



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

June 22, 2023
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Stewart Clifton
Edward Henley
Mina Johnson
Dennie Marshall
Brian Tibbs
Councilmember Brett Withers

Commissioners Absent:

Jessica Farr, Vice Chair
Jim Lawson
Matt Smith

Staff Present:

Lucy Kempf, Executive Director
Lisa Milligan, Planning Manager II
Ann Mikkelsen, Legal
Amelia Lewis, Planner II
Anita McCaig, Planner III
Logan Elliott, Planner II
Donald Anthony, Planner II
Laszlo Marton, Planner I

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

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

Speaking to the Commission


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

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

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

Legal Notice

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

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MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

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

C: APPROVAL OF JUNE 08, 2023 MINUTES

Mr. Clifton moved and Mr. Tibbs seconded the motion to approve the meeting minutes of June 8, 2023. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Chair Adkins introduced and welcomed Mr. Dennie Marshall as a new member of the Planning Commission. Mr. Marshall said he looked forward to working with the Commission and serving the community. Chair Adkins stated he will formerly introduce the other new Commissioner, Mr. Matt Smith, at the next meeting when he is in attendance.

Councilmember Gamble spoke in favor of Item 30.

Councilmember Rutherford spoke in favor of Items 7a and 7b.

Councilmember Rosenberg spoke in favor of Items 1a and 1b.

Councilmember Murphy recognized that Item 15 is on deferral until the July meeting and wanted to go on record to say there has not been any community meetings for two years and suggested they wait for the new Councilmember to start the community process over.

Councilmember Murphy spoke in favor of Item 33. She said she is trying to get some things completed and in writing and asked if the attorney for the applicant could speak. Chair Adkins asked if the Commissioners had an objection and seeing none, allowed the attorney to speak. The attorney, no name given, advised they have been working with Councilmember Murphy and Planning staff and have reached agreements on many of the conditions. He stated they are not in a position to be in opposition or in support and did not want this Item to be taken off the Consent agenda, which would make it appear they were in opposition. The attorney said they are supportive of Councilmember Murphy's goals and wanted to get the details right so his client can be comfortable publicly supporting it.

Councilmember Toombs spoke in favor of Items 2, 19, 36, 36, 41 and 44. She stated she does not have a position on Item 23.

Councilmember Evans spoke in favor of Items 17 and 22.

Councilmember Hausser said she wanted the Commission and audience to be advised there will be a community meeting next Thursday to answer questions regarding Item 1.

Councilmember Hall spoke in favor of Items 37 and 38.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 3, 4, 5, 6, 8, 9, 11, 15, 16, 24, 25, 26, 27, 29, 34, 46

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

F: CONSENT AGENDA ITEMS 50, 51, 56

Ms. Kempf asked for clarification of the process for the renaming of Forrest Avenue in Item 49.

Ms. Milligan advised on street renaming, they send out notifications and request feedback. If they receive notes in opposition, they are required to hold a public hearing.

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

Mr. Tibbs moved and Mr. Henley seconded the motion to place Item 44 on to the Consent Agenda. (7-0)

Tentative Consent Item: Items noted below as On Consent: Tentative will be read aloud at the beginning of the meeting by a member of the Planning Staff to determine if there is opposition present. If there is opposition

present, the items will be heard by the Planning Commission in the order in which they are listed on the agenda. If no opposition is present, the item will be placed on the consent agenda.

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

G: ITEMS TO BE CONSIDERED

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

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

APPLICANT REQUEST

Amend Community Plan to change Community Character Policy.

Major Plan Amendment

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

BELLEVUE COMMUNITY PLAN

Current Policy

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

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

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

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

BACKGROUND

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

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

In 2021, the applicant team approached the Planning Department about changing the land use policy at 1084 Morton Mill Road to Suburban Neighborhood Evolving (T3 NE) policy to allow for a multifamily development along with

providing public access to the adjacent park and constructing an extension to the existing greenway. Applications for a plan amendment and a rezoning to Specific Plan (SP) were filed.

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

COMMUNITY PARTICIPATION

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

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

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

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

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

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

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

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

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

In addition, the applicant team undertook the following outreach:

- Summer 2022: knocked on 1,750 doors in Council Districts 22 and 35 to answer project questions.
- 8/19/22: held orientation tour of the project and site with Councilmember Hurt.
- 8/25/2022: met with Harpeth River Conservancy to discuss their concerns.
- August 2022: mailed letter to 754 neighborhood residences with project information.
- January 18, 2023: met again with Harpeth River Conservancy to discuss possible solutions to address their concerns.
- February 2023: mailer to 1,700 properties in surrounding neighborhoods with project benefits and information.

The applicant team also has met twice with the Harpeth River Conservancy to listen to their concerns. To date, the applicant team has obtained petition signatures and letters of support that have been included in the public comment

folders. However, there are also numerous people opposed to the project who remain concerned and question the project's public benefits. The opposition has a petition. The residents of Harpeth Meadows Independent Living and the Meadows Nursing Home have also shared petitions in opposition. All correspondence received is included in the Planning Commission's public comments folders.

ANALYSIS OF SUBURBAN NEIGHBORHOOD EVOLVING POLICY

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

NashvilleNext Growth & Preservation Concept Map

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

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

Community Plan and Policy Application

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

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

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

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

Public Benefits – Multimodal Transportation, Connectivity, and Open Space

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

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

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

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

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

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

Continuing Community Concerns and Opposition

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

Analysis Summary

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

Appropriate Site Location:

- Applying T3 NE policy to part of the subject property supports greater housing choice adjacent to a center identified in the NashvilleNext Growth & Preservation Concept Map and complements the suburban residential policies to the west and south of the property and the Suburban Community Center policy (T3 CC) to the east.
- The site is across the Harpeth River from a large community center area that includes One Bellevue Place. Allowing additional residential and another housing option on this property can provide more people to support businesses.
- Streets, including Coley Davis Road, Highway 70 South (arterial), and the nearby Interstate 40 interchange, provide access to the larger Bellevue area and other destinations.
- The property has convenient access to transit at the nearby WeGo Park & Ride lot.
- The proposed development will provide connectivity from the subject property to the Harpeth River Greenway, a new multimodal bridge, and an improved Coley Davis Road with bike lanes, allowing a range of transportation options to area destinations and services.

Protecting the Harpeth River floodplain:

- CO policy is implemented with preservation of the floodplain area.

- The proposed development is planting a minimum of 250 trees in efforts to increase area tree canopy and absorb stormwater runoff.

Providing Public Benefits:

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

STAFF RECOMMENDATION

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

Chair Adkins advised the Commission has already had the Public Hearing on this Item and that portion is closed to public comment at this time.

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

Chair Adkins asked Mr. Marshall if he watched the video of the Public Hearing for this Item.

Mr. Marshall responded in the affirmative.

Mr. Tibbs said he agrees with the policy change and supports staff recommendation.

Mr. Marshall asked for clarification of the CSX railroad issue and also asked if changing it to the 500 year floodplain will cure that problem going forward.

Mr. Elliott stated the applicant is proposing to raise the Coley Davis Road out of the 500-year floodplain, which would reduce the likelihood of the road flooding. He said, concerning the CSX item in the greenway, the greenway currently stops at the rail line and the applicant is engaged with CSX to identify options for crossing the rail line. Mr. Elliott explained CSX does not get involved with development review, so it has been a challenge for them to review a plan that is still on the table with Metro and their zoning review process. He advised they have now given Metro a letter indicating that both options identified in the SP plan are options they are willing to consider and review with more details and an engineered plan at a later date and would first want the zoning to be put in place.

Ms. Kempf explained CSX wants information in inches and feet, as it is a very detailed level of review that is typically much more detailed than what they would have at a preliminary SP phase. She thought this is the best they can get from CSX with this level of information. The applicant will have to provide more detailed information to get CSX to consider an option.

Mr. Clifton said they have heard this twice before and it is astonishing how much the developers have done and extremes they went through with raising it out of the floodplain. He stated he felt better about the plan after the neighbors' concerns were addressed but the uncertainty with CSX made him feel unable to support it at that time. Mr. Clifton said that if CSX said they thought it was OK, but now it is not, then the project does not proceed. He said

he is more in support because of that and because of the connectivity and the closeness to bus transit and the interstate.

Ms. Johnson said they have to approve the community plan change first and then the SP. She expressed concern if the developer did not meet all the conditions and the SP did not come through but T3 Neighborhood Evolving policy will survive. Ms. Johnson asked if it was possible to add a supplemental policy if the SP does not come through.

Ms. Kempf responded the Commission has precedent in NashvilleNext to create supplemental policies that are more specific around areas such as connectivity, and if the Commission wanted to entertain approving this policy amendment before them and direct staff to ensure the conditions are captured also in a supplemental policy, it is in their discretion to do so.

Ms. Johnson said that would be great and they are not approving projects for the developer to fail, they are approving for the developer to bring a great project to the community's benefit. She stated sometimes that does not happen and years later just the policy survives and there is no access or improvement, which would be a detriment to the community.

Ms. Kempf recommended to the Commission how to word the motion should they all be in agreement.

Ms. Johnson stated this SP is based on the condition if the project does not meet approval or agreement from CSX, it cannot move forward. She asked if it is in their purview to decide regardless of pending lawsuits.

Ms. Mikkelsen advised the Commissioners can decide today as the pending lawsuits will run their own course.

Ms. Johnson moved and Mr. Henley seconded the motion to approve changing the policy to Suburban Neighborhood Evolving (T3 NE) on the non-floodplain portion of the property and direct staff to prepare a Supplemental Policy addressing greenway connectivity, vehicular access and mobility. (7-0)

Resolution No. RS2023-240

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-006-001 is approved changing the policy to Suburban Neighborhood Evolving (T3 NE) on the non-floodplain portion of the property and direct staff to prepare a Supplemental Policy addressing greenway connectivity, vehicular access and mobility. (7-0)

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: Approve with conditions and disapprove without all conditions if the associated plan amendment is approved. Disapprove if the associated plan amendment is not approved.

APPLICANT REQUEST

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

Preliminary SP

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

Existing Zoning

Agricultural/Residential requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 18 lots with 4 duplex lots for a total of 22 units.*

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN

Existing Policy

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban

Proposed Renderings

development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded.

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

Proposed Policy (Conservation Policy to remain)

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

SITE CONTEXT

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

The subject property is currently zoned AR2a. Nearby parcels at the terminus of Morton Mill Road are zoned RS20 and multi-family and commercial zoning districts exist across the Harpeth River to the east. Coley Davis Road and Morton Mill Road are local streets. The site has approximately 20 acres within the floodplain and floodway associated with the Harpeth River.

PLAN DETAILS

The application proposes rezoning the subject property to SP to permit a multi-family residential development. The plan includes 417 multi-family residential units across 7 buildings. A bridge across the Harpeth River is proposed to connect Coley Davis Road with the subject site. This bridge is included within public right-of-way and, in addition to providing access to the multi-family development, the bridge would provide vehicular access to the currently inaccessible 51-acre Metro Parks property (parcel 074). The bridge would cross the western edge of the Harpeth River Park. At the proposed Coley Davis Road intersection, a turn lane is provided for left-turn movements onto the proposed bridge.

The plan concentrates the development on the portion of the site that is above the floodplain and proposes to dedicate approximately 20 acres of land that is within the floodplain to Metro Parks. The area of dedication is primarily located along the eastern portion of the site. The plan includes 2 four-story buildings near the proposed bridge landing from Coley Davis Road and 5 three-story buildings more interior and to the south of the property. The

plans include elevations that demonstrate the proposed architecture. The buildings are organized to create interior courtyard open space areas with surface level vehicle parking surrounding the buildings. Garage units are scattered throughout the parking area.

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

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

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

ANALYSIS

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

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

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

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

Update Following March 9, 2023, Public Hearing

This item was heard at the March 9, 2023, Planning Commission hearing and was deferred to allow time for staff to compile additional information related to the following items and responses are included beneath each item:

1. *Have representatives of Metro Stormwater and NDOT attend 5/11 MPC meeting for questions.*
This item was deferred to the 5/25 MPC meeting and representatives of Metro Stormwater and NDOT were in attendance of the 5/25 MPC meeting for questions.
2. *Provide a temporary traffic control plan for the proposed improvements to Coley Davis Road that shows how two-way traffic will be maintained during the construction process.*

The applicant has provided a draft temporary Traffic Control Plan demonstrating the potential availability to maintain two-way traffic on Coley Davis Road. The plan phases the proposed improvements so that the cross-section of Coley Davis is first widened, and then one side of the road is raised at a time, allowing two-way traffic flow to be maintained. NDOT has reviewed this draft temporary Traffic Control Plan and finds it feasible. The final Traffic Control Plan would be provided and reviewed by NDOT staff later in the development process.

3. *Provide an emergency vehicle access plan for the project site.*

The applicant has provided exhibits demonstrating how the emergency access will be access controlled with standard locks and gates. The ability for emergency vehicles to navigate the site will be reviewed with the final site plan application once the engineered site plans have been prepared, consistent with the standard process for SP zoned developments. Without the fully engineered civil site plan, the ability to make all necessary emergency vehicle turning movements on the site cannot be reviewed for compliance with Metro standards. The Metro Fire Marshal's Office has confirmed that Coley Davis Road would be the primary route utilized for emergency access and that the gated emergency access on Morton Mill Road would only be utilized in the event of Coley Davis Road being inaccessible.

4. *Provide a written statement from CSX that verifies their current position on the proposed greenway crossing options.*
June 1, 2023 Update

CSX Transportation has reviewed the SP development proposal of application 2021SP-061-001 and has indicated that if the SP zoning is approved, then CSX Transportation will review the engineering plans for the two proposed routes to extent the Metro Greenway across the CSX Transportation railroad. This proposal would be reviewed for the following conditions:

- CSXT will at all times preserve its paramount right to continue to occupy, possess and use its property for any and all railroad purposes
- The Project shall be initiated, designed, reviewed and (if approved) constructed in accordance with the CSXT's current policies, standards and guidelines as provided in the CSXT Public Project Information Manual and the execution of any associated agreements that may be required
- The associated real estate documents shall be executed for the proper conveyance of any real estate rights that may be required to support the Project prior to construction

5. *A condition related to the proposed bridge from Coley Davis and who is responsible for the associated maintenance of the bridge.*

NDOT has revised their conditions of approval on this application to specify that NDOT is in general support of the proposed public bridge from Coley Davis Road to this bend in the Harpeth River and that additional information will need to be provided with the final site plan application before NDOT can make a final determination on acceptance of the maintenance of the bridge. It's possible that NDOT does not accept maintenance of the bridge and the maintenance would then fall on the developer.

6. *More specific comments from NDOT concerning their review of the proposed bridge and improvements to Coley Davis Road.*

NDOT has revised their conditions of approval to specify the desired conditions for Coley Davis Road. NDOT is conditioning that the final cross-section for Coley Davis Road to consist of a 10' two-way multi-use path along the South side of the road, with a 2' vertical protection buffer between the travel lanes and the multi-use path. The boundaries of the multi-use path are to be determined at Final SP and shall make meaningful connections to existing pedestrian infrastructure on Coley Davis Rd while creating a functional network. At a minimum the applicant shall extend the multi-use path to the West and connect to the existing sidewalk on along the frontage of the Harpeth Springs Village.

While the TIS determined the west bound left turn lane on Coley Davis Road was not technically warranted, NDOT is willing to consider providing the left turn lane if the engineered plans provided with the final site plan application demonstrate that the cross-section can accommodate this turn-lane. If there are dimensional constraints with the final site plan application, providing a turn lane in this location shall be reevaluated.

7. *A response to the question of "what will happen downstream of the Harpeth River considering the proposed project includes a new bridge and floodplain modifications".*

The applicant has provided a draft Hydraulic Analysis for the proposed development to review the potential impacts to the effective flood mapping of the Harpeth River. This Hydraulic Analysis would need to be reviewed and approved by FEMA and then provided to Metro Stormwater for review and approval with the final site plan application and this is just a draft document at this point. The draft analysis finds that there will be no downstream or upstream impact to the regulatory 100-year floodplain associated with the construction of this development, including the construction of the bridge from Coley Davis Road, construction of the improvements to Coley Davis Road, and the construction of the extension to the Harpeth River Greenway. Additionally, the analysis modeled the impacts to the 500-year floodplain and upstream of the proposed bridge from Coley Davis Road, the analysis found a potential difference in a 500-year storm event of 0.23 - 0.25 feet and this impact reduces to zero feet upstream of the CSX railroad bridge across the Harpeth River.

8. *A response to the title question surrounding the greenway easement and the access easement in the Harpeth Crest subdivision open space areas.*

Metro Legal has assessed that the Court would likely find that the existing greenway easement as platted on parcel 141120E04500CO permits the proposed greenway connection from the existing terminus in the Harpeth Crest Subdivision. Additionally, Metro Legal has assessed that the Court's would likely find that the applicant has the right to reasonable use of the existing access easement that is platted on parcel 141120E04600CO for construction and emergency access purposes.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

PARKS RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

METRO WATER SERVICES RECOMMENDATION

Not applicable

- Harpeth Valley Water and Sewer Utility District.

HARPETH VALLEY WATER AND SEWER UTILITY DISTRICT

Approve with conditions

- See letter dated August 16, 2022.

METRO HISTORIC RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- With the final: Include proposed public roadway construction drawings(profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Any round-a-bouts proposed in public ROW shall meet FHWA guidelines. Callout roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads.

Provide internal stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a loading/unloading plan for each aspect of the total development. Provide any truck turning movements relevant to loading/unloading activities on site. Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.

Comments:

- NDOT is in general support of having the proposed public bridge as a connection between Coley Davis Rd and the planned Metro Park, but prior to the final determination, the following information is required to establish the anticipated annual maintenance cost of the bridge. [1.A] Bridge Type (concrete girder, steel girder, etc.), [1.B] Bridge Length, [1.C] Bridge Width, [1.D] Number of spans, [1.E] Number of expansion joints, [1.F] Type of expansion joints (if known), [1.G] Abutment type (MSE walls, concrete, etc.), [1.H] Approaches (at grade, built up, combination, etc.). Therefore, following prelim approval, the applicant shall continue to coordinate w/ NDOT leadership on annual long-term maintenance cost estimate expectations.
- Coley Davis road cross section; see NDOT Traffic conditions. The design of raising of Coley Davis road (embankments, berms, retaining infrastructure, spillway infrastructure, soil road bed material usage, etc.) above the flood way shall be designed and stamped by licensed professional engineer(s)-Hydraulic, geotechnical and/or structural. NDOT's bridge & wall engineers will need to evaluate the proposed infrastructure improvements. If grading for Coley Davis road improvements encroach into a TVA buffer, coordination w/ utility company on relocation of tower/line will be required.
- A letter of approval for CSX ROW encroachments; at-grade emergency crossing and greenway access under RR trestle bridge, will be required, prior to final. Comply w/ NDOT traffic comments.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- NDOT is in general support of having the proposed public bridge as a connection between Coley Davis Rd and the planned Metro Park, but prior to the final determination, the following information is required to establish the anticipated annual maintenance cost of the bridge. [1.A] Bridge Type (concrete girder, steel girder, etc.), [1.B] Bridge Length, [1.C] Bridge Width, [1.D] Number of spans, [1.E] Number of expansion joints, [1.F] Type of expansion joints (if known), [1.G] Abutment type (MSE walls, concrete, etc.), [1.H] Approaches (at grade, built up, combination, etc.). Therefore, following prelim approval, the applicant shall continue to coordinate w/ NDOT leadership on annual long-term maintenance cost estimate expectations.
- The final design of the proposed Coley Davis Road improvements/modifications to raise the roadway out of the floodway are still being discussed with NDOT. The cross-section East of the proposed bridge access shall include a 10' two-way multi-use path along the South side of the road, a 2' buffer with vertical delineators along the travel lane side of the road and contain adequate travel lanes. Due to the constraints of the Harpeth River and the I-40 TDOT Access Control Fence, a modified cross-section may be required West of the proposed bridge access. This modified cross-section shall contain a multi-use path & buffer, along with adequate travel lanes. The final dimensions of the modified cross-section are to be determined at Final SP. The boundaries of the multi-use path are to be determined at Final SP and shall make meaningful connections to existing pedestrian infrastructure on Coley Davis Rd while creating a functional network. At a minimum the applicant shall extend the multi-use path to the West and connect to the existing sidewalk on along the frontage of the Harpeth Springs Village, which may require additional sidewalk to provide an adequate transition. All guardrail and/or handrail installation along Coley Davis Rd shall follow all TDOT standards. See Roads conditions for additional details on the raising of Coley Davis Rd.
- NDOT is in general agreement with the submitted traffic control plan for the raising of Coley Davis Rd. however modifications maybe required due to field conditions.
- In accordance with the submitted TIS, the proposed Westbound left turn lane on Coley Davis Road at the proposed bridge access was not warranted, and if it is determined that the final cross-section cannot accommodate all the necessary components, then the installation of the turn lane shall be reevaluated.
- At Final SP the parking count for this development shall be shown per metro code.
- Harpeth River green-way underpass will require a letter of approval from CSX prior to Final SP approval. The applicant shall continue to coordinate with Parks on the proposed greenway improvements/connections. Any gaps or deficiencies in the existing greenway that are created from the development of this property, such as bridge piers landing on the existing greenway, shall be replaced at the discretion of Parks.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
- The developer's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential* (210)	43.87	0.5 D	55 U	600	44	57

*Based on two-family lots

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

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

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

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

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 1 Elementary 1 Middle 1 High

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

The proposed additional 395 units in the SP is expected to generate 41 additional students than what is typically generated under the existing AR2a zoning district. Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated plan amendment is approved. Staff recommends disapproval if the associated plan amendment is not approved.

CONDITIONS

- Permitted uses include a maximum of 417 multi-family residential units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
- The construction of the bridge from Coley Davis Road to the subject site is a requirement of the first phase of development.
- The Harpeth River Greenway extension across the railroad and along the Harpeth River is a required improvement for this project. The final design of the greenway extension shall be coordinated with Metro Parks, Planning and CSX. The final site plan will not be approved until the extension has been designed and all required agencies, including CSX, have approved the location.
- Coley Davis Road shall be raised out of the 500-year floodplain and improved to the cross-section required by NDOT with the first phase of development.
- Comply with all conditions and requirements of Metro reviewing agencies.
- A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
- If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- The final site plan shall 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
- The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 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.
- 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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

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

Resolution No. RS2023-241

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-061-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses include a maximum of 417 multi-family residential units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited.
2. The construction of the bridge from Coley Davis Road to the subject site is a requirement of the first phase of development.
3. The Harpeth River Greenway extension across the railroad and along the Harpeth River is a required improvement for this project. The final design of the greenway extension shall be coordinated with Metro Parks, Planning and CSX. The final site plan will not be approved until the extension has been designed and all required agencies, including CSX, have approved the location.
4. Coley Davis Road shall be raised out of the 500-year floodplain and improved to the cross-section required by NDOT with the first phase of development.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
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 final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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.
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.

2. 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 T4 MU to T4 NM and removing the Mobility Supplemental Policy 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 Metro Planning Department in response to Metro Council Resolution 2022-1326, applicant. Various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Bordeaux-Whites Creek-Haynes Trinity Community Plan to change the community character policy and remove the supplemental policy for mobility.

Minor Plan Amendment

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing the community character policy from Urban Mixed Use Neighborhood (T4 MU) to Urban Neighborhood Maintenance (T4 NM) and removing the Mobility Supplemental Policy for various properties located north of Baptist World Center Drive and west of Brick Church Pike (approximately 42.5 acres).

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN

Current Policy

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

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. 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 recognizes floodways/floodplains and steep slopes. CO policy is not proposed to change.

The Haynes Trinity Small Area Plan was adopted in 2017. The small area plan includes a Mobility Supplemental Policy to enhance street connections and an alley network.

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

Urban Neighborhood Maintenance (T4 NM) policy 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 have an established development pattern consisting of moderate to high density residential development and institutional land uses. T4 NM areas are served by high levels of connectivity. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

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. While this study area is not included in the resolution, in working with Councilmember Toombs in reviewing other areas in Council District 2, she requested that this residential area be studied. In this instance, Urban Mixed Use Neighborhood (T4 MU) policy is applied to a large area north of Baptist World Center Drive; this policy was adopted in 2017 as part of the Haynes Trinity Small Area Plan. An appropriate plan amendment area 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 numerous properties north of Baptist World Center Drive, west of Brick Church Pike and Interstate 24. Housing in the study area is primarily single-family. Along Baptist World Center Drive and Brick Church Pike are several businesses and higher density residential uses. A mobile home neighborhood is located north of the area. The Cumberland River is located to the south and southwest. Pages Branch, a tributary of the Cumberland River, along with the American Baptist College campus, are northwest of the study area.

The area has experienced growth since the Haynes Trinity Plan was adopted in 2017 which is discussed in more detail in the Analysis section below. Now the District Councilmember thinks the area has evolved and the policy should change from a mix of uses to Urban Neighborhood Maintenance (T4 NM) policy to maintain the established residential pattern and character. Much of the study area is zoned residential single family (RS5) with some residential one- and two-family (R6), primarily along the west side of Weakley Avenue, and two properties with residential up to 20 dwelling units per acre (RM20).

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. Notices were mailed to approximately 229 properties and shared with the Councilmember. Notice of the meeting also was posted on Planning's website. 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 the Haynes Trinity area (this amendment) and the Ewing Drive area (discussed in a separate staff report). Only one question was asked by an attendee, and it was about the Ewing Drive area. 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 URBAN 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 plan amendment area is comprised of three Concept Map designations, "Center," Transition and Infill," and "Neighborhood." Centers are pedestrian-friendly areas with frequent transit service that contain a dense mix of homes, shops, jobs, and parks, as well as services, schools, and cultural amenities. The Center designation is applied to an area along Baptist World Center Drive and Brick Church Pike. Transition and Infill areas consist of higher density housing that is appropriate along and around corridors and centers to provide a harmonious connection to surrounding neighborhoods. 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). Within the Haynes Trinity community, a Center is located at Trinity Lane/Interstate-65 that crosses over the interstate and is part of a larger center shared with the East Nashville community. The plan amendment area is urban in character and the three Concept Map area designations within it will remain the same 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 Bordeaux–Whites Creek–Haynes Trinity Community Plan uses policies that are tailored to rural, suburban, and urban character and that honor the diversity of character from the rural neighborhoods of Whites Creek, Scottsboro, Marrowbone, and Bells Bend to the suburban neighborhoods of Bordeaux, to the urban neighborhood of the Katie Hill/Fern Avenue area (where the plan amendment area is located). To accommodate the community's desire to maintain and enhance the character of its neighborhoods, neighborhood maintenance policies have been applied to established neighborhoods in the community. Planners also worked with the community on the Haynes Trinity Small Area Plan which was adopted in 2017.

Complete urban neighborhoods feature an integrated mixture of housing within walking distance of commercial, services, and neighborhood-scaled open space. Since the adoption of NashvilleNext in 2015 and the Haynes Trinity Small Area Plan in 2017, the study area and adjacent area, like many areas across the city, has experienced growth and new housing construction. Figure 1 on the next page illustrates new residential units, additions, and rehabs that have occurred since 2015. With the recent growth, neighbors feel that these areas have "evolved" as the initial policy intended and now wish to change emphasis to maintaining the residential area. Instead of a policy focus on providing a mix of uses, T4 NM policy focuses on preserving the existing residential character, while accommodating new growth that fits within the character.

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). T4 NM areas have high 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. The plan amendment area is north of Baptist World Center Drive, designated an arterial-boulevard, that travels in a northwest direction, transitioning to Whites Creek Pike, and travels in a southeast direction, transitioning to Brick Church Pike, designated a collector-avenue. Both streets connect to other parts of the city. In the plan amendment area, some of the local streets are in poor condition and need improvements.

In T4 NM areas, pedestrian and bicycle connectivity is high, and, where available, is provided in the form of sidewalks and bikeways throughout the neighborhood. There is existing sidewalk along Weakley Avenue and Katie Avenue. However, there are only portions of existing sidewalk along Baptist World Center Drive and Fern Avenue. There are no designated bicycle lanes along Baptist World Center Drive or Brick Church Pike. One of the Haynes Trinity Small Area Plan's goals is to improve the mobility network throughout the community. Sidewalks, bikeways, greenways, and streets need more connections and improvements to create a multimodal system.

WeGo Route 14 provides local public transit service for accessing various locations in the Bordeaux–Whites Creek–Haynes Trinity community. This route travels along Baptist World Center Drive, north and south of the plan amendment area, with several stops along its path. Route 14 provides access into East Nashville and connects with the WeGo Route 22 along Buena Vista Pike which allows riders further access to the Bordeaux Community and various destinations throughout Nashville and Davidson County.

The Mobility Supplemental Policy currently calls for additional street and alley connections in this area to enhance the transportation network. With the change in policy to T4 NM, any future development is much smaller in scale and intensity. While a complete mobility network is important, it proves challenging to implement with so few anticipated future rezonings and new development. Thus, staff recommends that the Mobility Supplemental Policy be removed from the amendment area. The Mobility Supplemental Policy remains in place for the remainder of the Haynes Trinity Small Area Plan geographic area.

Analysis Summary

Amending the Community Character Policy from Urban Mixed Use Neighborhood (T4 MU) to Urban Neighborhood Maintenance (T4 NM) policy is appropriate for the following reasons:

- Aligns with the intent of the NashvilleNext Growth & Preservation Concept Map categories identified within the plan amendment area.
- Aligns with surrounding urban policies in the area, both in the Community Plan and in the Haynes Trinity Small Area Plan.
- Focuses on maintaining the existing urban residential character and development pattern of the plan amendment area which residents desire after experiencing considerable growth in recent years.
- Provides adequate access for different mobility options to various destinations throughout the Bordeaux–Whites Creek–Haynes Trinity community and other areas of Nashville and Davidson County, although the sidewalk, bikeway, and greenway networks need enhancements.

STAFF RECOMMENDATION

Staff recommends approval of the policy change and the removal of the Mobility Supplemental Policy for this area.

Approve. (7-0)

Resolution No. RS2023-242

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-003-004 is approved. (7-0)

3. 2023CP-014-002

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 Evolving (T3 NE) to Suburban Neighborhood Maintenance (T3 NM) for various properties along Stewarts Ferry Pike and Old Hickory Boulevard located east of Percy Priest Lake and west of Earhart Road, zoned AR2A, CN, RS15 and SP (approximately 228 acres), requested by Metro Planning Department in response to Metro Council Resolution 2022-1326, applicant. Various owners.

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

The Metropolitan Planning Commission deferred 2023CP-014-002 to the July 27, 2023, Planning Commission meeting. (7-0)

4. 2023Z-003TX-001

DOWNTOWN CODE BONUS HEIGHT PROGRAM AMENDMENT

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 October 26, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-003TX-001 to the October 26, 2023, Planning Commission meeting. (7-0)

5. 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 July 27, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2014SP-050-002 to the July 27, 2023, Planning Commission meeting. (7-0)

6. 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 Indefinitely.

The Metropolitan Planning Commission deferred 2015SP-069-003 indefinitely. (7-0)

7a. 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: Approve with conditions and disapprove without all conditions if the associated SP is approved. Disapprove if the associated SP is not approved.

APPLICANT REQUEST

Amend an SP to remove open space area.

Amend Preliminary SP

A request to amend a Specific Plan (SP) for a portion of property located at 8001 Warbler Way, southwest of the terminus of Tanager Drive (1.45 acres), to remove 1.45 acres of open space from the SP.

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 (associated case 2023SP-016-001)

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 multiple residential building types.

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.

Proposed Site 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.

SITE

The approximately 1.45-acre site is a portion of the Hill Property SP that is under construction. The subject site is located on the western side of the newly built public street, Warbler Way. The adjacent property to the west is the subject site of the associated SP case 2023SP-016-001.

PLAN DETAILS

The application proposes to remove the subject site from Hill Property SP and the associated SP case proposes to include the subject site in that SP zoning. The area was approved as open space in the currently approved SP (Hill Property SP).

ANALYSIS

Staff finds it appropriate to remove this area from the Hill Property SP so that it can be included in the proposed associated case SP. Removal of this small area of open space does not significantly change the concept of the approved SP and additional open space is being provided in the proposed SP. Therefore, staff recommends approval with conditions and disapproval without all conditions if the associated SP zoning is approved Disapprove if the associated SP zoning is not approved.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER 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

- Defer to planning on approval for removal of open space for the Hill property. Open space removed by amendment allocated to adjacent property, reference case 2023sp-016-001 for NDOT road comments.

TRAFFIC AND PA2015SPRINKING RECOMMENDATION

Approve with conditions

- Update all notes referencing 'Metro Public Works/MPW' to NDOT. Parking shall be per code.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated SP is approved. Disapprove if the associated SP is not approved.

CONDITIONS

1. All Conditions of BL2018-1229 remain in effect.

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

Resolution No. RS2023-243

“BE IT RESOLVED by The Metropolitan Planning Commission that 2017SP-087-004 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. All Conditions of BL2018-1229 remain in effect.

7b. 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 230 multi-family residential units, requested by Land Solutions Company, applicant; Green Trails, LLC, owner. (See associated case 2017SP-087-004).

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

APPLICANT REQUEST

Rezoned to SP to permit 230 multi-family residential units.

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) and Specific Plan (SP) to Specific Plan (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 230 multi-family residential units and a fire station.

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 12 units.*

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

Proposed Zoning

Specific Plan-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 multiple residential building types.

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

The approximately 28.71-acre site is located on the northern side of Pettus Road and is adjacent to the Hill Property SP that is under construction. The site includes a portion of the Hill Property SP along its western boundary. The plan proposes to draw access from Warbler Way, which was recently constructed with the development of the Hill Property SP. Pettus Road is classified as a Collector Avenue in the Major and Collector Street Plan. The subject site contains a pre-1865 historic structure on the top of the hill on the southern portion of the site. Multiple water features span the site. The site currently contains three single-family structures and is surrounded by a mixture of residential unit types and commercial and non-residential land uses to the west.

PLAN DETAILS

Southern Portion

The application proposes 175 multi-family residential units on the southern portion of the site with two different unit types. The plan proposes a public street aligning with the intersection of Pettus Road and Lenham Drive, near the southwest corner, to Warbler Way. The plan proposes to preserve the pre-1865 structure in an open space area. An outparcel is provided at the southwestern corner of the property for a potential Metro Fire Station but the outparcel could be developed as multi-family residential if Metro chooses not to pursue this location for a Fire Station. The plan proposes townhome units and stacked flat type units. The townhouse units maximum building height is limited to 3-stories in 45 feet and the stacked flat units are 3/4 story split structures. Elevations are included for the stacked flat type units. The building will read as 4 stories from Pettus Road and 3 stories from Warbler Way and from the central open space area shared with the pre-1865 structure. A pedestrian connection from the northern portion to the southern portion is provided.

Northern Portion

The application proposes 55 multi-family residential units on the northern portion of the site with two different unit types. The units draw access from a private drive network accessing Warbler Way. Eight of the units are detached and the remaining 47 units are attached. The units either front onto the private drives or onto open space features. A pedestrian connection is provided from this site to the adjacent Hill Property SP pedestrian network. These units are limited to a maximum building height of 3-stories in 45 feet.

ANALYSIS

Staff finds the proposed SP zoning district to be consistent with the guidance provided in the Community Character Manual (CCM) for the T3 NE and CO policy. The plan preserves the stream features, the associated stream buffers, and the most steeply sloped areas consistent with the guidance provided for the Conservation policy. The proposed land uses, building forms, street network, and architectural elevations demonstrate a suburban residential development that is consistent with the T3 NE policy guidance for this area.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Note 6 on first page to say RCP and not CMP.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private Water and Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity & 100% of DAPARC fees must be paid to receive approval. (W&S Capacity Fee Permit No's T2022020750 and T2022020750).

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 clear line of sight around proposed on-street parking at internal intersections. Provide curb ramps and continuous sidewalks at all public intersections. Provide

retaining wall heights-TOW, BOW. Retaining wall offsets shall be equal to (or greater than) wall heights in regions close to public ROW (back of sidewalks). Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- On future submittals show full sidewalk that is to be constructed on Warbler. Everything along this property's frontage shall be built by this development. If there are portions to be built by others, call that out on the site plan, but do show the full sidewalk so we can see what will and won't be done/proposed.
- Add a pedestrian landing that is ADA compliant with a detectable warning mat and crosswalk connecting to the sidewalk on the south side of Pettus Road at the intersection with Lenham Drive (east leg).

METRO HISTORIC STAFF NRECOMMENDATION

Approve with conditions

- The Metro Historical Commission recommends approval with the conditions that the applicant apply for a Historic Landmark to include the historic house and cemetery and that the applicant fund a Historical Marker to be located near the house and cemetery, with the exact location to be determined by mutual agreement of the applicant and the Metro Historical Commission.

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)	28.71	0.50 D	12 U	150	13	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)	-	-	230 U	1,252	77	98

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
-	-	-	+218	+1,102	+64	+85

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a/SP district: 1 Elementary 1 Middle 1 High

Projected student generation proposed SP district: 20 Elementary 15 Middle 11 High

The proposed SP zoning is expected to generate 43 additional students than the existing AR2a zoning district. Students would attend Maxwell Elementary School, Marshall Middle School, and Cane Ridge High School. Maxwell Elementary and Marshall 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 230 multi-family residential units and a Fire Station. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited. Should the outparcel reserved for a Fire Station not be utilized for that use, residential units consistent with the standards of the SP may be allowed on the outparcel; however, the total number of residential units in the entirety of the SP shall not exceed 230.
2. Prior to or with submittal of the final site plan, applicant shall apply for a Historic Landmark to include the historic house and cemetery.

3. On the corrected set, remove all references to single-family units.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. Parking shall meet the requirements of the Zoning Code for multi-family residential. If a reduction is sought, a parking study must be prepared and approved by NDOT and Planning.
6. With the final site plan submittal, elevations consistent with those included in the final site plan shall be submitted for review and approval.
7. Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
8. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
11. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
13. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2023-244

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-016-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 230 multi-family residential units and a Fire Station. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited. Should the outparcel reserved for a Fire Station not be utilized for that use, residential units consistent with the standards of the SP may be allowed on the outparcel; however, the total number of residential units in the entirety of the SP shall not exceed 230.
2. Prior to or with submittal of the final site plan, applicant shall apply for a Historic Landmark to include the historic house and cemetery.
3. On the corrected set, remove all references to single-family units.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. Parking shall meet the requirements of the Zoning Code for multi-family residential. If a reduction is sought, a parking study must be prepared and approved by NDOT and Planning.
6. With the final site plan submittal, elevations consistent with those included in the final site plan shall be submitted for review and approval.
7. Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
8. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
11. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

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

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

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

8. **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 Indefinitely.

The Metropolitan Planning Commission deferred 2023SP-019-001 indefinitely. (7-0)

9. **2023SP-032-001**

316 HOMESTEAD PRELIMINARY SP

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Logan Elliott

A request to rezone from CS to SP zoning for property located at 316 Homestead Road, approximately 240 feet north of Southridge Drive (1.56 acres), to permit 23 multi-family residential units, requested by Catalyst Design Group, applicant; Bella Cyrus Development, LLC, owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred 2023SP-032-001 indefinitely. (7-0)

10. **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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Preliminary SP to permit 78 single-family residential lots.

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) 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 residential lots.

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 10 lots with 2 duplex lots.

Proposed Zoning

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

Proposed Preliminary SP

environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

SITE CONTEXT AND PLAN DETAILS

The subject property consists of two parcels totaling 20.88 acres located along the south side of Maxwell Road between Old Hickory Boulevard and Rockland Trail. The site has approximately 1,500 feet of frontage on Maxwell Road. Current zoning for the property is AR2a, and one single-family residential unit is currently located on the property. Adjacent zoning includes: AR2a on the north and west; SP on the east; RM6 on the southeast; and AR2a on the southwest. Single-family residential use is prominent in the surrounding area; most adjacent parcels are currently used for single-family residential, though properties on the southeast are used for two-family residential. The subject property slopes slightly from west to east. Multiple sinkholes are present on the property, and both a stream and a 0.06-acre wetlands area are present on the east side of the property.

Land Use and Lot Descriptions

The preliminary SP application is for 78 single-family residential lots; the development would have a density of 3.74 lots per acre. Proposed lot area would range from 5,000 square feet to 11,302 square feet. The plan shows 17 lots facing Maxwell Road; each of these lots would have a minimum area of 7,500 square feet and would be accessed via a private drive located along the rear (south) side of the lots. All remaining lots would have access from a new public street network and would be front-loaded. All units would include a two-vehicle garage. All short-term rentals would be prohibited.

Streets and Access

New public streets would have rights-of-way of 50 feet and would include five-foot wide sidewalks and four-foot wide landscape strips on both sides of the street. The primary access to the site would be from a new public street connecting to Maxwell Road on the west side of the subject property. Additionally, the proposed public street network would connect to Hittinger Drive, a public local street in the Oliveri SP east of the subject property. This connection would allow for additional access to Maxwell Road. Approximately 0.5 feet along the Maxwell Road frontage would be dedicated as right-of-way to accommodate the 51-foot right-of-way required by the Major and Collector Street Plan. The plan provides a sidewalk and planting strip along Maxwell Road, per the MCSP requirements.

Open Space and Preservation

Approximately 4.34 acres or 20.8 percent of the site would be designated as open space. A 20-foot Standard C landscape buffer would be installed along the western and southern sides of the subject property; existing trees within the buffer area would be preserved and supplemented where necessary. Most of the open space would be located on the eastern half of the property and would consist of: a 30-foot buffer along the existing stream on the site; stormwater treatment and detention; a playground; and a pedestrian walkway. A hydrologic determination from the Tennessee Department of Environment and Conservation identified a sinkhole and wetlands area on the site. Both of these areas are shown on the plan, and both will be preserved.

Building Height and Bulk Standards

The maximum building height proposed in the SP application is three stories in 45 feet. Staff recommends that height be measured from final ground elevation to the midpoint of the primary roof pitch or to the top of the parapet. Proposed setbacks are: 20 feet on the front; 5 feet on the sides; 20 feet on the rear when not abutting a rear private drive; and 5 feet on the rear when abutting a rear private drive. Maximum building coverage for lots fronting Maxwell Road would be 0.60, while the remaining lots would have a maximum building coverage of 0.55. The SP application

lists architectural guidelines including: 15 percent glazing on all facades facing a public street; porches providing a minimum depth of six feet; raised foundations of 18 inches to 36 inches; and specific permitted exterior materials.

ANALYSIS

The T3 NE policy is intended to create and enhance suburban neighborhoods with greater housing choice, improved connectivity, and creative, environmentally-sensitive development techniques. The policy is characterized in part by: moderate-density residential development; lots accessed from local streets or alleys; and moderate to high levels of connectivity.

The T3 NE policy supports single-family residential zoning districts ranging from RS7.5 to RS15, depending on context. The minimum lot area supported in this range of zoning districts is 7,500 square feet. The proposed SP includes 37 lots with lot areas of less than 7,500 square feet, some having areas of 5,000 square feet. Lots fronting Maxwell Road all have areas of at least 7,500 square feet. Many of the smaller lots would be situated internal to the site, while others would abut a 20-foot Standard C buffer on the western and southern sides of the development. While 5,000 square foot lots would not be consistent with the larger existing AR2a-zoned lots in the area, they would be comparable to lots in the Oliveri subdivision on the east. The Oliveri SP also lies within the T3 NE policy area and includes single-family lots with areas of approximately 6,000 square feet.

The proposed SP would be consistent with the T3 NE policy's emphases on moderate residential density, access from local streets or alleys, and connectivity. The proposed density of 3.74 lots per acre is lower than some surrounding developments due to a significant portion of the site being designated as open space. However, the proposed density is considerably higher than that of the existing larger lot residential properties on the north and west. All lots in the proposed SP would be accessed from local streets or private drives. No residential lots would have direct access to Maxwell Road, which is classified as a collector-avenue in the Major and Collector Street Plan. The proposed SP would increase vehicular and pedestrian connectivity in the area by connecting to the existing Oliveri subdivision on the east and installing sidewalks along Maxwell Road and throughout the proposed development.

The T3 NE policy is particularly focused on protecting the natural environment through environmentally-sensitive development techniques. The eastern portion of the subject property includes a small wetlands area, stream, and sinkhole. The proposed SP designates this area as open space. The natural contours of this area are conducive to stormwater treatment and both active and passive recreational uses. Any disturbance to the wetlands area will be regulated by the Tennessee Department of Environment and Conservation.

While proposed lot areas for some lots lie slightly outside of the T3 NE policy guidance, staff finds that the proposed SP supports the overall goals of the T3 NE policy. Specifically, the proposed SP would increase housing choice, improve connectivity, and foster environmentally-sensitive development. Therefore, staff recommends approval of the proposed SP.

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.

HISTORIC ZONING RECOMMENDATION

Approve with conditions

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

TREE PRESERVATION AND LANDSCAPING RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Any discharge to or modifications to a sinkhole shall be approved by MWS Staff and TDEC as necessary.

METRO WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Comply with traffic comments.
- Check with post master on need of cluster boxes for post delivery. (Amenity area for location?)
- At amenity area parallel parking - sidewalk is to be located within the ROW. Instead of quick transition - Taper sidewalk to be a longer transition to the intersection and taper back to 4' planting strip and 5' sidewalk along playground area. ROW to be to back of sidewalk.
- Any lot with less than 50' of frontage should have a shared access with neighboring parcel and should be noted/ area shown on plan.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- The traffic study shall be submitted and finalized with NDOT prior to Final SP approval. Off-site improvements or a contribution towards improvement is anticipated.
- Provide proper signage indicating entrance to all private drives and identify on site plan.
- Include crosswalks at all public street intersections. ADA ramps and detectable mats shall face the crosswalk (not diagonally into intersection).
- Note that all driveways on public streets shall meet the code requirements on spacing.
- See roads comments.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential*	20.88	0.50 D	12 U	148	13	13

*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
Single-Family Residential (210)	-	-	78 U	827	60	80

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
-	-	-	+68 U	+679	+47	+67

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 3 Elementary 2 Middle 2 High

Projected student generation proposed SP-R district: 18 Elementary 12 Middle 13 High

The proposed SP is anticipated to generate 36 additional students beyond what is generated under the current SP zoning. Students would attend Mt. View Elementary, John F. Kennedy Middle School, and Antioch 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 78 single-family residential lots. Short term rental property, owner occupied, and short term rental property, not owner occupied, shall be prohibited.
2. At final SP, submit a tree survey identifying all protected, heritage, and specimen trees located in open spaces, buffer areas, and all other natural and common areas specified in the preliminary SP. These trees shall be preserved in accordance with Section 17.12.065 of the Metro Zoning Code.
3. All lots located along Maxwell Road shall be oriented toward the public road and shall be provided access to the public sidewalk via individual walkways or one or more shared walkways.

4. Building height shall be limited to three stories in 45 feet. Building height shall be measured from the final ground elevation to the midpoint of the primary roof pitch or to the top of the parapet.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
7. 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 RS7.5 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
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 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.
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.

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

Resolution No. RS2023-245

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-040-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be 78 single-family residential lots. Short term rental property, owner occupied, and short term rental property, not owner occupied, shall be prohibited.
2. At final SP, submit a tree survey identifying all protected, heritage, and specimen trees located in open spaces, buffer areas, and all other natural and common areas specified in the preliminary SP. These trees shall be preserved in accordance with Section 17.12.065 of the Metro Zoning Code.
3. All lots located along Maxwell Road shall be oriented toward the public road and shall be provided access to the public sidewalk via individual walkways or one or more shared walkways.
4. Building height shall be limited to three stories in 45 feet. Building height shall be measured from the final ground elevation to the midpoint of the primary roof pitch or to the top of the parapet.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
7. 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 RS7.5 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
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 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.
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.

11. 2023SP-041-001

330 & 332 HOMESTEAD PRELIMINARY SP

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to rezone from CS to SP zoning for properties located at 330 and 332 Homestead Road, approximately 745 feet west of Dickerson Pike (2.24 acres), to permit all uses of the MUL-A zoning district, except for those uses specifically excluded on the plan, requested by Catalyst Design Group, applicant; Roger & Joan West, and Roger West, Et Ux, owners.

Staff Recommendation: Defer Indefinitely.

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

12. 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

SP to permit a mixed-use development.

Zone Change

A request to rezone from Commercial Service (CS) and Industrial Warehousing/Distribution (IWD) to Specific Plan (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.

Existing Zoning

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

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

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The approximately three-acre site consist of two parcels. The front parcel is located at the southeast corner of Nolensville Pike and Coleman Street and the rear parcel is located at the corner of Coleman Street and Carson Street, to the east. Both parcels are developed. The front parcel has two buildings

and is classified as auto repair/body shop. The rear parcel is classified as warehouse; however, from 2022 ariel imagery the parcel appears to be a continuation of auto repair due to the high number of automobiles stored on the parcel. The front parcel is zoned Commercial Service (CS) and the rear parcel is zoned Industrial Warehousing/Distribution (IWD). Surrounding zoning districts include commercial, mixed use, and residential. Surrounding land uses include single-family, multi-family, retail, and restaurant. Nolensville Pike is a busy five lane roadway and the Major and Collector Street Plan (MCSP) classifies it as a mixed-use arterial. Sidewalks are currently located along this stretch of Nolensville Pike.

Site Plan

The SP includes a basic concept plan and detailed development standards. Any standards that are not specifically cited in the SP are to meet MUL-A-NS development standards found in the Metro Zoning Code. The SP permits a maximum of 254 residential units and requires a minimum 2,500 square feet of non-residential uses on the ground floor along Nolensville Pike. Permitted uses are per MUL-A-NS with the exception of certain uses prohibited by the plan. Bulk standards are as follows:

- Max Height: 4 stores in 60'
- Build-to-Zone: 0' to 15'
- Side Setback: 0'
- Rear Setback: 20'

The SP includes numerous building design standards, including the requirement for all nonresidential uses to have public access along Nolensville Pike and a minimum first floor height for nonresidential uses to be at least 14 feet. The plan requires 50% ground floor glazing and 25% upper floor glazing for nonresidential uses, and 30% ground floor and 25% upper floor glazing for residential uses.

The SP does not permit vehicular access from Nolensville Pike and requires that access be taken from Coleman Street. The plan requires any structured parking to be located internal to the site and lined with residential and/or nonresidential uses. Vehicular and bicycle parking counts are proposed per the Urban Zoning Overlay standards of the Zoning Code for the entire site. The SP requires street improvements along Nolensville Pike per the MCSP requirements, including sidewalks and street trees. The plan requires a standard C landscape buffer yard along the eastern property line.

SOUTH NASHVILLE COMMUNITY PLAN

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

T4 Urban 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.

ANALYSIS

The T4 CM policy applies to the front parcel along Nolensville Pike and the T4 MU policy applies to the rear parcel. Staff finds that the proposed SP is consistent with both policies. The project location along Nolensville Pike is ideal for high density residential. Nolensville Pike is a high-capacity mixed use corridor and is served by public transit. The additional housing provides opportunities for people to live within close proximity to employment and easy access to services and public transit lines. The SP requires ground floor nonresidential uses along Nolensville Pike, providing additional services for residents of the project as well as residents in the surrounding area. Design standards requiring ground floor nonresidential uses and public entryways are qualities that help to encourage foot traffic, transit use, all of which can help reduce traffic and promote a more active lifestyle. The SP prohibits owner and non-owner-occupied short-term rentals which is intended to ensure that needed housing is provided. All of these characteristics are in line with the T4 CM and the T4 MU land use policies.

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

- Approved for preliminary review only. Applicant to have approved construction drawings under grading permit process prior to Final SP approval. Site will be required to meet all requirements of the Stormwater Management Manuals and improve downstream infrastructure that is not of adequate capacity/ obtain offsite easements as necessary.

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approved as a Preliminary SP only, Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. Submittal of an availability study is required before the Final SP can be reviewed. Once this study

has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study. A minimum of 30% W&S Capacity must be paid before issuance of building permits.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Per TIS review, the applicant shall install crosswalks, pedestrian signal heads, and pedestrian push buttons to the extent possible at the Nolensville Pike and Polk Ave intersection. ADA Ramps and warning mats shall also be provided/replaced at all appropriate corners of the intersection. Further coordination with NDOT will be required.
- Reduce curb radii/pavement width on Coleman at the intersection of Nolensville to reduce the pedestrian crossing distance.
- The applicant shall coordinate with NDOT and WeGo on improvements to a specific bus-stop near the intersection of Nolensville Pike and Woodycrest Ave. The applicant maybe required to construct or contribute to the necessary improvements for the bus-stop at this location.
- Parking shall be shown per code.
- Comply with MCSP along all frontages.
- Modifications to the above conditions may be required as this development’s phase(s) progress but further analysis will need to be conducted to justify said modifications.

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)	0.89	0.6 F	23,261 SF	878	22	89

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.12	0.8 F	73,878 SF	162	13	14

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	254 U	1,383	85	108

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)	-	-	1,500 SF	57	2	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	-	-	1,000 SF	1,284	4	25

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,684	+56	+36

METRO SCHOOL BOARD REPORT

Projected student generation existing CS/IWD districts: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP district: 27 Elementary 17 Middle 16 High

The proposed SP zoning is expected to generate 60 additional students than the existing CS/IWD zoning district. Students would attend Whitsitt Elementary School, Cameron College Prep Middle School, and Glenciff High School. There is additional capacity for elementary and high school students and there is no additional capacity for middle school students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited 254 multi-family residential units and all uses permitted by MUL-A-NS with the exception of those uses specifically prohibited in the SP. Non-residential uses shall be limited to the ground floor. Short term rental property, owner occupied and short term rental property, not owner occupied, shall be prohibited in the entire development.
2. A minimum of 2,500 square feet of ground floor nonresidential space shall be provided along Nolensville Pike, limited to the uses of MUL-A-NS with the exception of those uses specifically prohibited in the SP.
3. Sidewalks and street improvements along Nolensville Pike shall be per the MCSP.
4. With submittal of the final site plan, the applicant shall work with staff to provide appropriate elevations along Coleman Street. The buildings shall not back up to Coleman Street and shall be oriented to Coleman Street. Glazing and pedestrian activation is required along Coleman Street, although direct pedestrian connections may not be required.
5. On the corrected set, sidewalks shall be required along Coleman Street, to the extent practical. An alternative design may be considered.
6. Parking shall be provided per UZO standards and shall not exceed the maximums permitted in the Urban Zoning Overlay district for the entire site.
7. With submittal of the final site plan, applicant shall work with staff to provide a comprehensive sidewalk plan for the site to ensure connectivity throughout from the units to public sidewalks along Coleman Street and Nolensville Pike.
8. Remove Note 1 on Page 5 on the Regulations chart and replace with the following: Maximum building height is limited to 4 stories in 60 feet as measured from the four corners of the building from final ground elevation to the midpoint of the roof pitch or top of parapet.
9. Update the rear height stepback note in the Regulations chart to read as follows: maximum height at the required 20 foot rear building setback shall be three stories in 45 feet. The building may rise to 4 stories in 60 feet where is located 30 feet or more from the rear property line.
10. The parking structure shall not exceed the height of the occupiable portions of the building.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Comply with all conditions and requirements of Metro reviewing agencies.

13. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Approve with conditions and disapprove without all conditions including updated conditions as noted on the memo from staff. (7-0)

Resolution No. RS2023-245

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-043-001 is approved with conditions and disapproved without all conditions including updated conditions as noted on the memo from staff. (7-0)

CONDITIONS

1. Permitted uses shall be limited 254 multi-family residential units and all uses permitted by MUL-A-NS with the exception of those uses specifically prohibited in the SP. Non-residential uses shall be limited to the ground floor. Short term rental property, owner occupied and short term rental property, not owner occupied, shall be prohibited in the entire development.
2. A minimum of 2,500 square feet of ground floor nonresidential space shall be provided along Nolensville Pike, limited to the uses of MUL-A-NS with the exception of those uses specifically prohibited in the SP.
3. Sidewalks and street improvements along Nolensville Pike shall be per the MCSP.
4. With submittal of the final site plan, the applicant shall work with staff to provide appropriate elevations along Coleman Street. The buildings shall not back up to Coleman Street and shall be oriented to Coleman Street. Glazing and pedestrian activation is required along Coleman Street, although direct pedestrian connections may not be required.
5. On the corrected set, sidewalks shall be required along Coleman Street, to the extent practical. An alternative design may be considered.
6. Parking shall be provided per UZO standards and shall not exceed the maximums permitted in the Urban Zoning Overlay district for the entire site.
7. With submittal of the final site plan, applicant shall work with staff to provide a comprehensive sidewalk plan for the site to ensure connectivity throughout from the units to public sidewalks along Coleman Street and Nolensville Pike.
8. Remove Note 1 on Page 5 on the Regulations chart and replace with the following: Maximum building height is limited to 4 stories in 60 feet as measured from the four corners of the building from final ground elevation to the midpoint of the roof pitch or top of parapet.
9. Update the rear height setback note in the Regulations chart to read as follows: maximum height at the required 20 foot rear building setback shall be three stories in 45 feet. The building may rise to 4 stories in 60 feet where is located 30 feet or more from the rear property line.
10. The parking structure shall not exceed the height of the occupiable portions of the building.
11. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Comply with all conditions and requirements of Metro reviewing agencies.
13. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

13. 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

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

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) and Commercial Service (CS) to Specific Plan (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.

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is 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 lot with no duplex lots for a total of 1 unit based on acreage of the portion zoned AR2a. Duplex eligibility is determined by the Codes Department.*

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

Murfreesboro Pike Urban Design Overlay (UDO) is intended to foster suburban development that is pedestrian friendly while still accommodating for the market needs of suburban development. This UDO focuses on broad design standards while emphasizing best practices for quality suburban design.

Corridor Design Overlay District (CDO) provides appropriate design standards for commercial, office, and mixed-use development along corridors necessary to provide incremental improvements to the aesthetics of Nashville's commercial districts and corridors.

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.

PLAN DETAILS

The 5.25-acre site is approximately 550 feet south of the intersection of Murfreesboro Pike and Bell Road. The property consists of two parcels each containing a single-family home. The majority of the site is zoned CS, with small portions zoned AR2a in the rear. Surrounding uses include a medical office zoned CS to the north, commercial and office uses zoned CS and IWD to the east (fronting Murfreesboro Pike), single-family homes and nonresidential uses zoned CS to the south, and commercial, vacant, and single-family uses across the road to the west zoned CS-Commercial PUD and SP. Properties along the eastern side of Bell Road and spanning the intersection of Bell Road and Murfreesboro Pike are within a Corridor Design Overlay and the Murfreesboro Pike UDO. The site currently draws access from Bell Road.

Site Plan

The plan calls for a mixed-use development consisting of 40 multi-family residential units (7.6 units per acre) and 38,000 square feet of retail and office uses. The western (front) half of the site contains the nonresidential space (with appurtenant parking), organized into 22,000-, 13,000-, and 3,000-square foot buildings accessed by two curb cuts onto Bell Road. The eastern half (rear) contains the residential portion (townhomes), organized around a private loop drive (24 feet wide) with head-in parking along portions. Units along the outer edge of the drive feature two-car garages while those interior to the development rely on head-in surface parking. Locations for stormwater features are found in the center of the development between the two zones and at various spots along the periphery. A Type

C buffer is provided along property lines. The open space adjacent to the interior townhome units features a gazebo and dog park.

The development meets the site design requirements of both the Corridor Design Overlay and the Murfreesboro Pike UDO. The plan includes bulk regulations. A note indicates that height will be limited to 3 stories in 36 feet and measured per the height measurement standards for SPs. Parking will be per Code. Internal circulation for pedestrians is provided throughout the development.

For development standards not specified in the SP Plan, the property will be subject to the standards of the MUN-A zoning district.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

ANALYSIS

The plan is consistent with the proposed T3 CM and CO policies. The T3 CM policy is intended to enhance suburban mixed-use corridors by encouraging a greater mix of higher-density residential and mixed use development along the corridor with buildings that are compatible with the general character of suburban neighborhoods. The plan proposes community-serving commercial uses and a multi-family residential development that would provide additional density and housing options as well as improved pedestrian, bicycle, and vehicular connections along the corridor. The plan and architectural standards are consistent with the suburban nature of the T3 CM policy, but the visual impact of the automobile is reduced through respecting the Murfreesboro UDO's requirement that only one drive aisle of parking be located between buildings and the street. Pedestrian and vehicular connectivity will be improved through the sidewalks and public streets as shown within the plan which meet the connectivity goals stated in the T3 CM policy.

The CO policy is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies to the stream buffer extending through the center of the site. The plan preserves these areas within open space tracts and uses them only for stormwater mitigation.

Staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TREE PRESERVATION/LANDSCAPING RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- With a final: Generally, Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a loading/unloading and waste plan for each aspect/phase of the total development. Provide any truck turning movements relevant to loading/unloading waste plan activities. Note: A private hauler will be required for site waste/recycle disposal. Comply w/ NDOT traffic comments.
- Approval SP comments: From previous road comments in regards to a stopping sight distance exhibit for the Northern access; Specifically, Looking left from stop versus AASHTO breaking distance required for approaching vehicles. At final or prior to, submit exhibit confirming minimum sight(breaking) distance is met at the proposed Northern site access. If minimum sight distance can't be met, then Northern access should be gated for 'EMS only' site access.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Per TIS review, the applicant shall install crosswalks, pedestrian signal heads, and pedestrian push buttons to the extent possible at the Nolensville Pike and Polk Ave intersection. ADA Ramps and warning mats shall also be provided/replaced at all appropriate corners of the intersection. Further coordination with NDOT will be required.
- Reduce curb radii/pavement width on Coleman at the intersection of Nolensville to reduce the pedestrian crossing distance.
- The applicant shall coordinate with NDOT and WeGo on improvements to a specific bus-stop near the intersection of Nolensville Pike and Woodycrest Ave. The applicant maybe required to construct or contribute to the necessary improvements for the bus-stop at this location.
- Parking shall be shown per code.
- Comply with MCSP along all frontages.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.

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)	0.85	0.50 D	0 U	0	0	0

*Based on two-family lots

Maximum Uses in Proposed 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)	4.4	0.6 F	114,998 SF	4,341	108	438

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)	-	-	40 U	216	14	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)	-	-	38,000 SF	1,435	36	144

Traffic changes between maximum: AR2a/CS and SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-2,690	-58	-276

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a/CS districts: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-MU district: 4 Elementary 2 Middle 2 High

The proposed SP-MU zoning is expected to generate 8 more students than the existing AR2a and CS zoning districts. Students would attend Cane Ridge Elementary School, Antioch Middle School, and Cane Ridge High School. Except for Cane Ridge High School, these schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 40 multi-family residential units and 38,000 square feet of retail and office uses as defined in the plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. With the submittal of the final site plan, work with Planning staff on sidewalk connections for the garage units.
3. On the corrected copy, remove automobile parking requirements and replace with a note indicating parking shall be per Zoning Code.
4. On the corrected copy, sidewalks and street improvements along Bell Road shall be required by the SP and shall be per the MCSP requirements.
5. On the corrected copy, show a grass strip between parking and commercial buildings: show the sidewalk abutting the parking spaces and the grass strip abutting the commercial buildings.
6. The final site plan shall comply with the Murfreesboro Pike Urban Design Overlay and the Corridor Design Overlay standards.
7. One final site plan shall be reviewed for compliance with the SP, UDO, and CDO.
8. 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.
9. 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.
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 building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. 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 MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2023-246

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-051-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to 40 multi-family residential units and 38,000 square feet of retail and office uses as defined in the plan. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. With the submittal of the final site plan, work with Planning staff on sidewalk connections for the garage units.

3. On the corrected copy, remove automobile parking requirements and replace with a note indicating parking shall be per Zoning Code.
4. On the corrected copy, sidewalks and street improvements along Bell Road shall be required by the SP and shall be per the MCSP requirements.
5. On the corrected copy, show a grass strip between parking and commercial buildings: show the sidewalk abutting the parking spaces and the grass strip abutting the commercial buildings.
6. The final site plan shall comply with the Murfreesboro Pike Urban Design Overlay and the Corridor Design Overlay standards.
7. One final site plan shall be reviewed for compliance with the SP, UDO, and CDO.
8. 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.
9. 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.
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 building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. 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 MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

14. **2023SP-053-001**

DAVIDSON STREET SP

Council District 06 (Brett Withers)

Staff Reviewer: Donald Anthony

A request to rezone from MUG-A and IWD to SP for properties located at 690, 1106, 1130 and 1400 Davidson Street, approximately 730 feet east of South 6th Street, (15.55 acres), to permit a mixed-use development, requested by Gresham Smith, applicant; 800 Davidson, LP, 1000 Davidson, LP, 1130 Davidson, LP, and 1400 Davidson, LP, owners.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Preliminary SP

A request to rezone from Mixed-Use General Alternative (MUG-A) and Industrial Warehousing/Distribution (IWD) to Specific Plan (SP) for properties located at 690, 1106, 1130, and 1400 Davidson Street, approximately 730 feet east of South 6th Street (15.55 acres), to permit a mixed use development.

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.

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

Proposed Zoning

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

EAST NASHVILLE COMMUNITY PLAN

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.

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 on the subject property applies to the Cumberland River and its associated floodplain and steep slopes.*

SITE CONTEXT

The preliminary SP application is for four parcels totaling 15.55 acres located along the south side of Davidson Street between South 6th Street and Shelby Park. The two westernmost parcels at 690 and 1106 Davidson Street (7.97 acres) are zoned MUG-A, while the two easternmost parcels at 1130 and 1400 Davidson Street (7.58 acres) are zoned IWD. All four parcels are currently used for various industrial and warehousing activities. Adjacent zoning includes: IWD, RS5, SP, and R6 on the north; IWD on the west; and R6 on the east. Surrounding land uses include: industrial to the west and northwest; a mix of single-family and detached multi-family residential to the north; and public park to the east. The Cumberland River lies adjacent to the subject property on the south. Large portions of the subject property lie within the 100-year floodplain; development on these portions of the property will be subject to Metro's floodplain regulations.

PLAN DETAILS

The preliminary SP application is for a mixed use development with frontage on Davidson Street and the Cumberland River. The application identifies four distinct zones: Zones A, B, and C are located on the west side of the subject property, while Zone D is located on the east side of the subject property. Zones A-C are not contiguous with Zone D and do not include the Nashville Powder Coating and Sandblasting facility located at 1200 Davidson Street. The four zones and their associated maximum building heights are shown on the exhibit below.

Zones A, B, and C

Zones A, B, and C are intended to support greater intensity and height than Zone D. The maximum floor area ratio (FAR) for Zones A, B, and C would be 3.0, while maximum building heights would be 20 stories, 15 stories, and 7 stories, respectively. Maximum building height at the build-to line would be 5 stories in 75 feet. In Zones A, B, and C, a minimum setback of 15 feet would be required above the fifth floor. In Zones A and B, 65 percent of the Davidson Street frontage would have active uses.

Zone D

The maximum FAR for Zone D would be 2.0, and maximum building height would be 7 stories. The maximum building height at the setback line would be 3 stories in 45 feet. In Zone D, a minimum setback of 15 feet would be required above the third floor. In Zone D, 65 percent of the Davidson Street frontage would have active uses.

Site Access

The SP application includes an exhibit showing five new access points. Three of these access points would serve Zones A, B, and C, while two access points would serve Zone D. The easternmost access point would align with South 14th Street. The plan indicates that a single access would be permitted in Zone B if Zones A and B are developed in separate phases. The exhibit below shows the proposed access points on the site. Note that the exhibit includes an existing driveway that serves 1200 Davidson Street, which is not part of the SP request.

Roadway Improvements

The Major and Collector Street Plan (MCSP) designated Davidson Street west of South 14th Street as a collector-avenue. The 83-foot right-of-way required by the MCSP would accommodate bike lanes, a ten-foot wide sidewalk, and on-street parking. To comply with MCSP requirements, right-of-way dedication will be required on the portion of the site that lies west of South 14th Street. East of South 14th Street, Davidson Street is identified as a local street; sufficient right-of-way already exists on this portion of Davidson Street.

Preservation and Green Space

In all four zones, the maximum impervious surface ratio (ISR) would be 0.70. The plan identifies the existing floodway and its associated buffer zones. The plan proposes a 14-foot greenway easement within the floodway buffer. The plan also proposes maintaining viewsheds from public rights-of-way. The exhibit below shows how proposed building locations would be separated to preserve these viewsheds.

While the SP application does not commit to any specific users or uses, the Traffic Impact Study established the following broad parameters for the development: 1,750 multi-family residential units and 120,000 square feet of nonresidential uses. The SP application proposes permitting all uses allowed in the MUG-A zoning district with the

following exceptions: mobile storage unit; car wash; pawn shop; drive-throughs; adult entertainment stores; and tobacco shops.

ANALYSIS

The T5 MU policy supports high-intensity urban mixed use neighborhoods. The policy is characterized in part by: vertical mixed use development with high-density residential, institutional, high-intensity commercial, and office uses; buildings built to the back edge of the sidewalk with minimal spacing between buildings; and high levels of connectivity with complete street networks. Building heights in the T5 MU policy area range from 2 stories to greater than 20 stories, depending on context. Parking in the T5 MU policy area should be provided in structures behind, beside, or beneath primary buildings; liners should be used to prevent parking structures from being located on public street frontages.

Mixed Use Development

The proposed SP envisions vertical mixed use buildings across four distinct zones. The exact number of residential units and square footage of nonresidential units are not included in the regulatory SP submittal. However, the development should accommodate high-density residential development and high-intensity nonresidential uses. The Traffic Impact Study analyzed the site developing with 1,750 multi-family residential units and 120,000 square feet of nonresidential uses.

Building Placement

The Davidson Street cross sections included in the SP application show proposed buildings situated four to seven feet behind the ten-foot sidewalk. The viewshed exhibit (shown above) suggests that buildings will be spaced far enough apart to support views between public right-of-way and the Cumberland River. While such spacing may be excessive in some T5 MU areas, the location of the subject property between an existing neighborhood and the river makes the building spacing appropriate in this area.

Connectivity

Opportunities for increased street connectivity are limited due to the subject property's narrowness and location along the Cumberland River. The SP application proposes up to five new access points, one of which would align with South 14th Street. Future pedestrian connectivity in the area would be enhanced by a future extension of the East Bank greenway through the subject property; the greenway would connect the subject property to the Shelby Park on the east. In accordance with the MCSP, the SP application also includes a ten-foot wide sidewalk along the subject property's frontage west of South 14th Street.

Building Height

In the proposed SP, building heights range from 7 to 20 stories. Heights would be staggered across the four zones and would decrease from west to east. The lowest proposed building height of seven stories would lie adjacent to Shelby Park. The T5 MU policy lists multiple criteria for determining appropriate building height. Among the criteria are: proximity to other policy areas; the contribution the building makes to the overall fabric of the T5 MU area; topography of the surrounding area; and the ability to provide light and air between buildings and in the public realm.

Following the T5 MU policy's guidance on building height, greater height would be appropriate on the western end of the subject property, where the property lies adjacent to other properties in the T5 MU policy area. Lesser heights would be appropriate on the eastern end of the subject property, where the property lies adjacent to the T4 Urban Neighborhood Evolving (T4 NE) and Open Space (OS) policy areas. The SP application adheres to this guidance by gradually increasing building height from east to west. On the easternmost end of the subject property, the SP application proposes a maximum building height of seven stories; buildings in Zone A on the westernmost end of the subject property would have a maximum height of 20 stories.

The topography changes greatly from the north side of the subject property to its south side. Residential properties on the north side of Davidson Street are currently situated 30 feet or more above the subject property. This difference in topography will help mitigate building heights in the proposed development. The inclusion of wide view corridors will preserve viewsheds and access to light from the public realm. The SP application includes a greenway extension and pedestrian enhancements on Davidson Street, improving the overall fabric of the T5 MU policy area.

Conservation Policy

The Conservation policy applies to the Cumberland River and its associated floodplain and steep slopes. The river lies to the south of the subject property. Likewise, slopes of 20 percent or greater are prominent along the southern property boundary. The SP proposes no development in the floodway or on the steep slopes. Any development within the 100-year floodplain must follow all Metro floodplain development standards.

The subject property's unique location and topography create challenges for strict compliance with each aspect of the T5 MU policy. However, the proposed SP supports the policy's focus on creating high-intensity urban mixed use neighborhoods. The plan is generally consistent with the policy's emphases on vertical mixed use development, building placement, connectivity, and building height. Therefore, staff recommends approval of the preliminary SP.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

PARKS RECOMMENDATION

Approve with conditions

- Amend the third sentence of the bullet point under “Proposed Greenway/Trail” on page 13 by deleting the text after “floodway” and replacing it with “in which the paved greenway trail will be located.”
- Amend the third sentence of the bullet point under “Proposed Greenway/Trail” on page 15 by deleting the text after “floodway” and replacing it with “in which the paved greenway trail will be located.”
- Label the proposed greenway trail location page 9.
- Applicant and Parks to agree upon timing of design approval by Parks, which shall be required prior to final site plan approval related to each parcel at the latest.
- The greenway construction will be coordinated with development of each site. The greenway for Zones A, B, and C shall be completed and approved by Metro Parks and Metro ADA prior to the last U&O within Zones A, B, and C.
- The greenway within Zoned D shall be completed and approved by Metro Parks and Metro ADA prior to the last U&O within Zone D.
- The development will include 1 sidewalk connection from Davidson Street to the greenway for Zone A, B, and C, to be constructed with greenway construction. The connection shall be placed within a public access easement.
- The development will include 1 sidewalk connection from Davidson Street to the greenway for Zone D, to be constructed with greenway construction. The connection shall be placed within a public access easement.
- The paved surface of the greenway/trail shall be separated to the greatest extent reasonably possible, or to the extent necessary to create a park-like feel, from the northern edge of the Buffer Zone 2.
- Access from individual residential units onto the greenway shall not be allowed and access will be consolidated and limited. All access, including commercial access to be approved by Metro Parks.
- Applicant to enter into Conservation Easement Agreements with Metro (Parks) to include boundary survey and legal description of the easements, along with a participation agreement for the design, construction, and perpetual maintenance of the paved greenway trail to run with the land. Coordinate with Metro Parks Greenways staff for Park Board and Metro Council approval process or these Agreements. Approved Agreements to be recorded with the Register Deeds for Zones A, B, and C prior to the last U&O within Zones A, B, and C and for Zone D prior to the last U&O within Zone D.
- Applicant to design and build the greenway to Metro Parks standards approved by Metro Parks Greenways Division staff, including but not limited to lighting, landscaping, construction materials, width, ADA compliance, signage, trailhead, bicycle storage, site furniture etc.
- Applicant and Parks may agree for applicant to maintain certain landscape areas within the Conservation Greenway Easement upon Applicant’s request.
- Applicant to obtain all required permits and approvals, including but not limited to approval from Metro Water Services and TVA regarding siting of greenway trail.
- 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.
- Applicant to provide designated greenway and ADA compliant greenway parking by marked spaces for greenway parking.
- The development should be trail oriented. Setback distances from greenway, landscape buffers and connections to greenway to be approved by Greenways staff. No dumpsters, loading zones, HVAC units, etc. fronting the greenway. No conflict between pedestrians and parking garage and loading zone ingress and egress. Screen façade of parking garages from greenway view.
- No obstructions will be in a greenway easement, unless approved by Metro Parks staff, including, but not limited to site furniture, signage, and lighting.

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.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Prior to final, coordinate w/ NDOT to discuss the following: consolidation of proposed site accesses off Davidson St., Davidson St. cross section, bikeway and offsite improvements.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- A transportation study was submitted to NDOT for review but due to the nature of this project being a Regulatory SP, additional traffic/transportation analysis may be required as each phase of the development progresses.
- The applicant shall work with NDOT to reduce the number of driveways that are being proposed onto Davidson Street as the development phases progress. Prior to the submittal of each Final SP the applicant shall coordinate with NDOT on the proposed access points for the submitted phase and how the access points will operate and relate to the future phases (i.e., consolidating access points).
- Along Davidson Street between the intersections of S 5th St and S 14th St, the applicant shall repurpose the existing pavement to improve the safety and operations for all modes of transportation. This also includes installing the appropriate traffic control measures at each intersection to accommodate the anticipated volumes for all modes. The applicant shall coordinate with NDOT prior to the submittal of each Final SP on the preferred Davidson Street cross-sections and traffic control measures.
- At the intersections of Davidson St & S 12th St, the applicant shall improve the alignment of the intersection(s) and install the appropriate traffic control measure(s) that accommodates all modes of transportation with the realignment.
- The applicant will be required to coordinate with NDOT's Traffic Demand Management coordinator to develop a TDM plan for the residents of this development.
- The applicant shall coordinate with the Parks department on any improvements for the Shelby Bottoms Park that the applicant can either construct or contribute towards.
- The proposed green-way along the backside of this development shall connect back into the sidewalks on Davidson St for the portions that are not included in this SP to create a network. Further coordination with Parks will be required.
- Coordinate with WeGo on any transit improvements within the area.
- Off-peak loading and deliveries for this development shall be enforced to minimize impacts to traffic operations.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
- The developer's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

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)	3.99	3.0 F	521 U	2,838	173	216

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)	1.99	3.0 F	260,053 SF	9,817	245	991

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)	1.99	3.0 F	260,053 SF	29,173	2,585	2,540

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	7.58	0.8 F	264,147 SF	463	45	51

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 (222)	-	-	1,750 U	7,107	503	603

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)	-	-	60,000 SF	2,265	56	229

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	-	-	20,000 SF	223	45	25

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)	-	-	30,000 SF	3,365	298	293

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
Coffee Shop (937)	-	-	4,000 SF	3,282	356	174

Traffic changes between maximum: MUG-A/IWD and SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-26,049	-1,790	-2,474

METRO SCHOOL BOARD REPORT

Given the potential mix of uses permitted by both the existing MUG-A and proposed SP zoning, it is premature to estimate student generation numbers. Students would attend KIPP Academy Nashville 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 those uses permitted in the MUG-A zoning district with the following exceptions being prohibited: short term rental properties, owner and not owner occupied, mobile storage unit; car wash; pawn shop; drive-throughs; adult entertainment stores; and tobacco shops.
2. Should the residential unit count and/or use mix as scoped in the TIS change at the time of final site plan submittal, additional traffic analysis and roadway improvements may be required.
3. Maximum building height shall not exceed that included in the preliminary SP. Maximum building height shall be determined by zone per the "Proposed SP Zones" height exhibit in the SP application. Story shall be defined as per the Metro Zoning Code.

4. Parking calculations shall be reviewed with final SP. Parking shall not exceed the maximums permitted in the Urban Zoning Overlay district.
5. Sidewalks and related street improvements shall be provided on the final SP as shown in the street section details of the preliminary SP.
6. At final SP, buildings shall be oriented toward Davidson Street and shall include active first floor uses along the street frontage. Additionally, the building facades fronting the greenway and riverfront shall be designed appropriately to engage the public realm.
7. At final SP, on-site parking shall be located either beneath buildings or internal to the site. Any above-ground parking structures shall have a minimum of 75 percent of the lineal street frontage devoted to active uses at a minimum depth of 20 feet. A minimum of 50 percent of the wall area shall be glazed. Structured parking shall be seamlessly integrated into building architecture.
8. Facades visible from the public realm—including the river front and greenway—shall be designed to avoid long uninterrupted facades. Facades shall include projections, recesses, pilasters, material changes, and/or other methods that clearly break the mass of the building and support pedestrian interest and activity.
9. On the final site plan, perimeter and internal landscaping shall be provided per the Metro Zoning Code.
10. At final SP, provide plaza and open space plan and include access standards.
11. Utility lines shall be located underground if and where determined feasible by NES. Further coordination with NES may be required with final SP review.
12. Prior to or with submittal of final SP, applicant shall consult with the Planning Department on the following: building massing and articulation; interaction between buildings and open spaces; viewsheds, appropriate landscaping; and other design-related aspects of the plan.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
15. 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 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. 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
17. 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.
18. 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.
19. 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.
20. 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.

Erica Garrison, Bradley Arant Boult Cummings LLP, 712 Bowling Avenue, spoke in favor of the application.

Jeremy Ritchie, Gresham Smith, 222 2nd Avenue South, spoke in favor of the application.

Beth Ostrowski, KCI Technologies, 500 North 11th Avenue, spoke in favor of the application.

Travis Todd, Thomas & Hutton, 615 Main Street, spoke in favor of the application.

Wende Rutherford, 1343 Kenwood Drive, spoke in favor of the application.

Paul Rutherford, 1343 Kenwood Drive, spoke in favor of the application.

Katherine Barron, 908B Russell Street, spoke in favor of the application.

Christian Cohen, 542 Fatherland Street, spoke in favor of the application.

Annie Claver, no address given, spoke in favor of the application.

Adam Wright, 936 Delmas Avenue, spoke in favor of the application.

Patrick Lynn stated he lives on Cleo Miller Drive. He spoke in favor of the application.

Nick Siragusa, 2524 Flamingo Drive, spoke in favor of the application.

Hannah Zwickelmaier, 1041 East Trinity Lane, spoke in favor of the application.

Scott Humphreys, 1205 B Chester Avenue, spoke in favor of the application.

Allison Ford, 1914 Shelby Avenue, spoke in favor of the application.

Nell Levin, 1611 Forrest Avenue, spoke in opposition to the application.

Alison Letcher, 919 South 12th Street, spoke in opposition to the application.

Brian Kelley stated he lives on Ozark Street. He spoke in opposition to the application.

Michael Bassham, 1107 Ozark Street, spoke in opposition to the application.

Nolyn Croy, 907 South 12th Street, spoke in opposition to the application.

Neil Woodward, 1113 Ozark Street, spoke in opposition to the application.

Jeremy Ritchie spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Councilmember Withers advised when NashvilleNext was adopted in 2015, this area along the south side of Davidson had a T5 policy on it and the rest of District six has T4 or T3. He explained that the industrial uses no longer co-exist with residential in a way it was the case when they were originally constructed. There are a large number of constraints on the sites and from a feasibility standpoint of construction, whatever gets built is going to be large, and that is why the T5 policy was selected for this area at that time. Mr. Withers said they are getting more and more requests to rezone from industrial to mixed use. He stated he had several community meetings and had great participation of all ages throughout the community and shared what was most desired from those participants. Mr. Withers also showed and explained the photos from his community meeting PowerPoint presentations.

Chair Adkins stated there were a lot of comments regarding affordable housing and the Commission has always been supportive of affordable housing, but they walk a fine line with the law. He explained it is against the state law for them to mandate any type of affordable housing and instructed the Commission they cannot base their vote on any decision on affordable housing.

Ms. Mikkelsen stated she supported what Chair Adkins said that state law prohibits local governments from conditioning zoning land use decisions on the providing of affordable housing.

Mr. Clifton said they are not violating a state law if they do not vote for this change and asked if that was correct.

Ms. Mikkelsen responded they cannot condition or require the provision of affordable housing and their decision cannot rest upon that in terms of the approval.

Ms. Johnson said this regulatory SP has great imagination and appreciates the separation of the buildings because it is respectable of the river view and it will give future residents and people who will be utilizing the street to appreciate and revitalize the river. She stated this meets T4 MU policy. Ms. Johnson mentioned some concern over the height but said because of the topography, that can be overcome. She appreciated the shadow study. Ms. Johnson encouraged the developer to have a community meeting when it comes to the final design plan.

Mr. Tibbs said the designer could look at their diagram on page 90 which has the viewsheds and thought the buildings could reflect the viewsheds more regarding their shape and heights.

Mr. Henley recognized there is a lot of development along the riverbanks and thought the more the developments can take the flood and stormwater impact initiatives, the better it is for the city. He felt this project very well highlights the need for housing near parks, routes and access points. Mr. Henley said the operations of the development are going to place the neighborhood first as it grows and is inclined to support staff recommendation.

Mr. Clifton said he is not prepared to vote without more of an explanation of affordable housing.

Ms. Kempf explained they, at the Commission, reviews zoning proposals against the land use policy, and in this case, the land use policy is T5 Mixed Use Center (T5 MU). One of the things staff and the Commission value about T5 Center Mixed Use Neighborhood is that it provides a diversity of housing. She said they are not addressing affordable housing specifically, but to say that housing and neighborhood development is valuable and they want to deliver housing on major corridors, adjacent to major centers such as downtown. Ms. Kempf suggested that as a Commission, they evaluate this on whether or not it is delivering housing near major streets, major employment centers and the like.

Councilmember Withers described past and current affordable housing projects within District six and five.

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

Chair Adkins called for a ten to fifteen minute break.

Resolution No. RS2023-247

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-053-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to those uses permitted in the MUG-A zoning district with the following exceptions being prohibited: short term rental properties, owner and not owner occupied, mobile storage unit; car wash; pawn shop; drive-throughs; adult entertainment stores; and tobacco shops.
2. Should the residential unit count and/or use mix as scoped in the TIS change at the time of final site plan submittal, additional traffic analysis and roadway improvements may be required.
3. Maximum building height shall not exceed that included in the preliminary SP. Maximum building height shall be determined by zone per the “Proposed SP Zones” height exhibit in the SP application. Story shall be defined as per the Metro Zoning Code.
4. Parking calculations shall be reviewed with final SP. Parking shall not exceed the maximums permitted in the Urban Zoning Overlay district.
5. Sidewalks and related street improvements shall be provided on the final SP as shown in the street section details of the preliminary SP.
6. At final SP, buildings shall be oriented toward Davidson Street and shall include active first floor uses along the street frontage. Additionally, the building facades fronting the greenway and riverfront shall be designed appropriately to engage the public realm.
7. At final SP, on-site parking shall be located either beneath buildings or internal to the site. Any above-ground parking structures shall have a minimum of 75 percent of the lineal street frontage devoted to active uses at a minimum depth of 20 feet. A minimum of 50 percent of the wall area shall be glazed. Structured parking shall be seamlessly integrated into building architecture.
8. Facades visible from the public realm—including the river front and greenway—shall be designed to avoid long uninterrupted facades. Facades shall include projections, recesses, pilasters, material changes, and/or other methods that clearly break the mass of the building and support pedestrian interest and activity.
9. On the final site plan, perimeter and internal landscaping shall be provided per the Metro Zoning Code.
10. At final SP, provide plaza and open space plan and include access standards.
11. Utility lines shall be located underground if and where determined feasible by NES. Further coordination with NES may be required with final SP review.
12. Prior to or with submittal of final SP, applicant shall consult with the Planning Department on the following: building massing and articulation; interaction between buildings and open spaces; viewsheds, appropriate landscaping; and other design-related aspects of the plan.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
15. 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 as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
16. 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
17. 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.
18. 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.
19. 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.
20. 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.

15. 2023SP-054-001

CHARLOTTE PIKE MIXED USE SP

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 July 27, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-054-001 to the July 27, 2023, Planning Commission meeting. (7-0)

16. 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: Withdraw.

The Metropolitan Planning Commission withdrew 2023SP-056-001. (7-0)

17. 2023SP-060-001

1325 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

SP to permit 32 multi-family residential units.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (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.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 12 residential units.*

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The project site is approximately 2.14 acres in size and is located on the east side of Tulip Grove Road, just north of Central Pike. The site consists of four parcels. Surrounding zoning includes RS7.5, R8 and SP. Surrounding land uses include single and multi-family, vacant land and a church. Tulip Grove Road is a two-lane road with open ditch and no sidewalks. The Major and Collector Street Plan (MCSP) classifies Tulip Grove Road as an arterial boulevard. The approved residential SP on the opposite side of Tulip Grove Road is under construction.

Site Plan

The plan includes 32 attached multi-family residential units with an overall density of approximately 15 units an acre. Units are distributed into five pods. Twelve units are oriented to Tulip Grove Road and the remaining 20 units are oriented to a central open space. The maximum height for two-bedroom units is 30 feet and the maximum height for three-bedroom units is 35 feet. The plan includes architectural standards pertaining to, but not limited to entryways, orientation, and materials. Several units front the sides of other units, and the SP includes a standard that

requires the separation distance between front and sides of units to be equal to the building height.

Ingress/egress is provided from Tulip Grove Road. All internal drives are private. A six-foot-wide sidewalk and eight-foot grass strip is shown along Tulip Grove Road.

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.

ANALYSIS

Staff find that the proposed SP is consistent with the T3 NE land use policy. The site is located along Tulip Grove Road, a busy arterial street, within approximately 250 feet of Central Pike, a mixed use arterial boulevard, located south of the site. The adjacent land use policy along Central Pike to the south is Suburban Community Center, which supports a variety of residential and nonresidential uses. All of these factors make the location of the site appropriate for the proposed density. The immediate area includes a mixture of single and multi-family residential uses and the proposed SP adds to the mixture of housing types. The plan provides improvements along Tulip Grove Road consistent with the Major and Collector Street plan, including right-of-way dedication and sidewalks.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Minimum drive width shall be 20' unobstructed if eave line of all units is 30' or less. If units exceed 30' to eave line a minimum width of 24' plus 15' setback to face of unit is required.

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- All proposed stormwater water quality and quantity features to be located outside easements.

WATER SERVICES RECOMMENDATION

Approved with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- With 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-sidewalks, grass strip, bikeway, curb & gutter. 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. A private hauler will be required for site waste/recycle disposal. Comply w/ NDOT traffic comment. Site access shall align with development across Tulip Grove.

TRAFFIC AND PARKING RECOMMENDATION
Approved

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	2.14	4.94 D	12 U	226	19	21

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)	-	-	32 U	290	23	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+64	+4	+5

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 district: 1 Elementary 1 Middle 1 High
Projected student generation proposed SP district: 5 Elementary 4 Middle 4 High

The proposed SP zoning is expected to generate ten additional students than the existing RS7.5 zoning district. Students would attend Dodson Elementary School, Dupont Tyler Middle School, and McGavock 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 shall be limited to a maximum of 32 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited. The final unit count approved with the final site plan may be reduced based on meeting all requirements and conditions of the SP.
2. All stormwater requirements and landscape buffer yard requirements shall be met prior to final site plan approval.
3. The height of any unit fronting the side of another unit shall be limited to the distance (separation) of the front façade to the side of the unit it fronts, not to exceed the maximum permitted height as noted on the 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 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.

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

Resolution No. RS2023-248

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-060-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 32 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited. The final unit count approved with the final site plan may be reduced based on meeting all requirements and conditions of the SP.
2. All stormwater requirements and landscape buffer yard requirements shall be met prior to final site plan approval.
3. The height of any unit fronting the side of another unit shall be limited to the distance (separation) of the front façade to the side of the unit it fronts, not to exceed the maximum permitted height as noted on the 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 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.

18. 2023SP-061-001

MUSIC CIRCLE NORTH

Council District 19 (Freddie O'Connell)

Staff Reviewer: Dustin Shane

A request to rezone from ORI to SP zoning for properties located at 1 and 7 Music Circle North, at the southern corner of Music Circle North and Music Circle East, (1.2 acres), to permit a mixed-use development with 374 multi-family residential units, requested by Gresham Smith, applicant; REG Nash 7 Music Circle North Property Owner, LP, and REG Nash 1 Music Circle North Property Owner, LP, owners.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from Office/Residential Intensive (ORI) to Specific Plan (SP) zoning for properties located at 1 and 7 Music Circle North, at the southern corner of Music Circle North and Music Circle East (1.2 acres), to permit a mixed-use development with 374 multi-family residential units.

Existing Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

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 made up of two parcels (Map 093-13, Parcels 250 and 253) and is located at the southwestern corner of Music Circle North and Music Circle East. Currently the westernmost parcel contains the CMA/SAE Institute of Technology, housed in a purpose-built music union hall built in 1970. This building was included in the Music Row National Register of Historic Places nomination as contributing to the unique history and character of Music Row. The building on the easternmost parcel formerly housed offices of the United Methodist Church. It is listed as worthy of conservation.

To the north across Music Circle East is the BMI building, zoned ORI. The Nashville Musicians Association is adjacent to the west, zoned ORI. To the south across the alley are office and commercial uses zoned ORI. To the east across Music Circle East is Tony Rose Park. Nearly all of the surrounding uses have some connection to the music industry.

Site Plan

The SP is intended to create a mixed-use development. The plan authorizes the creation of 374 multi-family residential units and 7,000 square feet of retail space as well as the preservation of 14,000 square feet of music-related office and educational space. The SP includes a site plan, bulk standards, as well as preliminary parking, utility, and landscaping concepts. The multi-family residential tower will occupy the corner of Music Circle North and Music Circle East and will be 15 stories and 172 feet in height, with retail at the ground floor. The historic union hall on the westernmost parcel will be preserved and the SAE music business school is expected to remain as a tenant. It is a condition of approval that this building, which is eligible for listing on the National Register of Historic Place, be preserved.

The site plan decreases the amount of pervious area and adds street trees and other trees on-site in the available greenspaces. The surface parking is eliminated and replaced with an underground structure (featuring 500 spaces; it is a condition that the plan include a note stating that parking provision will not exceed the UZO maximum after final bedroom counts are determined). Bicycle parking is also provided within the garage. All access points are along the rear alley. Water treatment units are proposed to capture runoff from the building roofs and green spaces and feed it into the storm sewer system. MCSP improvements and dedications are being made along both street frontages (4-foot-wide planting strip, 8-foot-wide sidewalk). Sufficient alley ROW exists currently along the southern property line, and the applicant will pave the entirety of the alley from Music Circle East to its intersection with the adjacent north-south alley, No. 438.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

D Office Concentration (D OC) is intended to maintain, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities.

Supplemental Policy

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 property is located within the Music Row Core (2A) character area.

ANALYSIS

According to the CCM, the policy intent of the D OC district is to “maintain, enhance, and create Districts where office use is predominant and may be supplemented with complementary uses. The development and redevelopment of such Districts occur in a manner that is complementary of the varying character of surrounding communities as characterized by their development patterns, building form, land use, and associated public realm.” Office use is predominant in such areas but may include many complementary uses, such as residential within mixed-use buildings. These uses should be in locations that allow external access by the general public and internal access by employees and visitors.

This site is located within the Music Row Core (2A) character area of the Music Row Vision Plan. The Music Row Vision Plan was adopted by the Planning Commission in June of 2019 after approximately four years of analysis and public engagement in the neighborhood. The Vision Plan identifies Music Row as a key creative hub for Nashville and also speaks to some of the pressures facing the neighborhood and obstacles to its continued success as an area of music industry collaboration and innovation. One of the pressures identified in the plan includes the intrusion of multi-

family residential development, which reduces opportunities for music-related businesses by impacting affordability, exacerbating demands on constrained infrastructure, and creating conflicts between residents and business uses that are crucial to Music Row's atmosphere. The plan calls for limits on multi-family development and proposes that, when allowed, it should be tied to the provision or preservation of music-related uses. The current zoning would allow residential across the entire site and provide no protections for music-related uses or buildings.

With the rise in work-from-home and teleconferencing, workplace-focused policies need flexibility to adequately meet the needs of office users throughout the county. The proportion of mixed-use projects in D OC areas will increase as both offices and homes become more adaptable to new practices. In this case, numerous music-related office uses are present in this established D OC policy area already. New mixed-use development of this type could help energize this area of Music Row with more around-the-clock activity. The retention of the historic music hall will ensure that the project contributes to the existing unique character of the area and conforms to the Music Row Vision Plan.

The proposed plan meets many of the other goals of the D OC policy, such as buildings regularly spaced with shallow setbacks determined by the surrounding urban transect, parking below and interior to the structure, formal landscaping, and an urban streetscape with high levels of connectivity and access to transit. Height in the Music Row Vision Plan for this sub-area (2A) is limited to twelve stories when music-related uses and buildings are being provided or preserved. The proposed fifteen residential stories will reach a height of only 172 feet, though, which is eight feet shorter than a typical office building of twelve stories (due to the taller floor heights in office buildings). The application therefore fulfills the intent of the twelve-story limitation.

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP allows an appropriately intense mixed-use building with design standards that are intended to provide for development that is urban in nature with preserved music-related elements consistent with the D OC land use policy and the Music Row Vision Plan. The proposal will provide more opportunities to meet the living, working, and shopping needs of the surrounding community in a walkable and sustainable way while ensuring Music Row retains its unique identity.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

Approve with conditions

- The Metro Historical Commission recommends the applicant apply for a Historic Landmark for the NRE building.

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- With a final: Include proposed public roadway construction drawings(profiles, grades, drainage) (cont.) Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards. Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Existing grass islands in the alley across from site garage/loading access, discuss relocating these islands further out of alley ROW w/ adjacent owner to provide adequate 2-way vehicular access on alley.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Prior to the approval of the Final SP, a full TIS shall be submitted and finalized with NDOT.

- The applicant submitted a preliminary traffic memo that assessed the multi-modal infrastructure within the area of this development. Per review of the traffic memo the following recommendations shall be constructed and/or contributed to in addition to any other outcomes from the full traffic study that is to be submitted.
- At the intersection of Division St & Music Circle E, a full signal warrant analysis shall be conducted and submitted with the TIS for this development. If it is determined that the signal is warranted a contribution shall be made towards the future signalization of this intersection.
- An enhanced pedestrian crossing to Tony Rose Park shall be installed at the intersection of Music Circle N and Music Circle E. Further coordination with NDOT on the final design of the enhanced pedestrian crossing will be required.
- Coordinate with Parks on any potential improvements within Tony Rose Park.
- Any ride-share or delivery/loading spaces will require approval from Traffic and Parking commission.
- Provide and/or improve all pedestrian components within the study area, which includes crosswalks, pedestrian signal heads, push buttons, pedestrian curb ramps, and detectable warning mats.
- The applicant will be required to coordinate with NDOT's Traffic Demand Management coordinator to develop a TDM plan for the residents of this development.
- Parking shall be per metro code.
- Comply with NDOT Roads conditions.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.6	3.0	78,408 SF	838	100	90

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

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)	0.6	3.0	78 U	423	27	35

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)	-	-	374 U	2,037	124	157

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	-	-	7,000 SF	264	7	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	-	-	14,000 SF	158	40	18

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,195	+44	+77

METRO SCHOOL BOARD REPORT

Projected student generation proposed SP-MU district: 5 Elementary 3 Middle 3 High

Given the mix of uses permitted by the existing ORI zoning district, the number of residential units currently possible on site may vary and an assumption as to comparative impact at this point is premature. The proposed SP-MU zoning district is expected to generate 11 students. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. These schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 374 multi-family residential units, 7,000 square feet of retail, and 14,000 square feet of business education and/or music-related uses. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. The building listed on the Music Row National Register of Historic Places nomination form as "CMA/SAE Institute of Technology, 7 Music Circle North (DV.26107): Purpose-built as union hall in 1970" shall be preserved with any future development of this site.
3. On the corrected copy, add note: "Parking provision at final site plan shall not exceed the zoning code maximums for the UZO. Final parking maximum will be based on unit bedroom counts and commercial square footage."
4. On the corrected copy, change the case number on sheet C000 from "011" to "001."
5. Vehicular access is only permitted from the rear alley. No curb cuts are permitted on Music Circle North or Music Circle East.
6. Detailed architectural elevations will be required for final site plan approval. Final design shall be coordinated with staff. Above grade structured parking shall be limited to the extent possible. If included, above grade structured parking shall either be fully lined with active uses or seamlessly integrated into the architecture of the building.
7. On the corrected copy, add the following design standards to the plan:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 20% glazing.
 - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers. Upper floor windows and other features shall be aligned with those of the ground floor.
 - c. Vertically orient materials, design elements and architectural details to emphasize the proportion of height to width.
 - d. 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.
8. 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.
9. 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.
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 building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. 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 ORI zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2023-249

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-061-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to 374 multi-family residential units, 7,000 square feet of retail, and 14,000 square feet of business education and/or music-related uses. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. The building listed on the Music Row National Register of Historic Places nomination form as "CMA/SAE Institute of Technology, 7 Music Circle North (DV.26107): Purpose-built as union hall in 1970" shall be preserved with any future development of this site.
3. On the corrected copy, add note: "Parking provision at final site plan shall not exceed the zoning code maximums for the UZO. Final parking maximum will be based on unit bedroom counts and commercial square footage."
4. On the corrected copy, change the case number on sheet C000 from "011" to "001."
5. Vehicular access is only permitted from the rear alley. No curb cuts are permitted on Music Circle North or Music Circle East.
6. Detailed architectural elevations will be required for final site plan approval. Final design shall be coordinated with staff. Above grade structured parking shall be limited to the extent possible. If included, above grade structured parking shall either be fully lined with active uses or seamlessly integrated into the architecture of the building.
7. On the corrected copy, add the following design standards to the plan:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 20% glazing.
 - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers. Upper floor windows and other features shall be aligned with those of the ground floor.
 - c. Vertically orient materials, design elements and architectural details to emphasize the proportion of height to width.
 - d. 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.
8. 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.
9. 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.
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 building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. 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 ORI zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. 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.

19. **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 20 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Preliminary SP to permit 20 multi-family residential units.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Specific Plan – Residential (SP-R) zoning for properties located at 840, 848, 852 Youngs Lane, approximately 125 feet west of Lathan Court to permit 20 multi-family residential units (4.22 acres).

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 22 lots with 5 duplex lots for a total of 27 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.

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan portion 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.

SITE CONTEXT

The application consists of three parcels totaling 4.22 acres in size located approximately 125 feet west of Lathan Court and adjacent to the Cumberland River. Two of the parcels are vacant while the other one contains a single-family dwelling and accessory structures. Surrounding uses include single-family residential, multi-family residential, a church and vacant land; all adjacent properties are zoned R8.

PLAN DETAILS

The plan proposes 20 multi-family residential units that are access via private drives. 6 of the units front onto Youngs Lane and the remainder are oriented to open space and to the private drives internal to the site. The units include garage parking and surface parking is dispersed throughout the site. A type C landscape buffer is provided along the eastern property boundary. The plan provides the necessary easements to accommodate the Metro Greenway that is planned along the Cumberland River.

ANALYSIS

Staff finds the proposed plan to be consistent with the T4 CM and Conservation policy in this location. The plan proposes to remove the existing structures in the floodplain and propose to limit the disturbance of the floodplain by focusing development on the more suitable area for development. The proposed land uses, building form, and site plan are consistent with the guidance provided in the Community Character Manual for T4 CM areas. The plan also accommodates the Metro Greenway that is planned for in the supplemental policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Land use only. Not reviewed for site plans or construction requirements.

STORMWATER RECOMMENDATION

Approve with conditions

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

METRO PARKS RECOMMENDATION

Approve with conditions

- Amend the Site Layout Plan to clearly delineate and dimension the floodway and associated buffers on site plan.

- Amend the note on the Site Layout Plan that start “25’ GREENWAY BUFFER” by changing “BUFFER” to “EASEMENT.”
- Amend the Site Layout Plan to show a labeled “Approximate Conservation Greenway Easement” that includes the floodway, floodway buffer zones 1 and 2, and additional area, as needed, for Metro to minimize tree removal and grading within the buffers when constructing an ADA compliant 14’ wide asphalt-paved greenway trail with 2’ gravel shoulders.
- Provide the Conservation Greenway Easement along western property line to the extent needed to allow for trail construction and installation of a greenway bridge over the drainageway for future greenway expansion.
- Design plans, including grading plans, sufficient to determine the location of the greenway trail and bridge and the greenway easement are required prior to approval of the final SP.
- Reduction and/or reconfiguration of units may be required to accommodate the greenway trail and bridge construction. Applicant to ensure that adequate space is provided.
- The greenway should provide a “park-like” experience serving as recreational space and maximizing health benefits and the conservation of natural resources.
- Coordinate with Greenways staff to determine final location of the greenway trail and the extent of easements. The greenway trail and bridge 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.
- Greenway design must be fully ADA compliant and approved by Metro’s General Services ADA office.
- 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.
- Any access from the SP development onto the greenway shall be approved by Metro Parks at Final SP approval.
- Provide landscape screen between surface parking/driveways and greenway view to the greatest extent reasonably possible.
- No obstructions will be in a greenway easement, unless approved by Metro Parks staff, including, but not limited to site furniture, signage, and lighting.

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 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). 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, per AASHTO-plan and profile view, at any relevant intersections and site access points.
- 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.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- The site driveway shall meet MUTCD standards for sight distance. Any site driveway locations will be finalized with NDOT prior to approval of the Final SP.
- A greenway along the Cumberland River is planned and will need to be included in future plans. Coordinate with NDOT, Metro Parks, and Planning on the details of the Greenway design.
- The MCSP requirements shall be met along property frontages.
- Coordinate with NDOT on potential off-site improvements. This may include the greenway and/or other needs in the area.

- Parking shall be met per code requirements. This land is not in the UZO, so UZO parking requirements will not be accepted.

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)	4.22	5.79 D	27 U	312	24	29

*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	108	7	10

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
-	-	-	-7 U	-204	-17	-19

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 zoning districts: 4 Elementary 3 Middle 3 High

Projected student generation proposed SP district: 8 Elementary 4 Middle 4 High

The proposed SP zoning is expected to generate 6 more students than the existing R8 zoning. Students would attend Alex Green Elementary School, Haynes Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 20 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
2. On the corrected set, the minimum 20 foot setback for units along Youngs Lane shall be measured from the edge of right-of-way after any necessary right-of-way dedications per the MCPS are made.
3. Comply with all conditions and requirements of Metro Reviewing Agencies.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
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 RM6 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.

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

Resolution No. RS2023-250

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-062-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 20 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
2. On the corrected set, the minimum 20 foot setback for units along Youngs Lane shall be measured from the edge of right-of-way after any necessary right-of-way dedications per the MCPS are made.
3. Comply with all conditions and requirements of Metro Reviewing Agencies.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
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 RM6 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.

20. 2023SP-063-001

HAMILTON VILLAGE SP

Council District 33 (Antoinette Lee)

Staff Reviewer: Laszlo Marton

A request to rezone from AR2A to SP zoning for properties located at 3654 Hamilton Church Road and Hamilton Church Road (unnumbered), approximately 199 feet west of Hamilton Church Road and Maroney Drive, (8.15 acres), to permit 52 multi-family residential units, requested by Councilmember Antoinette Lee, applicant; Phoenix Group, LLC and Lera Olivia Tomlin, owners.

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

APPLICANT REQUEST

Preliminary SP to permit 52 multi-family residential units.

Preliminary SP

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning for properties located at 3654 Hamilton Road and Hamilton Church Road (unnumbered, approximately 199 feet west of Hamilton Church Road and Maroney Drive, to permit 52 multi-family residential units (8.15 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. AR2a would permit a maximum of 3 lots with 3 duplex lots for a total of 6 units.

Proposed Zoning

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

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. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

SITE CONTEXT AND PLAN DETAILS

The 8.15-acre site is located on the north side of Hamilton Church Road just west of the intersection with Maroney Drive. Hamilton Church Road is identified as collector-avenue on the Major Collector Street Plan (MCSP). Surrounding land uses are primarily single family residential and vacant properties. Surrounding properties are zoned AR2a, RS10, RM6 and the Del Lago SP borders the property on its eastern boundary. The site has moderate tree coverage in the rear and has several topographical depressions in the front and center which signal the potential for sinkholes.

The plan proposes 52 multi-family residential units that are accessed by a private drive. Units 1-12 are detached units which front onto Hamilton Church Road. Units 13-26 are also detached units; however, they are oriented internally and surround an open space and area for stormwater management in the center of the site. Units 27-52 are located at the rear of the site and are attached units which orient internally, facing each other across a courtyard area and open space.

Pedestrian access is provided in the form of interior sidewalks that connect the unit groups to open spaces throughout the site as well as a new sidewalk along Hamilton Church Road. Approximately 4.9 acres are proposed as open space which includes areas designated for active open space, conservation space, stormwater management areas, and passive open spaces.

The internal driveway network and buildings on the site avoid the TVA easement that stretches across the northwest corner of the site as well as several potential sinkholes that have been identified in the middle of the site. The site contains formal landscaping with uniform placement of trees and shrubs, including a 10 foot ‘B’ landscape buffer around the perimeter of the site.

ANALYSIS

The proposed plan is consistent with the T3 NE policy at this location. The proposed unit count increases the density moderately and provides additional housing choice in the neighborhood. All of the units are oriented to the street or an open space, and the sidewalk network allows for pedestrian connectivity throughout the site and onto Hamilton Church Road. The site is moderately covered and retains areas of open space for active use as well as stormwater retention areas at several levels throughout the site. The plan is also sensitive to the environmental features on the site, shaping the building footprint in a way that avoids the potential sinkholes. Due to potential sinkholes, final layout and unit count are subject to meeting TDEC requirements. Final layout and unit count will be determined with final site plan. 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.
- Applicant to ensure proper permitting through TDEC for discharge into sinkhole and remediation of sinkholes.
- Applicant to provide approval from TVA to install Bioretention area in easement (if proposed at 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 a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Complete a turn lane warrant analysis for a left turn lane on Hamilton Church Road at the adjusted site driveway prior to Final SP. Provide analysis in a memo to NDOT. If any lanes are warranted, additional ROW may need to be dedicated and the lane shall be installed by this development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	8.15	0.50 D	6 U	78	9	7

*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)	-	-	52 U	282	18	23

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
-	-	-	46 U	+204	+9	+16

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP district: 4 Elementary 4 Middle 2 High

The proposed SP zoning is expected to 7 more students than the existing AR2a zoning. Students would attend Mt. View Elementary School, J.F. Kennedy Middle School, and Antioch High School. All schools were identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment 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 52 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited. The final unit count approved with the final site plan may be reduced dependent on TDEC determinations related to the presence and boundaries of sinkholes.
2. On the corrected set, remove any references to conservation land. Areas shall be labeled as open space.
3. Comply with all conditions and requirements of Metro Reviewing Agencies.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
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 RM9 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.

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

Resolution No. RS2023-251

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-063-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 52 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited. The final unit count approved with the final site plan may be reduced dependent on TDEC determinations related to the presence and boundaries of sinkholes.
2. On the corrected set, remove any references to conservation land. Areas shall be labeled as open space.
3. Comply with all conditions and requirements of Metro Reviewing Agencies.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
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 RM9 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.

21. 2023SP-064-001

SNAP HOUSING SP (429 HUMPHREYS)

Council District 17 (Colby Sledge)

Staff Reviewer: Jason Swaggart

A request to rezone from MUL to SP zoning for property located at 429 Humphreys Street, approximately 100 feet west of Pillow Street, (0.35 acres), to permit all uses of the MUL-A zoning district except for those uses specifically excluded on the plan, requested by Councilmember Colby Sledge, applicant; Snap Housing Corp., owner.

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

APPLICANT REQUEST

SP to permit 32 multi-family residential units.

Zone Change

A request to rezone from Mixed-Use Limited (MUL) to Specific Plan (SP) zoning for property located at 429 Humphreys Street, approximately 100 feet west of Pillow Street, (0.35 acres), to permit all uses of the MUL-A zoning district except for those uses specifically excluded on the plan.

Existing Zoning

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

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The approximately 0.35-acre site is located on the south side of Humphreys between Pillow Street and Martin Street. The site is occupied with a two-story apartment building. A church is located on the adjacent property to the east and is zoned CS. The adjacent SP-zoned property to the west is approved for a mixed use development and the final SP is currently under review. There is an existing sidewalk network along Humphreys Street. The Major and Collector Street Plan (MCSP) classifies Humphreys as a local urban street with wider sidewalks than standard local streets. The street classification along Humphreys and surrounding streets were incorporated into the MCSP as part of the Wedgewood Houston/Chestnut Hill Planning Study which was adopted by the MPC in 2019. An alley is located at the rear of the site. A future alley along the western site boundary is anticipated with the construction of the adjacent development.

Site Plan

This is a regulatory SP. It is similar to the MUL-A-NS zoning district with some modifications and use restrictions. The SP includes standards pertaining to maximum floor area, max height, rear and side setbacks, build-to-zone, frontage, glazing and vehicular access. The SP allows for access to Humphreys; however, direct access is not permitted if the anticipated alley to the west is constructed prior to the development of this site. Standards for MUL-A-NS would apply for any standard/requirement not listed in the SP. The SP allows most uses permitted by MUL-A-NS and prohibits some uses such as, but not limited to, short term rentals and automobile repair.

SOUTH NASHVILLE COMMUNITY PLAN

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

Wedgewood Houston & Chestnut Hill Planning Special Policy Area (SPA 11-WHCH-1) provides additional guidance. It is in Character Area 1 and recognizes the historical character of the area. It encourages adaptive reuse and when adaptive reuse is not possible, new construction should reflect and respond to the surrounding industrial setting.

ANALYSIS

Staff find that the proposed SP is consistent with the policies that apply to the site, as the SP permits a mixture of residential and nonresidential uses that are supported by the policy. The SP allows for a scale that is appropriate for the area and is similar to other development in the area and includes design standards intended to promote urban development consistent with the urban nature of the policy. The SP requires that sidewalks will be provided per the MCSP, which will improve the pedestrian environment and be consistent with the adjacent SP development. Since the SP is consistent with the policies, 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

- All projects in or draining to the combined sewer are required to have a CSEP Pre-Application meeting with Development Services staff prior to submitting grading permit plans for review and Final SP 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

- With a final: Callout the following per NDOT ST- detail sections: roadway section, access and ADA ramps, sidewalks, curb & gutter. All ROW frontages should 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. Site access should be provided off existing alley. Alley ROW dedication and paving required. (cont.) Provide per ST-263. Comply w/ NDOT traffic comments.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Reference the code 17.20.140 for the traffic study thresholds. If the land uses and densities meet the threshold, coordinate with NDOT on scoping a traffic study. 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, not to exceed the maximum.

Maximum Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.17	1.0 F	7 U	36	3	3

Maximum Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.09	1.0 F	3,920 SF	148	3	15

Maximum Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.09	1.0 F	3,920 SF	440	39	39

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)	0.17	3.0 F	22 U	118	8	10

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)	0.09	3.0 F	11,760 SF	444	11	45

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)	0.09	3.0 F	11,760 SF	1,319	117	115

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,257	+91	+113

METRO SCHOOL BOARD REPORT

The proposed SP includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend Fall-Hamilton Elementary School, Cameron College Prep Tyler Middle School, and Glencliff High School. There is additional capacity for elementary and high school students and Cameron College Prep is listed as 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 all uses permitted by MUL-A-NS with the exception of uses prohibited in the SP. Short term rental properties, owner occupied and short term rental properties, not owner occupied, shall be prohibited.
2. Humphreys Street shall be improved to MCSP requirements.
3. On the corrected copy, remove the current height standard and update with the following: Height shall be limited to 45 feet in the build-to-zone. Beyond the build-to-zone and after a 15 foot setback, height is permitted to a maximum of 70 feet.
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 MUL-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.

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

Resolution No. RS2023-252

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-064-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to all uses permitted by MUL-A-NS with the exception of uses prohibited in the SP. Short term rental properties, owner occupied and short term rental properties, not owner occupied, shall be prohibited.

2. Humphreys Street shall be improved to MCSP requirements.
3. On the corrected copy, remove the current height standard and update with the following: Height shall be limited to 45 feet in the build-to-zone. Beyond the build-to-zone and after a 15 foot setback, height is permitted to a maximum of 70 feet.
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 MUL-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.

22. 2023SP-065-001

MISTY CAPE COVE

Council District 12 (Erin Evans)

Staff Reviewer: Logan Elliott

A request to rezone from One and Two-Family Residential (R15) to Specific Plan (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 12 two-family residential lots and 8 multi-family residential units for a total of 32 units.

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

APPLICANT REQUEST

Preliminary SP to permit 32 multi-family residential units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R15) to Specific Plan (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 12 two-family residential lots and 8 multi-family residential units for a total of 32 units.

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *The property is currently permitted 20 units based on previous development rights and zoning.*

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 multiple residential building types.

DONELSON – HERMITAGE – OLD HICKORY 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.

PLAN DETAILS

The approximately 3.48-acre site is located on the northern side of Bell Road, east of Old Hickory Boulevard. This portion of Bell Road is classified as an Arterial Boulevard in the Major and Collector Street Plan. The site comprises the entire Misty Cape Cove cul-de-sac and is currently developed with two-family residential structures. There are no environmental features on the site. The surrounding area is developed with a mixture suburban residential development.

Site Plan

The application proposes 12 two-family residential lots and 8 multi-family residential units for a total of 32 units. The two lots adjacent to Bell Road provide 4 attached and rear loaded units on each lot. These lots provide a 40' setback from Bell Road. Interior to the site and fronting Misty Cape Cove are 12 duplex lots. The lots range in size from 5,600 square feet to 16,000 square feet with most lots being 55' wide, other than the lots at the end of the cul-de-sac. All lots have a minimum 30' setback from Misty Cape Cove.

ANALYSIS

Staff finds the proposed plan to provide a suburban residential form that is consistent with the T3 NM policy, at this location. The site is currently developed with 10 duplex structures and the adjacent cul-de-sac to the west, Glen Cove Trail, is also developed with two family structures and to the south of Bell Road are attached townhome units. The application proposes a form and land use that is consistent with the surrounding context along Bell Road. The site plan and building forms are appropriate for the suburban transect and the plan proposes to improve both Bell Road and Misty Cape Cove to their planned standard conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Applicant to provide architectural elevations and flow test report prior to Final SP.

STORMWATER RECOMMENDATION

- 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 a final: 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 into private drive aisle(s). 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, driveways and public streets with on-street parking. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Conditions: Additional roadway improvements for -Mill & overlay

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Reference the code 17.20.140 for the traffic study thresholds. If the land uses and densities meet the threshold, coordinate with NDOT on scoping a traffic study. 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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	3.48	2.904 D	20 U	246	21	21

*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* (210)	3.48	5.445 D	24 U	281	21	26

*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)	-	-	8 U	43	3	3

Traffic changes between maximum: **R15 and R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+12 U	+78	+3	+8

METRO SCHOOL BOARD REPORT

Projected student generation existing R15 zoning district: 2 Elementary 1 Middle 1 High

Projected student generation proposed SP-MR district: 3 Elementary 2 Middle 2 High

The proposed SP-R zoning is expected to generate 3 more students than the existing R15 zoning district. Students would attend Ruby Major Elementary School, Donelson Middle School, and McGavock High School. Ruby Major Elementary and McGavock High School are identified as having additional capacity. Donelson Middle School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

- Permitted uses shall be limited to a maximum 12 two-family residential lots and 8 multi-family residential units for a total of 32 units. Short term rental properties, owner occupied and short term rental properties, not owner occupied are prohibited.
- Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
- Add the following note to the corrected set: 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.
- The parking spaces fronting Bell Road shall be screened with landscaping with the final site plan application.
- 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.
- 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.
- 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.
- Comply with all conditions and requirements of Metro reviewing agencies.
- If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
- 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.
- Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise

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

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

Resolution No. RS2023-253

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-065-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum 12 two-family residential lots and 8 multi-family residential units for a total of 32 units. Short term rental properties, owner occupied and short term rental properties, not owner occupied are prohibited.
2. Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
3. Add the following note to the corrected set: 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.
4. The parking spaces fronting Bell Road shall be screened with landscaping with the final site plan application.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

23. 2023SP-068-001 (formerly 2022Z-109PR-001)

KNIGHT DRIVE AND EWING DRIVE SP

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Donald Anthony

A request to rezone from RS7.5 to SP zoning for property located at Ewing Drive (unnumbered), at the southeast corner of Knight Drive and Ewing Drive (2.54 acres), to permit 50 multi-family residential units, requested by Scott Davis, applicant; Stratus Construction, Inc., owner.

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

APPLICANT REQUEST

Preliminary SP to permit a multi-family residential development.

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (SP) for property located at Ewing Drive (unnumbered), at the southeast corner of Knight Drive and Ewing Drive (2.54 acres), to permit 50 multi-family residential units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 12 units, based on the acreage only.*

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 50 multi-family residential units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

1. Permitted uses shall be limited to 50 multi-family residential units. Short term rental property, owner occupied, and short term rental property, not owner occupied, shall be prohibited.
2. Maximum FAR shall be 0.80.
3. Maximum ISR shall be 0.70.
4. A minimum of 20% of the site shall be designated as open space.
5. Trees along the western property line shall be preserved except where removal is necessary due to stormwater management and ingress/egress location(s).
6. The cemetery on the site shall be fenced, and fencing shall be maintained by property owner. A five-foot access easement to the cemetery from Ewing Drive shall be platted prior to Final SP approval. The access easement shall be maintained by the property owner.
7. All development within the boundaries of this SP shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.
8. 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 in detailed building elevations included in the preliminary SP.
9. Building height shall be limited to 3 stories in 35 feet. Height shall be measured from average elevation at finished grade to midpoint of primary roof pitch or top of parapet for a flat roof.
10. Fallback zoning shall be RM20-A.
11. The final site plan/building permit site plan shall depict any required public sidewalks, any required grass strip or frontage zone, and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. Ewing Drive and Knight Drive shall be improved along the property frontage per the MCSP requirements.
13. Landscaping and tree density requirements shall be provided per Metro Zoning Code. A complete landscape plan will be required with Final SP submittal.
14. Parking shall be provided per Metro Zoning Code.

SITE CONTEXT AND BACKGROUND

The SP application is for a 2.54-acre parcel located at the southeast corner of the intersection of Knight Drive and Ewing Drive. The property is currently zoned RS7.5. Adjacent zoning includes RS7.5 on the north, east, south, and west, and AR2a on the northwest. Adjacent land uses include: single-family residential on the north, east, and south; vacant property on the west; and a rock quarry on the northwest and southwest.

The applicant previously requested rezoning to RM20-A, and a public hearing for that request was held at the April 27, 2023, Planning Commission meeting. During the public hearing, neighbors expressed concerns about an existing cemetery on the site and the potential for increased traffic in the area. Following the public hearing and discussion, the Planning Commission recommended that the applicant submit a new application for a regulatory SP.

The proposed SP would permit up to 50 multi-family residential units on the subject property. Existing trees along the western boundary of the property would be preserved, and all other landscaping requirements in the Zoning Code would apply. Building height would be limited to three stories in 35 feet. An existing cemetery on the site would be preserved and fenced; a five-foot access easement to the cemetery would be provided through the subject property. The disturbance of burial sites is regulated by State law, and the applicant will be required to follow all State requirements should any burial sites need to be relocated.

ANALYSIS

The application proposes to rezone the property from RS7.5 a regulatory SP to permit 50 multi-family residential units. The Community Character Manual characterizes the T3 NE policy in part by: moderate-density development patterns; moderate to high levels of connectivity; moderate lot coverage; buildings oriented to the street or open space; and a variety of building types including houses, low and mid-rise townhouses, and low and mid-rise flats.

The property's location at the southeast corner of Ewing Drive and Knight Drive places it in a transitional area between the single-family residential uses on the east and industrial uses on the west. The industrial properties to the west are located within the District Impact (D-I) policy area. Multi-family residential use is generally recognized as an appropriate transition between single-family residential and more intense uses.

The proposed SP is consistent with the T3 NE policy. The SP on the subject property would support: moderate residential density of 20 units per acre; connectivity via two collectors (Ewing Drive and Knight Avenue) and close proximity to Briley Parkway and Whites Creek Pike; moderate lot coverage via a maximum impervious surface ratio of 0.70; building entrances oriented toward the build-to zone; and a mix of building types. Further, the proposed SP would provide a transition between the single-family residential neighborhoods on the east and the industrial uses on the west. Because the proposed SP is consistent with the T3 NE policy, staff recommends approval of the request.

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.

HISTORIC ZONING RECOMMENDATION

Approve with conditions

- The subject property contains the historic Alexander Ewing Cemetery. The following recommendations are taken from reports provided by the Tennessee Historical Commission (THC); these reports may include additional recommendations in accordance with state law.
- Due to the possibility of additional burials on the property, staff recommends archaeological monitoring of any ground disturbance activity, including possible material screening.
- If burials are contained/moved to a designated cemetery on the property as part of the development, Metropolitan Historical Commission (MHC) staff recommends keeping the cemetery protected on its own open space lot. While Tennessee state cemetery law requires a 10' buffer, MHC recommends a 30' buffer around the cemetery boundary, particularly during construction and marked with a construction fence. MHC also recommends: 1) a permanent fence (during or after construction) at the 10' buffer, or greater; 2) a metal sign, not to exceed 6 square feet noting the name and date of the cemetery at the cemetery entrance; and 3) a 5' wide public access easement. Parties should proceed with caution when conducting any site preparation activity near the cemetery.
- An area on the north end of the parcel may represent a culturally-significant mound feature and should be avoided unless cleared by MHC and TDOA for reinterments or other land-disturbance activities.
- All state cemetery laws regarding human remains shall apply (i.e., stop work if encountered and notify standard parties).

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 Regulatory SP only. Public and/or private water and sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans.
- Submittal of an availability study is required before the Final SP can be reviewed. Once this study has been submitted, the applicant will need to address any outstanding issues brought forth by the results of this study. A minimum of 30% of capacity fees 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). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a

loading/unloading and waste plan for each aspect/phase of the total development. Provide any truck turning movements relevant to loading/unloading waste plan activities.

- Note: A private hauler will be required for site waste/recycle disposal.
- Comply w/ NDOT traffic comments.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Reference the code 17.20.140 for the traffic study thresholds. If the land uses and densities meet the threshold, coordinate with NDOT on scoping a traffic study. 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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	2.54	4.94 D	14 U	170	15	16

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	50 U	271	18	23

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+36 U	+101	+3	+7

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 district: 2 Elementary 1 Middle 2 High
Projected student generation proposed SP district: 15 Elementary 8 Middle 7 High

The proposed SP zoning district is anticipated to generate 25 additional students beyond what would be generated under the current RS7.5 zoning district. Students would attend Alex Green 1 Elementary School, Brick Church College Prep 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

1. Permitted uses shall be limited to 50 multi-family residential units. Short term rental property, owner occupied, and short term rental property, not owner occupied, shall be prohibited.
2. The Regulatory Standards require compliance with the MCSP. However, if it is determined at final site plan that an alternative design provides for better protection of existing trees along the western boundary, then an alternative may be approved. NDOT and Planning may also waive sidewalks and allow a payment in lieu.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association

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

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

Scott Davis spoke in favor of the application.

Thereasa Howse, 541 Mill Station Drive, spoke in opposition to the application.

Marilyn Branhan, 2944 Claymille Blvd, spoke in opposition to the application.

Claudia Wright, 532 Mill Station Drive, spoke in opposition to the application.

Rhonda Moore, 660 Ewing Drive, spoke in opposition to the application.

Jarmaine Betts, 654 Ewing Drive, spoke in opposition to the application.

Scott Davis spoke in rebuttal.

Councilmember Toombs stated she would like more discussion to address traffic concerns.

Chair Adkins closed the Public Hearing.

Mr. Henley recognized the traffic concerns and said some of the outlaid improvements to the public realm are not defined yet and felt it would give more comfort if they were defined. He stated at this corridor, figuring out how to enter and exit the property is more of a concern versus the density. Mr. Henley asked if there was a significance that was brought to the tree line along the western property line.

Ms. Milligan answered it was a recognition of staff that there is an abrupt policy seam there between a really industrial use and a more residential use, so where possible, trying to preserve trees to provide more landscaping and buffering from the more industrial uses on the opposite side of Knight Drive. She said if there was a desire to clarify that condition to allow for trimming for increased sightlines, that is something the Commission can consider.

Mr. Henley said that is something he would advocate for as that is a modification that makes sense.

Mr. Tibbs asked what the density range is to stay with policy.

Mr. Anthony responded it is RM20-A in that policy area, so 20 per acre is the top on the recommended range and for this property at 2.5 acres, that is where to 50 units comes from.

Mr. Tibbs asked if they have the low end number.

Ms. Milligan explained the T3 Neighborhood Evolving would include some R and some RS and multi-family is RM9, 15, 20. RM9 at nine units per acre is somewhat the equivalent of some of the higher density single family but allows for a different form than a single family would permit because there are minimum lot sizes. RM9 would be 23 units, RM15 would be 38 units and RM 20 would be 50 units.

Councilmember Withers said he appreciated this coming back as a regulatory SP. He said the request for the SP allows for 35 feet and asked how it compares to the RM15. He then asked if sidewalks were to be constructed, how would that impact the tree buffer.

Ms. Milligan stated there is a condition to provide sidewalks and indicated an alternative design may be appropriate to work with NDOT and Planning on that. She said it is not unusual to pull a sidewalk further off of the road if there is something they are trying to preserve. Ms. Milligan explained they try to leave some opportunity with the final site plan to see what it might look like. She advised the height for RM15-A has a maximum height of 30 feet at the build-to line and then after a 15 foot step back, it can go up to 35 feet. RM20-A has a maximum height of 30 feet at the build-to line and then after a 15 foot step back, it can go up to 45 feet. In crafting the regulations, they were limited to 3 stories in 35, which is less height than is permitted by RM20 and less than what is permitted by the base zoning now which would be 3 stories without a foot cap.

Councilmember Withers thought with the amount of pedestrian activity and a bus stop nearby, it is a nice thing to have, and getting the tradeoff of having the sidewalk is a huge improvement relative to whatever the difference in the number of cars if new access points are introduced. He said the SP plan allows for improvements to the community and for some things that can still be ironed out.

Mr. Tibbs asked if there is a tool they need to give to the Councilperson to be able to negotiate that number or does she have the ability to work with that.

Ms. Kempf said the Commission can offer guidance about what fits in the policy. She advised it is the Councilperson's discretion if she chooses to further limit the number of units from what they approve and it would not require re-referral or anything to the Commission.

Mr. Marshall stated traffic and the rock quarry are concerns and thought there needs to be more discussion between the Councilperson and developer to meet the needs of the community.

Mr. Clifton felt the staff is right from a Planning standpoint and the specifics will come in at the Council level. He said he trusts the Council with this to come up with something that is best for the area.

Ms. Johnson said she appreciates the added condition and the preservation and protection of the historical cemetery. She stated she is more comfortable because the applicant will still have to continue archeological studies and still have to follow state regulations. Ms. Johnson pointed out the unit height meets policy and said she is comfortable supporting the request.

Ms. Johnson moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions including allowing the applicant to trim trees where needed for site line visibility purposes. (6-1). Mr. Marshall voted against.

Resolution No. RS2023-254

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-068-001 is approved with conditions and disapproved without all conditions including allowing the applicant to trim trees where needed for site line purposes. (6-1)

CONDITIONS

1. Permitted uses shall be limited to 50 multi-family residential units. Short term rental property, owner occupied, and short term rental property, not owner occupied, shall be prohibited.
2. The Regulatory Standards require compliance with the MCSP. However, if it is determined at final site plan that an alternative design provides for better protection of existing trees along the western boundary, then an alternative may be approved. NDOT and Planning may also waive sidewalks and allow a payment in lieu.
3. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
6. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
7. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses

not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

24. 2018S-059-003

ORCHARDS PH3

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

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

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2018S-059-003 indefinitely. (7-0)

25. 2018S-059-004

ORCHARDS PH2

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

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

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2018S-059-004 indefinitely. (7-0)

26. 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 July 27, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-039-002 to the July 27, 2023, Planning Commission meeting. (7-0)

27. 2023S-026-001

MARTIN RESERVE SUBDIVISION

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

A request for concept plan approval to create 5 lots including 1 duplex lot for a total of 6 units on property located at 3600 Abbott Martin Road and Abbott Martin Road (unnumbered), approximately 100 feet south of Burlington Place, zoned One and Two-Family Residential (R20) (4.29 acres).

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

The Metropolitan Planning Commission deferred 2023S-026-001 to the July 27, 2023, Planning Commission meeting. (7-0)

28. 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: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 29 lots.

Final Plat

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 Multi-Family Residential (RM9) and within a Planned Unit Development Overlay District (PUD) (14.81 acres).

CASE HISTORY

The site is located in the Thornton Grove PUD subdivision, which was approved by Metro Council in 2008. A final site plan for Phase 4A was approved in 2022. The proposed Phase 4A final plat includes 29 lots and is consistent with the approved final site plan.

SITE DATA AND CONTEXT

Location: The site consists of a portion of one parcel located at the current terminus of Thornton Grove Boulevard, north of Phase 2A of the Thornton Grove PUD subdivision.

Approximate Acreage: 14.81 acres or approximately 644,938 square feet.

PROPOSAL DETAILS

Number of lots: 29

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 five lots, if certain criteria are met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than two lots, if certain criteria were met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary plan approval in 2008 and final site plan approval in 2022. Because the plat creates more than 25 lots, consideration by the MPC is required per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

APPLICABLE SUBDIVISION REGULATIONS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Provide on final plat for recording a 3' pedestrian easement from the back of the sidewalk (within the PUDE area).
- Bond will be required for public infrastructure prior to recording plat.
- Plat is not to be recorded until new roads have been constructed to binder layer.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approval is contingent on construction and completion of MWS Project #'s 21SL0162 and 21WL0074. A bond amount of \$455,000.00 is assigned to 21SL0162 and an amount of \$117,000 is assigned to 21WL0074.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. 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. Submit a letter(s) on each company's letterhead or documentation that the individual is authorized to act on behalf of the company.
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. 2023S-063-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2023-255

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-063-001 is approved with conditions. (7-0)

CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. 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. Submit a letter(s) on each company's letterhead or documentation that the individual is authorized to act on behalf of the company.
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.

29. 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 July 27, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-037PR-001 to the July 27, 2023, Planning Commission meeting. (7-0)

30. 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: Approve.

APPLICANT REQUEST

Zone change from CS to MUN-A-NS.

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) for property located at 1259 Dickerson Pike, south of the terminus of Weeping Willow Way (4.49 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) is intended for a low 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.

PARKWOOD—UNION HILL COMMUNITY PLAN

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

SITE AND CONTEXT

The 4.49-acre site is located on the north side of Dickerson Pike, south of the terminus of Weeping Willow Way. The site is currently occupied by a storage building retailer. Parcels to the north are zoned RS20 and occupied by single-family houses. The parcel to the east is zoned CS and occupied by a duplex. Parcels to the south across Dickerson Pike are zoned CS and occupied by auto-oriented uses. Parcels to the west are zoned RS20 and occupied by auto-oriented uses or vacant.

ANALYSIS

The intent of the T3 CM policy is to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. Dickerson Pike is classified as an arterial boulevard in the Major and Collector Street Plan (MCSP) and additional density can be supported along primary corridors, per the policy guidance. The requested MUN-A-NS zoning district is appropriate for this policy because it allows for uses that the policy advocates for, while also providing improved access and limiting short term rentals (both owner occupied and non-owner occupied). For these reasons, staff supports the request and recommends approval.

FIRE MARSHAL RECOMMENDATION

Approve

Maximum Uses in Proposed 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)	4.49	0.6 F	117,350 SF	4,430	110	447

Maximum Uses in Proposed Zoning District: **MUN-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)	2.25	0.6 F	59 U	320	20	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.24	0.6 F	58,544 SF	2,210	55	223

Traffic changes between maximum: **CS and MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1,900	-35	-198

METRO SCHOOL BOARD REPORT

MUN-A-NS zoning includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend Old Center Elementary, Goodlettsville Middle School, and Hunters Lane High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-256

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-054PR-001 is approved. (7-0)

31. 2023CP-005-001

EAST NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 08 (Nancy VanReece)

Staff Reviewer: Anita McCaig

A request to amend the East Nashville Community Plan by changing from T3 NE, T3 NC, and T4 NE to T4 CC and extend the Supplemental Policy Area for Trail-Oriented Development for properties located on the south side of Ben Allen Road and Hart Lane, southwest of the corner of Ben Allen Road and Hart Lane, zoned R10, RS10, and SP (84.04 acres), requested by Upside, LLC & Main Street Land Trust, applicant; Big Tent, LLC and Main Street Land Trust, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Community Plan to change Community Character Policy.

Minor Plan Amendment

A request to amend the East Nashville Community Plan by changing from Suburban Neighborhood Evolving (T3 NE), Suburban Neighborhood Center (T3 NC), and Urban Neighborhood Evolving (T4 NE) to Urban Community Center (T4 CC) and extend the Supplemental Policy Area for Trail-Oriented Development for properties located on the south side of Ben Allen Road and Hart Lane, southwest of the corner of Ben Allen Road and Hart Lane, zoned One- and Two-family Residential (R10), Single-Family Residential (RS10), and Specific Plan (SP), approximately 84 acres.

EAST NASHVILLE COMMUNITY PLAN

Current Policy

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

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 that 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.

Urban Neighborhood Evolving (T4 NE) policy 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 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. Success 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.

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

Supplemental Policy Area (SPA) for Trail-Oriented Development encourages active transportation in an area that has been underserved with connections and circulation options, such as trails, bike paths, and sidewalks. Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around. The supplemental policy anticipates that active transportation and Trail Oriented Development can improve access to residences, employment/mixed use centers, area schools, and recreation opportunities. This access can encourage walking, biking, and healthier lifestyles with the incorporation of fitness into daily life.

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

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

Supplemental Policy Area (SPA) for Trail-Oriented Development encourages active transportation in an area that has been underserved with connections and circulation options, such as trails, bike paths, and sidewalks. Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around. The supplemental policy anticipates that active transportation and Trail Oriented Development can

improve access to residences, employment/mixed use centers, area schools, and recreation opportunities. This access can encourage walking, biking, and healthier lifestyles with the incorporation of fitness into daily life. The SPA is already in place for much of the plan amendment area with the exception of a portion of the westernmost property. The SPA remains in place and will be extended to cover that property's portion also.

BACKGROUND

The plan amendment area, approximately 84 acres, is located along the north side of Hart Lane and the south side of Ben Allen Road. This area was part of a plan amendment in 2017 to add a trail-oriented development supplemental policy and change pockets to neighborhood center policy. However, since that time, the property ownership has changed. The new owners want to develop a more intense, mixed use, trail-oriented development. The supplemental policy calls for a Specific Plan with a site plan. The property owners were unable to complete a site plan in time to meet deadlines due to the upcoming end of Council terms. However, they and the district Councilmember asked that the plan amendment request move forward to help achieve the community's vision. Currently, the plan amendment area consists of vacant land.

On the north side of Ben Allen Road, a large trail-oriented Specific Plan (SP) development was approved in 2018 for approximately 52 acres. The SP permits a mixed use development oriented along a primary trail and secondary trails with 321 multi-family residential units and 101,000 square feet of non-residential uses.

To the west and southwest, the plan amendment area is surrounding by single family houses on varying lot sizes, ranging from over three acres to 0.2 acres. Ellington Parkway borders to the east.

COMMUNITY PARTICIPATION

In previous years, several community meetings were hosted to discuss the prior land use policy change and proposed developments. Since that time, community members have been eager for trail-oriented developments to be completed and activated. It was determined that since this land use policy change request did not involve a SP rezoning at this time, it is deemed a minor plan amendment and another community meeting is not required. A future community meeting is anticipated when a SP rezoning is prepared, and the owners are ready to discuss their proposed development.

The applicant mailed notices to approximately 280 surrounding properties informing them of the policy change and public hearing at the Planning Commission. The notice asked recipients to contact Planning staff with concerns and comments. To date, staff has not heard any concerns.

ANALYSIS OF URBAN COMMUNITY CENTER POLICY

In this analysis, the plan amendment area, currently in a combination of Suburban Neighborhood Evolving (T3 NE) policy, Suburban Neighborhood Center (T3 NC) policy, and Urban Neighborhood Evolving (T4 NE) policy, has been examined to apply Urban Community Center (T4 CC) policy.

NashvilleNext Growth & Preservation Concept Map

The Growth & Preservation Concept Map (Concept Map) is a county-wide vision and tool to shape improvements in quality of life so that new development and redevelopment align with community values. The Concept Map shows the policy amendment area in a location designated as a "Neighborhood" and partially within the "Green Network." 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). In the East Nashville Community Plan area, neighborhoods are mainly suburban or urban in character.

The plan amendment area is near the Centers to the west along Dickerson Pike and to the south along Trinity Lane. With this policy change, the Concept Map designation for the Neighborhood area would change to "Center." Centers are pedestrian-friendly areas with frequent transit service that contain a dense mix of homes, shops, jobs, and parks, as well as services, schools, and cultural amenities.

Green Network areas primarily include natural and rural areas that provide natural resources, ecological services, and passive and active recreation opportunities. They also include sensitive natural features that can be disturbed or destroyed by development or that pose a health or safety risk when developed. Green Network recognizes sensitive environmental features, and its designation remains in place.

Community Plan and Policy Application

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

Currently, the T3 Suburban Transect is applied to the policy amendment area, except for the westernmost property which is designated T4 Urban. Development within T3 Suburban is designed to thoughtfully transition from the least dense natural and rural environment to the denser urban environments. T3 Suburban areas are moderately developed with nature strategically incorporated into the site design. Existing vegetation is preserved to define curvilinear streets and parks, and the green space associated with civic and institutional uses is part of the neighborhood's design.

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

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

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

This area's location is unique in that it borders the T4 Urban Transect to the west and Ellington Parkway to the east. Today the properties are large in size and vacant. The plan amendment area has significant areas of steep slopes along with a creek and its associated floodplain. The trail-oriented development supplemental policy calls for a site design that orients development along a primary greenway trail along with secondary trails. To develop a project that meets the supplemental policy's intent calls for creative design, preserving key natural features, and incorporating nature into the site design. A development project also will incur significant infrastructure costs to create and activate a mixed use development focused on a trail network.

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). T4 CC areas have high levels of vehicular connectivity in the form of local streets, arterials, and collectors that contribute to the overall street network and provide users with multiple routes and reduced trip distances. The southeastern portion of the plan amendment area borders Hart Lane, which is designated a mixed use, collector arterial by the MCSP. Hart Lane has an interchange with Ellington Parkway at the southeast corner of the amendment area. To the west is the Dickerson Pike corridor.

Today, sidewalks are present along Hart Lane but are limited to very small portions along Ben Allen Road. There are not any separated bike lanes in the area. Bus service is available along Dickerson Pike with WeGo's Route 23. WeGo also operates Route 34 Opry Mills along a portion of Ellington Parkway adjacent to the study area, although access via a bus stop at the Hart Lane/Ellington Parkway interchange would be needed.

The supplemental policy area, adopted in 2017 and extending beyond the plan amendment area, includes two major Metro School properties (Maplewood High School and Jere Baxter Middle School) and one Metro park, Oakwood Park. Two additional Metro schools (Tom Joy Elementary and Gra-Mar Middle School) are just outside of the bounds of the supplemental policy area. Pedestrian and bicycle connections provided with development would also provide connections from Broadmoor Drive south to Trinity Lane in an area that currently lacks street connectivity. The supplemental policy anticipates that active transportation and trail-oriented development can improve access to residences, employment/mixed use centers, area schools, and recreation opportunities. This access can encourage walking, biking, and healthier lifestyles with the incorporation of fitness into daily life. This supplemental policy area requires that all property owners/developers pursuing rezoning construct a primary trail (to the standards of a greenway or multi-use path) across their properties to connect with neighboring properties and provide appropriate access points to a community-wide primary trail network. Owners/developers may also build a private or public primitive trail (non-paved, smaller width trails) network, complementing the primary trail and creating a more comprehensive trail loop system within the area.

The overall intent of the supplemental policy is to provide a continuous trail system which reaches from the northernmost portion of the supplemental policy area through properties to the southernmost parcel and encourages walking and biking. A trail system within the supplemental policy area would also provide opportunities for connection to the eastern and western bounds of the supplemental policy area and beyond the supplemental policy boundary as

other properties in the larger area redevelop. With this policy change to T4 CC, a future SP rezoning is anticipated that implements the supplemental policy.

Analysis Summary

Amending the Community Character Policy to Urban Community Center (T4 CC), while maintaining the Conservation (CO) policy for sensitive natural features, is appropriate for the following reasons:

Analysis Summary:

- Applying T4 CC policy calls for mixed use centers within walking distance of homes that provide residents with daily needs and conveniences; open space is also within walking distance of homes and is an essential piece in the fabric of the neighborhood.
- Applying T4 CC policy aligns with the intent of the trail-oriented development supplemental policy to create an active transportation network in this area.
- In recent years, the community has voiced support for creating walkable mixed use developments oriented to a trail network.
- Applying T4 CC policy calls for mixed use development with services, employment, and destinations that provides multimodal options for nearby residents and visitors. With developments, greenway, sidewalk, and bikeway connections will be strengthened.
- Streets, including Hart Lane (collector), Ben Allen Road, the adjacent Ellington Parkway interchange, and the nearby Dickerson Pike (arterial) corridor provide vehicular access to the larger East Nashville area and other destinations.
- Conservation (CO) policy remains in place to protect the area's sensitive environmental features.

STAFF RECOMMENDATION

Staff recommends approval of the policy change to Urban Community Center (T4 CC) and extending the trail-oriented development supplemental policy to cover all the amendment area.

Approve. (7-0)

Resolution No. RS2023-257

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-005-001 is approved. (7-0)

32. 2023Z-006TX-001

BL2023-1888/Russ Pulley

Staff Reviewer: Donald Anthony

A request to amend the Metropolitan Code by changing the name of the Stormwater Management Committee to the Stormwater Management Commission.

Staff Recommendation: Approve amendments to Title 17.

APPLICANT REQUEST

Amend the Zoning Code to change the name of the Stormwater Management Committee to the Stormwater Management Commission.

PROPOSED AMENDMENTS TO TITLE 17

The bill as introduced would primarily apply to Title 15 (Water, Sewers and Other Public Services) of the Metropolitan Code of Laws by deleting *Stormwater Management Committee* and replacing it with *Stormwater Management Commission*. The bill would also make this change to Sections 17.28.040(A) and 17.36.220 of the Zoning Code. The Planning Commission is only required to review the proposed amendments to the Zoning Code.

The following text shows the proposed amendments.

Section 25. That Section 17.28.040(A) of the Metropolitan Code of Laws is hereby amended by deleting stormwater management committee and inserted in lieu thereof stormwater management commission.

Section 26. That the title of Section 17.36.220 of the Metropolitan Code of Laws is hereby amended by deleting Stormwater Management Committee and inserted in lieu thereof Stormwater Management Commission.

Section 27. That Section 17.36.220 of the Metropolitan Code of Laws is hereby amended by deleting Stormwater Management Committee and inserted in lieu thereof Stormwater Management Commission.

BACKGROUND

The Stormwater Management Committee has two primary roles in regulating stormwater in Metro Nashville-Davidson County. First, the Committee hears appeals of adverse decisions made by the Director of the Metro Department of Water and Sewerage Services (MWS) and the Director of Codes Administration. Second, the Committee hears requests for variances from Metro's adopted stormwater regulations. The Committee is authorized by Section 15.64.080 of the Metro Code of Laws and functions under adopted Operating Rules and Regulations.

Most of Metro's regulations regarding stormwater are found in Section 15.64 of the Metro Code of Laws; thus, the proposed bill would mostly affect that section of Metro Code. However, Section 17.28.040 of the Zoning Code references the Stormwater Management Committee, granting the Committee the authority to grant variances to Metro's floodplain and floodway development standards. Additionally, Section 17.36.220 of the Zoning Code requires that the Committee solicit reports from the Zoning Administrator and Planning Department regarding the applicability of Chapter 17.28 Article I (Environmental Performance Standards) prior to considering a variance from stormwater regulations.

ANALYSIS

The proposed text amendments would change the name of the Stormwater Management Committee to the Stormwater Management Commission. No changes are proposed to the Commission's authority with regard to the Zoning Code. The Commission would continue to have the authority grant variances to floodplain and floodway regulations per Section 17.28.040 of the Zoning Code. The Commission would also continue to be required to solicit reports from the Zoning Administrator and Planning Department on the applicability of Chapter 17.28, Article I, prior to considering variances from Metro's adopted stormwater regulations.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval.

Approve amendments to Title 17. (7-0)

Resolution No. RS2023-258

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-006TX-001 is approved amendments to Title 17. (7-0)

33. 2013SP-018-002

SAINT THOMAS HOSPITAL DISTRICT (AMENDMENT)

Council District 24 (Kathleen Murphy)

Staff Reviewer: Amelia Lewis

A request to amend a specific plan on properties located at 109 and 123 Bosley Springs Road, approximately 530 feet west of Harding Pike and located within the Harding Town Center Urban Design Overlay district (13.12 acres), to amend the regulatory requirements, requested by Councilmember Kathleen Murphy, applicant; Mission Properties, Inc and St. Thomas Hospital, owners.

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

APPLICANT REQUEST

Amend the SP related to previously approved SP requirements.

Zone Change

A request to amend a Specific Plan (SP) on properties located at 109 and 123 Bosley Springs Road, approximately 530 feet west of Harding Pike and located within the Harding Town Center Urban Design Overlay district (13.12 acres), to amend the regulatory requirements.

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, office and commercial uses.*

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

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 amendment does not modify the uses, only certain standards.*

Proposed Amendment

GREEN HILLS - MIDTOWN COMMUNITY PLAN

T5 Regional Center (T5 RG) is intended to enhance and create regional centers, encouraging their redevelopment as intense mixed use areas that serve multiple communities as well as the County and the surrounding region with supporting land uses that create opportunities to live, work, and play. T5 RG areas are pedestrian friendly areas, generally located at the intersection of two arterial streets, and contain commercial, mixed use, residential, and institutional land uses.

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

SITE

The subject site is comprised of two parcels for a combined area of 13.12 acres. The parcels to the east are zoned Office General (OG) and have been developed with the St. Thomas Hospital. The parcels to the south are zoned Commercial Services (CS) and have been developed with commercial uses. The parcels to the west and north are zoned multi-family residential (RM40 and RM9) and have been developed with multi-family residential uses. A portion of the property previously was developed with a multi-story structure that was designated as eligible for the National Register (NRE). The structure has since been demolished. The Zoning Code requires that Historic Commission staff provide a recommendation if an SP includes structures that are NRE but given that the structure has been removed, Historic Commission staff has determined that no recommendation is needed.

History

The site was rezoned to Specific Plan (SP) in 2013 to permit a mixed-use development. The northern parcel, referred to as Parcel A, is limited to certain greenway, park and outdoor recreation/entertainment uses. The southern parcel, Parcel B, permits multi-family uses, office uses, medical uses, and commercial uses. The property is also within the Harding Pike Urban Design Overlay (UDO).

A 2017 amendment to the SP, BL2017-655, added the following condition, referred to as condition six: Upon completion by the Metropolitan Government of the plan for greenways to be located on Parcel A and prior to the issuance of any use and occupancy permit on Parcel B, the owner of Parcel A shall offer to grant the greenway easements to Metro without payment by Metro for the acquisition of the greenway easements.

PLAN DETAILS

The proposal to amend the SP would remove the previous sixth condition (shown in strike through) and replace with the following added conditions (underlined):

- ~~6. Upon the completion by the Metropolitan Government of the plan for greenways to be located on Parcel A and prior to the issuance of any use and occupancy permit on Parcel B, the owner of Parcel A shall offer to grant greenway easements to the Metropolitan Government without payment by the Metropolitan Government for the acquisition of the greenway easements.~~

New conditions:

- All conditions from BL2017-655, as amended, shall apply except for condition 6 related to greenways.
- Upon the completion by the Metropolitan Government of the plan for greenways to be located on Parcel A and prior to the issuance of any use and occupancy permit on Parcel B, the owner of Parcel A shall grant greenway easements to the Metropolitan Government at no cost to the Metropolitan Government and the developer of Parcel B shall construct the greenway on Parcel A, including a required connection to the existing Greenway network. All greenways shall be built to Metro Parks standards.

- The owner(s) of Parcel A and Parcel B shall not restrict access to any greenways running through the parcels. Metro Parks shall set the operating hours for all greenways.

The previous condition of BL2017-655 only required the dedication of the greenway easement. This proposed amendment includes the requirement for construction of the greenway, a connection to the existing greenway, and a requirement that access to the greenway through parcels A and B be available to users consistent with Metro Parks standards.

In further conversations with the Councilmember (applicant) and Parks staff, it was determined that the intent of the amendment was for the property owner to be responsible for design and construction of the greenway. Planning staff recommends that the amendment be modified as indicated in the conditions.

ANALYSIS

A key characteristic of the Regional Center (T5 RG) policy areas are highly connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. While not specifically mentioned in the T5 RG policy, greenways are also a component of connectivity and support multi-modal infrastructure. Establishing and enhancing greenways throughout the county is an overall goal to creating connections between neighborhoods and open space. Conservation (CO) policy is in place on the property due to steep slopes and floodplains. Generally, CO policy is intended for minimal disturbance, however, given the low impact nature of greenways, greenways are supported in CO policies.

GREENWAYS RECOMMENDATION

Approve with conditions

- 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 issuance of the first Use and Occupancy letter.
- The 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 Metro Parks 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 issuance of the first Use and Occupancy letter.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

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 a final: Include any 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.

- Previous road and traffic conditions apply.
- Reference NDOT traffic comments for amendment.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- In accordance with the conditions from BL2017-655, as amended, a traffic impact study will be required with the submittal of the Final SP.
- A traffic impact study will be required with the submittal of the Final SP.
- NDOT will conduct a feasibility study to evaluate the connectivity under the CSX Railroad between the existing McCabe Park greenway and the greenway proposed with this SP. If it is determined that the connection is feasible, NDOT will pursue grant funding to complete the connection. NDOT may request that the landowner make a contribution to the necessary local match for the project however such a contribution shall not be required for the approval of any SP submittal.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses for Parcel A are limited to greenway, park and outdoor recreation/entertainment uses and all uses as outlined in the use chart in the SP document attached to BL2017-655. Permitted uses for Parcel B shall be limited to a maximum of 230 multi-family residential units and all uses as outlined in the use chart in the SP document attached to BL2017-655.
2. All conditions from BL2017-655, as amended, shall apply except for condition 6 related to greenways.
3. The owner of Parcel A shall grant greenway easements to the Metropolitan Government at no cost to the Metropolitan Government and the developer of Parcel B shall design and construct the greenway trail around the perimeter of Parcel A
4. A greenway on Parcel B shall be constructed with the development of Parcel B to connect to the greenway on Parcel A. If there is an existing greenway on an adjacent parcel and it is feasible to connect, the owner shall connect to any existing greenway.
5. All greenways on Parcel A and Parcel B shall be built to Metro Parks standards.
6. The owner(s) of Parcel A and Parcel B shall not restrict access to any greenways running through the parcels. Metro Parks shall set the operating hours for all greenways, provided the hours of operation will not start before daylight and extend beyond dusk.
7. With the submittal of the first final site plan for Parcel B, a site plan including the location and design of the greenways on both Parcel A and Parcel B shall be included. Prior to the first use and occupancy permit for Parcel B, the construction of the greenways shall be completed on both parcels.

Approve with conditions and disapprove without all conditions including updated conditions as noted on the memo from staff. (7-0)

Resolution No. RS2023-259

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-018-002 is approved with conditions and disapproved without all conditions including updated conditions as noted on the memo from staff. (7-0)

CONDITIONS

1. Permitted uses for Parcel A are limited to greenway, park and outdoor recreation/entertainment uses and all uses as outlined in the use chart in the SP document attached to BL2017-655. Permitted uses for Parcel B shall be limited to a maximum of 230 multi-family residential units and all uses as outlined in the use chart in the SP document attached to BL2017-655.
2. All conditions from BL2017-655, as amended, shall apply except for condition 6 related to greenways.
3. The owner of Parcel A shall grant greenway easements to the Metropolitan Government at no cost to the Metropolitan Government and the developer of Parcel B shall design and construct the greenway trail around the perimeter of Parcel A
4. A greenway on Parcel B shall be constructed with the development of Parcel B to connect to the greenway on Parcel A. If there is an existing greenway on an adjacent parcel and it is feasible to connect, the owner shall connect to any existing greenway.
5. All greenways on Parcel A and Parcel B shall be built to Metro Parks standards.
6. The owner(s) of Parcel A and Parcel B shall not restrict access to any greenways running through the parcels. Metro Parks shall set the operating hours for all greenways, provided the hours of operation will not start before daylight and extend beyond dusk.
7. With the submittal of the first final site plan for Parcel B, a site plan including the location and design of the greenways on both Parcel A and Parcel B shall be included. Prior to the first use and occupancy permit for Parcel B, the construction of the greenways shall be completed on both parcels.

34. 2023SP-005-001

RIVERSIDE AT METROCENTER SP

Council District 21 (Brandon Taylor)

Staff Reviewer: Donald Anthony

A request to rezone from R6 to SP for property located on Clarksville Pike (unnumbered), approximately 600 feet northwest of Rosa L Parks Blvd (12.99 acres), to permit 590 multi-family residential units, requested by Catalyst Design Group, applicant; Sanjay Patel, owner.

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

The Metropolitan Planning Commission deferred 2023SP-005-001 to the July 27, 2023, Planning Commission meeting. (7-0)

35. 2023COD-004-001

BL2023-1924/Toombs

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Oscar Orozco

A request to apply a Contextual Overlay District to various properties located north of Rich Acres Drive and east of Creekwood Drive, zoned RS10 (53.62 acres), requested by Councilmember Kyonzté Toombs, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) to various properties located north of Rich Acres Drive and east of Creekwood Drive, zoned Single Family Residential (RS10) (53.62 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.

Proposed Zoning Overlay

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

EAST NASHVILLE COMMUNITY PLAN

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

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 they have already been disturbed.

CO policy at this site recognizes streams, stream buffers, and floodplain areas primarily on the southwest of the proposed COD.

CONTEXTUAL OVERLAY STANDARDS

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

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

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located along Larkspur Drive, north of Ewing Drive, running north along Oak Ridge Dr. The properties are included in the Oak Park Subdivision and have developed primarily with single-story, split level, and two-story midcentury ranch house dwellings. There is a predominantly suburban development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary.

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

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Tibbs moved and Mr. Henley seconded the motion to place Item 35 back on to the Consent Agenda. (7-0)

Approve. (7-0)

Resolution No. RS2023-260

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-004-001 is approved. (7-0)

36. 2023COD-005-001

BL2023-1929/Toombs
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Donald Anthony

A request to apply a Contextual Overlay District to various properties located south of Ewing Drive and west of Dickerson Pike, zoned RS10 (119.3 acres), requested by Councilmember Kyonzté Toombs, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) to various properties located north of Pine Ridge Drive and east of Dickerson Pike, zoned Single-Family Residential (RS10) (119.3 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.

Proposed Zoning Overlay

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

EAST NASHVILLE COMMUNITY PLAN

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

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

CONTEXTUAL OVERLAY STANDARDS

Application of the Contextual Overlay District would not change the existing entitlements afforded under base zoning. The standards of the Contextual Overlay District are listed below. These standards are established in the Zoning Code and cannot be modified. The design standards are necessary to maintain and reinforce the established form or character of residential development in an area.

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The proposed Contextual Design Overlay district is located east of Interstate 65 and south of Ewing Drive. Affected properties are located along Warrick Drive, Lyndale Court, Lyndale Drive, Stanwyck Drive, Kenneth Drive, Surf Drive, Sunset Drive, Hillhurst Drive, Robb Road, and Rich Acres Drive. The subject property includes 163 parcels and

approximately 119.3 acres. The area included in the proposed Contextual Design Overlay district has a predominant development pattern of single-story residences with consistent bulk and massing.

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

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Anthony presented the staff recommendation to approve.

Councilmember Toombs spoke in favor of the application.

Brian Faulk, 300 Rich Acres, spoke in opposition to the application. He said he agrees with some of the Contextual Overlay aspects but does not want it to restrict what the neighborhood can do based on the original designs of the homes.

Travis Larkin, 2922 Stanwyck Drive, spoke in opposition to the application.

Councilmember Toombs spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Marshall thought what the staff presented is straight forward and does not see anything that would keep him from moving forward.

Mr. Tibbs said he agreed with Councilmember Toombs in that there are not a lot of places in Nashville able to keep the community character.

Mr. Henley stated the overlay is appropriate for this area and asked how some of the conditions work together when there is an area that has significant diversity in lot sizes.

Ms. Milligan responded the Contextual Overlay is going to have standards related to building height, coverage of the square footage of the footprint of the building, access garages and parking. She explained each calculation would be individual to that lot. It is not the lot size but rather the coverage of the buildings. The height would be no greater than 35 feet or 125% of whatever the height is on the four closest structures. Accessory buildings do not count towards the square footage coverage. Lastly, Ms. Milligan explained filing with the Board of Zoning Appeals is an option to ask for some relief from one of these standards.

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

Resolution No. RS2023-261

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-005-001 is approved. (7-0)

37. 2023COD-006-001

BL2023-1953/Hall
Council District 1 (Jonathan Hall)
Staff Reviewer: Laszlo Marton

A request to apply a Contextual Overlay District to various properties located north of Ashland City Highway and west of Fairview Drive, zoned RS15 (278.19 acres), requested by Councilmember Jonathan Hall, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District to various properties located north of Ashland City Highway and east of Fairview Drive, zoned Single-Family Residential (RS15) (278.19 acres).

Existing Zoning

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

Proposed Zoning Overlay

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

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

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

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

There is one vacant property within the proposed COD boundary area that is within CI policy. The remaining properties are located within the T3 NM policy area and include some areas of CO policy.

CONTEXTUAL OVERLAY STANDARDS

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

Setback

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

Height

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

Coverage

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

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located north of located north of Ashland City Highway and east of Fairview Drive. There is a predominant development pattern in the neighborhood consisting of single-story and split-level residences, with consistent setbacks, bulk, and massing present throughout the proposed Overlay boundary.

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

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Marton presented the staff recommendation to approve.

Councilmember Hall spoke in favor of the application.

William McDaniel, 4223 Drakes Hill Drive, spoke in favor of the application.

Joy Kimbrough, 3901 Drakes Branch Road, spoke in opposition to the application.

David Waters, 4340 Shady Dale Road, spoke in opposition to the application.

Lavonia Waters, 4340 Shady Dale Road, spoke in opposition to the application.

Ruby Baker, 3222 Leawood Drive, spoke in opposition to the application.

Joseph Bond, 4268 Kings Lane, spoke in opposition to the application.

Dwayne Bell, 4500 Queens Lane, spoke in opposition to the application.

Councilmember Hall spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Ms. Johnson asked if the neighbors located North of Kings Lane could have a conversation at a later date regarding their own Contextual Overlay.

Ms. Milligan responded in the affirmative. She said, at this point, properties cannot be added to this application but there is nothing that would stop a new application.

Ms. Johnson asked when this will be scheduled for the Council public hearing.

Ms. Milligan answered this Item has had a Bill introduced already and the Council public hearing is scheduled for July 6, 2023.

Ms. Johnson said it is great to know that between now and July 6th, the Councilmember will have time to conduct a community meeting and people will have an opportunity to go to the Council meeting and express their opinion, as well. She stated she is in support of moving forward with this portion of the Contextual Overlay and then encourage the Councilmember to continue conversation with the neighborhood and expand where the opportunity is.

Councilmember Withers asked how the pending legislation doctrine works relative to this particular public hearing.

Ms. Milligan advised there was recent state legislation which rejects the pending legislation doctrine. If anyone applied for a permit from now until if it passes at third reading and becomes effective, they would be under the current standards of the Code and the Contextual Overlay would not apply.

Councilmember Withers asked if they would file a building permit or would they had to have obtained the building permit prior to passage on third reading.

Ms. Milligan said the state law says that property owners are held to the standards that are in place at the time they apply for a building permit.

Ms. Mikkelsen advised in this instance, until new the Contextual Overlay became law, the prior standards would be applicable.

Councilmember Withers said one of the quirks of Contextual Overlay is that you cannot just remove a parcel, you have to remove an entire block face and sometimes that has been done. He stated this meets policy and seems to meet community goals.

Ms. Mikkelsen said the legislation reads that a property owner should expect that the merits of a permit application will be judged in the law in effect of the time of the application.

Mr. Marshall said he is hearing two separate things; from a fiduciary standpoint and from staff recommendation but thought from a community stand, steps to get us to this point hadn't happened. He stated he needs direction on it because if he was going by his own feelings, he would be deferring it for further information.

Chair Adkins asked if they deferred this one or two meetings, could the current Council pass something or is it too late at this point.

Ms. Milligan responded the legislation for this was filed on June 6, 2023. She explained the Council rules say that any time a legislation is filed is then referred to the Planning Commission for recommendation. Also, an item cannot have a public hearing until it has a recommendation from the Planning Commission or thirty days have passed since which time it has been referred to the Planning Commission. She said because of the holiday, the public hearing for the Council is thirty days after it has been referred. Ms. Milligan advised if they decide not to act now, there is the possibility this Item could go through public hearing and third reading before another meeting. If they want to make a recommendation and have it considered by Council, they will need to do so at this meeting.

Mr. Henley said one thing going into his consideration is there is ample number of properties that are included in this. He asked if there is a minimum threshold before an overlay can be done.

Ms. Milligan stated the DADU overlay has a minimum number of lots that have to be included, but for the Contextual Overlay, there is not a number of lots, but rather a geographic consideration in that it has to include all of the residentially zoned properties on a complete block face.

Mr. Clifton stated for general rezonings, there is not a legal requirement for there to be a community meeting.

Mr. Tibbs thought there is a big swath of people not to have an opportunity to hear everything about it and to know the parameters of it. He said although it is not required to have a community meeting, it would have helped for everybody to understand.

Ms. Johnson said to protect the neighborhood character and history, the right policy recommendation would be to recommend Contextual Overlay and it will go to Council, which will have community opportunity to express their thoughts. She said if the community rejects it, then Council decides.

Mr. Marshall stated he would like the Commission to reject it and let the Council have the responsibility of meeting the higher threshold.

Ms. Johnson moved and Mr. Henley seconded the motion to approve. (3-4) Chair Adkins, Mr. Tibbs, Mr. Clifton and Mr. Marshall voted against.

Chair Adkins advised the motion failed and they are still on this Item because there must be a motion to either approve or disapprove.

Mr. Marshall moved and Mr. Tibbs seconded the motion to disapprove. (4-3) Councilmember Withers, Ms. Johnson and Mr. Henley voted against.

Resolution No. RS2023-262

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-006-001 is disapproved. (4-3)

38. 2023COD-007-001

BL2023-1973/Hall

Council District 01 (Jonathan Hall)

Staff Reviewer: Oscar Orozco

A request to apply a Contextual Overlay District to various properties located south of Kings Lane and west of Meadow Road, zoned RS15 (99.54 acres), requested by Councilmember Jonathan Hall, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Establish a Contextual Overlay District.

Contextual Overlay District

A request to apply a Contextual Overlay District (COD) located south of Kings Lane and west of Meadow Road, zoned Single-Family Residential (RS15) (99.54 acres).

Existing Zoning

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

Proposed Zoning Overlay

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

BORDEAUX – WHITES CREEK - HAYNES TRINITY COMMUNITY PLAN

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

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

CO policy at this site recognizes streams, stream buffers, and floodplain areas primarily on the southwest of the proposed COD.

CONTEXTUAL OVERLAY STANDARDS

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

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

Setback

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

Height

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

Coverage

- Maximum coverage shall be 150% of the average of the coverage of the two abutting lots on each side
- Does not include detached garages or accessory buildings

- Example – average coverage of abutting lots is 2,100 square feet; max coverage of 3,150 allowed

Access, Garages, Parking

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

ANALYSIS

The area included in the Overlay includes properties located south of Kings Lane, east of Drakes Branch Road, north of W. Hamilton Road, up Cedar Circle. The properties are included in the Creekwood Subdivision and have developed primarily with single-story, split level, and two-story midcentury ranch house dwellings. There is a predominantly suburban development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary.

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

STAFF RECOMMENDATION

Mr. Anthony presented the staff recommendation to approve.

Councilmember Hall spoke in favor of the application.

Dwayne Bell, 4500 Queens Lane, spoke in opposition to the application.

Joy Kimbrough, 3901 Drakes Branch Road, spoke in opposition to the application.

Chris Choate, 1824 Tammany Drive, spoke in opposition to the application.

Debra Edwards stated she owns property on 0 Cedar Circle, spoke in opposition to the application.

Ruby Baker, 3222 Leawood Drive, spoke in opposition to the application.

Joseph Bond, 4268 Kings Lane, spoke in opposition to the application.

Willie Meyers, 3906 Bushell Road, spoke in opposition to the application.

Councilmember Hall spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Tibbs said he does not have an opposition to this Item, but for something this large and so many families affected, he would feel more comfortable with more community meetings.

Councilmember Withers recognized not everyone has internet access to find the requirements of the Contextual Overlay, but there is also postcard notice mailings which provide email and phone numbers of staff members that can help. He emphasized that information is available. Mr. Withers asked in the case this Item was disapproved, what is the public record going to show as the reason it was disapproved.

Ms. Kempf advised the staff pays close attention to what the Commission recommends and does not recommend. She stated she is happy to put on the record that her interpretation of this discussion is that this Commission generally strongly favors overlays so long as they have policies in place that is maintenance and they would look at that carefully to reassure they would not take this as a precedent.

Councilmember Withers pointed out the one parcel that is different than the rest of the block face pattern and asked if there are potential remedies that could be offered for that one lot.

Ms. Milligan stated if there was a decision that that parcel should not be included, it would have to remove that entire side of the street as the ordinance states it has to include an entire block face.

Mr. Marshall stated he again leans towards not approving this Bill as they did the previous one.

Ms. Johnson said she has never brought forth a Bill until the community understood and agreed upon it and put a brake on it to move forward until the entire neighborhood is supportive and the developer agreed on the conditions. She also said she is a big proponent of adhering to the duties of this body and the body is recommending approval based on the policy. Ms. Johnson stated if the entire block face has to be removed, she is comfortable removing it instead of supporting it.

Mr. Marshall moved and Mr. Tibbs seconded the motion to disapprove. (4-3) Councilmember Withers, Ms. Johnson and Mr. Henley voted against.

Resolution No. RS2023-263

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-007-001 is disapproved. (4-3)

39. 2023NL-001-001

JOHN E LAWRENCE & SONS GROCERY NEIGHBORHOOD LANDMARK

Council District 24 (Kathleen Murphy)

Staff Reviewer: Amelia Lewis

A request to apply a Neighborhood Landmark Overlay District on property located at 320 44th Avenue North, approximately 180 feet south of Park Avenue, zoned RS7.5 and within the Park-Elkins Neighborhood Conservation District(0.04 acres), to permit restaurant uses, requested by Bradley Arant Boulton Cummings, LLP, applicant; 320 44th, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Apply a Neighborhood Landmark Overlay District.

Neighborhood Landmark Overlay

A request to apply a Neighborhood Landmark Overlay District on property located at 320 44th Avenue North, approximately 180 feet south of Park Avenue, zoned Single-Family Residential (RS7.5) and within the Park-Elkins Neighborhood Conservation District (0.04 acres), to permit restaurant uses.

Existing Zoning

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

Proposed Overlay

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

WEST NASHVILLE COMMUNITY PLAN

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

Site

The site is located along 44th Avenue North, south of Park Avenue. Alley 1198 abuts the northern property line of the parcel. The site is one parcel, approximately 0.04 acres, with an existing single-story commercial structure. The property is located within the Park-Elkins Neighborhood Conservation Overlay District.

The application includes a letter from the Metro Historic Zoning Commission stating that the existing structure on the site is a historic building that contributes to the Park & Elkins Neighborhood Conservation Overlay District. The

structure was constructed in 1931 for the John E Lawrence & Sons Grocery and operated as a grocery store until at least 1950.

The proposal includes an interior renovation of the existing 1,440 square foot structure on the property. Uses proposed on the development plan include restaurant and take-out restaurant. No parking is proposed with the use. As the property is located within the Urban Zoning Overlay (UZO) no parking is required per the Zoning Code.

Analysis

The purpose and intent of the Neighborhood Landmark District (NL) is to preserve and protect features that are important to maintain and enhance neighborhood character by allowing for adaptive reuse of the feature. Applications to establish a NL district follow similar procedures as a rezoning application because the creation of an overlay district is considered an amendment to the Official Zoning Map. The NL District process includes establishment of the NL District and concurrent approval of the proposed development plan. Therefore, this request is for establishment of the Neighborhood Landmark District and approval of the development plan outlining the proposed reuse of the feature. The role of the Planning Commission for this application is to consider the criteria to establish a Neighborhood Landmark District and make a recommendation to the Metro Council.

Section 17.40.160.H. of the Metro Zoning Code provides findings for approval for the Planning Commission to consider in the review of a Neighborhood Landmark District. These include:

- a. The feature is a critical component of the neighborhood context and structure
- b. The retention of the feature is necessary to preserve and enhance the character of the neighborhood
- c. That adaptive reuse, as described in the development plan, will facilitate protection and preservation of the identified feature
- d. That the proposed use(s) in the development plan is compatible with and sensitive to abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

Staff finds that the proposed development plan meets all the above criteria. The proposal does not include any exterior changes to the structure, including no expansion of the footprint. The proposed uses are contained to the existing structure. Metro Historic submitted a letter indicating that the structure contributes to the overall neighborhood and staff finds that the existing structure is a critical component of the neighborhood context and structure. The retention of the feature is necessary to preserve the neighborhood character and the proposed reuse of the building will facilitate its preservation. Without the Neighborhood Landmark designation, the opportunity to preserve and enhance the existing structure is limited. The proposed use is sensitive to surrounding properties considering the use will occupy an existing commercial structure and not expand beyond those limitations. The Neighborhood Landmark is intended to be applied in unique circumstances, and not intended to serve as an impetus for more commercial development in the area. Staff recommends approval of the Neighborhood Landmark District and the proposed Development Plan.

FIRE MARSHALL RECOMMENDATION

Approve

HISTORIC ZONING COMMISSION RECOMMENDATION

- Staff has no comment as the proposal does not include any new construction or demolition. Historic review is limited to exterior changes and does not include review of building usage.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Approval of use amendment only. If shared parking agreement with adjacent parcel (Park Ave Baptist) is proposed at final review, the shared easement agreement will need to be recorded, prior to an approval.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Comply with NDOT Roads conditions.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses of RS7.5, full-service restaurant, and take out restaurant.

2. Comply with all conditions of the Park-Elkins Neighborhood Conservation Overlay District for any signage or if exterior alterations are proposed at a later date.
3. The use shall take place entirely within the existing structure and no exterior additions to the structure shall be permitted without subsequent approval.
4. Signage on the property shall not exceed a total of 30 square feet. Signage shall not be internally illuminated. Comply with all conditions and requirements of Metro reviewing agencies.
5. Should the applicant choose to modify the landmark in the future to add more uses, an amendment will be necessary and Council approval required.

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

Erica Garrison, Bradley Arant Boult Cummings LLP, 712 Bowling Avenue, spoke in favor of the application.

Darden Copeland, no address given, spoke in favor of the application.

Rob Strebler, 4308 Nevada Avenue, spoke in favor of the application.

Phillip Sutherland, 4405 Elkins Avenue, spoke in favor of the application.

David Teague, 4406 Elkins Avenue, spoke in favor of the application.

Dennis Daniels, 4807 Nevada Avenue, spoke in favor of the application.

Pat Williams, 4301 Elkins Avenue, spoke in opposition to the application.

Nick Allen stated he serves as the Campus Pastor for Rolling Hills Community Church at 4300 Park Avenue. He spoke in opposition to the application.

Erica Garrison spoke in rebuttal.

Councilmember Murphy spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Mr. Henley said he is a fan of preservation and boutique projects. He asked how services are addressed within a site that the footprint is consumed by the structure.

Ms. Milligan responded under traffic and parking recommendation where it reads, 'comply with NDOT roads conditions,' NDOT roads conditions is referring to the conditions above it that are listed as Nashville DOT recommendation. The recommendation would be referring back to the indication about if there is a shared parking agreement that there would need to be an easement. But because this is in a UZO, there is no parking requirement so it is indicating shared parking. Any reviews relating to building permit for waste management would be reviewed at the building permit phase.

Mr. Henley said he is hearing there is on street parking and asked how that works when there is such a small parcel.

Ms. Milligan answered that in Nashville if a road is not marked as 'parking not permitted' then parking is permitted. She stated this is an area where there are quite a few right of ways that are wider and street pavement sections that are wider than other areas.

Mr. Henley said there is no parking requirement but there is still a requirement for ADA accessible and asked if those things that are still going to be absorbed, with it being a National Landmark designation, are they circumvented.

Ms. Milligan explained because it is historic, they would likely not have to provide ADA parking. When dealing with those sorts of standards, there are exemptions based on if a property is designated as historic. She added that size may not trigger it because it is relatively small.

Mr. Henley said he likes the concept of the project. He asked if there are any things they placed here that are atypical for a landmark.

Ms. Milligan answered a neighborhood landmark is a unique overlay in that the entire purpose is to take a building that is zoned residential and permit it to be used as something else. In this case, they are proposing to add restaurant as a use and if they came back wanted to add a different use, it would have to go back through this process again. It is not a commercial rezoning; it is allowing additional uses that was built to be commercial where they are not permitted today.

Mr. Henley said there is no language in terms of how the space is used, like where they can load in and load out, and asked if that is a potential discussion about a condition or not. He asked what happens with their recommendation if they agree with staff recommendation and go forward and if any of that carries through with any merit or restrictions.

Ms. Milligan responded there have been examples of neighborhood landmarks in the past that included operational standards, such as closing times. She said if the Commission has suggestions or indications that they want to make sure that there are hour limitations and thought the Councilmember can add that at the Council level, as well. That would not change the recommendation here because it would be more restrictive than what they may be considering now.

Mr. Tibbs said he is in support of this as he is very much into adaptive reuse. He pointed out that historic properties are so endangered in this city, so this is one little area that can be protected and there is a use for it.

Mr. Clifton stated he understands there is a fear this may lead to something else, but the more he listened to exactly what this is, felt this is the kind of thing that does not come along very often and it is a tool they have in their arsenal to protect older buildings that can still have a use.

Mr. Clifton moved and Mr. Tibbs seconded the motion to approve with conditions. (7-0)

Resolution No. RS2023-264

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

40a. 2023Z-080PR-001

Council District 15 (Jeff Syracuse)

Staff Reviewer: Dustin Shane

A request to rezone from R8 to ORI zoning for a portion of property located at 15 Century Blvd., approximately 400 feet north of Marriott Drive (2.8 acres), requested by Lincoln Property Company, applicant; Rosemont Lakeview Operating, LLC, owner. (See associated case #177-74P-008).

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R8 to ORI.

Zone Change

A request to rezone from One and Two Family Residential (R8) to Office/Residential Intensive (ORI) zoning for a portion of property located at 15 Century Boulevard, approximately 400 feet north of Marriott Drive (2.8 acres).

Existing Zoning

One and Two Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 15 lots with 3 duplex lots for a total of 18 units. Application of the Subdivision Regulations may result in fewer units. Duplex eligibility is determined by the Codes Department.*

Proposed Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

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

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 includes a portion of one parcel (Map 107, Parcel 131). The portion is zoned R8 while the remainder of the parcel is zoned ORI (along with being under a commercial PUD that is proposed for cancellation; see associated Case No. 177-74P-008). The PUD (Case No. 177-74-G), which covers a broader area, was built out by the early 1990s and this portion of the PUD includes office buildings and a hotel ranging from six to nine stories in height. The R8-zoned 2.8 acres proposed for rezoning to ORI was never part of the PUD; it was joined with another parcel in 1986 that was. It currently contains a parking lot built in 1988 after the two parcels were consolidated.

The application proposes to rezone the 2.8-acre portion from R8 to ORI. The site is within the D Employment Center (D EC) and Conservation (CO) policy areas. D EC policy is intended to create concentrations of campus-like office settings. The CCM lists the ORI district as an appropriate zoning under D EC policy. The rezoning request is further supported by the fact that the adjacent PUD is being cancelled, which will leave ORI zoning in place for the remainder of the site's parcel. The CO policy covers areas of man-made and natural slopes along the margins of the property.

The proposed rezoning from R8 to ORI is more consistent with the intent of the D EC Policy and will allow the zoning across the existing parcel to be consistent if the associated PUD cancellation is approved. For these reasons, staff supports the proposed rezoning.

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)	2.8	5.79 D	18 U	215	17	19

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.4	3.0	182,952 SF	1,906	199	202

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

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)	1.4	3.0	183 U	996	62	79

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2,687	+244	+262

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted by the ORI zoning district, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. School students generated by future development would attend McGavock Elementary School, Two Rivers Middle School, and McGavock Comp High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-265

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-080PR-001 is approved. (7-0)

40b. 177-74P-008

LAKEVIEW CENTURY CITY PUD (CANCELLATION)

Council District 15 (Jeff Syracuse)

Staff Reviewer: Dustin Shane

A request to cancel a Planned Unit Development on property located at 25 Century Blvd. and a portion of property located at 15 Century Blvd., at the southwest corner of Century Blvd. and McGavock Pike (10.11 acres), zoned ORI, requested by Lincoln Property Company, applicant; Rosemont Lakeview Operating LLC, owner. (See associated case #2023Z-080PR-001).

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

APPLICANT REQUEST

Cancel a portion of an existing PUD.

PUD Cancellation

A request to cancel a portion of a Planned Unit Development on property located at 25 Century Boulevard and a portion of property located at 15 Century Boulevard, at the southwest corner of Century Boulevard and McGavock Pike (10.11 acres), zoned Office/Residential-Intensive (ORI).

Existing Zoning

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. *The PUD controls uses on the property. This PUD permits a variety of office and commercial uses.*

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family uses with limited retail opportunities.

DONELSON - HERMITAGE - OLD HICKORY COMMUNITY PLAN

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

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.

PUD HISTORY

The PUD (Case No. 177-74-G), which covers a broader area, was built out by the early 1990s and includes office buildings and a hotel ranging from six to nine stories in height. The PUD has been revised numerous times throughout the years. With this application, the PUD will be cancelled for two of the six-story office towers on the east side of Century Boulevard but remain in place outside of these parcels.

ANALYSIS

The originally approved PUD in this vicinity was intended for high-intensity office and hotel uses, which were subsequently constructed. The current D EC policy for the properties encourages campus-like office developments in line with the existing and planned character of Century City. The applicant does not intend to redevelop at this time; however, cancelling this portion of the PUD and allowing the base zoning of ORI to govern would not substantially alter the redevelopment potential of the properties (ORI zoning would allow approximately the same intensity of office uses as allowed for under the PUD, with, however, the added potential for a mixed-use component). The land use policy would support some level of mixed-use potential here, along with a more sensitive development approach within the CO policy areas covering portions of the site. The associated case (2023Z-080PR-001) proposes to rezone the R8-zoned portion of the site, which is not within the PUD, to ORI to harmonize the zoning across both properties. For these reasons, staff supports cancelling the PUD for the subject properties if the associated rezoning request is approved.

STAFF RECOMMENDATION

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

Approve. (7-0)

Resolution No. RS2023-266

"BE IT RESOLVED by The Metropolitan Planning Commission that 177-74P-008 is approved. (7-0)

41. 68-85P-003

CUMBERLAND TERRACE PUD (CANCELLATION)

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

A request to cancel a Planned Unit Development on properties located at 1260 W. Trinity Lane and Buena Vista Pike (unnumbered), at the intersection of W. Trinity Lane and Buena Vista Pike, zoned R8 (15.36 acres), requested by SOM, applicant; Cumberland Development Partners LLC, owner. (See associated case 2022SP-029-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

Cancel a Planned Unit Development.

PUD Cancellation

A request to cancel a Planned Unit Development on properties located at 1260 West Trinity Lane and Buena Vista Pike (unnumbered), at the intersection of W. Trinity Lane and Buena Vista Pike, zoned One and Two-Family Residential (R8) (15.36 acres)

Existing Zoning

One and Two Family Residential (R8) - requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 83 lots with 20 duplex lots for a total of 103 units based on acreage alone. Application of subdivision regulations may result in fewer lots.*

While existing zoning is R8, on May 11, 2023, the Metropolitan Planning Commission supported staff's recommended of approval for an SP (2022SP-029-001) with a maximum of 2,500 units on this site. Presently, the SP is under consideration at Metro Council.

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.

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

Haynes Trinity Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek- Haynes Trinity Community Plan. 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.

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 site is 15.36 acres and is located at 1260 West Trinity Lane and 0 Buena Vista Pike, south of the intersection of West Trinity Lane and Buena Vista. 1260 West Trinity Lane has one single family home while 0 Buena Vista Pike is vacant.

Metro Council approved this PUD on September 3, 1985, to allow 124 multi-family residential units on the property. Development on this property has not occurred. On January 7, 1992, the Metro Council cancelled a portion of the PUD that was located in the northeast corner. On January 25, 1996, the Metro Planning Commission approved a revision to the preliminary PUD plan and a final plan for grading only. The approved revision in 1996 still maintained 124 multi-family residential units and was for grading purposes only. In 2017, there was an application to cancel this PUD, however, it was withdrawn.

The associated case noted above was previously reviewed and approved by the Commission and is currently pending before Metro Council. With the approval of the SP, the PUD is no longer necessary and cancelling it is appropriate.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-267

“BE IT RESOLVED by The Metropolitan Planning Commission that 68-85P-003 is approved. (7-0)

42. 2023Z-063PR-001

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

A request to rezone from RM20-A-NS and OR20-A-NS to RM20-A, RM40-A, and OR40-A-NS for various properties south of Lafayette Street, generally spanning from 1st Ave. S. to west of Lewis Street, along and north of Hart Street, and within the Wedgewood-Houston Chestnut Hill Urban Design Overlay, (57.61 acres), requested by Councilmember Colby Sledge, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RM20-A-NS and OR20-A-NS to RM20-A, RM40-A, and OR40-A-NS.

Zone Change

A request to rezone from Multi-Family Residential-Alternative-No STRP (RM20-A-NS) and Office/Residential-Alternative-No STRP (OR20-A-NS) to Multi-Family Residential-Alternative (RM20-A), Multi-Family Residential-Alternative (RM40-A), and Office/Residential-Alternative- No STRP (OR40-A-NS) for various properties south of Lafayette Street, generally spanning from 1st Ave. S. to the west of Lewis Street, along and north of Hart Street (57.61 acres).

Existing Zoning

Multi-Family Residential-Alternative-No STRP (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. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property – Not-Owner Occupied uses from the district.

Office/Residential-Alternative-No STRP (OR20-A-NS) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property – Not-Owner Occupied uses from the district.

Proposed Zoning

Multi-Family Residential-Alternative (RM20-A) 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.

Multi-Family Residential-Alternative (RM40-A) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Office/Residential-Alternative-No STRP (OR40-A-NS) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property – Not-Owner Occupied uses from the district.

SOUTH NASHVILLE PLAN

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

T4 Urban 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.

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

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

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and

more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

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.

WEDGEWOOD HOUSTON CHESTNUT HILL PLANNING STUDY

In 2019, the Wedgewood Houston Chestnut Hill (WHCH) Planning Study was adopted by the Planning Commission. The study was developed through a participatory process that involved the collaboration of planning staff with community stakeholders to establish a clear vision and provide detailed information and solutions to guide the future physical and regulatory characteristics of these two neighborhoods.

During the planning process, it became clear that more detailed guidelines for redevelopment in Character Areas 2 and 3 (the primarily residential portions of the study area) were necessary. The Planning Study identified key issues - affordability and displacement, and community character - to be addressed through best practices of planning and design in these areas. Therefore, a core recommendation from the study was to establish a contextual residential infill Urban Design Overlay (UDO) paired within appropriate zone changes to achieve desired objectives.

ANALYSIS

The site is 57.61 acres and includes various properties south of Lafayette Street and generally spans from 1st Ave. S. to the west of Lewis Street, along and north of Hart Street. Uses in this area include commercial, office, institutional, civic, and residential.

Prior to the adoption of the Wedgewood-Houston and Chestnut Hill Urban Design Overlay (UDO), Councilmember Sledge made an agreement with the residents of Chestnut Hill that after adoption of the Wedgewood Houston Chestnut Hill UDO, he would apply to remove the NS (no STR) designation from the zoning that had been applied to the area as part of the study. One piece of the proposed application is to remove the NS designation from RM zoned properties in this area.

With the UDO in place, CM Sledge is following through with the agreement by removing the -NS designation in this predominantly residential area. Various parcels currently zoned RM20-A-NS are proposed to be RM20-A or increased density to RM40-A (see map above). These proposed zoning districts remove the -NS designation but maintain the -A, alternative designation, which is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The WHCH UDO would continue to be applied as well, ensuring appropriate design standards.

Along 2nd Avenue S., eight parcels are proposed to increase from OR20-A-NS to OR40-A-NS. The -A-NS designation is proposed to be maintained here. These parcels are located along 2nd Avenue S. which is classified as a T4 Urban - Residential - Arterial Boulevard with Immediate Need. Title 17.08.020 encourages placement of OR40-A zoning districts to be "in areas characterized by high levels of accessibility, preferably along arterial streets, with access to public transportation service". With that in mind, the UDO supports mixed uses in appropriate areas and mentions higher density specifically along 2nd Avenue South. Since non-residential uses are limited to these parcels in the form of OR, the proposed increase in density would support the goals of the UDO to provide a variety of housing types and opportunities for live/work.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-268

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-063PR-001 is approved. (7-0)

43. 2023Z-072PR-001

Council District 17 (Colby Sledge)

Staff Reviewer: Dustin Shane

A request to rezone from IR to MUL-A-NS zoning for property located at Hagan Street (unnumbered), at the northwest corner of Hagan Street and Merritt Avenue (0.3 acres), requested by Councilmember Colby Sledge, applicant; Metro Gov't WW Water & Sewer, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IR to MUL-A-NS.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) zoning for property located at Hagan Street (unnumbered), at the northwest corner of Hagan Street and Merritt Avenue (0.3 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-Alternative-No Short Term Rentals (MUL-A-NS) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *Owner occupied, short term rentals and not owner occupied, short term rentals would be prohibited uses.*

SOUTH NASHVILLE COMMUNITY PLAN

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

SUPPLEMENTAL POLICY

The site is located within the Wedgewood-Houston Chestnut Hill (WHCH) Small Area Plan, specifically the SPA 11-WHCH-1 supplemental policy area. The WHCH Plan describes this area, called North Wedgewood-Houston, as containing a wide variety of commercial and small-scale light industrial uses. In line with the neighborhood's long-term vision, this area is home to a rising number of houses and small and larger scale artisan and maker uses. The urban grid, variety of uses, and new dense housing create a vibrant walkable commercial neighborhood that adds services to the broader community.

ANALYSIS

The site is located on the northwestern corner of the intersection of Hagan and Merritt Streets. The site also draws access from an unnumbered alley that extends along the rear property line to the west. The site consists of one parcel that is currently classified as vacant industrial land owned by Metro Water Services. The site slopes up slightly to the north. Surrounding uses include warehousing to the north zoned IR, multi-family residential to the west and south zoned SP, and a small warehouse, an autobody shop and a distribution warehouse zoned SP and IWD to the east.

The application proposes to rezone the property from IR to MUL-A-NS. The property is within the Civic (CI) policy area. The primary intent of CI policy is to preserve and enhance existing publicly owned properties that are used for civic purposes so that they can continue to serve public purposes over time, even if the specific public purposes they serve or the manner in which they serve them change.

The secondary intent of CI policy is to provide guidance for rezoning of sites if it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public. That is the case in this situation. The supplemental policy, Wedgewood Houston Chestnut Hill (WHCH) Small Area Plan, identifies this area as appropriate for mixed use structures with heights of 3 to 4 stories, which would be a development pattern supported by MUL-A-NS zoning. In addition to nearby parcels zoned MUL and MUL-A, several SPs in the vicinity feature zoning standards consistent with MUL allowances.

As the need for industrially zoned land has decreased in cities across the United States, community planning efforts have targeted many of these areas for rezoning to residential and commercial uses. Allowing a more intense mix of uses at this location supports the existing small area plan guidance and future planning efforts aimed at creating an urban mixed-use district in this area of the county so near Nashville's core. For these reasons, staff recommends approval of the rezoning.

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)	0.3	0.6 F	13,068 SF	66	3	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	.14	1.0 F	6 U	31	3	3

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)	.08	1.0 F	3,484 SF	132	3	13

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)	0.8	1.0 F	3,484 SF	1,641	140	114

Traffic changes between maximum: **IR 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
-	-	-	-	+1,738	+143	+127

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted by the MUL-A-NS zoning district, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. School students generated by future development would attend Fall-Hamilton Elementary School, Cameron College Prep Middle School, and Glenciff High School. Fall-Hamilton Elementary and Glenciff High Schools are identified as having capacity for additional students while Cameron College Prep Middle School is identified as being over capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-269

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-072PR-001 is approved. (7-0)

44. 2023Z-073PR-001

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

A request to rezone from CL and R8 to MUL-A zoning for properties located at 2605 and 2611 Old Buena Vista Road, and 1001 A & B W. Trinity Lane, at the northwest corner of Old Buena Vista Road and W. Trinity Lane (1.08 acres), requested by Councilmember Kyonzte Toombs, applicant; Carla Brown, Janie Ganaway, Pasifica Investment, LLC and Ahmad Salem, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CL and R8 to MUL-A.

Zone Change

A request to rezone from Commercial Limited (CL) and One and Two-Family Residential (R8) to Mixed Use Limited-Alternative (MUL-A) zoning for properties located at 2605 and 2611 Old Buena Vista Road, and 1001 A & B W. Trinity Lane, at the northwest corner of Old Buena Vista Road and W. Trinity Lane (1.08 acres)

Existing Zoning

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

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. R8 would permit a maximum of 5 lots with 1 duplex lots for a total of 6 units. Metro Codes makes the final determination on duplex eligibility.

Proposed Zoning

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.

BORDEAUX—WHITES CREEK—HAYNES TRINITY COMMUNITY PLAN

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

Haynes Trinity 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.

SITE AND CONTEXT

The 1.08-acre site is located at the northwest corner of Old Buena Vista Road and W. Trinity Lane. It is comprised of four parcels, three of which are vacant, and the largest of which is occupied by a single-family house. The parcel to the west is zoned MUL and vacant. Parcels to the north are zoned RS10 and are occupied by single-family houses. Parcels to the east are zoned SP and R8, and are occupied by single-family houses. The parcel to the south across W. Trinity Lane is zoned MUL-A and is occupied by attached townhouses.

ANALYSIS

T4 Urban Neighborhood Center (T4 NC) is intended to be a walkable urban mixed-use destination that is easily accessed by pedestrians, bicyclists, and motorists. The Community Character Manual (CCM) lists MUL-A as an appropriate zoning district under T4 NC policy. The site is identified in the Haynes Trinity Supplemental Policy as the location for both a potential local street connection and a potential greenway connection. The request for MUL-A is consistent with both the CCM policy and Supplemental policy designations for the site. Therefore, staff recommends approval.

FIRE MARSHAL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.46	0.6 F	12,022 SF	65	2	3

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*	0.62	5.79 D	6 U	78	9	7

*Based on two-family lots

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 (221)	0.54	1.0 F	23 U	124	8	11

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)	0.27	1.0 F	11,761 SF	444	11	45

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)	0.27	1.0 F	11,761 SF	5,539	473	384

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+5,964	+481	+430

METRO SCHOOL BOARD REPORT

MUL-A zoning includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend Cumberland 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.

Approve. (7-0)

Resolution No. RS2023-270

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-073PR-001 is approved. (7-0)

45. 2023Z-077PR-001

Council District 21 (Brandon Taylor)
Staff Reviewer: Celina Konigstein

A request to rezone from RS5 to R6 zoning for property located at 2400 Buchanan Street, at the northwest corner of 24th Avenue North and Buchanan Street and located within a Contextual Overlay District (0.26 acres), requested by Virgil Donaldson, applicant; Dominique Gaines and Virgil Donaldson, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-family Residential (R6) zoning for property located at 2400 Buchanan Street, at the northwest corner of 24th Avenue North and Buchanan Street and located within a Contextual Overlay District (0.26 acres).

Existing Zoning

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

Proposed Zoning

One- and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 1 lot with 1 duplex lots for a total of 2 units. This calculation is based on acreage alone and does not account for meeting the requirements of the Subdivision Regulations. Duplex eligibility will be determined by the Metro Codes Department.*

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

NORTH NASHVILLE PLAN

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

ANALYSIS

The site is 0.26 acres and located at 2400 Buchanan Street, at the northwest corner of 24th Avenue North and Buchanan Street. The site is presently vacant. Surrounding properties are zoned RS5 and CS. The predominant use in the area is one and two-family residential with scattered institutional and community uses.

This site is unique because it is a corner lot and among the larger lots along its block face. The square footage of the lot is approximately 11,325 square feet, meaning that if the proposed R6 zoning district is approved, the lot will not be able to be subdivided. Additionally, the site is situated within a Contextual Overlay District overlay meaning future development on this lot will be regulated by surrounding development. For these reasons, staff recommends approval.

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)	0.26	7.41 D	2 U	28	7	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.26	7.71 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R6 zoning is not expected to generate any additional students beyond the existing RS5 zoning. Students would attend Robert Churchwell Elementary School, John Early Middle School, and Pearl Cohn 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.

Approve. (7-0)

Resolution No. RS2023-271

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-077PR-001 is approved. (7-0)

46. 2023Z-078PR-001

Council District 11 (Larry Hagar)

Staff Reviewer: Eric Matravets

A request to rezone from CS to OR-20 zoning for property located at 99 Bridgeway Avenue, at the northeast corner of Bridgeway Avenue and Rayon Drive, (0.46 acres), requested by Cream City Development, applicant; Mark Heighway, owner.

Staff Recommendation: Defer to the September 14, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-078PR-001 to the September 14, 2023, Planning Commission meeting. (7-0)

47. 2023Z-079PR-001

Council District 16 (Ginny Welsch)

Staff Reviewer: Celina Konigstein

A request to rezone from RS7.5 to R8-A zoning for property located at 424 McClellan Avenue, approximately 620 feet east of Meade Avenue (0.21 acres), requested by Brian Neihoff, applicant; Olivia Almeraya, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Zone change from RS7.5 to R8-A.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential-Alternative (R8-A) zoning for property located at 424 McClellan Avenue, approximately 620 feet east of Meade Avenue (0.21 acres).

Existing Zoning

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

Proposed Zoning

One and Two-Family Residential-Alternative (R8-A) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R8-A would permit a maximum of 1 lots with 1 duplex lots for a total of 2 units. Duplex Eligibility is determined by the Codes Department.*

This calculation is based solely on a minimum lot size of 8,000 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.

SOUTH NASHVILLE 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 0.21 acres and is located at 424 McClellan Avenue, approximately 620 feet east of Meade Avenue. There is one house on the property currently and the area is predominantly single-family residential with some vacant properties. Surrounding properties are zoned RS7.5, OR20, and CS. This site is situated less than 700 feet from Nolensville Pike.

The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area. The standards for building placement, parking and access included in the R8-A district would also improve the relationship of development to the street, creating a more walkable neighborhood consistent with the goals of the T4 NE policy.

The existing right-of-way associated with Alley #1906 is approximately 15 feet in width, where 20 feet is required to meet the Public Works standard. The alley right-of-way extends parallel to Patterson Street. Because this site is in a T4 NE policy area along an existing alley that is partially improved behind the site (Alley #1906) and the request is to increase entitlements, staff has included a condition of approval that prior to the issuance of building permits, half of the remaining right-of-way for Alley #1906 required to meet the NDOT standard shall be dedicated. The width of the existing alley right-of-way is approximately 15 feet, meaning approximately 2.5’ of ROW dedication (half of the 5’ remainder) shall be dedicated at the rear of this site prior to permitting.

The requested R8-A district represents a modest increase in intensity consistent with the policy and surrounding parcels. As conditioned by staff, the requested zoning is consistent with the goals of the policy to increase intensity in concert with infrastructure improvements and will allow for implementation of the policy goals over time.

Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.21	4.94 D	1 U	15	5	1

Maximum Uses in Existing Zoning District: R8-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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One and Two-Family Residential* (210)	0.21	5.79 D	2 U	28	7	2
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*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R8-A zoning is not expected to generate any additional students beyond the existing RS7.5 zoning. Students would attend Glenclyff Elementary School, Wright Middle School, and Glenclyff 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.

CONDITIONS

1. Prior to the issuance of building permits, half of the remaining right-of-way for Alley #1906 meeting the NDOT standard shall be dedicated.

Approve with conditions. (7-0)

Resolution No. RS2023-272

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-079PR-001 is approved. (7-0)

CONDITIONS

1. Prior to the issuance of building permits, half of the remaining right-of-way for Alley #1906 meeting the NDOT standard shall be dedicated.

48. 2023Z-083PR-001

Council District 05 (Sean Parker)

Staff Reviewer: Jason Swaggart

A request to rezone from SP to RM15-A-NS zoning for properties located at 501 Cleveland Street and 895 N. 5th Street, at the northeast corner of N. 5th Street and Cleveland Street (0.28 acres), requested by Dale & Associates, applicant; NWB Holdings, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from SP to RM15-A-NS.

Zone Change

A request to rezone from Specific Plan (SP) to Multi-Family Residential-Alternative-No Short-Term Rentals (RM15-A-NS) zoning for properties located at 501 Cleveland Street and 895 N. 5th Street, at the northeast corner of N. 5th Street and Cleveland Street (0.28 acres).

Existing 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. The SP permits single-family and detached accessory dwelling units.

Proposed Zoning

Multi-Family Residential-Alternative-No Short-Term Rentals (RM15-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. This district prohibits short term rentals. *RM15-A-NS would permit a maximum of four residential units.*

SITE AND CONTEXT

The site is located in Cleveland Park and consists of two parcels totaling a little over a quarter an acre in size. The site is located at the northeast corner of Cleveland Street and North 5th Street. Ellington Parkway is just east of the site. The site is currently occupied with a single-family home. The home is oriented to Cleveland Street. Cleveland Street is classified as a collector on the Major and Collector Street Plan (MCSP) and North 5th Street is classified as a local street. Sidewalks are located along both street frontages. There is an alley along the eastern property line running parallel to North 5th Street.

EAST NASHVILLE COMMUNITY PLAN

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

ANALYSIS

Staff finds that the proposed RM15-A-NS zoning district is consistent with the T4 NE land use policy, at this location. The additional density permitted by the proposed zoning district is appropriate given the location along a collector that is within close proximity of Ellington Parkway. Prohibiting short term rentals helps ensure that any residential units will provide needed housing. A bus route runs down Lischey Avenue to the west and down Cleveland Street west of Lischey Avenue. A sidewalk runs from the site to Lischey Avenue which allows for safe foot traffic to bus stops encouraging bus travel. The alternative designation will help ensure that development on the site is urban in form and that access will be provided from the alley.

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)	-	-	1 U	15	5	1

Maximum Uses in Existing Zoning District: RM15-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)	-	15 D	4 U	20	1	2

Traffic changes between maximum: SP and RM15-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	+5	-4	+1

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed RM15-A-NS district: 1 Elementary 1 Middle 1 High

The proposed RM15-A-NS zoning is expected to generate three more students than the existing SP zoning districts. Students would attend Ida B Wells Elementary School, Jere Baxter Middle School, and Maplewood High School. There is additional capacity in all three schools. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-273

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-083PR-001 is approved. (7-0)

49. 2023M-002SR-001

RENAMING OF FORREST AVENUE

Council District 06 (Brett Withers)

Staff Reviewer: Lisa Milligan

A request to rename Forrest Avenue to Forest Avenue (see sketch for details), requested by Councilmember Brett A. Withers.

Staff Recommendation: Approve.

APPLICANT REQUEST

Rename Forrest Avenue to Forest Avenue.

Street Renaming

A request to rename Forrest Avenue to Forest Avenue from Gallatin Avenue east to its terminus.

STREET RENAMING PROCEDURE

Metro Council changes street names through the adoption of an ordinance. The Planning Department is required to notify all property owners on the portion of the street proposed for renaming and to give owners the opportunity to provide written comments in support of or in opposition to the proposed name change. Properties with mailing addresses on the section of roadway to be renamed will continue to receive mail using the old street name for one year giving residents and businesses time to notify persons and entities they correspond with of the change in address.

APPLICATION INFORMATION

This application was filed by Councilmember Brett Withers at the request of some residents that live on the street. Notification of the proposed change was sent to all properties with addresses on Forrest Avenue. The original notification included an error, so a 2nd notification was sent to clarify the reason for the request. The Planning Department has received comments from residents on the street both in support and in opposition to the change. Given that there was opposition, the item will have a public hearing at Planning Commission.

The Historical Commission staff has provided preliminary research on the history of the street name and has found records showing both Forrest and Forest. There has been found no historical evidence that the street was named after a person and records indicated that it was likely part of a trees theme like other streets in the area at the time: Elm, Gove, Holly, Linn, Magnolia, Plum, Tulip, and Walnut Streets. Given that the common spelling of forest is with one “r”, staff recommends approval.

METRO HISTORICAL COMMISSION RECOMMENDATION

Per Ordinance No. BL2019-110, the Historical Commission staff will submit a report to the Metropolitan Council regarding any historical significance associated with the current/original street name upon filing of the legislation.

STAFF RECOMMENDATION

Planning staff recommends approval.

Ms. Milligan presented the staff recommendation to approve.

Councilmember Withers spoke in favor of the application. He stated a lot of neighbors have requested this name change in the past. Mr. Withers listed several other streets that have also been renamed.

Bernella Levin, 1611 Forrest Avenue, spoke in favor of the application.

Michael August, 1611 Forrest Avenue, spoke in favor of the application.

Erin Kice, 1800 Forrest Avenue, spoke in favor of the application.

Sean Kice, 1800 Forrest Avenue, spoke in favor of the application.

Keri Adams, 1716 Forrest Avenue, spoke in favor of the application.

Jude Mason, 1516 Forrest Avenue, spoke in favor of the application.

Sarah Baer, 1411 Forrest Avenue, spoke in favor of the application.

Jeremy Linsey, 1513 Forrest Avenue, spoke in favor of the application.

Cecilia Arbuckle, 1307 Forrest Avenue, asked about the procedural process with mailings and stated the Post Office advised her the zip code was incorrect on the Metro mailer letterhead. She spoke in opposition to the application.

David Smith, 1204 Forrest Avenue, spoke in opposition to the application.

Ms. Kempf stated the Planning Department has and uses both a Post Office mailing address and a physical address. She recommended the Commission proceed with their vote and if it is determined there was any type of noticing issues, they then can reach out to the Council Office to notify them.

Chair Adkins closed the Public Hearing.

Councilmember Withers reiterated the street name has changed several times over the years. He stated public notice mailings went out and a lot of responses were received.

Ms. Johnson stated there is no worry about emergency vehicles finding the street because it is pronounced the same. She asked if there is a specific procedure or policy they must follow to recommend.

Ms. Kempf advised street renaming is unusual because of the Commission's role. She said they are assigned to this because they often quarterback other departments like Police and Fire to be sure there is no conflict. Ms. Kempf stated there aren't clear guidelines for what the Commission should consider and recommended they use their conscious as they have heard from the public, which is a valid way of proceeding.

Ms. Johnson stated she supports staff recommendation because the name Forest is related to trees, it is the same pronunciation so there is no concern about emergency vehicles going to the wrong street and there is overwhelming community support.

Mr. Tibbs moved and Ms. Johnson seconded the motion to approve. (7-0)

Resolution No. RS2023-274

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023M-002SR-001 is approved. (7-0)

H: OTHER BUSINESS

50. New employment contract for Anna Catherine Attkisson.

Resolution No. RS2023-275

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment contract for Anna Catherine Attkisson is approved. (7-0)

51. Bonus Height Certification Memo for 2nd and Stockyard

Resolution No. RS2023-276

"BE IT RESOLVED by The Metropolitan Planning Commission that the Bonus Height Certification Memo for 2nd and Stockyard is approved. (7-0)

52. Memo for 2023S-042-001 & 2023S-009-001

Resolution No. RS2023-277

"BE IT RESOLVED by The Metropolitan Planning Commission that the Memo for 2023S-042-001 & 2023S-009-001 is approved. (7-0)

53. Historic Zoning Commission Report
54. Board of Parks and Recreation Report
55. Executive Committee Report
56. Accept the Director's Report

Resolution No. RS2023-278

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

57. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

July 27, 2023

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Schools Administration Building, School Board Meeting Room

August 24, 2023

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Schools Administration Building, School Board Meeting Room

J: ADJOURNMENT

The meeting adjourned at 10:46 p.m.