**

- With the final: Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP) or variance to the MCSP approved by planning staff. Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a waste plan for site. Note: A private hauler will be required for site waste/recycle disposal. Additional mill & overlay paving, one travel lane in width, may be required to tie-in any proposed pavement widening along ROW frontage. Multi-use path shown along Pennington Bend ROW frontage. (cont.) Provide a long-range plan for multi-use path proposed along Pennington Bend ROW. (cont.) Regarding proposed multi-use path, Coordination w/ council member and NDOT required, prior to final SP.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- The final layout and plans of the multi-use path shall be coordinated with the council member and NDOT prior to Final SP submittal.

**PARKS AND RECREATION RECOMMENDATION**

**Approve with conditions**

Comply with all Metro Parks requirements regarding greenway dedication, construction, and maintenance:

- Coordinate with Parks Greenways staff to determine extent of the Greenway easement and delineate and note it on the final plat, project plans and submittals to Metro.
- Greenway easement to be dedicated and memorialized in a Conservation Greenway Easement Agreement with exhibits providing a legal description and boundary survey of the easement. Utilize Metro Parks' Conservation Greenway Easement Agreement template, attached.
- Easement agreement must be approved by Metro Parks Board and Metro Council . Coordinate with Metro Parks Greenway staff on approval process.
- Conservation Greenway Easement Agreement to be recorded with property deed after Metro Council approval and after final plat has been recorded.
- Construct and maintain a 10' minimum width asphalt greenway trail with 2' shoulders per Metro Parks standard details.
- Trail design and construction must comply with ADA standards and approved by Metro General Services ADA staff prior to Use and Occupancy permit.
- Greenway street crossing to meet ADA and NDOT requirements.
- Provide greenway trailhead sign structure and sign graphics per Metro Parks standards. Location to be approved by Parks staff.
- Greenway easement landscaping to be maintained by the HOA for this project. Maintenance of paved trail to be provided by Metro Parks.
- Greenway must be open to the public during standard operating hours, unless temporarily closed for maintenance.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential*	13.44	3.09 D	41 U	458	33	43

\*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 (221)	-	-	39 U	211	14	18

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-247	-19	-25

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R15 district: **3 Elementary 2 Middle 3 High**

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

The proposed SP-R zoning is expected to generate four fewer students than the existing R15 zoning district. Students would attend Pennington Elementary School, Two Rivers Middle School, and McGavock High School. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 39 multi-family residential units. Short term rental property, not owner occupied, and short-term rental property, owner occupied, shall be prohibited.



2. Building height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation). Building height shall be measured to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof. Ancillary roofs shall not be taller than the primary roof. Define stories by the "Story" definition in the Code.
3. On the corrected copy, relabel the area labeled as Conservation Land to Open Space.
4. Comply with all conditions and requirements of Metro reviewing agencies.
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 of any building permits.
6. 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.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. 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 RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Roy Dale, Dale & Associates, spoke in favor of the application.

Mike Murdock, 2541 Miami Avenue, spoke in opposition to the application.

Jack Chappel, 2527 Miami Avenue, spoke in opposition to the application.

Mike Angarole, 2124 Wooddale Lane, spoke in opposition the application.

Roy Dale spoke in rebuttal.

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

Mr. Henley asked for clarification on the proposed lot line.

Ms. Milligan stated they noted it that way to denote the difference between the area that was to be developed and the area that is to be maintained as open space per the SP. She said Planning reviewed it as one parcel and everything that is within the proposed lot line is all to be maintained as open space except for a walking path along Pennington Bend.

Mr. Henley asked if there is a specific reference from Water Services for the proposed solutions for dealing with drainage issues.

Ms. Milligan advised Storm Water has indicated approval and they will need to meet the Storm Water regulations and requirements.

Mr. Henley thought the SP is adopting their principals of conservation and said where they are seeing the development proposed is where they would want it and guide it. He stated the current zoning would allow for density and asked if they were not doing this as an SP, and they brought this forward, what would be their guidance on how to configure the site layout.

Ms. Milligan answered if they came in with a subdivision, they would have to do a conservation subdivision given the amount of flood plain.

Mr. Henley felt what is presented in the SP is as good as they could get with the site and still approach that density.

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

**Resolution No. RS2023-226**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-055-001 is approve with conditions and disapprove without all conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to a maximum of 39 multi-family residential units. Short term rental property, not owner occupied, and short-term rental property, owner occupied, shall be prohibited.
2. Building height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation). Building height shall be measured to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof. Ancillary roofs shall not be taller than the primary roof. Define stories by the "Story" definition in the Code.
3. On the corrected copy, relabel the area labeled as Conservation Land to Open Space.
4. Comply with all conditions and requirements of Metro reviewing agencies.
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 of any building permits.
6. 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.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. 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 RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**34. 2023SP-056-001**

**RESERVE AT HARPETH LAKE**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Logan Elliott

A request to rezone from R80 to SP zoning for property located at 7848 McCrory Lane, approximately 410 feet south of Highway 70, (42.24 acres), to permit 94 single-family residential lots, requested by T-Square Engineering, applicant; McCrory Lane Partners, LLC, owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-056-001 to the June 22, 2023, Planning Commission meeting. (5-0-1)**

**35. 2023SP-058-001**

**RISE EAST NASHVILLE**

Council District 06 (Brett Withers)

Staff Reviewer: Donald Anthony

A request to rezone from MUG-A to SP for property located at 800 Main Street, approximately 210 feet west of South 9th Street, and located in the Gallatin Pike Urban Design Overlay District and East Bank Redevelopment District (3.72 acres), to permit a mixed-use development with multi-family residential uses, requested by Barge Civil Associates, applicant; 800 Main Holdings, LLC, owner.

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

## **APPLICANT REQUEST**

**Preliminary SP to permit a mixed use development with multi-family residential uses.**

### Preliminary SP

A request to rezone from Mixed-Use General-Alternative (MUG-A) to Specific Plan (SP) for property located at 800 Main Street, approximately 210 feet west of South 9<sup>th</sup> Street, and located in the Gallatin Pike Urban Design Overlay District and East Bank Redevelopment District (3.72 acres), to permit a mixed use development with multi-family residential uses.

### **Existing Zoning**

Mixed Use General-Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

### **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 multi-family residential and nonresidential uses.*

## **EAST NASHVILLE COMMUNITY PLAN**

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

### **SITE CONTEXT**

The preliminary SP application is for a 3.72-acre parcel located along the south side of Main Street and north side of Woodland Street between South 7<sup>th</sup> Street and South 9<sup>th</sup> Street. The property is currently zoned MUG-A, and it lies within the Gallatin Pike Urban Design Overlay District, the Urban Zoning Overlay District, and the MDHA East Bank Redevelopment District. A multi-tenant commercial building and hourly-pay parking lot are currently located on the property. The site slopes upward from north to south; the north side of the property is elevated approximately 40 feet above the south side.

Adjacent properties are zoned: MUG-A on the north and portions of the east and west; CL on a portion of the west; MUL-A on a portion of the east; RM40 and PUD on portions of the south; and MUL-A on a portion of the south. Adjacent land uses include: single-family attached residential, institutional, commercial, and mixed use on the north; commercial on the east; multi-family residential and single-family residential on the south; and commercial and multi-family residential on the west. Building heights in the immediate vicinity range from one to four stories.

### **PLAN DETAILS**

The preliminary SP application is for a mixed use development with frontage on both Main Street and Woodland Street. The proposed development would be divided into two distinct zones with a total of three buildings. Building 1A and Building 1B would be in Zone 1, while Building 2 would be in Zone 2.

#### *Zone 1*

Building 1A would be located along the west side of the property and would have frontage on both public streets. As shown in the building height exhibit below, maximum building height for Building 1A would be four stories along the Main Street frontage. On the Woodland Street frontage, only two stories would be visible above grade. Building 1B would be located near the center of the property along Main Street and would occupy the eastern half of the property along Woodland Street. Building 1B would have a height of six stories along Main Street; the building would have a stepback with ten feet in depth above the fourth story. On the Woodland Street frontage, both Buildings 1A and 1B would appear as two-story buildings at street grade.

#### *Zone 2*

Building 2 would be located along the east side of the property and would have frontage on Main Street. As shown in the exhibit below, the building would have a height of four stories along the street frontage with a stepback of ten feet in depth above the fourth story. Total building height would be ten stories. A portion of Building 1B would be situated

between Building 2 and Woodland Street, partially mitigating the contrast of the proposed ten-story building height with the existing one to three-story buildings along the south side of Woodland Street.

*Site Access and Parking*

A public east-west alley currently runs six blocks from South 5<sup>th</sup> Street on the west to South 10<sup>th</sup> Street on the east. The only interruption in the alley is at the subject property. On both the west and east sides of the subject property, the alley turns north and terminates at Main Street. The SP application proposes using the two existing alley connections on the west and east sides of the subject property for access.

The SP application proposes a three-story parking structure located near the south side of the property. The parking structure would be built into the hillside such that the structure would not be visible from the public streets. Because the site lies within the Urban Zoning Overlay, parking provided on the site would not be permitted to exceed the maximums listed in the parking tables in the Zoning Code.

*Roadway Improvements*

The Major and Collector Street Plan (MCSP) requires a 109-foot right-of-way along Main Street. Currently, the right-of-way is approximately 80 feet. The SP application proposes a right-of-way dedication of 14.5 feet. The expanded right-of-way will accommodate a ten-foot sidewalk, four-foot landscape strip, on-street parking, and a dedicated area for future mass transit use. An enhanced transit stop will be required on the subject property; staff from WeGo will work with the applicant through the final SP process to ensure that the transit stop meets WeGo standards and community needs. In addition to improvements on Main Street, the SP application proposes a six-foot right-of-way dedication on Woodland Street to accommodate an eight-foot sidewalk and four-foot landscape strip.

*Green Space*

The SP application proposes two plazas in Zone 1: the first between Buildings 1A and 1B and the second between buildings 1B and 2. The preliminary stormwater management plan indicates that pervious pavers would be used for both plazas. The SP application also indicates that portions of all three buildings could have partial green roofs.

*Bulk Standards and Land Uses*

The SP application proposes a build-to zone of zero to 15 feet on the Main Street and Woodland Street frontages. Side setbacks would be zero. The proposed impervious surface ratio (ISR) is 1.0. The development would comply with the maximum FAR of 3.0 permitted in the MUG-A-NS zoning district; the FAR for nonresidential uses will not exceed 1.0. The proposed maximum number of multifamily residential units is 385. All uses allowed in the MUG-A-NS zoning district would be permitted. Short-term rentals, both owner-occupied and not-owner occupied, would be prohibited. Under the current MUG-A standards, short-term rentals are permitted. The proposed restriction on short-term rentals would ensure greater housing availability along an active, mixed use corridor.

**ANALYSIS**

The T4 CM policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher-density residential and mixed use development. The policy is characterized by: pedestrian-friendly, multi-modal corridors; high-density residential, commercial, and mixed use buildings; urban form with buildings built to the back edge of the sidewalk and minimal spacing between buildings; and parking located behind or beside buildings and accessed from side streets or alleys. Buildings in the T4 CM policy area generally have heights of three to five stories, though greater heights may be permitted at certain intersections, in tiered centers, and along priority corridors.

The proposed SP aligns with the T4 CM policy by permitting all land uses currently permitted in the MUG-A-NS zoning district. The MUG-A-NS district supports a mix of uses including commercial, office, and residential uses. The SP envisions commercial uses on the ground floor along the Main Street frontage; multifamily residential uses would occupy the upper floors as well as the ground floor frontage along Woodland Street.

Rather than requiring a street setback, the proposed SP includes a build-to zone of zero to 15 feet along both Main Street and Woodland Street, allowing structures to be built to the back of the sidewalks on both streets. Spacing between building would be minimal with publicly-accessible pedestrian plazas occupying the space between buildings. The form proposed by the SP application generally aligns with the urban development form envisioned by the T4 CM policy.

The proposed parking structure would be internal to the site and would be partially underground. The parking structure would be accessed from existing alleys and would have limited to no visibility from public right-of-way. The proposed location and access for the parking structure aligns with the T4 CM policy's guidance for on-site parking.

Building heights in the proposed SP range from two stories on the Woodland Street frontage to ten stories on the northeast portion of the site. Along Main Street, each building would have a height of four stories at the build-to line. Two buildings would have stepbacks above the fourth story before reaching heights of six and ten stories. Because of a south-to-north slope on the subject property, the greater heights would not be fully visible on Woodland Street, where existing building heights range from one to three stories, but current zoning on the site permits taller. The T4 CM policy recognizes that greater building heights are appropriate in certain circumstances, including in tiered center and along priority corridors. The subject property lies within a first tier center; additionally, Main Street is identified in

the MCSP as a multi-modal corridor where future mass transit is appropriate and where there is existing high frequency transit service. Thus, the proposed building heights align with the T4 CM policy.

The proposed SP is consistent with the T4 MU policy, including its emphases on mixed use development, pedestrian-friendly urban form, and contextual building heights. Therefore, staff recommends approval with conditions and disapproval without all conditions.

#### **MDHA RECOMMENDATION**

##### **The MDHA DRC reviewed a presentation of the project on April 18, 2023**

- The item must come to MDHA DRC for review and approval following approval of the zone change. Please address the following items: 1) activation along Woodland Street; 2) unit sizes; 3) façades along Woodland Street; 4) coordinate with NES; and 5) more detailed elevations with materials specified.

#### **FIRE MARSHAL RECOMMENDATION**

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

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

#### **STORMWATER RECOMMENDATION**

##### **Approve 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 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.

#### **WEGO RECOMMENDATION**

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

- At final SP, developer shall provide new Main Street outbound bus stop, including but not limited to: a minimum 55-foot by 10-foot in-lane bus stop; a minimum 40-foot by 10-foot footprint bus shelter or canopy; good peak pedestrian and passenger circulation; lighting and communications; other typical appurtenances; or equivalent, as agreed with WeGo.
- At final SP, developer shall contribute to funding and construction of pedestrian road safety projects in the area and an enhanced crosswalk over Main Street linking bus stops, all as agreed with NDOT, TDOT, and WeGo.
- At final SP, developer shall provide a new shelter for the Main Street inbound bus stop on the opposite side of Main Street, as agreed with WeGo.
- At final SP, developer shall coordinate, fund, and agree TDM planning and execution and monitoring with Metro TDM team and WeGo.

#### **NASHVILLE DOT RECOMMENDATION**

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

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.
- Existing alley ROW's shall be maintained through 90 degree turns in alley.
- Referring to site plan sheet Level Plan MS L2/WSL-2, remove any walkways and curbing proposed in existing alley ROW. Alley ROWs along property boundaries shall meet ST-263 pavement spec and ROW dedication requirements. (cont.) Additional alley paving may be required, based on 2-way traffic allocation to/from site via surrounding public roadways-Main, South 7th and South 9th St.
- Comply w/ NDOT traffic comments.

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

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

- A NDOT road project plan is planned along Main Street. as the site's off-site improvement. Coordinate with NDOT on a contribution to go towards these improvements as the site's off-site improvement.
- Coordinate with WeGo on transit improvements/needs in the vicinity of the development. Appropriate improvements should be completed by this development as the other off-site improvement.
- See roads comments.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	1.86	3.0 F	243 U	1,323	81	104

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.93	3.0 F	121,532 SF	4,588	114	463

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.93	3.0 F	121,532 SF	13,633	1,208	1,187

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	385 U	2,097	128	162

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)	0.93	3.0 F	121,532 SF	4,588	114	463

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)	0.93	3.0 F	121,532 SF	13,633	1,208	1,187

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+774	+47	+58

**METRO SCHOOL BOARD REPORT**

Projected student generation proposed SP district: 84 Elementary 60 Middle 61 High

Given the potential mix of uses permitted by the existing MUG-A zoning, it is premature to project student generation counts under the existing zoning. If built-out to the maximum number of multi-family residential units, the proposed SP zoning district is expected to generate 205 students. Students would attend Ida B. Wells 2 Elementary School, Stratford STEM Magnet Middle School, and Stratford High School. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

## CONDITIONS

1. Permitted uses shall be limited to 385 multi-family residential units and all other uses permitted in the MUG-A-NS zoning district. Short-term rental property (STRP) owner-occupied and not-owner occupied shall be prohibited in the entire development.
2. Maximum building height shall not exceed that shown in the preliminary SP. All buildings with frontage on Main Street shall not exceed four stories in height at the build to line. The building identified in the SP plan as Building 1B shall be permitted to have a maximum height of six stories with a minimum setback of ten feet above the fourth story. The building identified in the SP plan as Building 2 shall be permitted to have a maximum height of ten stories with a minimum setback of ten feet above the fourth story. No building shall have a height greater than two stories along the Woodland Street frontage.
3. 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.
4. Blank walls shall not be permitted on any street frontage. Façade breaks shall be required at minimum intervals of 30 feet. All building frontage on Woodland Street shall include a minimum of 20 percent glazing, regular façade breaks, and building articulation consistent with an urban street frontage.
5. Parking calculations shall be reviewed with final SP but shall not exceed the maximums permitted within the UZO.
6. Sidewalks shall be provided as shown in the preliminary SP.
7. With the final site plan, perimeter and internal landscaping shall be provided per the Metro Zoning Code.
8. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
11. 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 MUG-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. 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
13. 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.
14. 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.
15. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Nick Dryden, Dryden Architecture + Design, 2520 White Avenue, spoke in favor of the application.

John Gore, 1212 Fatherland Street, spoke in favor of the application.

Dwayne Culbertson, 21 Music Square West, spoke in favor of the application.

DJ Sullivan, 2220 Scott Avenue, spoke in favor of the application.

Tim Boyls, 307-B South 10<sup>th</sup> Street, spoke in favor of the application.

James Guthrie, 312 South 11<sup>th</sup> Street, spoke in favor of the application.

Carol Norton, 801 Boscobel Street, spoke in opposition to the application.

Pete Greaves, 913 Fatherland Street, spoke in opposition to the application.

Emily Richer, 820 Russell Street, spoke in opposition to the application.

Bonnie Boss, 306 South 8<sup>th</sup> Street, spoke in opposition to the application.

Sawnie Aldredge, 821 Fatherland Street, spoke in opposition to the application.

John Gore spoke in rebuttal.

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

Councilmember Withers advised the design review for this site is up to the MDHA and the MDHA design review is not a public hearing process. He explained in great detail why it was important to have an SP here. Mr. Withers also addressed questions and concerns brought up by the neighbors.

Mr. Henley stated this is a large site that allows for the creation of a pedestrian friendly area. He thought the context of what is being proposed makes sense and gives an opportunity to have things like public transit infrastructure improved upon. Mr. Henley said the SP allows for a level of stewardship that might not have come in another way.

Ms. Johnson said she appreciates the thought going into this project because it takes unique topography between Main Street and Woodland Street. She thought this design element, with breaking up the height differences, is considerate to a good transition to the Historical zoning neighborhood.

Vice Chair Farr said being a long time resident of East Nashville, she has watched Woodland Street transform over the years. She felt this has been done in a contextually sensitive way to connect from Woodland to Main Street. Ms. Farr stated the people who have brought life to this site are the small businesses and wanted to encourage consideration for seeing if there is a way to allow some of the tenants back and try to address the displacement.

**Mr. Henley moved and Ms. Johnson seconded the motion to approve with conditions and disapprove without all conditions. (5-0-1) Ms. Blackshear recused herself.**

**Resolution No. RS2023-227**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-058-001 is approve with conditions and disapprove without all conditions. (5-0-1)

**CONDITIONS**

1. Permitted uses shall be limited to 385 multi-family residential units and all other uses permitted in the MUG-A-NS zoning district. Short-term rental property (STRP) owner-occupied and not-owner occupied shall be prohibited in the entire development.
2. Maximum building height shall not exceed that shown in the preliminary SP. All buildings with frontage on Main Street shall not exceed four stories in height at the build to line. The building identified in the SP plan as Building 1B shall be permitted to have a maximum height of six stories with a minimum stepback of ten feet above the fourth story. The building identified in the SP plan as Building 2 shall be permitted to have a maximum height of ten stories with a minimum stepback of ten feet above the fourth story. No building shall have a height greater than two stories along the Woodland Street frontage.
3. 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.
4. Blank walls shall not be permitted on any street frontage. Façade breaks shall be required at minimum intervals of 30 feet. All building frontage on Woodland Street shall include a minimum of 20 percent glazing, regular façade breaks, and building articulation consistent with an urban street frontage.
5. Parking calculations shall be reviewed with final SP but shall not exceed the maximums permitted within the UZO.
6. Sidewalks shall be provided as shown in the preliminary SP.
7. With the final site plan, perimeter and internal landscaping shall be provided per the Metro Zoning Code.
8. The applicant shall submit plans to MDHA DRC for review and obtain approval prior to final SP approval.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
11. 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 MUG-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
12. 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
13. 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.
14. 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.
15. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted,



except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

**36. 2023SP-060-001**

**TULIP GROVE ROAD, LOTS 1-4**

Council District 12 (Erin Evans)

Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to SP zoning for properties located at 1325, 1329, 1333, and 1337 Tulip Grove Road, on the east side of Tulip Grove Road and approximately 250 feet north of Central Pike, (2.14 acres), to permit 32 multi-family residential units, requested by Bowman, applicant; Tulip Grove Townhouses, LLC, owners.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-060-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**37. 2023SP-062-001**

**840 YOUNGS LANE SP**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Logan Elliott

A request to rezone from R8 to SP zoning for property located at 840, 848 and 852 Youngs Lane, approximately 89 feet west of Youngs Lane and Lathan Court, (4.22 acres), to permit multi-family residential units, requested by Fulmer Lucas, applicant; John Coleman & 52 A Youngs Lane Trust & ET AL, John Coleman & 840 A Youngs Lane Trust & ET AL, John Coleman & 848 A Youngs Lane Trust & ET AL, owners.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-062-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**38. 2023SP-065-001**

**MISTY CAPE COVE**

Council District 12 (Erin Evans)

Staff Reviewer: Logan Elliott

A request to rezone from R15 to SP zoning 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), to permit 32 multi-family residential units, requested by SWS Engineering, Inc., applicant; The David W. Gaw Family Ltd. Partnership, SEG Investments, and SEG Investments, L.P. ,owners.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-065-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**39. 18-84P-006**

**BURTON HILLS (REVISION)**

Council District 25 (Russ Pulley)

Staff Reviewer: Amelia Lewis

A request to revise a portion of the preliminary plan for property located at 1 Burton Hills Boulevard, approximately 350 feet south of Hillsboro Pike, zoned SP and located within a Planned Unit Development Overlay District (7.07 acres), to permit medical office uses and a parking lot expansion, requested by Barge Design Solutions, applicant; Burton 1 & 2, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

Revise preliminary PUD plan.

PUD Revision

A request to revise a portion of the preliminary plan for property located at 1 Burton Hills Boulevard, approximately 350 feet south of Hillsboro Pike, zoned Specific Plan (SP) and located within a Planned Unit Development (PUD) Overlay District (7.07 acres), to permit medical office uses and a parking lot expansion.

**Existing Zoning**

Specific Plan – Office (SP-O) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan permits all uses of the ORI zoning district.*

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

**PUD HISTORY**

The preliminary PUD, which includes more properties beyond this site, was first approved by Council in 1984 to permit 850 residential units and 550,000 square feet of office uses. This property was rezoned to SP in 2012 to align the base zoning with the intent of the overlay. The purpose of the SP was to establish bulk regulations and uses while the existing PUD Overlay would control the layout and design.

The PUD was last amended in 2012. This amendment modified the office structure located to the south the subject site. With this amendment, an increase in the developable square footage for office uses in the PUD was permitted in the overlay from 550,000 square feet to 660,000 square feet.

**SITE CONTEXT AND PLAN DETAILS**

The parcel is 7.07 acres located along Burton Hills Boulevard, south of Hillsboro Pike. The surrounding properties are zoned One and Two Family Residential (R15) and Multi-Family Residential (RM15) and have been established with a mix of office, medical, and residential land uses. The properties to the north and west of the subject site are also within the same PUD as the subject site.

Site Plan

The site has been developed with an existing 3 story 120,000 square foot office building, as approved by a final site plan in 1984.

The revision includes changing the use from existing general office to a proposed medical office use, which is permitted by the SP. The proposed revised site plan includes creating a new vehicular drive internal to the site and creating new surface parking in front of the building. The vehicular drive is parallel to the existing structure on the site and is intended to provide easier access for patient pick up and drop off. A total of 472 parking spaces are proposed with the site plan. This exceeds the required parking ratio of the SP (2.8 spaces per 1,000 square feet), which results in a required 336 spaces. It is less than the Code required parking of 1 space per 200 square feet which would result in a required 640 spaces. At the time of final, if the proposed surface parking can be reduced, staff is supportive of a ratio more consistent with the requirements of the SP.

No changes are made to the vehicular access for the site, which is provided from two curb cuts along Burton Hills Boulevard. A new five foot sidewalk is proposed along the property frontage which connects to existing sidewalk to the northern parcel, providing pedestrian access to Hillsboro Pike.

**ANALYSIS**

The proposal is consistent the provisions of a PUD revision; The proposal does not include adding or removing area from the PUD, the use is consistent with intent of the PUD to provide office space and is a permitted use in the SP; the proposal does not change the underlying zoning; there is no change in the residential units permitted; and a subsequent final site plan will be required. The proposed medical office is consistent with the previously approved council PUD plan as it reutilizes an existing structure and makes minor modifications to the previously approved PUD plan in order to support the change in use.

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.
  - 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.
2. Changes to a Final Site Plan. Applications to modify a previously approved final site plan shall follow the procedures of Section 17.40.1703.
3. Addition of a Special Exception Use. The addition or relocation of a special exception use otherwise permitted by the underlying base zone district shall be considered by the board of zoning appeals according to the applicable provisions of Chapter 17.16, Article III and Article VII of this chapter and may be approved upon consideration of a recommendation from the planning commission.
4. Subsequent Change in Zoning District. Following adoption of a PUD district, no subsequent change in zoning district classification shall occur within that PUD without concurrent reapproval of the master development plan by the planning commission and council.
5. Cancellation of a PUD District. Cancellation of a PUD district may be initiated by the planning commission, the metropolitan council, or a property owner within the PUD district. A PUD district shall be canceled by ordinance according to the provisions of Article III of this chapter.

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- A Stormwater variance will be required for installation of pervious pavement in the floodplain and uncompensated fill in the floodplain prior to Final PUD approval.
- A No-Rise analysis shall be completed prior to Final PUD 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 PUD only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP/PUD approval. The approved construction plans must match the Final Site Plan/SP/PUD plans. Submittal of an availability study is required before the Final Site Plan/SP/PUD 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**

**Approve with conditions**

- With a final: Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter.
- All ROW frontages shall adhere to the Major Collector Street Plan (MCSP). If necessary, dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements.
- Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking.
- Dimension ROW pavement widths for clarity.
- Provide a loading/unloading and waste plan for each aspect/phase of the total development. Provide any truck turning movements relevant to loading/unloading waste plan activities. Note: A private hauler will be required for site waste/recycle disposal.
- Comply w/ NDOT traffic comments.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions:**

- Install a cross-walk across the Southern Leg at the intersection of Hillsboro Pike & Burton Hills Blvd, with push buttons and pedestrian signals.
- Straighten out the pedestrian crossing at Burton Hills Blvd & Parking Access/Cumberland Place and utilize the existing median as a refuge island. ADA Compliant ped ramps/landings shall also be installed with detectable warning mats.
- The parking ratio outlined in the 2012SP-023-001 is acceptable, however a shared parking agreement may be required if parking becomes an issue in the future.
- All pavement markings and signage shall follow MUTCD guidance.
- Comply with Roads conditions.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. At the time of final site plan submittal, Planning and NDOT will continue to review proposed parking ratios.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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.

**Approved with conditions. (5-0-1)**

**Resolution No. RS2023-228**

"BE IT RESOLVED by The Metropolitan Planning Commission that 18-84P-006 is approve with conditions. (5-0-1)

**CONDITIONS**

1. At the time of final site plan submittal, Planning and NDOT will continue to review proposed parking ratios.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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.

**40a. 2019SP-053-001**

**ACKLEN PARK RESIDENTIAL SP**

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request to rezone from RM40 to SP zoning for properties located at 106 Acklen Park Drive and Hillcrest Place (unnumbered), at the northeast corner of Hillcrest Place and Acklen Park Drive and within the 31st and Long Boulevard Urban Design Overlay District (0.78 acres), to permit 100 multi-family residential units, requested by Catalyst Design Group, applicant; Acklen Park Partners, LLC, owner, (see associated case number 2005UD-006-055).

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

**APPLICANT REQUEST**

**SP to permit up to 100 residential units.**

Zone Change

A request to rezone from Multi-Family Residential (RM40) to Specific Plan (SP) zoning for properties located at 106 Acklen Park Drive and Hillcrest Place (unnumbered), at the northeast corner of Hillcrest Place and Acklen Park Drive and within the 31st and Long Boulevard Urban Design Overlay District (0.78 acres), to permit 100 multi-family residential units.

### **Existing Zoning**

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 31 residential units.*

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

The approximately 0.78 project site consists of three parcels located along the northwest side of Hillcrest Place. A public alley splits the site. One parcel (214) is located at the corner of Acklen Park Drive and Hillcrest Place. This parcel is developed and is occupied with a two-story brick building. Metro records classifies it as a triplex. Metro records also indicate that the building is eligible to be listed in the National Register of Historic Places. While the building is currently identified as being eligible, it has been determined that due to the condition and alterations that it is no longer eligible. The two parcels on the opposite side of the alley are vacant. The site is within the 31<sup>st</sup> and Long Boulevard UDO. Surrounding zoning includes RM40 and ORI-A. The properties on the opposite side of Hillcrest Place, to the south and east, are not within the UDO. The associated case is to cancel the UDO on the three parcels making up the project site.

#### Site Plan

The proposed plan is for 100 residential units, located in two separate buildings with a skybridge across the alley that bisects the project site connecting the buildings. Building 1 is located at the corner of Acklen Park Drive and Hillcrest Place. Building 2 is located on Hillcrest Place. Building 1 is five stories and the fifth story includes an amenity area with a swimming pool. The primary pedestrian access into building 1 is oriented towards the intersection of Acklen Park Drive and Hillcrest Place. Building 2 is seven stories with primary pedestrian access oriented towards Hillcrest Place. The plan includes elevations as well as a variety of building materials.

Vehicular ingress/egress for building 1 is from the adjacent alley and a drive onto Hillcrest. Ingress/egress for building 2 is only from the adjacent alley. The plan includes a six-foot-wide sidewalk along Acklen Park Drive that extends around the corner along Hillcrest Place in front of the primary entrance into building one. A five-foot-wide sidewalk runs along the remainder of Hillcrest Place. Structured parking and on street parking is provided. Parking is per UZO standards. A majority of the parking is located central to the structures within the structured parking garages and is lined with active uses. A portion of building 2 does not include a liner; however, the garage design is consistent with the remainder of the building architecture.

### **GREEN HILLS - MIDTOWN COMMUNITY PLAN**

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

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.

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.

Midtown Study Supplemental Policy (10-MT-T5-MU-02) provides additional guidance for zone changes within the study area. When the policy does not include specific language for a parcel in the study area, it refers back to the Community Character Manual. In this case, there is no additional guidance, so the analysis is based on the T5 MU land use policy.

### **ANALYSIS**

As proposed the plan is consistent with the land use policies that apply to the site. It is important to note that the plan is not consistent with the UDO. The major deviations from the UDO are height and access. The UDO permits a maximum height of four stories at this location and the UDO limits access to the alley. Due to site constraints, sole access to the alley is challenging. While the plan does not meet all of the standards of the UDO, staff finds that it is consistent with the overall intent of the UDO.

As proposed, the plan provides additional housing with a density that is appropriate for the area. The site is located within close proximity of West End Avenue, a busy mixed-use corridor. West End Avenue has bus services and there are other bus lines within close proximity, including 31<sup>st</sup> Avenue South. A large office complex is located on the opposite side of Hillcrest Place. The additional housing provides opportunities for people to live within close proximity of work and easy access to bus routes, improving ridership and helping to reduce traffic. A staff condition prohibits owner and non-owner-occupied short-term rentals which is intended to ensure that the needed housing is provided. With primary entrances oriented to the public streets, limited access, sidewalks, landscaping and street trees, the plan enhances the public realm. Since staff finds that the proposed plan is consistent with the land use policies, and is consistent with the intent of the UDO, staff is recommending approval with conditions and disapproval without all conditions.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approved with conditions**

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

#### **STORMWATER RECOMMENDATION**

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

- The site will be required to meet full LID compliance utilizing volume reducing GIPs via infiltration, reuse, and/or green roof. This may alter the final alignment, layout, and/or overall size of all of the impervious areas. If a connection to the system or ROW improvements are required, all on-site flows shall be directed to storm only infrastructure of sufficient capacity. Any new public infrastructure required will be sized for the basin.

#### **WATER SERVICES RECOMMENDATION**

##### **Approved with conditions**

- Approved as a Preliminary SP only. Public and/or Private site utility plans must be submitted and approved prior to Final 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 Site Plan/SP approval (See STUDY Permit No. 2019027063).

#### **NASHVILLE DOT RECOMMENDATION**

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

- With a final:
  - Callout any roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards.
  - Show 'Now Entering Private Drive' signage where applicable off public roads.
  - Provide internal stop control at intersections.
  - Provide stopping sight distance exhibits at any relevant intersections and accesses.
  - Provide adequate sight distance spacing at all access ramps and public streets with on-street parking.
  - Dimension ROW pavement widths for clarity.
  - Provide any truck turning exhibits relevant to loading/unloading activities-at intersections, site access points.
- Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.

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

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

- The garage access on Hillcrest can remain under the conditions that appropriate flashing beacons and alert systems are installed to improve pedestrian operations. Additional context mirrors and chamfering of the building corners maybe required to improve visibility for vehicles exiting the garage access onto Hillcrest. Coordinate with NDOT prior to final SP submittal.
- Comply with NDOT Roads conditions for the aerial encroachment over Alley #700.
- Re-stripe Acklen Park Drive from Hillcrest Place to West End and install a cross-walk on across the Western leg of the intersection. Adjustments to the pedestrian ramps may be required.
- At the intersection of Acklen Park Drive and Hillcrest adjust the pedestrian ramps so that they are out of the travel lane. Stripe in a pedestrian crossing and install ADA Ramps and warning mats. Provide an adequate pedestrian path of travel on the sidewalk around the proposed steps to the leasing office.
- Install Warning mats at all four corners of the intersection of Acklen Park Drive and Park Drive. Include cross walk striping on the Western and Eastern legs of the intersection.
- In accordance with the TIS, coordinate with NDOT on traffic calming measures along Hillcrest Place prior to Final SP submittal.

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.78	40 D	31 U	167	11	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	100 U	543	34	44

Traffic changes between maximum: **RM40 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+376	+23	+29

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RM40 district: 0 Elementary 0 Middle 0 High

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

The proposed SP zoning is expected to generate three additional students than the existing RM40 zoning district. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. There is additional capacity in all three schools. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapprove without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 100 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. Parking shall meet UZO standards and shall not exceed the maximum permitted by the UZO
3. With the final, submit final elevations that are consistent with the elevations provided in the preliminary plan.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM100-A-NS zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**Approved with conditions and disapproved without all conditions. (6-0)**

**Resolution No. RS2023-229**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019SP-053-001 is approve with conditions and disapproved without conditions. (6-0)

**CONDITIONS**

1. Permitted uses shall be limited to 100 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. Parking shall meet UZO standards and shall not exceed the maximum permitted by the UZO
3. With the final, submit final elevations that are consistent with the elevations provided in the preliminary plan.

4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM100-A-NS zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**40b. 2005UD-006-055**

**31<sup>ST</sup> & LONG BOULEVARD UDO (CANCELLATION)**

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request to cancel a portion of an Urban Design Overlay for properties located at 106 Acklen Park Drive and Hillcrest Place (unnumbered), at the northeast corner of Hillcrest Place and Acklen Park Drive, zoned RM40 (0.78 acres), requested by Catalyst Design Group, applicant; Acklen Park Partners, LLC, owner, (see associated case number 2019SP-053-001).

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

**APPLICANT REQUEST**

**Cancel a portion of an Urban Design Overlay.**

Urban Design Overlay Cancellation

A request to cancel a portion of an Urban Design Overlay (UDO) for properties located at 106 Acklen Park Drive and Hillcrest Place (unnumbered), at the northeast corner of Hillcrest Place and Acklen Park Drive, zoned Multi-Family Residential (RM40), (0.78 acres).

**Existing Zoning**

Multi-Family Residential-Alternative (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. RM40 would permit a maximum of 31 residential units.

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

**GREEN HILLS - MIDTOWN COMMUNITY PLAN**

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.

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.



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.

Midtown Study Supplemental Policy (10-MT-T5-MU-02) provides additional guidance for zone changes within the study area. When the policy does not include specific language for a parcel in the study area, it refers back to the Community Character Manual. In this case, there is no additional guidance, so the analysis is based on the T5 MU land use policy.

**ANALYSIS**

This cancellation is associated with SP, 2019SP-053-001. The proposed SP is not consistent with the UDO, but it is consistent with the land use policies that apply to the site. Staff finds that the proposed plan is also consistent with the goals of the UDO. Since the associated SP is consistent with the land use policies, and meets the goals of the UDO, staff is recommending that the portion of the UDO that applies to the SP project site be cancelled, allowing additional flexibility for the proposed SP.

**STAFF RECOMMENDATION**

Staff recommends approval if the associated SP is approved. Disapprove if the associated SP is not approved.

**Approved. (6-0)**

**Resolution No. RS2023-230**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-006-055 is approved. (6-0)

**41. 2022Z-085PR-001**

Council District 21 (Brandon Taylor)

Staff Reviewer: Amelia Lewis

A request to rezone from RS5 to R6-A zoning for property located at 712 27th Avenue North, approximately 256 feet north of Clifton Avenue and within the Detached Accessory Dwelling Unit Overlay (DADU) (0.21 acres), requested by Victoria Young, applicant; Gene L. Robinson II, owner.

**Staff Recommendation: Approve with conditions.**

**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 – Alternative (R6-A) zoning for property located at 712 27th Avenue North, approximately 256 feet north of Clifton Avenue and within the Detached Accessory Dwelling Unit Overlay (DADU) (0.21 acres).

**Existing Zoning**

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

Detached Accessory Dwelling Unit (DADU) Overlay would permit a detached, self-sufficient dwelling unit accessory to a principal structure. The overlay would permit DADUs subject to existing standards for detached accessory dwelling units in Section 17.16.030.G of the Zoning Code, which includes requirements for, but not limited to, ownership, lot area, setbacks, bulk and massing, design, and access.

**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 one duplex lot for a total of two units, based on acreage alone. Metro Codes is responsible for determining duplex eligibility.*

**NORTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density

development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

**ANALYSIS**

The site is located on the east side of 27<sup>th</sup> Avenue North, north of Clifton Avenue. Alley 933 abuts the rear property line. Properties to the north, east, and west are zoned R6-A, Multi-Family Residential (RM20-A), and RS5. These properties are primarily residential, consisting of single-family uses, two-family uses, and multi-family uses. The properties to the south along Clifton Avenue are zoned Industrial Restrictive (IR) and Mixed-Use Limited Alternative (MUL-A). These properties have been developed with multi-family residential uses and non-residential land uses.

Urban Neighborhood Evolving (T4-NE) areas are characterized by higher densities and/or smaller lot sizes, with a broader range and integrated mixture of housing types, providing housing choice, than some surrounding urban neighborhoods. The subject site is located near the corridor and adjacent to properties with higher density and development. The proposal to rezone to R6-A to permit a second unit would be an increase in density that is suitable for the property given the midblock location and smaller lot size.

The application of the DADU overlay became effective on May 5, 2023. The intent of the DADU overlay is to permit the development of DADUs in areas that can support limited increases in development. Whereas other properties within this area and within the DADU Overlay will be more suited to increasing density by the establishment of the DADU, as opposed to a secondary unit permitted within a one and two family zoning district. Having a mix of single-family properties, two-family properties, and properties with a DADU, will further the goals of the T4 NE policy to provide a mix of housing.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.21	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.21	7.71 D	2 U	28	7	2

\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS5 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High

The proposed zoning district is not expected to generate any additional students than what is typically generated under the existing zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

1. Prior to issuance of building permits, dedicate right of way to provide a minimum 10 feet of right-of-way from the centerline of the existing alley.

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-085PR-001 is approve with conditions. (6-0)

**42. 2023Z-049PR-001**

Council District 31 (John Rutherford)  
Staff Reviewer: Logan Elliott

A request to rezone from SP to R40 zoning for property located at 6397 Pettus Road, at the northeast corner of Warbler Way and Pettus Road (0.96 acres), requested by Land Solutions Company, LLC, applicant; Green Trails, LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from SP to R40.**

Zone Change

A request to rezone from Specific Plan – Residential (SP) to One and Two-Family Residential (R40) for property located at 6397 Pettus Road, at the northeast corner of Warbler Way and Pettus Road (0.96 acres).

**Existing Zoning**

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

**Proposed Zoning**

One and Two Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of one lot.*

**SOUTHEAST 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.

Existing SP Zoning

The SP zoning currently applied to the site showed the existing home to remain and otherwise proposed a residential subdivision of up to 150 single-family lots on public streets with a minimum size of 4,000 square feet. The nearest lots on Warbler Way to the subject site are about 6,000 square feet.

Request Details

The site is approximately 0.96 acres and is located at 6397 Pettus Road. A single-family home exists on the site and the property is located within the Hill Property SP that is under construction. The application proposes to remove the subject property from the SP zoning and proposes to rezone to One and Two-Family residential zoning. The subject site would not be able to subdivide under the proposed zoning.

**ANALYSIS**

Staff finds the proposed zoning to be consistent with the T3 NE policy that is applied to the site. The proposed land uses and development pattern are consistent with the T3 NE policy considering the context of the area. The site will transition the potential development intensity from the adjacent SP to the existing development to the east on Pettus Road.

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
Residential (210)	0.96	-	1 U	14	4	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.96	1.16 D	2 U	28	7	2

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+14	+3	+1

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP zoning districts: 0 Elementary 0 Middle 0 High

Projected student generation proposed R40 district: 0 Elementary 0 Middle 0 High

The proposed R40 zoning is not expected to generate any additional students beyond the existing SP zoning. Students would attend Henry C. Maxwell Elementary School, Marshall Middle School, and Cane Ridge High School. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (6-0)**

**Resolution No. RS2023-232**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-049PR-001 is approve. (6-0)

**43. 2023Z-065PR-001**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Celina Konigstein

A request to rezone from R10 to RM9-NS for properties located at 407 and 409 Donelson Pike, approximately 120 feet north of Lakeland Drive (1.13 acres), requested by Dale & Associates, applicant; Ai Yang and Super Properties, LLC, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from R10 to RM9-NS.**

Zone Change

A request to rezone from One and Two Family Residential (R10) to Multi-Family Residential – No STRP (RM9-NS) for properties located at 407 and 409 Donelson Pike, north of Lakeland Drive (1.13 acres).

**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 four lots with one duplex lot for a total of five units. This calculation is based solely on a minimum lot size of 10,000 square feet as required by the zoning, and does not account for infrastructure, road

layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations. Duplex eligibility will be determined by the Metro Codes Department.

**Proposed Zoning**

**Multi-Family Residential – No STRP (RM9-NS)** is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. The – NS designation prohibits Short-Term Rental Property – Owner Occupied and Short-Term Rental Property – Not Owner Occupied uses from the district. *RM9 would permit a maximum of 10 units.*

**DONELSON – HERMITAGE – OLD HICKORY PLAN**

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

**ANALYSIS**

The site is 1.13 acres and is located at 407 and 409 Donelson Pike, approximately 120 feet north of Lakeland Drive. There are single-family homes on each lot. Surrounding properties are zoned CL, OL, and R10; surrounding uses are primarily residential and commercial.

The T3 RC policy is applicable to areas along prominent suburban arterial-boulevard and collector-avenue corridors where areas are zoned residential and the primary land use is residential. Since the site is located within a T3 RC policy and the MCSP identifies Donelson Pike as a mixed-use arterial-boulevard with long-term need, the proposed modest increase in density at this site is supported given the infrastructure is able to support a greater amount of vehicular traffic. The proposed rezone aligns with the goals of the T3 RC policy as it is providing the opportunity for an evolving residential development pattern regarding size, scale, and density.

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)	1.13	4.63 D	5 U	66	8	6

\*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM9-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	1.13	9 D	10 U	53	4	5

Traffic changes between maximum: **R10 and RM9-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+5 U	-13	-4	-1

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing R10 zoning districts: 0 Elementary 0 Middle 0 High**  
**Projected student generation proposed RM9-NS district: 0 Elementary 0 Middle 0 High**

The proposed RM9-NS zoning is not expected to generate any additional students beyond the existing R10 zoning. Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

Ms. Konigstein presented the staff recommendation to approve.

Roy Dale, Dale & Associates, spoke in favor of the application.

Charles Dean, 415 Donelson Pike, spoke in opposition to the application.

Leigh Brendle, 2819 Lakeland Drive, spoke in opposition to the application.

Roy Dale spoke in rebuttal.

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

Mr. Clifton stated he understands the nervousness people have about changes like this, but said it is what is contemplated and is not a major change. He felt, from a Planning standpoint, this makes sense as it has been explained.

Ms. Blackshear recognized the comments brought up regarding receiving notice and asked for staff to speak to that.

Ms. Milligan responded when applications are received by the Planning Commission for a rezoning, a postcard notice is mailed out to all properties within 1,000 feet of the property line, indicating they have received an application and tells what the application is for and how to find additional information on Development Tracker or by calling the Planning front counter. Further, she explained that prior to being on the Planning Commission agenda, a mailed notice is sent to the same group of property owners within 1,000 feet, and that notice provides information regarding the date and time of the Planning Commission meeting and additional information as to the request and then indicates they can either email comments to the Planning Commission or they can call for additional information. Plus, signage is placed on the property indicating the location and date of the Planning Commission hearing. Ms. Milligan said should the Item move forward to the Council level; another public hearing is held at Council level and noticing is again sent to the same property owners within 1,000 feet from the property line and signs are once again posted for the Council public hearings.

Ms. Johnson asked Ms. Milligan to explain to the public current zoning entitlement to the proposed zone change entitlement, what is going to happen and what the difference might be.

Ms. Milligan advised the existing zoning on the property is R10 which allows for single family or duplex, two family. Two family can be attached or detached. She said both lots are likely large enough that they could be subdivided and the two lots could end up to be four lots, per subdivision regulations. If rezoned to RM9A-NS, that permits multifamily residential at a maximum density of nine units per acre based on the size that would permit ten units.

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

**Resolution No. RS2023-233**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-065PR-001 is approve. (6-0)

**44. 2023Z-066PR-001**

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

A request to rezone from RS7.5, RM20-A-NS and CL to MUG-A for properties located at 405 W. Trinity Lane and Monticello Drive (unnumbered), and a portion of property located at Monticello Drive (unnumbered), approximately 130 feet west of the intersection of Monticello Drive and W. Trinity Lane and partially located in a Corridor Design Overlay District (2.35 acres), requested by Dale & Associates, applicant; JMJ Enterprises Inc, owner.

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

**The Metropolitan Planning Commission deferred 2023Z-066PR-001 to the June 27, 2023, Planning Commission meeting. (6-0)**

**45. 2023Z-068PR-001**

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

A request to rezone from IR to MUL zoning for property located at 5300 Centennial Blvd, approximately 700 feet northwest of 51st Ave. N. (3.42 acres), requested by Centric Architecture, applicant; 5300 Centennial Partners, LLC, owner.

**Staff Recommendation: Disapprove MUL and approve MUL-A.**

**APPLICANT REQUEST**

**Zone change from IR to MUL.**

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited (MUL) zoning for property located at 5300 Centennial Blvd, approximately 700 feet northwest of 51st Ave. N. (3.42 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**WEST NASHVILLE COMMUNITY PLAN**

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

**SITE AND CONTEXT**

The 3.42-acre site is located on the north side of Centennial Boulevard, approximately 700 feet northwest of 51st Ave. N. The site is currently occupied by a warehouse built in 1920. The applicant has received permits for building additions and interior rehabilitation, which are under construction. Parcels to the northwest and southeast are zoned MUL-A, and are occupied by office and retail uses. Parcels across the street to the southwest are zoned MUL-A and CS, and are occupied by townhomes and a coffee shop. The parcel across the railroad to the northeast is vacant and zoned SP.

**ANALYSIS**

T4 Urban Mixed Use Neighborhood (T4 MU) promotes a well-connected development pattern with a variety of housing as well as mixed use, commercial, institutional, and light industrial development. The request for MUL is not consistent with the policy's goals of promoting a well-connected urban development pattern. MUL-A zoning is most appropriate for this site given the surrounding land use pattern, zoning, character, and access along Centennial Boulevard. MUL-A permits the same uses as MUL with additional standards designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. For these reasons, staff recommends disapproval of MUL and approval of MUL-A.

**FIRE MARSHAL RECOMMENDATION**

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	3.42	0.6 F	89,385 SF	187	15	17

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	1.71	1.0 F	74 U	402	26	33

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.855	1.0 F	37,243 SF	1,406	35	142

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.855	1.0 F	37,243 SF	4,178	371	364

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4,995	+365	+456

**METRO SCHOOL BOARD REPORT**

MUL zoning includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend Cockrill Elementary School, Moses McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

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

**Disapprove MUL and approve MUL-A. (6-0)**

**Resolution No. RS2023-234**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-068PR-001 is disapprove MUL and approved MUL-A. (6-0)

**46. 2023Z-069PR-001**

Council District 35 (Dave Rosenberg)

Staff Reviewer: Laszlo Marton

A request to rezone from R40 and CS to MUL-A-NS zoning for properties located at 7210, 7214, and 7220 Old Charlotte Pike, approximately 225 feet west of Charlotte Pike (2.9 acres), requested by Dale & Associates, applicant; V.F.W. Post 1970, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from R40 to MUL-A-NS.**

Zone Change

A request to rezone from One and Two Family Residential (R40) and Commercial Service (CS) to Mixed Use Limited-Alternative-No STRP (MUL-A-NS) zoning for properties located at 7210, 7214 and 7220 Old Charlotte Pike, approximately 225 feet west of Charlotte Pike (2.9 acres).

**Existing Zoning**

One and Two Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. R40 would permit a maximum of 3 lots with 3 duplex lots for a total of 6 units.

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

**Proposed Zoning**

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

**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.

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

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

**ANALYSIS**

The application consists of three parcels (Map 115, Parcel(s) 001-003) totaling 2.9 acres, located on Old Charlotte Pike. The property at 7220 Old Charlotte Pike consists of a one-story commercial building that currently serves V.F.W. Post 1970. The two properties to the east, 7214 and 7210 Old Charlotte Pike are mostly vacant but include some surface parking areas. All three properties are zoned R40, however, the property at 7210 is split zoned R40 to the rear and CS at the front. Surrounding properties are zoned R40, CS, OR20, and the Charlotte View West SP directly across from the site was approved in 2022 permitting 53 multi-family residential units.

The application proposes to rezone the site from R40 and CS to MUL-A-NS. The properties are located mostly within T3 Suburban Neighborhood Evolving and T3 Suburban Mixed Use Corridor policy and contain areas of Conservation Policy associated with moderate slopes on the site. T3 NE is intended to create and enhance suburban residential neighborhoods with more housing choices, improved connectivity, and moderate density development patterns. T3 CM is intended to enhance suburban mixed-use corridors by encouraging a greater mix of higher density residential and mixed-use development along the corridor.

T3 NE does not normally support uses such as commercial, office, and mixed uses, however the site’s locational characteristics, existing commercial zoning, and surrounding policy context make non-residential uses more appropriate. The site is uniquely positioned between the D Impact Policy to the west and T3 Suburban Mixed Use Corridor policy to the east. While there is one single family home just northeast of the site, the surrounding land uses are mostly multifamily residential and commercial. Moderate slopes at the rear of the three properties make a more compact, land efficient development pattern more appropriate at this location. MUL-A-NS on the site would allow for a mixture of residential, retail, restaurant, office, and institutional uses that would contribute to the diversity of uses and overall function of the corridor by increasing housing choice and services along Charlotte Pike. MUL-A-NS would also allow a maximum height of 4 stories, which is the same height standard for the Charlotte View West SP and the existing multi-family residential buildings across Charlotte Pike. Given the site’s proximity to the Charlotte Pike Corridor, as well as the Second Tier Center at Charlotte Pike and River Road, a mixed-use district is more appropriate than the current R40 zoning district which allows for much lower density than what currently exists in the area. For these reasons, staff recommends approval.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	2.6	1.16 D	4 U	54	8	5

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.3	0.6 F	7,840 SF	296	8	30

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	1.5	1.0 F	65 U	353	23	29

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.7	1.0 F	30,492 SF	1,151	29	116

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.7	1.0 F	30,492 SF	3,421	303	298

Traffic changes between maximum: **R40/CS and MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4,575	+339	+408

**METRO SCHOOL BOARD REPORT**

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

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (6-0)**

**Resolution No. RS2023-235**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-069PR-001 is approved. (6-0)

**47. 2023Z-071PR-001**

Council District 05 (Sean Parker)

Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to RM20-A-NS zoning for properties located at E. Trinity Lane (unnumbered) and 623 E. Trinity Lane, approximately 205 feet west of Oakwood Avenue (1.03 acres), requested by Skapa Development Consultants, applicant; Legenhausen Family Trust, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS10 to RM20-A-NS**

Zone Change

A request to rezone from Single-Family Residential (RS10) to Multi-Family – Residential-Alternative – No STRPs (RM20-A-NS) zoning for properties located at E. Trinity Lane (unnumbered) and 623 E. Trinity Lane, approximately 205 feet west of Oakwood Avenue (1.03 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 four lots and four units based on acreage alone. This calculation does not account for compliance with the Metro Subdivision Regulations.*

**Proposed Zoning**

Multi-Family Residential – Alternative – No STRPs (RM20-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A-NS would permit a maximum of 21 multi-family units, based on acreage alone. The -NS designation prohibits Short Term Rental Property (STRP) uses.*

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Residential Corridor (T4 RC) is intended to maintain, enhance and create urban residential corridors. T4 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T4 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

**SITE AND CONTEXT**

The subject property consists of three contiguous parcels for a total acreage of 1.03 acres, located on the north side of E. Trinity Lane, north of the intersection of E. Trinity Lane and Edwin Street. The properties to the east and west, along E Trinity Lane are zoned RM20, RM20-A-NS and RS10. The properties to the north are zoned RS10. On the south side of E. Trinity Lane the properties are zoned Single-Family Residential (RS5) and Specific Plan (SP) intended for multi-family development. The site has frontage along E. Trinity Lane, which is classified as an arterial boulevard in the Major and Collector Street Plan (MCSP).

**ANALYSIS**

The intent of the Urban Residential Corridor (T4 RC) is to maintain, enhance, and create urban residential corridors that support predominately residential land uses and are compatible with the general character of urban neighborhoods. A characteristic of the T4 RC policy areas are those located on prominent arterial-boulevard, including E. Trinity Lane, and collector-avenue corridors that accommodate residential land uses and are served by multiple modes of transportation. The proposed RM20-A-NS zoning district is consistent with the policy goal to see these prominent corridors develop or redevelop over time to include higher density housing types.

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)	1.03	3.7 D	4 U	54	8	5

Maximum Uses in Proposed Zoning District: **RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	1.03	20 D	21 U	113	7	10

Traffic changes between maximum: **RS10 and RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+59	-1	+5

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed RM20-A-NS district: 7 Elementary 4 Middle 4 High

The proposed rezoning is expected to generate 15 additional students than what is typically generated under the existing RS10 zoning district. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (6-0)**

**Resolution No. RS2023-236**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-071PR-001 is approved (6-0)

**48. 2022S-072-001**

**RIDGECREST AT VISTA**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create 51 lots on properties located at 516 and 520 Green Lane and Green Lane (unnumbered), approximately 755 feet east of Tisdale Dr, zoned SP, (16.78 acres) requested by Anderson Delk, Epps, applicant; Ole South Properties, LLC.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Final plat to create 51 residential lots.**

Final Plat

A request for final plat approval to create 51 lots on properties located at 516 and 520 Green Lane and Green Lane (unnumbered), approximately 755 feet east of Tisdale Dr, zoned Specific Plan (SP), (16.78 acres).

**CASE HISTORY**

The subject site is located within a portion of a SP zoning district. Council approved the SP in 2019, (BL2019-1523). The overall SP is approved for 303 single-family lots. A final site plan for 51 lots was approved on March 12, 2020, for this site. property. The subject final plat includes Phase 1 and is consistent with the approved preliminary SP and final site plan. A final site plan for the second phase of the SP was approved in April of this year for 72 lots. 16, 2023

**SITE DATA AND CONTEXT**

**Location:** The site is located along the north side of Green Lane between Knight Drive and Whites Creek Pike.

**Approximate Acreage:** 16.78

**PROPOSAL DETAILS**

**Number of lots:** 51

**Subdivision Variances or Exceptions Requested:** None

**UPDATED FINAL PLAT RULES AND PROCEDURES**

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

The subject site received preliminary SP approval in 2019, and the final site plan for 51 lots was subsequently administratively approved with conditions by staff in 2020. Since the plat contains more than 25 lots, it requires consideration by the Commission per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

**APPLICABLE SUBDIVISION REGULATIONS**

Staff previously determined that this plat is consistent with the Council approved SP plan, the approved final site plan and the Subdivision Regulations.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approval is contingent on construction and completion of MWS Project #'s 19SL0212 and 19WL0088. A bond amount of \$179,000.00 is assigned to 19SL0212 and an amount of \$203,000 is assigned to 19WL0088.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
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. 2022S-072-001 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. RS2023-237**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-072-001 is approved with conditions. (6-0)

**CONDITIONS**

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
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.

**49. 2023Z-054PR-001**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Eric Matravets

A request to rezone from CS to MUN-A-NS for property located at 1259 Dickerson Pike, south of the terminus of Weeping Willow Way (4.49 acres), requested by Smith Gee Studio, applicant; Fred W. Hahn Jr., owner.

**Staff Recommendation: Defer to the June 22, 2023, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023Z-054PR-001 to the June 22, 2023, Planning Commission meeting. (6-0)**

**H: OTHER BUSINESS**

**50. New employment contract for Yuqing Wang**

**Resolution No. RS2023-238**

“BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract amendments for Yuqing Wang is approved. (6-0)

**51. Historic Zoning Commission Report**

- 52. Board of Parks and Recreation Report
- 53. Executive Committee Report
- 54. Accept the Director's Report

**Resolution No. RS2023-239**

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is approved. (6-0)

- 55. Legislative Update

**I: MPC CALENDAR OF UPCOMING EVENTS**

**June 22, 2023**

MPC Meeting

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

**July 28, 2023**

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Schools Administration Building, School Board Meeting Room

**J: ADJOURNMENT**

The meeting adjourned at 8:53 p.m.