



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

July 27, 2023
4:00 pm Regular Meeting

2601 Bransford Avenue
Metro School Administration Building, School Board Meeting Room

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
Matt Smith
Councilmember Brett Withers

Staff Present:

Lucy Kempf, Executive Director
Todd Okolichany, Deputy Executive Director
Lisa Milligan, Assistant Director of Land Development
Tara Ladd, Legal
Amelia Lewis, Planner II
Dustin Shane, Planner II
Celina Konigstein, Planner I

Commissioners Absent:

Jessica Farr, Vice Chair
Jim Lawson
Brian Tibbs

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
800 President Ronald Reagan Way, P.O. Box 196300 Nashville, TN 37219-6300
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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 President Ronald Reagan Way, 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.



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Randi Semrick, ADA Compliance Coordinator, at (615) 880-7230 or e-mail her at randi.semrick@nashville.gov. For Title VI inquiries, contact Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

MEETING AGENDA

A: CALL TO ORDER

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

Chair Adkins introduced and welcomed the new Commissioner, Mr. Matt Smith.

B: ADOPTION OF AGENDA

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

C: APPROVAL OF JUNE 22, 2023, MINUTES

Mr. Marshall moved and Ms. Johnson seconded the motion to approve the meeting minutes of June 22, 2023. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Murphy suggested Item 4 be deferred indefinitely because there will not be community meetings until October. She stated she is going to withdraw Item 17. Ms. Murphy spoke in favor of Item 16.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 8, 9, 10, 13, 22, 28

Ms. Johnson moved and Mr. Marshall seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

F: CONSENT AGENDA ITEMS 30, 35

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

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

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

G: ITEMS TO BE CONSIDERED

1. 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 August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-014-002 to the August 24, 2023, Planning Commission meeting. (7-0)

2. 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 September 14, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2014SP-050-002 to the September 14, 2023, Planning Commission meeting. (7-0)

3. 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 August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-005-001 to the August 24, 2023, Planning Commission meeting. (7-0)

4. 2023SP-054-001
CHARLOTTE PIKE MIXED USE
Council District 24 (Kathleen Murphy)
Staff Reviewer: Donald Anthony

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

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-054-001 to the August 24, 2023, Planning Commission meeting. (7-0)

5. 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 Indefinitely.

The Metropolitan Planning Commission deferred 2019S-039-002 indefinitely. (7-0)

**6. 2022S-200-001
PLAN OF HAMILTON PLACE**

Council District 01 (Jonathan Hall)
Staff Reviewer: Jason Swaggart

A request for final plat approval to create 10 lots on property located at 3465 W Hamilton Avenue, approximately 223 feet southeast of Haynes Park Court, zoned RS10 (20.85 acres), requested by Clint Elliott Survey, applicant; Thomas G. Williams, owner.

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2022S-200-001 to the August 24, 2023, Planning Commission meeting. (7-0)

7. 2023Z-037PR-001

BL2023-1948/Kyonzté Toombs
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Logan Elliott

A request to rezone from RS5 to R6-A 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: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential-Alternative (R6-A) zoning for property located at 1229 John L Copeland Boulevard, approximately 170 feet south of Weakley Avenue (0.13 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. RS7.5 would permit a maximum of 1 unit.

Proposed Zoning

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

BORDEAUX—WHITES CREEK—HAYNES TRINITY COMMUNITY PLAN

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

SITE AND CONTEXT

The 0.13-acre site is located on the east side of John L Copeland Boulevard 170 feet south of Weakley Avenue. The site is currently vacant. Parcels to the north, south, east, and west are all zoned RS5. The parcel to the north is occupied by a duplex. The parcel to the south is vacant. The parcels to the east across the alley ROW are occupied by single-family houses. The parcels to the west across John L. Copeland Boulevard are vacant.

ANALYSIS

At the June 22, 2023, Planning Commission meeting, the Bordeaux-Whites Creek-Haynes Trinity Community Plan was amended for various properties located north of Baptist World Center Drive and west of Brick Church Drive to change the Community Character Policy (CCM) from T4 Urban Mixed Use Neighborhood (T4 MU) to T4 Urban Neighborhood

Maintenance (T4 NM), and remove the supplemental policy for mobility goals. This case was deferred during the plan amendment process and is being reviewed under the current T4 NM policy.

The proposed R6-A zoning is consistent with the T4 Urban Neighborhood Maintenance policy. T4 NM policy focuses on preserving the existing residential character, while accommodating new growth that fits within the character. The pattern of development on the street is not well established and there are several vacant lots in the vicinity, and so the site is a good candidate for appropriately scaled higher intensity residential uses. R6-A is identified as an appropriate zoning district for T4 NM policy in the CCM, and staff finds this zoning district is appropriate in the site context. Alternative districts such as R6-A also have additional standards intended to address urban design. Therefore, 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)	.13	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	.13	7.71 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

Students would attend Alex Green Elementary, 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. RS2023-279

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-037PR-001 is approved. (7-0)

8. 2023Z-066PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Celina Konigstein

A request to rezone from RS7.5, RM20-A-NS and CL to MUG-A for properties located at 405 W. Trinity Lane and Monticello Drive (unnumbered), and a portion of property located at Monticello Drive (unnumbered), approximately 130 feet west of the intersection of Monticello Drive and W. Trinity Lane and partially located in a Corridor Design Overlay District (2.35 acres), requested by Dale & Associates, applicant; JMJ Enterprises Inc, owner.

Staff Recommendation: Defer to the September 14, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-066PR-001 to the September 14, 2023, Planning Commission meeting. (7-0)

**9. 2023CP-013-001
ANTIOCH-PRIEST LAKE/DONELSON-HERMITAGE-OLD HICKORY
COMMUNITY PLAN AMENDMENT**

Council District 13 (Russ Bradford) 29 (Delishia Portfield)
Staff Reviewer: Anita McCaig

A request to amend the Antioch-Priest Lake Community Plan and Donelson-Hermitage-Old Hickory Community Plan by changing from District Employment Center (D EC) policy and District Impact (D I) policy to a combination of T3 Suburban Neighborhood Evolving (T3 NE) policy, District Industrial (D IN) policy, T3 Suburban Neighborhood Center (T3 NC) policy, and T3 Suburban Mixed Use Corridor (T3 CM) policy for various properties located in the Couchville Pike Study Area, approximately 1,405.99 acres, requested by the Metro Planning Department, applicant; various owners.

Staff Recommendation: Defer to the September 14, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-13-001 to the September 14, 2023, Planning Commission meeting. (7-0)

**10. 2023SP-059-001
475-487 HUMPHREYS STREET**

Council District 17 (Colby Sledge)
Staff Reviewer: Donald Anthony

A request to rezone from CS to SP zoning for properties located at 475, 481, 483, 485, and 487 Humphreys Street, approximately 115 feet east of Chestnut Street, (0.93 acres), to permit a nonresidential development, requested by Pfeffer Torode Architecture, applicant; MTP-481 Humphreys Street Propco, LLC and MTP-487 Humphreys Street Propco, LLC, owners.

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-059-001 to the August 24, 2023, Planning Commission meeting. (7-0)

**11. 2022S-276-001
BURKITT RIDGE PHASE 6**

Council District 31 (John Rutherford)
Staff Reviewer: Dustin Shane

A request for final plat approval to create 79 lots on property located at Burkitt Road (unnumbered), at the terminus of Westcott Lane, zoned SP, (19.02 acres), requested by Anderson, Delk, Epps & Associates, applicant; Regent Homes, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 79 lots.

Final plat

A request for final plat approval to create 79 lots on property located at Burkitt Road (unnumbered), at the terminus of Westcott Lane, zoned Specific Plan (SP) (19.02 acres).

CASE HISTORY

The site is located on vacant land near the county line east of Nolensville Pike. The site has been zoned SP since 2017. The preliminary SP (concept plan) includes this site and several additional properties and was approved in 2017 for 17,000 square feet of commercial space and 800 residential units (Case No. 2017SP-023-001). A final site plan for Phase 6 was approved in 2021 (Case No. 2017SP-023-004).

The proposed Phase 6 final plat application was filed in 2022. It includes 79 lots and is consistent with the preliminary and final site plans.

SITE DATA AND CONTEXT

Location: The site is located north of Ben Hill Drive.

Street type: All street connections proposed are local streets. Tasker Drive and Westcott Lane will serve as the two connections into this phase. Westcott Lane provides a connection to Burkitt Road, a Major Arterial Boulevard.

Approximate Acreage: 19.02 acres or approximately 828,511 square feet.

PROPOSAL DETAILS

Number of lots: 79

Subdivision Variances or Exceptions Requested: None

The subject site received preliminary plan approval in 2017 and final site plan approval in 2021. Although no changes have been made to the plat, approval by the MPC is now required because the plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

APPLICABLE SUBDIVISION REGULATIONS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- 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.

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- No exceptions taken.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on October 27, 2022) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 20SL0076 and 20WL0041. A bond amount of \$347,000.00 is assigned to 20SL0076 and an amount of \$334,000 is assigned to 20WL0041.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc., then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You will also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. If you plan to record the final plat without constructing the required public infrastructure improvements (roads, water and sewer line extensions), then you must request a bond for those improvements. Submit a completed bond application with a check in the amount of \$400 made payable to the "Metropolitan Government" at least three weeks

prior to when you plan to record the plat with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the reviewing Metro agencies. Contact: Bond Desk at 862-7202, bond.desk@nashville.gov.

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

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2022S-276-001 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. RS2023-280

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-276-001 is approved with conditions. (7-0)

CONDITIONS

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

12. 2023S-026-001

MARTIN RESERVE SUBDIVISION

Council District 25 (Russ Pulley)

Staff Reviewer: Dustin Shane

A request for concept plan approval to create 8 lots including 2 duplex lots for a total of 10 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: Disapprove due to lack of approval by all reviewing agencies.

APPLICANT REQUEST

Concept plan to create 8 lots.

Concept Plan

A request for concept plan approval to create 8 lots including 2 duplex lots for a total of 10 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).

SITE DATA AND CONTEXT

Location: The site is located on the northern side of Abbott Martin Road opposite the intersection with Wallace Lane.

Street Type: The site has frontage onto Abbott Martin Road, which is a collector street. The plan proposes a new street extending north from Abbott Martin Road and ending in an enlarged hammerhead turnaround.

Approximate Acreage: 4.29 acres or 186,801 sq. ft.

Parcel/Site History: This site is comprised of two parcels; the parcels were both created in 1978.

Zoning History: The site is zoned One and Two-Family Residential (R20). It has been zoned R20 since 1974.

Existing land use: The parcels are identified as vacant residential land.

Surrounding land use and zoning:

- North: One and Two-Family Residential (R20), Residential PUD
- South: Single-Family Residential (RS20)
- East: One and Two-Family Residential (R20), Residential PUD
- West: One and Two-Family Residential (R20), Residential PUD

Zoning: One and Two-Family Residential (R20)

- Min. lot size: 20,000 sq. ft.
- Min. lot coverage: 0.35
- Max. height: 3 stories
- Min. street setback: 30'
- Min. rear setback for all properties: 20'
- Min. side setback for all properties: 10'

PROPOSAL DETAILS

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

Number of lots: 8 lots including 2 two-family lots for a total of 10 units.

Lot sizes: Lots range from 20,000 to 20,151 sq. ft in size.

Access: The lots have frontage onto the proposed new local street, and the site draws access from Abbott Martin Road.

Open space: No open space is proposed.

Subdivision Variances or Exceptions Requested: None

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

Staff finds that all standards are met.

3-2 Monument Requirements

Monuments will be placed on property corners or referenced to property lines consistent with the requirements of the subdivision regulations.

3-3 Suitability of the Land

Land which the Planning Commission finds to be unsuitable for development due to flooding, steep slopes, rock formations, problem soils, sink holes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated.

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

3-4 Lot Requirements

All proposed lots comply with the minimum lot size of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R20 zoning at the time of building permit. All proposed lots have frontage on a new public street.

3-5 Infill Subdivisions

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

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

3-6 Blocks

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

3-7 Improvements

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

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

Sidewalks are not required in association with new streets when the base zoning district requires a minimum lot area of at least 20,000 square feet and the area of each lot to be platted remains 20,000 square feet or greater. The proposed subdivision includes lots of 20,000 square feet on new public streets. The proposed concept plan does not include sidewalks.

3-9 Requirements for Streets

The application proposes one new local street perpendicular to and drawing access from Abbott Martin Road. The new road will end in a modified hammerhead turnaround. This turnaround will accommodate firetruck turning space requirements. Public street requirements are reviewed by NDOT. NDOT has reviewed the concept plan and found it to be in compliance with the standards of this section subject to several conditions. Those conditions are listed in the recommendations from all agencies section below.

3-10 Requirements for Dedication, Reservations, or Improvements

The application proposes one local street with 49 feet of right-of-way per NDOT requirements.

3-11 Inspections During Construction

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

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

NDOT reviews street names and signage requirements for public roads and has recommended approval of this concept plan. See comments in the recommendations from all agencies section below.

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

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

3-14 Drainage and Storm Sewers

Drainage and storm sewer requirements are reviewed by Metro Stormwater. Metro Stormwater has reviewed the proposed concept plan and approves the inclusion of stormwater treatment areas within lots 6, 7, and 8. The applicant will be required to ensure proper easements are recorded around stormwater control measures to ensure all necessary entities have access for maintenance. This includes an easement from the lot owners to the HOA and the HOA to Metro as needed.

3-15 Public Water Facilities

Metro Water Services has reviewed the proposed concept plan for water and has recommended approval with conditions.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. All utilities for the proposed subdivision will be located underground.

PLANNING STAFF COMMENTS

The proposed subdivision meets the standards of the Metro Subdivision Regulations for a major subdivision and the standards of the Metro Zoning Code. Staff recommends approval with conditions.

POLICY CONSIDERATIONS

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

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

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Must comply with all regulations in the Stormwater Management Manual at the time of final submittal.
- Applicant to ensure proper easements are recorded around stormwater control measures to ensure all necessary entities have access for maintenance. This includes an easement from the lot owners to the HOA and the HOA to Metro as needed.

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- NDOT approves of the concept plan sealed by EOR 6/22/2023. Final site construction plans may vary slightly design.
- If not previously done confirm/ reserve road name with Sara Cain (615) 880-2427 sara.cain@nashville.gov

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Comply with NDOT Roads conditions.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-2.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
3. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval of a concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

Mr. Shane presented the staff recommendation to approve with conditions. He stated it was previously published as a disapproval, but it has since been updated as an approval with conditions, and a memo has been given to the Commissioners detailing that fact.

Doug Sloan, 6354 Torrington Road, spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Mr. Henley stated he liked the fact they are pursuing increased density to produce housing.

Mr. Henley moved and Ms. Johnson seconded the motion to approve with conditions. (7-0)

Resolution No. RS2023-281

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-026-001 is approved with conditions. (7-0)
CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-2.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
3. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval of a concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

- 13. 2023SP-069-001**
3800 OLD HICKORY BOULEVARD
Council District 11 (Larry Hagar)
Staff Reviewer: Laszlo Marton

A request to rezone from RS20 to SP zoning for property located at 3800 Old Hickory Boulevard, at the corner of Anthony Street and Old Hickory Boulevard, (0.39 acres), to permit five multi-family residential units, requested by Dale & Associates, applicant; J. Arthur, LLC, owner.

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-069-001 to the August 24, 2023, Planning Commission meeting. (7-0)

- 14. 2023S-080-001**
1419 RIVERSIDE
Council District 07 (Emily Benedict)
Staff Reviewer: Logan Elliott

A request for final plat approval to create two lots on property located at 1419 Riverside Drive, approximately 430 feet southwest of McKennell Drive and located within a Contextual Overlay District, zoned R10 (0.61 acres), requested by Dale & Associates, applicant, Upside, LLC owner.

Staff Recommendation: Approve with conditions including an exception to 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for area.

APPLICANT REQUEST

Final plat approval to permit 2 residential lots.

Final Plat

A request for final plat approval to create two lots on property located at 1419 Riverside Drive, approximately 430 feet southwest of McKennell Drive and located within a Contextual Overlay District, zoned One and Two-Family Residential (R10) (0.61 acres).

SITE DATA AND CONTEXT

Location: The site is located on the eastern side of Riverside Drive, approximately a quarter mile south of Porter Road.

Street Type: The site has frontage onto Riverside Drive, an Arterial Boulevard in the Major and Collector Street Plan.

Approximate Acreage: The proposed area for subdivision is approximately 0.61 acres or 24,667 square feet.

Parcel/Site History: This site is comprised of a single parcel that has existed since at least 1974.

Zoning History: The property is zoned R10 and this zoning has existed since 1974. The Urban Zoning Overlay was applied to this property in 2007 and a Contextual Overlay District was applied to this property in 2018.

Existing land use and configuration: The site currently contains a single-family land use.

Surrounding land use/zoning:

North, South, East, West: One and Two-Family Residential (R10)

Zoning: One and Two-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. height: 3 stories

Min. front setback: Contextual per Zoning Code

Min. rear setback: 20'

Min. side setback: 5'

Maximum Building Coverage: 0.40

PROPOSAL DETAILS

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

Number of lots: 2

Lot sizes: Lot sizes range from 0.23 acres (10,034 square feet) to 0.35 acres (15,330 square feet).

Access: A shared driveway is proposed on lot 1 and this shared drive will serve lots 1, 2, and the adjacent parcel (Parcel 431). The existing driveway on the western portion of lot 2 is required to be removed with the redevelopment of lot 2.

Subdivision Variances or Exceptions Requested: Yes. This request requires an exception to Section 3-5.2.d.1 and 3-5.2.d.2.

APPLICABLE SUBDIVISION REGULATIONS

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

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

SUBDIVISION REGULATIONS – CHAPTER 3

3-1 General Requirements

The proposal meets the requirements of 3-1.

3-2 Monument Requirements

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed. The proposal does not propose any new streets.

3-3 Suitability of the Land

The property includes a potential stream with associated stream buffers and the proper treatment of these buffers will be reviewed with the building permits for these lots.

3-4 Lot Requirements

Both lots comply with the minimum 10,000 square foot lot size of the Zoning Code. Any development proposed on the resulting lot will be required to meet the bulk standards and all other applicable regulations of the R10 zoning district zoning at the time of building permit.

3-5 Infill Subdivisions

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

The subject application is requesting an exception from the infill standards for frontage and area.

3-5.2 Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.

- a. *All minimum standards of the zoning code are met.*
Complies. All lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
Complies. All lots front Riverside Drive.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T4 NM policy that applies to the site does not specifically identify an appropriate density; however, the policy supports the underlying R10 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 70.3 feet. The proposed frontage width for lot 1 is 15 feet and for lot 2 is 60.4 feet.
 2. *Lot size is either equal to or greater than 70% of the average size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
Proposed Lot 2 does not meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.29 acres, or 12,977 square feet. The proposed Lot 1 is 15,330 square feet and the proposed Lot 2 is 10,034 square feet.
 3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes will be required to meet the contextual setback standards per the Metro Zoning Code.
 4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*
All lots are oriented to Riverside Drive, consistent with surrounding lots.
- e. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions, except for the compatibility requirements.
- f. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*

The application requests an exception to provide lots within the T4 NM policy that do not meet the Compatibility Standards of section 3-5 of the Subdivision Regulations. The Compatibility Standards require that the lot frontage and the lot area be equal to or greater than 70% of the average frontage/area of the 5 parcels on either side of the subject parcel or equal to or greater than the surrounding parcel with the least amount of frontage/area, whichever is greater. For this application, this works out to minimum frontage requirement of 70.3 feet, given the 70% average of the surrounding lot frontages being greater than the smallest frontage of 50 feet. The minimum area requirement is 12,977 square feet, given the 70% average of the surrounding lot areas is greater than the smallest area of 9,249.

Staff finds that the existing development pattern of the area contains lots with similar frontage and area to the proposed lots. There is a pattern of 50- and 60 foot-wide lots fronting Riverside Drive in this area, both to the north and south, if you consider more lots than the compatibility standards dictate. The proposed lot pattern will allow for a unit to be provided at the rear of the existing unit on proposed lot 2, similar to conditions located across the street along Riverside Drive where units are provided to the rear rather than fronting public streets. This pattern reflects the

condition found directly across the street and otherwise nearby on Riverside Drive with units provided at the rear of lots and not fronting public streets.

Additionally, there is a pattern of approximately 9,000 square foot lots fronting Riverside Drive in this area, both to the north and south, if you consider more lots than the compatibility standards dictate. Staff finds the proposed subdivision to provide a harmonious development pattern.

3-6 Blocks

No new streets or blocks are proposed with this application.

3-7 Improvements

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

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

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

3-9 Requirements for Streets

This application does not propose to create any new streets.

3-10 Requirements for Dedication, Reservations, or Improvements

Riverside Drive is classified as an Arterial Boulevard in the Major and Collector Street Plan (MCSP) with a planned half right-of-way of 45.50 feet. To meet this standard, the plat proposes to dedicate 4.5 feet of right-of-way along Riverside Drive.

3-11 Inspections During Construction

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

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

Not applicable to this case. The proposal does not include any new public streets.

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

Not applicable to this case. The proposal does not include any new private streets.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Metro Water Services has reviewed this final plat for water and has recommended approval.

3-16 Sewerage Facilities

Metro Water Services has reviewed this final plat for sewer and has recommended approval.

3-17 Underground Utilities

Not applicable to this case. The proposal does not include any new public streets.

PLANNING STAFF COMMENTS

Staff finds the proposed subdivision consistent with the intent of the Chapter 3 of the Subdivision Regulations. Future development will be required to meet the standards of the Metro Zoning Code regarding setbacks, etc. Staff recommends approval with conditions, including an exception to 3-5.2.d.1 and 3-5.2.d.2 of the infill requirements, as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

POLICY CONSIDERATIONS

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

The Community Character Manual (CCM) policy applied to the site is Urban Neighborhood Maintenance (T4 NM) and Conservation (CO). The intent of T4 NM policy is to maintain the general character of urban neighborhoods as

characterized by their development pattern, building form, land use, and associated public realm. Conservation policy is intended to preserve environmentally sensitive land features through protection and remediation.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Shared access is required for created lot 1 and 2 from subdivision.
- Traffic conditions to be set at the time of final site plan or building permit approval for individual lots. (Traffic studies, driveway distances, access sight triangles, etc.)

WATER SERVICES RECOMMENDATION

Approve with conditions

- Confirmed 6-inch main in Riverside abandoned and 1419 Riverside Drive currently served by 16-inch water main. Attached is a copy of the above-referenced subdivision (uploaded by planning on July 5, 2023) on which we recommend approval. W&S Capacity Fees must be paid before issuance of building permits for new lot.

STAFF RECOMMENDATION

Staff recommends approval with conditions including an exception to Sections 3-5.2.d.1 and 3-5.2.d.2.

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Delete Note 10 and replace with the following: Landscaping and TDU requirements to be per Metro Zoning Code.
4. Revise the label for the driveway easement to: Shared Access Easement (See Note 23).
5. Delete Note 23 and replace with the following: Except for the existing asphalt drive on Lot 2, all access shall be limited to the shared access easement. The shared access easement is also for the benefit and use of the adjacent parcel to the east (Parcel 431). Should lot 2 redevelop, the asphalt drive must be removed and all access limited to the shared access easement.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-080-001 with conditions, including an exception to Sections 3-5.2.d.1 and 3-5.2.d.2, based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations and provides for harmonious development, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions including an exception to 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for area. (7-0)

Resolution No. RS2023-282

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-0080-001 is approved with conditions including an exception to 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for area.. (7-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro agencies.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Delete Note 10 and replace with the following: Landscaping and TDU requirements to be per Metro Zoning Code.
4. Revise the label for the driveway easement to: Shared Access Easement (See Note 23).
5. Delete Note 23 and replace with the following: Except for the existing asphalt drive on Lot 2, all access shall be limited to the shared access easement. The shared access easement is also for the benefit and use of the adjacent parcel to the east (Parcel 431). Should lot 2 redevelop, the asphalt drive must be removed and all access limited to the shared access easement.

15a. 2023SP-072-001

BL2023-2047/Kyonzté Toombs

GRIZZARD AVENUE

Council District 02 (Kyonzté Toombs); 05 (Sean Parker)

Staff Reviewer: Jason Swaggart

A request to rezone from CS and RS5 to SP zoning for properties located at 110 Grizzard Avenue and 121, 131, and 133 Old Trinity Lane, approximately 450 feet west of Dickerson Pike and partially located within a Planned Unit Development Overlay District, (8.69 acres), to permit a mixed use development, requested by Smith Gee, applicant; Fred W. Hahn, Jr., owner. (See associated case #108-86P-001).

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 Services (CS) and Single-Family Residential (RS5) to Specific Plan (SP) zoning for properties located at 110 Grizzard Avenue and 121, 131, and 133 Old Trinity Lane, approximately 450 feet west of Dickerson Pike and partially located within a Planned Unit Development Overlay District, (8.69 acres), to permit a mixed-use development.

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 nine residential units.*

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

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 in place permits residential 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 8.69-acre site consist of four parcels. Three parcels totaling approximately one acre are located on the north side of Old Trinity Lane. The fourth parcel is approximately 7.69 acres and is located behind the three parcels on Old Trinity Lane, at the western terminus of Grizzard Avenue. All four parcels are currently occupied with a single-family home. Pages Branch runs along the western boundary of the larger parcel and includes associated areas of floodway and floodplain. Surrounding uses include single-family, mobile home park, auto repair, warehousing, and multifamily. Surrounding zoning includes single-family and commercial. Unimproved public right-of-way from Old Trinity Lane extends into the western portion of the site.

SP Plan

This is a regulatory SP and includes a document that contains standards for any future development. The basic development standards are consistent with the ORI-A-NS zoning district, including permitted land use. In addition to the standards of ORI-A-NS, the SP includes additional standards pertaining to future public roadway construction and greenway requirements. The plan requires a new public street connection between Grizzard Avenue and Old Trinity Lane. The connection must be included with the first final site plan. The SP also requires that easements be provided for a planned greenway and that the developer provide the design of the greenway consistent with Metro greenway standards. The design must be provided with the first final site plan.

EAST NASHVILLE COMMUNITY PLAN

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy

identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

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

Dickerson South Corridor Study

The Dickerson South Corridor Study provides supplemental guidance for future development in the Dickerson Pike area by addressing land use, transportation, and community design at the neighborhood scale while also supporting high-capacity transit envisioned by NashvilleNext. The Dickerson South Corridor Study also established a supplemental Building Heights Subdistricts policy for the area, which provides guidance on maximum building heights and appropriate zoning districts intended to create a pattern of development that is supported by the applicable subdistrict.

ANALYSIS

The proposed SP provides standards that will allow for a mixed-use development with appropriate land use, scale and design that is urban in form with street connectivity and sidewalks creating a pedestrian friendly environment. The Dickerson South Corridor Study supports heights of up to 12 stories in the subject site area in concert with a new public street connection from Grizzard Avenue to Old Trinity Lane. The Study envisions a public street continuing south of Old Trinity Lane to West Trinity Lane. The Major and Collector Street Plan (MCSP) also calls for this public street connection. The Dickerson South Corridor Study also envisions a greenway along Pages Branch.

The original request was for ORI-A-NS. While the T4 CC policy and the Dickerson Pike Study may support ORI-A-NS, due to the public street connection and greenway envisioned with the Study, staff requested a SP to ensure these improvements would be provided. The SP requires that the public street connection is constructed, and that the greenway design be provided by the developer consistent with the standards of Metro Parks/Greenways. The CO policy applies to the floodway and floodplain associated with Pages Branch. Required Metro Stormwater buffers, as well as the greenway requirements, will limit the amount of disturbance within the CO policy area. The height and design standards of the SP also meet the intent of the policies.

Given that the SP includes design standards consistent with the policy, requires the street connection envisioned by the Dickerson Pike Study and the MCSP, provides greenway standards approved by Metro Parks/Greenways and limits disturbance of areas in CO policy, staff finds that the proposed SP is consistent with the T4 CC and CO policies and, the Dickerson South Corridor Study and the MCSP.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

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

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.

GREENWAYS RECOMENDAITON

Approved

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- With a final: Include proposed public roadway construction drawings (profiles, grades, drainage). Roadway construction drawings shall comply with NDOT Subdivision Street Design Standards.

- The Major Collector Street Plan should be met along all existing public ROW frontages, unless otherwise discussed between metro planning and NDOT staff.
- With final: Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Show 'Now Entering Private Drive' signage where applicable off public roads. Provide internal/external stop control at intersections. Provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Label assumed truck and bus routes around and/or through the site-internal or along ROW frontage(s). Provide a loading/unloading plan for each aspect of the development. Provide any truck turning exhibits relevant to loading/unloading activities-at intersections, site access points. Note: A private hauler will be required for waste/recycle disposal.
- Comply w/ NDOT traffic comments.
- Prior to final submittal, Coordinate w/ metro planning, NDOT traffic and roads on new public road layout, road classifications and alignment with existing public roadways. A mandatory referral will be required to abandon any existing unimproved ROW.

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.
- Prior to Final SP submittal, coordinate with NDOT and Planning public on street classification and street connectivity/alignment through the site.
- 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: **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	7.69	0.6 F	200,985 SF	7,587	189	766

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)	1.0	7.41 D	8 U	102	11	9

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
Office (710)	4.35	3.0	568,458 SF	5,725	561	593

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	4.34	3.0	567 U	3,088	188	234

Traffic changes between maximum: **CS/RS5 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,124	+549	+52

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 Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. There is additional capacity for elementary and high school students and Cameron College Prep is listed as overcapacity. 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 ORI-A-NS. Short Term Rental Properties, owner and not owner occupied, shall be prohibited.
2. The public north/south street connection envisioned by the Dickerson Pike Study shall be included with the first final site plan. The final cross section and alignment of the north/south public street connection will be determined prior to final site plan approval.
3. The greenway easement and greenway design envisioned by the Dickerson Pike Study shall be provided with the first final site plan and shall be approved by Metro Greenways, prior to final site plan approval.
4. Parking is per UZO requirements at a maximum.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the ORI-A-NS zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2023-283

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-072-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to all uses permitted by ORI-A-NS. Short Term Rental Properties, owner and not owner occupied, shall be prohibited.
2. The public north/south street connection envisioned by the Dickerson Pike Study shall be included with the first final site plan. The final cross section and alignment of the north/south public street connection will be determined prior to final site plan approval.
3. The greenway easement and greenway design envisioned by the Dickerson Pike Study shall be provided with the first final site plan and shall be approved by Metro Greenways, prior to final site plan approval.
4. Parking is per UZO requirements at a maximum.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the ORI-A-NS zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

15b. 108-86P-001

BL2023-2035/Kyonzté Toombs

OLD TRINITY ESTATES (CANCELLATION)

Council District 02 (Kyonzté Toombs); 05 (Sean Parker)

Staff Reviewer: Jason Swaggart

A request to cancel a Planned Unit Development overlay for property located at 110 Grizzard Avenue, north of Old Trinity Lane (7.69 acres), zoned CS, requested by Smith Gee Studio, applicant; Fred Hahn Jr., owner (see associated case 2023SP-072-001).

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

APPLICANT REQUEST

Cancel a portion of a Planned Unit Development.

PUD Cancellation

A request to cancel a portion of a Planned Unit Development (PUD) overlay for property located at 110 Grizzard Avenue, north of Old Trinity Lane (7.69 acres), zoned Commercial Services (CS).

Existing Zoning

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

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. *While the zoning is for commercial, this PUD permits only residential.*

EAST NASHVILLE COMMUNITY PLAN

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

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

Dickerson South Corridor Study

The Dickerson South Corridor Study provides supplemental guidance for future development in the Dickerson Pike area by addressing land use, transportation, and community design at the neighborhood scale while also supporting high-capacity transit envisioned by NashvilleNext. The Dickerson South Corridor Study also established a supplemental Building Heights Subdistricts policy for the area, which provides guidance on maximum building heights and appropriate zoning districts intended to create a pattern of development that is supported by the applicable subdistrict.

ANALYSIS

The approved PUD permits residential uses. The PUD was approved by Council in 1986. The PUD was never constructed. The Dickerson South Corridor Study and the Major and Collector Street Plan (MCSP) call for a new public street connection through the PUD from Grizzard Avenue to Old Trinity Lane. The PUD does not implement the mobility goals of the Dickerson South Corridor Study or the MCSP; however, the associated SP does meet these goals. Since the associated SP meets the goals of the Dickerson South Corridor Study, the MCSP, as well as the T4CC policy, staff recommends approval subject to the approval of the associated SP.

STAFF RECOMMENDATION

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

Approve. (7-0)

Resolution No. RS2023-284

“BE IT RESOLVED by The Metropolitan Planning Commission that 108-86P-001 is approved. (7-0)

16. 2023COD-008-001

BL2023-2044/Kathleen Murphy
Council District 24 (Kathleen Murphy)
Staff Reviewer: Oscar Orozco

A request to apply a Contextual Overlay District to various properties located along Wyoming Avenue, north of Utah Avenue and south of Idaho Avenue, zoned RS7.5 (4.07 acres), requested by Councilmember Kathleen Murphy, 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 along Wyoming Avenue, north of Utah Avenue and south of Idaho Avenue, zoned Single Family Residential (RS7.5) (4.07 acres).

Existing Zoning

Single Family Residential (RS7.5) requires a minimum of 7, 500 square foot lot and is intended for single-family dwellings at a density of 4.94 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.

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.

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 Wyoming Avenue, north of Utah Avenue and south of Idaho Avenue, between 44th Avenue North and 46th Avenue North. The properties are included in the Block 3 Plan of Sylvan Park Subdivision and have developed primarily with single-story, and two-story midcentury house cottage dwellings along with several contemporary urban dwellings. There is a predominantly single family urban development pattern in the neighborhood with consistent bulk and massing present throughout the proposed Overlay boundary.

The proposed Overlay is located within a T4 Urban Neighborhood Maintenance policy area, which is intended to maintain the general character of developed, urban residential neighborhoods. Application of the Overlay would help to preserve the existing single family urban character with specific development standards for bulk, massing, access, garages, and parking. As proposed, the Overlay is consistent with the T4 NM policy. The standards required will maintain and protect the neighborhood form and character.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-285

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023COD-008-001 is approved. (7-0)

17. 2023COD-009-001

BL2023-2050/Kathleen Murphy
Council District 24 (Kathleen Murphy)
Staff Reviewer: Oscar Orozco

A request to apply a Contextual Overlay District to various properties located along Dakota Avenue, north of Idaho Avenue and south of Nevada Avenue, zoned RS7.5 (1.97 acres), requested by Councilmember Kathleen Murphy, applicant; various owners.

Staff Recommendation: Withdraw..

The Metropolitan Planning Commission withdrew 2023COD-009-001 at the request of the applicant. (7-0)

18. 2023DDU-002-001

BL2023-2094/Tom Cash
Council District
Staff Reviewer: Celina Konigstein

A request to apply a Detached Accessory Dwelling Unit Overlay District to various properties located along Fairfax Avenue and Barton Avenue, north of Essex Place and south of Belcourt Avenue, and located within the Hillsboro-West End Neighborhood Conservation Overlay District, zoned RS7.5, (20.53 acres), requested by Councilmember Tom Cash, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change to apply a Detached Accessory Dwelling Unit (DADU) Overlay District

Zone Change

A request to apply a Detached Accessory Dwelling Unit Overlay District to various properties located along Fairfax Avenue and Barton Avenue, north of Essex Place and south of Belcourt Avenue, and located within the Hillsboro-West End Neighborhood Conservation Overlay District, zoned Single-Family Residential (RS7.5) (20.53 acres).

Existing Zoning (to remain)

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.

Neighborhood Conservation Overlay District (NHC) is applied to geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development. *These properties are within the Hillsboro-West End Neighborhood Conservation Overlay District.*

Proposed Zoning

Detached Accessory Dwelling Unit (DADU) Overlay would permit a detached, self-sufficient dwelling unit accessory to a principal structure. The overlay would permit DADUs subject to existing standards for detached accessory dwelling units in Section 17.16.030.G of the Zoning Code, which includes requirements for, but not limited to, ownership, lot area, setbacks, bulk and massing, design, and access.

GREEN HILLS - MIDTOWN 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 approximately 20.53-acre area is in the Green Hills – Midtown area and makes up a portion of properties addressing Fairfax Avenue and Barton Avenue. The area has a development pattern of predominantly single-family residential and scattered two-family residential with a gridded street network. The area is generally served by a network of public alleys and many of the streets in this area have sidewalks.

Staff finds the proposed DADU overlay to be consistent with the T4 NM policy guidance to maintain the general character of existing urban residential neighborhoods. The proposed DADU overlay will allow for additional density to occur in an established neighborhood while still retaining the physical character of the neighborhood. There is limited impact to the existing neighborhood character as observed from the street with DADU's being required to be located behind principal structures. The Design Standards in the Zoning Code for DADU units will ensure that the introduction of additional density does not disrupt the existing development pattern of T4 NM areas, as DADU's are required to be of similar style and design to the existing principal structure.

In addition to preserving the development pattern, the ability to expand a property's development potential, while preserving the existing residential structure, will encourage existing property owners to stay in place and expand the development of a property to meet the owner's evolving needs. This will encourage a sustainable environment for property owners who wish to remain in a neighborhood despite economic pressures. The T4 NM areas are also well served by infrastructure with their proximity to mixed-use corridors, gridded public street network, public alleys, and sidewalks and have the infrastructure to support appropriate infill development.

The subject area is also well served by infrastructure with its gridded public street network, public alleys, and sidewalks and has the infrastructure to support appropriate infill development.

Staff finds the proposed overlay to be consistent with the subject policy, T4 NM.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-286

19. 2023HP-001-001

BL2023-2053/Freddie O’Connell

DOWNTOWN HISTORIC PRESERVATION OVERLAY EXPANSION

Council District

Staff Reviewer: Celina Konigstein

A request to apply a Historic Preservation Overlay District to various properties located along 3rd and 4th Avenue North, southwest of Deaderick Street, zoned DTC (4.49 acres), requested by Councilmember Freddie O’Connell, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply Historic Preservation Overlay District.

Historic Preservation Overlay District

A request to apply a Historic Preservation Overlay District to various properties located along 3rd and 4th Avenue North, southwest of Deaderick Street, zoned Downtown Code (DTC) (4.49 acres).

Existing Zoning (to remain)

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

Proposed Overlay

Historic Preservation Overlay Districts (HP) are geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development.

DOWNTOWN COMMUNITY PLAN

T6 Downtown Core (T6 DC) is intended to maintain and enhance the “core” of Downtown such that it will remain the commercial, civic, and entertainment center of Nashville and Middle Tennessee. T6 DC is intended to have the highest intensity of development in the County. Offices are the predominant type of development, although the T6 DC contains a diverse array of land uses including retail, entertainment, institutional uses, government services, and higher density residential. The highest intensity development is in the central portion of the Core (north of Broadway), with less intensive uses locating in the surrounding “frame” area of T6 DC, in the SoBro neighborhood.

The proposed expansion of the Downtown Historic Preservation Overlay District will aid implementation in the maintenance and enhancement of the properties as well as furthering the design principles in the land use policy.

REQUEST DETAILS

The following information was taken from the July 19, 2023, Metro Historic Zoning Commission Report:

Background:

Councilmember O’Connell hosted two community meetings. The most recent was on June 16, held at the Assembly Room at the Historic Metro Courthouse. There was also a virtual meeting held on March 23, 2022.

The current Downtown Historic Preservation Zoning Overlay currently includes two buildings, the J.C. Bradford Building at 170 4th Avenue North, now the Courtyard by Marriott, and the U.S. Bank Building at 208 4th Avenue North, now the Noelle Hotel, which are a part of the Printer’s Alley National Register District.

Analysis and Findings:

The area recommended for the expansion is a portion of Nashville’s historic Central Business District, which includes the Printers Alley National Register of Historic Places district (listed in 1982), the Nashville Financial National Register of Historic Places district (listed in 2002), a portion of the Fifth Avenue National Register of Historic Places district (listed in 1983) and the Federal Reserve Bank of Atlanta (listed individually in 1984 and as part of a district 2002), as well as additional National Register eligible historic buildings around these three districts.

Printers Alley between Third and Fourth Avenue North and stretching from Church and Union Streets, derives its significance from four areas: industry, commerce, entertainment, and architecture. The printing industry began shortly after the founding of Nashville and was thriving by the middle of the nineteenth century with an abundance of newspapers, periodicals, and religious materials. Many of those businesses were located on Printers Alley. The

Men's Quarter on Cherry Street (now Fourth Avenue North) developed during the Victorian years as a block devoted almost exclusively to saloons and other entertainment businesses for men. The Printers Alley Historic District contains 15 buildings which form an excellent collection of the rich architectural styles of the late nineteenth and early twentieth centuries. Together they illustrate the transition from Victorian to modern architecture in Nashville and the technological advances that made this possible.

The 400 block of Union Street and 210-222 4th Avenues North are in the Fifth Avenue National Register District. The Fifth Avenue Historic District is significant in Nashville's commercial history and architectural development. This area has traditionally been the retail center of the city and its architecture is reflective of a period of prosperity from 1870 to the 1930s. All of the buildings in the district pre-date 1935 and the majority retain their original architectural character. The district represents an important concentration of historic architecture in downtown Nashville, most being designed in the Italianate, Romanesque or Chicago commercial styles.

The Nashville Financial Historic District is eligible for listing in the National Register under Criterion C for architecture as a notable collection of Classical Revival designs and as some of the city's oldest extant examples of tall office building construction. It is further eligible under Criterion A for its association with the business history of the city and its role as a major regional center for the banking and securities industries.

The architects who designed the buildings in the Nashville Financial Historic District represent skilled architects practicing in the city during the decades preceding World War II, when formal architectural training became widespread. The classical vocabulary in the district is characteristic of financial institutions before World War II, which sought to convey their stability through the timeless qualities of classical architecture. The district, as a whole, comprises Nashville's best collection of classically styled commercial buildings. It derives its architectural importance from the consistency with which the classical idiom and three-part Sullivanesque form was used for financial buildings in this quarter, and from the association that classical styles have historically had with the banking industry nationwide.

The Nashville Financial Historic District built a reputation as the "Wall Street of the South" with the founding and consolidation of several banks that grew to influence and participate in business matters on a regional scale. The municipal bond industry also found a home in Nashville in the early twentieth century, as did other securities businesses. Banks and financial businesses in Nashville centered their offices around the intersections of Third and Fourth Avenues and Union Street. No other section of downtown had ever established such a high concentration of financial businesses as this area. These five buildings reflect the period of growth and expansion that raised the profile of banking in Nashville during the early twentieth century. The industry extended its influence into a variety of other sectors and played a major role in shaping various types of businesses, such as the insurance industry, that made Nashville a regional hub during the New South period and throughout the last century.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On July 19, 2023, the Metro Historic Zoning Commission voted to recommend approval of an expansion of the Historic Preservation Overlay District for downtown.

STAFF RECOMMENDATION

Staff recommends approval of the expansion of the Downtown Historic Preservation Overlay District to the requested properties.

Ms. Konigstein presented the staff recommendation to approve.

Chair Adkins advised that Councilmember O'Connell was the applicant for this Item.

Ms. Milligan stated Councilmember O'Connell submitted a letter to the Commission indicating he was unable to attend the meeting and provided her with information to present once they hear any opposition.

Meg Hershey, 224 Summit Ridge Drive, spoke in favor of the application.

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

Kelleigh Bannen, 3707 Princeton Avenue, spoke in favor of the application.

Cyril Stewart, 3813 Whitland Avenue, spoke in favor of the application.

Mark Morrison, 4100 Vailwood Drive, spoke in opposition to the application.

Dan Ford, 9518 Elmbrooke Blvd, stated he represents the owners of 419 Union Street. He spoke in opposition to the application.

Doug Sloan, 6354 Torrington Road, spoke in opposition to the application.

Kasra, 3537 Carothers Parkway, Franklin, stated he is speaking on behalf of the owners of 327 and 329 Union Street. He spoke in opposition to the application.

Ms. Milligan reiterated that Councilmember O'Connell sent the Commission a letter and indicated he expected there to be amendments to the proposed map prior to third reading. She advised there is the ability to amend zoning ordinances up until third reading and this is planned for public hearing and second reading next week, and two weeks later is the planned third reading. Ms. Milligan stated Mr. O'Connell does not consider the boundaries to be final and is willing to amend the boundaries based on information received.

Chair Adkins closed the Public Hearing.

Councilmember Withers stated he supports Councilmember O'Connell and believes he will be very thoughtful in working with property owners to set the boundaries on third reading.

Mr. Clifton asked if there are areas downtown which have this overlay against the will of the owners.

Robin Zeigler, Historic Zoning Administrator, stated every overlay has had support and opposition. She said based on discussions and what they have heard in community meetings, about 30% support it and about 30% are against it and have not heard from the others. Ms. Zeigler explained Downtown has Second Avenue District and Broadway and Downtown overlay currently has two properties in it.

Ms. Kempf said the booklet they were handed reflects owners in opposition based on specific properties.

Mr. Clifton stated he has been a supporter of overlays for a long time but cannot vote for this one as he felt this is a bridge too far right now.

Ms. Johnson stated they discussed this at the Historic Zoning Commission meeting and heard from opposition. She advised as a body they recommended approval because it meets policy. Ms. Johnson said when they talk about policy, they talk about NashvilleNext, which is Nashville's general plan for the next 20-30 years. She felt the beauty of NashvilleNext is the goal for growth and preservation and said they encourage high rise buildings in the downtown core but also emphasize the importance of preserving Second Avenue and Printers Alley; not only the buildings but culture and economic development. Ms. Johnson thought expanding the Historic District Zoning overlay is very important for preservation. She pointed out that once they are included in the Historic District overlay, the property owner can take advantage of the tax abatement program. She said this is a zoning bill, so Councilmember O'Connell can exclude certain buildings if he and the property owners see fit.

Mr. Smith asked about the main difference between current MDHA regulations and what it would be after this overlay was put in place.

Ms. Zeigler responded their main goal is not preservation, although it is a big part of what they do, but the main thing they don't do is control demolition. She stated this is the only tool in the city that controls demolition.

Mr. Clifton said it is a little bit of a foreign concept to override what 100% property owners for certain structures want but felt the Commissioner is correct. He reiterated there are two different functions; one as a political function and the other as a policy matter.

Ms. Kempf advised they can enter into the record their advice to the Councilman that if it is the sense of the Commission that they think it meets the policy and support it, recommend he work with those property owners who are opposed to their property being included.

Chair Adkins stated he agrees with Mr. Clifton and Ms. Johnson and feels what Ms. Kempf suggested is a good solution.

Mr. Henley said he heard mention of a discussion of amendments to the Downtown Code and asked if those functions are running parallel to this.

Ms. Kempf stated their Design Studio is undertaking a review and analysis of the Downtown Code. She said Historic preservation will be a goal and they will want to look at the entitlements within those areas and make sure they understand all the tools and levers that can be accomplished. Ms. Kempf explained they wanted to supplement their work with some baseline market analysis and that is what they are preparing today. They want to make a great path for the property owners who have historic structures but also ensure they are considering the overall economic conditions. She anticipates bringing this back to the Commission in the fall.

Mr. Henley agreed with the concerns spoken by Mr. Clifton and said all the considerations that are taking place helped him feel better.

Ms. Johnson moved and Mr. Henley seconded the motion to approve and encourage the Councilmember to work with property owners to refine the boundaries, particularly along Union Street. (7-0)

Resolution No. RS2023-287

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023HP-001-001 is approved and encourage the Councilmember to work with property owners to refine the boundaries, particularly along Union St. (7-0)

20. 2023Z-005TX-001

BL2023-1858/Brett Withers
Staff Reviewer: Dustin Shane

A request to amend title 17 of the Metropolitan Code of Laws by deleting sections 17.32.020(B)(3) and 17.40.510(C) and adding new language in those sections clarifying that signs regulated by the Metropolitan Department of Codes are to be maintained so that all sign panels remain complete and intact.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code regarding the maintenance of sign panels.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend title 17 of the Metropolitan Code of Laws by deleting sections 17.32.020(B)(3) and 17.40.510(C) and adding new language in those sections clarifying that signs regulated by the Metropolitan Department of Codes are to be maintained so that all sign panels remain complete and intact.

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

Section 1. That the Metropolitan Code of Laws shall be amended by deleting section 17.32.020(B)(3) and substituting the following language:

3. Maintenance. All signs shall be maintained in good surface and structural condition, with all panels in place, complete, and intact, and in compliance with all building and electrical codes.

Section 2. That the Metropolitan Code of Laws shall be amended by deleting section 17.40.510(C) and substituting the following language:

- C. Dilapidated Signs. All signs regulated by this title, including the panels constituting the signs, together with all supports, braces, guys and anchors, shall be maintained in good repair, so that all sign panels are affixed in place within the sign cabinet, frame, or similar structure and are complete and intact. In addition to any other available remedies, the zoning administrator may order the removal of any sign that is not maintained in accordance with this code, including the provisions of the metropolitan building code and the metropolitan electric code.

BACKGROUND

The Zoning Code currently requires all signs to be maintained in good surface and structural condition, in addition to meeting all applicable building and electrical codes. It identifies as “dilapidated” any sign, the supports, braces, guys, and anchors of which are not maintained in good repair. The zoning administrator is given the authority to remove any sign not maintained in accord with these provisions or other applicable building and electrical codes. The language currently within Code does not specifically identify missing panels as a condition that would violate the above requirements.

ANALYSIS

The bill as filed proposes to add the existence of missing, incomplete, or damaged sign panels to the existing criteria that determine compliance with sign code. With the amendment, panels must be “in place, complete, and intact” and be “affixed in place within the sign cabinet, frame, or similar structure.” It also clarifies that other remedies may be available to the zoning administrator besides ordering the removal of an offending sign.

The amendment closes a potential loophole within Code and ensures more than just structural or surface integrity is evaluated for compliance. Its implementation will enhance the signscape across Metropolitan Nashville. For these reasons, planning staff recommends approval of the proposed text amendment.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17.

Approve. (7-0)

Resolution No. RS2023-288

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

21. 2023S-105-001

THE HOMES AT GRAYCROFT

Council District 08 (Nancy VanReece)

Staff Reviewer: Laszlo Marton

A request for final plat approval to create two lots on property located at 1102 S. Graycroft Avenue, approximately 400 feet north of W. Due West Avenue, zoned RS20 (1.41 acres), requested by Stivers Land Surveying, applicant; Dulce Hoffman, owner.

Staff Recommendation: Approve with conditions, including an exception to Section 3-5.2.d.2 for lot area.

APPLICANT REQUEST

Request for final plat approval to create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 1102 S. Graycroft Avenue, approximately 400 feet north of W. Due West Avenue, zoned Single-Family Residential (RS20) (1.41 acres).

SITE DATA AND CONTEXT

Location: The site consists of one property located along the western side of South Graycroft Avenue, north of the intersection with Due West Avenue.

Street Type: The site has frontage on S. Graycroft Avenue. The Major Collector Street Plan classifies this portion of S. Graycroft Avenue as a residential arterial boulevard.

Approximate Acreage: 1.41 acres or approximately 63,284 square feet.

Parcel/Site History: The site consists of one parcel that was created by deed in 1991.

Zoning History: The property has been zoned RS20 since 1998 and was previously zoned R20.

Existing Land Use: The property currently contains a single-family residential use.

Surrounding Land Use and Zoning:

- North: Vacant/MUG
- South: Medical Office/OG
- East: Single-Family/RS20
- West: Hospital/Clinic/MUG

Zoning: Single-Family Residential (RS20)

Min. lot size: 20,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 2

Lot sizes: The proposed Lot 1 is 30,719 square feet and the proposed Lot 2 is 31,054 square feet.

Access: Access to Lots 1 and 2 is provided by a proposed 16' wide shared access easement from S. Graycroft Avenue. Shared drives are required for both lots as S. Graycroft Avenue is identified as an arterial boulevard by the Major Collector Street Plan.

Subdivision Variances or Exceptions Requested: An exception is required for lot area.

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

The proposal meets the requirements of 3-1.

3-2 Monument Requirements

Permanent monuments, in accordance with this section of the regulations, shall be placed in all subdivisions when new streets are to be constructed. The proposal does not propose any new streets.

3-3 Suitability of the Land

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

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS20 zoning at the time of building permit.

3-5 Infill Subdivisions

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

3-5.2 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.*

g. *All minimum standards of the zoning code are met.*

Complies. All lots meet the minimum standards of the zoning code.

h. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*

Complies. All lots front South Graycroft Avenue.

i. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*

The T3 NM policy that applies to the site does not specifically identify an appropriate density; however, the policy supports the underlying RS20 zoning district and its prescribed density.

j. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*

1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*

The proposed lots meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 95 feet. The proposed frontage width for both lots is roughly 97 feet.

2. Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and

The proposed lots do not meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.86 acres, or 37,353 square feet. The proposed Lot 1 is 30,719 square feet and the proposed Lot 2 is 31,054 square feet.

3. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and

New homes will be required to meet the contextual setback standards per the Metro Zoning Code.

4. Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.

All lots are oriented to S. Graycroft Avenue, consistent with surrounding lots.

k. *The current standards of all reviewing agencies are met.*

All agencies have recommended approval or approval with conditions, except for the compatibility requirements.

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

The proposed lots do not meet the minimum lot size requirement for compatibility. The lots meet the frontage requirements for compatibility which is more visually perceived from the public realm than the lot depth. The site is located on the southern portion of the block face and is wrapped by nonresidential uses. The block contains community (daycare) and medical (hospital) uses which break up the continuity of uses and setbacks on the block. Gibson Creek runs along the subject property's northern boundary where a dip in topography provides a natural buffer and separates the subject property from the home at 1024 S. Graycroft Avenue. On its southern boundary, the subject property is bordered by a one-story medical office and to the west is the former Nashville Memorial Hospital campus. With its mixture of uses, natural buffers, and variety of housing types, the development pattern is unique and supports an exception to the minimum lot area requirement.

3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.*

Not applicable to this case.

3-5.4 *Criteria for Determining Compatibility for Designated Historic Districts.*

Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*

Shared access is provided.

3-5.6 *Reasonable Conditions*

Not applicable to this case.

3-6 Blocks

Not applicable. No new blocks are being created.

3-7 Improvements

No public infrastructure or improvements are required with this subdivision. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

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

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

South Graycroft Avenue is classified by the MCSP as an arterial boulevard. The required right of way for this portion of South Graycroft Avenue is 66 feet. The plat proposes to dedicate 7.1 feet of right-of way for a total half right-of-way width of 33 feet.

3-11 Inspections During Construction

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

With the exception for the minimum lot size of the compatibility criteria, the proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setback, building heights, etc. Staff recommends approval with conditions based on a finding that the proposal can provide for harmonious development.

POLICY CONSIDERATIONS

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

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to the entirety of this property is T3 NM (Suburban Neighborhood Maintenance). The goal of the T3 NM Policy is to maintain suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. The policy states that these areas will experience some change over time, and when such change occurs, efforts should be made to retain the existing character of the neighborhood. Appropriate land uses in the T3 NM policy include single-family residential, one and two-family residential, open space and institutional uses.

According to the T3 NM policy density is secondary to the form of development; however, these areas are meant to be low- to moderate- density. Since T3 NM policy is applied to predominantly developed neighborhoods whose character is intended to be maintained, the appropriate density is determined by the existing character of each individual neighborhood in terms of its mix of housing types, setbacks, spacing between buildings, and block structure.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions, including an exception to Section 3-5.2.d.2 for lot area.

CONDITIONS

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

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-105-001 with conditions including an exception to Section 3-5.2.d.2 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions, including an exception to Section 3-5.2.d.2 for lot area. (7-0)

Resolution No. RS2023-289

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-105-001 is approved with conditions, including an exception to Section 3-5.2.d.2. (7-0)

CONDITIONS

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

22. 2023S-115-001

D.C. KELLEY'S SUBDIVISION

Council District 04 (Robert Swope)

Staff Reviewer: Celina Konigstein

A request for final plat approval to create three lots on property located at 5444 Franklin Pike Circle, approximately 340 feet south of Stonegate Place, zoned R20 (1.6 acres), requested by Clint Elliott Survey, applicant; Brad Whitfield, owner.

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-115-001 to the August 24, 2023, Planning Commission meeting. (7-0)

23. 2023S-117-001
F.O. BEAZLEY'S MCFERRIN ADDITION TO EAST NASHVILLE 4

Council District 05 (Sean Parker)
Staff Reviewer: Donald Anthony

A request for final plat approval to create four lots on properties located at 615 and 621 N. 9th Street, approximately 350 feet north of Marina Street and located within a Contextual Overlay District and a Detached Accessory Dwelling Unit Overlay District, zoned RS5 (0.51 acres), requested by Clint Elliott Survey, applicant; Jarrett & Marnique Strickland, owners.

Staff Recommendation: Approve with conditions including exceptions to Sections 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for lot area.

APPLICANT REQUEST

Request for final plat approval to create four lots.

Final Plat

A request for final plat approval to create four lots on properties located at 615 and 621 North 9th Street, approximately 350 feet north of Marina Street, and located within a Contextual Overlay District and a Detached Accessory Dwelling Unit Overlay District, zoned Single-Family Residential (RS5) (0.51 acres).

SITE DATA AND CONTEXT

Location: The site consists of three existing lots, located along the east side of North 9th Street between Marina Street to the south and Mansfield Street to the north.

Street Type: The site has frontage on North 9th Street, a local street with an existing right-of-way of 50 feet.

Approximate Acreage: 0.51 acres or approximately 22,287 square feet.

Parcel/Site History: This site is comprised of three existing lots, identified as Lots 163-165 in Block 1 of F.O. Beasley's McFerrin Addition. The lots were created via subdivision and subsequent resubdivisions in 1946, 1954, and 1962.

Zoning History: The property has been zoned RS5 since 2004.

Existing Land Use: The property is currently used for single-family residential.

Surrounding Land Use and Zoning:

- North: Single-Family Residential/RS5
- South: Single-Family Residential/RS5
- East: Single-Family Residential/RS5
- West: Single-Family Residential/RS5

Zoning: Single-Family Residential (RS5)

Min. lot size: 5,000 square feet

Max. building coverage: 0.50

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 4

Lot sizes: Lots 1, 2, and 3 – 0.113 acres (4,917 square feet); Lot 4 – 0.164 acres (7,164 square feet).

Access: Access to all lots is provided from public alley #717, which lies on the rear (east) side of the lots. An existing single-family residential unit on lot 4 has existing access from North 9th Street.

Subdivision Variances or Exceptions Requested: The applicant seeks exceptions from Section 3-5 of the Subdivision Regulations, which provide compatibility standards for infill subdivisions. See below for additional information on requested exceptions.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Urban Neighborhood Maintenance (T4 NM) policy. For T4 NM, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

This subdivision meets the standards of Section 3-1.

3-2 Monument Requirements

Complies. Monuments will be set after plat approval.

3-3 Suitability of the Land

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

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS5 zoning at the time of building permit.

3-5 Infill Subdivisions

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

3-5.2 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists:*

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

Complies. While lots 1, 2, and 3 have lot sizes less than the minimum 5,000 square feet required in the RS5 zoning district, the proposed lot sizes are permitted due to an alley right-of-way dedication requirement. Per Table 17.12.020A, Note 2, of the Zoning Code, when right-of-way dedication is required for lots that would have met the minimum lot area prior to the dedication, the minimum lot area shall be considered to be the area prior to the dedication. The lot area for lots 1, 2, and 3, prior to right-of-way dedication, was 5,000 square feet as confirmed through a previous iteration of the plat.

b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*

Complies. Each lot has frontage on North 9th Street, an existing public street.

c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*

The T4 NM policy that applies to the site does not specifically identify an appropriate density; however, the policy supports the underlying RS5 zoning district and its prescribed density.

d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*

1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*

The proposed lots do not comply with this standard. Each of the surrounding lots has a minimum frontage of 50 feet, and 70 percent of the average of the surrounding lots is 37.7 feet. Therefore, 50 feet is the minimum lot frontage for the proposed lots. Lots 1, 2, and 3 are each proposed with 33.33 feet of frontage. Lot 4 is proposed with 48.29 feet of frontage.

2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used.*

The proposed lots do not comply with this standard. Each of the surrounding lots has a minimum size of 0.17 acres (7,500 square feet), and 70 percent of the average of the surrounding lots is 5,655 square feet. Therefore, 7,500 square feet is the minimum lot size for the proposed lots. Lots 1, 2, and 3 are each proposed with a size of 0.11 acres (4,917 square feet). Lot 4 is proposed with a lot size of 0.17 acres (7,286 square feet).

Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used.

Contextual setbacks will be reviewed at the building permit stage per the Zoning Code.

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

Complies. Existing residential units on all surrounding lots are oriented toward North 9th Street. All lots in the proposed subdivision are oriented toward North 9th Street.

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

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

The proposed subdivision satisfies most standards of the Subdivision Regulations and Metro Zoning Code. However, the proposed subdivision does not satisfy two compatibility standards listed in Section 3-5.2 of the Subdivision Regulations, and the applicant requests exceptions to each of these standards. The first requested exception is to the lot frontage standard. The minimum required frontage for each lot in the proposed subdivision is 50 feet; the proposed subdivision includes three lots that have frontages of 33.33 feet and one lot that has a frontage of 48.29 feet. The second requested exception is to the lot size standard. The minimum required lot size for each lot in the proposed subdivision is 7,500 square feet; lot sizes in the proposed subdivision range from 4,917 square feet to 7,164 square feet.

With the exception of corner lots, each existing lot on the east side of North 9th Street has a frontage of 50 feet. The frontages of the proposed lots range from 33.33 feet (lots 1, 2, and 3) to 48.29 feet (lot 4). The proposed frontages would be similar to those of lots on the west side of North 9th Street, most of which are 35 feet. While the proposed lots with 33.33-foot and 48.29-foot frontages do not meet the minimum frontage standard of 50 feet established by the surrounding lots on the same block face, they would be compatible with many other lots on the same block.

Generally, non-corner lots on the east side of North 9th Street have lot sizes of 7,500 square feet. Proposed lots 1, 2, and 3 would have lot sizes of 4,917 square feet, while proposed lot 4 would have a lot size of 7,164 square feet. The proposed lots would have lot sizes similar to those on the west side of North 9th Street, most of which are 5,250 square feet. While the proposed lot sizes do not meet the minimum lot size standard of 7,500 square feet established by the surrounding lots on the same block face, they would be compatible with many other lots on the same block.

- 3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.*

Not applicable to this case.

- 3-5.4 *Criteria for Determining Compatibility for Designated Historic Districts.*

Not applicable to this case.

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

- 3-5.6 *Reasonable Conditions*
Not applicable to this case.

3-6 Blocks

Not applicable. No new blocks are being created.

3-7 Improvements

No public infrastructure or improvements are required with this subdivision. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

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

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

3-9 Requirements for Streets

Not applicable. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

Not applicable. No dedication, reservations, or improvements to public infrastructure are required.

3-11 Inspections During Construction

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Metro Water Services has reviewed this proposed final plat for water and has recommended approval.

3-16 Sewerage Facilities

Metro Water Services has reviewed this proposed final plat for sewer and has recommended approval.

3-17 Underground Utilities

Not applicable. No new streets are proposed.

PLANNING STAFF COMMENTS

As noted in this report, the proposed subdivision satisfies most requirements of the Subdivision Regulations and Zoning Code. The proposed subdivision does not meet the frontage and lot size standards for an infill subdivision in the Neighborhood Maintenance policy area. However, based on existing development patterns on the same block, the proposed subdivision would be compatible with other lots in the area. Because the proposed subdivision is generally compatible with the surroundings and meets most requirements of the Zoning Code and Subdivision Regulations, staff recommends approval with conditions and exceptions to Section 3-5.2 of the Subdivision Regulations.

POLICY CONSIDERATIONS

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

The Community Character Manual (CCM) policy applied to the site is Urban Neighborhood Maintenance (T4 NM). T4 areas include historic, inner-ring neighborhoods as well as new neighborhoods that are intended to be developed in a more intense, urban fashion. T4 NM areas within the Urban Transect are intended to maintain urban neighborhoods as characterized by their moderate to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. High levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit are a feature of T4 NM areas. The policy supports a variety of building types including houses, low to mid-rise townhouses, and low to mid-rise flats. Lot sizes within the policy area can vary, and zoning districts ranging from RS3.75 up to RM20-A are supported depending on context.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION
Approve

STORMWATER RECOMMENDATION
Approve

NASHVILLE DOT RECOMMENDATION
Approve

TRAFFIC AND PARKING RECOMMENDATION
Approve with conditions

- Access will be from alley.
- Traffic conditions to be set at the time of final site plan or building permit approval for individual lots. (Traffic studies, driveway distances, access sight triangles, etc.)

WATER SERVICES RECOMMENDATION
Approve with conditions

- Water & Sanitary Sewer Capacity fees must be paid before issuance of building permits for new lots.

STAFF RECOMMENDATION

Approve with conditions including exceptions to Sections 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for lot area.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Revise note 11 as follows: Access shall be limited to the rear alley only, except for the existing driveway on lot 4. Should lot 4 redevelop, access for all lots shall be from the rear alley.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-117-001 with conditions including exceptions to 3-5.2.d.1 and 3-5.2.d.2 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions, including an exception to Section 3-5.2.d.1 for lot area and 3-5.2.d.2 for lot area. (7-0)

Resolution No. RS2023-290

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-117-001 is approved with conditions, including an exception to Section 3-5.2.d.1 for lot frontage and 3-5.2.d.2 for lot area. (7-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Revise note 11 as follows: Access shall be limited to the rear alley only, except for the existing driveway on lot 4. Should lot 4 redevelop, access for all lots shall be from the rear alley.

24. 2023S-119-001
HERMITAGE ESTATES

Council District 11 (Larry Hagar)
Staff Reviewer: Amelia Lewis

A request for final plat approval to remove reserve parcel status on property located at Belinda Drive (unnumbered), at the current terminus of Belinda Drive, zoned RS10 (0.49 acres), requested by Clint Elliott Survey, applicant; The A.H. Johnson Co., L.P., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to remove the reserve status from one parcel.

Final Plat

A request for final plat approval to remove reserve parcel status on property located at Belinda Drive (unnumbered), at the current terminus of Belinda Drive, zoned Single-Family Residential (RS10) (0.49 acres).

SITE DATA AND CONTEXT

Location: The property is located at the terminus of Belinda Drive, east of Lebanon Pike.

Street type: The site has frontage on Belinda Drive, a local street.

Approximate Acreage: 0.43 acres or approximately 18,812 square feet.

Parcel/Site History: This site is in the Hermitage Estates Subdivision and was recorded in 1962. The site consists of a single reserve parcel and shown on the plat as Reserve Parcel E. Due to the reserve status, no building permit can be issued on the parcel. The 1962 plat does not indicate why the reserve tract was put in place so the Planning Commission must approve the removal of the reserve status to make the parcel a buildable lot.

Zoning History: The property has been zoned RS10 since 1998. Prior to this it was zoned One and Two-Family Residential (R10).

Existing land use and configuration: The property is currently vacant.

Surrounding land use and zoning:

- North: Single-Family Residential (RS10)
- South: Single-Family Residential (RS10)
- East: Single-Family Residential (RS10) and Office Residential (OR20)
- West: Single-Family Residential (RS10)

Zoning: Single-Family Residential (RS10)

Min. lot size: 10,000 square feet

Max. building coverage: 0.40

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 1

Lot size: 18,812 square feet (0.43 acres)

Access: The lot has frontage on Belinda Drive, which will serve as the vehicular access frontage. The driveway location will be determined at the time of building permit.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

Chapter 2-8, Miscellaneous Platting Situations, apply to this request. Section 2-8.1, pertains to converting parcels to building sites. The Commission is required to review parcels being converted to building sites. An exception to this is when a parcel is in reserve due to pending action by a public utility to provide service to the parcel and the reason is stated on the plat that created the reserve parcel. In this event where the reason is stated in the plat, the review can be done at an administrative level with all reviewing agency approvals. However, because no reason was provided on this plat, action by the Commission is required.

When determining if the reserve status should be removed from parcels where the plat does not cite why the parcel is in reserve, the regulations require the Commission consider the following:

1. That the parcel fits into the character of the area and is consistent with the general plan.
2. That all minimum standards of the zoning code are met.
3. That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.2.c, 4-6.3 or 5- 3.1.
4. That the current standards of all reviewing agencies are met.

The parcel is generally the same size and has equivalent frontage along a public street as the surrounding parcels along Belinda Drive. The lot size exceeds the minimum required by the zoning district and has frontage along a public street, per section 3-4.2.b. All agencies have recommended approved. Staff finds that the subject reserve parcel meets the four requirements to become a buildable lot.

PLANNING STAFF COMMENTS

As proposed, the reserve parcel meets all zoning and subdivision requirements.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic conditions to be set at the time of final site plan or building permit approval for individual lots. (Traffic studies, driveway distances, access sight triangles, etc.)

WATER SERVICES RECOMMENDATION

Approve with conditions

- Water & Sanitary Sewer Capacity fees must be paid before issuance of building permits for new lot.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

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

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-119-001 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. RS2023-291

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-119-001 is approved with conditions. (7-0)

CONDITIONS

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

25. 2023Z-075PR-001

BL2023-2057/Sean Parker

Council District 05 (Sean Parker)

Staff Reviewer: Donald Anthony

A request to rezone from SP to R6-A zoning for property located at 736 Douglas Avenue, approximately 125 feet east of Montgomery Avenue (0.18 acres), requested by Councilmember Sean Parker, applicant; Zollie V. Prowell, Et Ux, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from SP to R6-A.

Zone Change

A request to rezone from Specific Plan (SP) to One and Two-Family Residential-Alternative (R6-A) for property located at 736 Douglas Avenue, approximately 125 feet east of Montgomery Avenue (0.18 acres).

Existing Zoning

Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan permits single-family residential units and detached accessory dwelling units. On the subject property, this Specific Plan would permit one single-family residential unit and one detached accessory dwelling unit.*

Proposed Zoning

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

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.

SITE AND CONTEXT

The rezoning application is for a 0.18-acre parcel located at 736 Douglas Avenue. The property is currently located in the Cleveland Park – McFerrin SP, which permits all uses allowed in the RS5 zoning district as well as detached accessory dwelling units. The Cleveland Park – McFerrin SP was enacted in 2015 and included approximately 238 acres. The subject property lies at the northeastern corner of the SP district. Adjacent properties on the west and south lie within the Cleveland Park – McFerrin SP. The property to the north of the subject property is zoned IR, while the property to the east is zoned RM20-A. Surrounding land uses include: single-family residential on the west and south; commercial to the north; and attached multi-family residential on the east. Douglas Avenue is classified as a collector-avenue and includes sidewalks and bike lanes on both sides of the street.

The proposed R6-A zoning would permit one and two-family residential uses. In the R6-A zoning district, the minimum lot area is 6,000 square feet. The required street setback would be contextual, based on the setbacks of surrounding lots; side and rear setbacks would be five and twenty feet, respectively. The maximum permitted building height in the R6-A zoning district is three stories. The R6-A zoning district is an alternative district, which requires: access from the existing improved alley; the front of any detached garage to be located behind the rear of the primary structure; the garage door of any attached garage to face the side or rear property line; and a minimum raised building foundation of 18 to 36 inches.

Within the bounds of the Cleveland Park – McFerrin SP, several properties have been rezoned to R6-A in recent years. Two properties located along the south side of Evanston Avenue between North 6th Street and North 7th Street were rezoned to R6-A in 2019; both properties have since been developed with two-family residential units. Nine properties located along the west side of North 6th Street north of Cleveland Avenue were rezoned to R6-A in 2020; to date, four of these properties have been redeveloped with two-family residential units. Like the subject property, each of the other properties that have been rezoned from SP to R6-A lie along the edges of the Cleveland Park – McFerrin SP district.

ANALYSIS

The application proposes rezoning the subject property from SP to R6-A. The requested R6-A zoning is consistent with the Community Character Manual's guidance for the T4 Urban Neighborhood Evolving (T4 NE) policy area. The T4 NE policy is characterized in part by moderate to high-density residential development, a diverse housing mix, and high levels of connectivity. Recommended building types include houses, low and mid-rise townhouses, and low and mid-rise flats. The proposed R6-A zoning would permit two residential units on the subject property. The property is situated along Douglas Avenue, which has sidewalks for pedestrians and bike lanes for bicyclists. In the Major and Collector Street Plan, local streets north of Douglas Avenue—including Montgomery Avenue and Jones Avenue—are planned to include broad sidewalks, supporting a vast pedestrian network in the area.

Because the proposed rezoning is consistent with the T4 NE policy, staff recommends approval of the rezoning request.

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)	-	-	2 U	28	7	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.18	7.71 D	2 U	28	7	2

*Based on two-family lots

Traffic changes between maximum: **SP 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 SP district: 0 Elementary 0 Middle 0 High
 Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High

The proposed R6-A zoning district is expected to generate no more students than the existing SP zoning district. Students would attend Schwab Elementary School, Jere Baxter Middle School, and Maplewood 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. RS2023-292

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-075PR-001 is approved. (7-0)

26. 2023Z-076PR-001

BL2023-2099/Brett Withers
 Council District 06 (Brett Withers)
 Staff Reviewer: Logan Elliott

A request to rezone from RS5, R6, and R8 to RM20-A zoning for properties located along Shelby Avenue and S. 10th Street, south of Fatherland Street, and located in the Lockeland Springs - East End Neighborhood Conservation Overlay District and the Edgefield Historic Preservation Overlay District (9.96 acres), requested by Councilmember Brett Withers, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5, R6, and R8 to RM20-A.

Zone Change

A request to rezone from Single-Family Residential (RS5), One and Two-Family Residential (R6), and One and Two-Family Residential (R8) to Multi-Family Residential (RM20-A) zoning for properties located along Shelby Avenue and

S. 10th Street, south of Fatherland Street, and located in the Lockeland Springs - East End Neighborhood Conservation Overlay District and the Edgefield Historic Preservation Overlay District (9.96 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.*

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 26 lots with 23 duplex lots for a total of 49 units, based on the acreage alone.*

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 17 lots with 9 duplex lots for a total of 26 units, based on the acreage alone.*

Edgefield Historic Preservation Overlay District and Lockeland Springs – East End Neighborhood Conservation Overlay District

The area proposed for rezoning, with the exception of one property (08216041500), is either within the Edgefield Historic Preservation Zoning Overlay or the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. The purpose of both overlays is to preserve historic properties.

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. *RM20-A would permit a maximum of 199 units, based on acreage alone.*

EAST NASHVILLE COMMUNITY PLAN

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

SITE

The application proposes to rezone property that fronts onto Shelby Avenue and S. 10th Street. Shelby Avenue is classified as an Arterial Boulevard west of S. 10th Street and as a Collector Avenue east of S. 10th Street South. S. 10th Street is classified as an Arterial Boulevard north of Shelby Avenue and a local street south of S. 10th Street. The properties immediately at the intersection of the Shelby Avenue and S. 10th Street are not included in the application and have mixed-use policy and zoning applied to them. Otherwise, the surrounding neighborhood contains a mixture of residential and commercial uses.

ANALYSIS

The requested RM20-A zoning is supported by the T4 NM policy at this location, based on the surrounding context. The T4 NM policy describes that these areas usually contain a mixture of residential building types and that future zoning decisions should place high-intensity buildings near centers and corridors. The policy describes that in addition to providing greater housing choice, these more intense building types will add value to the neighborhood by growing market and demand for consumer services and for transit. Additionally, the policy describes that along major corridors, such as arterial boulevards or collector avenues, character may vary slightly from the interior of the neighborhood. Staff finds that the proposed zoning request strategically permits additional density along the S. 10th Street and Shelby Avenue corridors and near the Main Street center of East Nashville. The up-zoning permits an increase in density that is appropriate given the context of this urban neighborhood.

All but one parcel will be subject to design review by Metro Historic with redevelopment to ensure that future development reflects the character of the existing neighborhood. Up-zoning can sometimes place pressure on historic buildings to be larger than the guidelines would allow in order to accommodate increased density; however, these lots are either vacant or have non-historic buildings on them. Rezoning does not negate the existing overlays and because the properties are located in historic overlays, new construction and demolition would still need to meet the existing overlay design guidelines.

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)		7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)		7.71 D	26 U	280	21	26

*Based on two-family lots

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)		5.79 D	49 U	539	40	51

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM20-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)		20 D	199 U	1,083	67	85

Traffic changes between maximum: **RS5/R6/R8 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+123 U	+249	+1	+7

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5, R6, R8 district: 9 Elementary 4 Middle 3 High
 Projected student generation proposed RM20-A district: 33 Elementary 20 Middle 14 High

The proposed RM20-A zoning is expected to generate 51 additional students than the existing RS5, R6, R8 zoning. Students would attend Warner Elementary School, Stratford STEM Campus Middle School, and Stratford High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (7-0)

Resolution No. RS2023-293

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-076PR-001 is approved. (7-0)

27. 2023Z-081PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to R10 zoning for property located at 1813 Manchester Avenue, approximately 510 feet east of the intersection of Hydes Ferry Road and Manchester Avenue (0.46 acres), requested by Laura Mitchell, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning at 1813 Manchester Avenue, approximately 510 feet northeast of Hydes Ferry Road (0.46 acres).

Existing Zoning

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

Proposed Zoning

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

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.

ANALYSIS

The parcel proposed to be rezoned is located on the north side of Manchester Avenue, between John Mallette Drive and Hydes Ferry Road. The parcel is approximately half an acre in size. Metro records indicate that a duplex occupies the parcel. Surrounding zoning includes single-family residential (RS10) and one and two-family residential (R10). Surrounding land uses include single and two-family residential.

The requested R10 zoning is supported by the T3 NE policy. It allows for one or two-family residential uses, which would increase housing choice in the area. Several surrounding parcels have recently been rezoned with higher densities. A majority of these zoning requests are from RS10 to R10 although there are some SPs and other two-family zoning districts as well. While the evolving policy likely anticipated a change in zoning districts within this area, staff and the community are becoming increasingly aware of an increase in rezoning activity. While the T3 NE policy supports change in housing type and increased density within the policy area, it also intends for there to be a variety of housing options in the area it is applied and for the existing context to be taken into consideration. To provide for a variety of housing options in the area, some of the existing single-family housing should be maintained. It may also be appropriate for more intense zoning to be applied to areas on the edge of the NE area, adjacent to more intense policy areas.

To balance the needs of the current residents and the existing infrastructure, to protect the existing housing stock, and to provide the housing diversity called for in the policy, staff has analyzed an area bounded by John Mallette Drive to the north, Hydes Ferry Road to the west, the Cumberland River to the south, and Clarksville Pike to the east, which consists of 286 parcels. For the analysis, staff looked at the study area as if it were not developed and consisted of vacant land and zoned for one and two-family. Under this scenario, a subdivision that included 286 lots would be limited to 25% duplex lots, per the standards of the Zoning. The 25% limitation results in 71 lots being duplex eligible. This would allow for the rezoning of 24 additional parcels beyond this subject application. Staff recommends that when the 71-parcel mark is reached, further analysis regarding the land uses, infrastructure, and policy should occur. While the 25% limit may not be the perfect tool, this is a measure that can provide for some change to occur while also being sensitive to the concerns of existing residents.

The proposed R10 zoning district will incorporate additional intensity into the neighborhood in a manner that does not disrupt the suburban character of the neighborhood. It represents a modest increase in intensity, consistent with the surrounding context.

FIRE MARSHAL RECOMMENDATION
Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.46	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.46	4.356 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R10 zoning is expected to generate no additional students than the existing RS10 zoning. 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. RS2023-294

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-081PR-001 is approved. (7-0)

28. 2023Z-084PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Dustin Shane

A request to rezone from RS5 to R6-A for property located at 2406 Merry Street, approximately 385 feet east of 25th Avenue North and located within a Detached Accessory Dwelling Unit Overlay District (0.17 acres), requested by So Bro Law Group, PLLC, applicant; 2406 Merry St. LLC C/O Victor Ghatas, owner.

Staff Recommendation: Defer to the August 24, 2023, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-084PR-001 to the August 24, 2023, Planning Commission meeting. (7-0)

29. 2023Z-086PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Logan Elliott

A request to rezone from RS10 to R10 for properties located at 1811 and 1813 Elizabeth Road, approximately 350 feet northeast of Hydes Ferry Road (0.6 acres), requested by Bordeaux First LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) for properties located at 1811 and 1813 Elizabeth Road, approximately 350 feet northeast of Hydes Ferry Road (0.6 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 2 units.*

Proposed Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 2 duplex lots for a total of 4 units. Metro Codes provides final determinations on duplex eligibility*

BORDEAUX - WHITES CREEK - HAYNES TRINITY COMMUNITY PLAN

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

SITE

The application includes two parcels comprising approximately 0.6 acres located on the north side of Elizabeth Road in the Bordeaux neighborhood. Elizabeth Road is a local street. One parcel is vacant and the other contains a single-family land use, and the area has a pattern of single-family residential with some two-family residential uses.

ANALYSIS

The application proposes to rezone the property from RS10 to R10. The requested R10 zoning is supported by the T3 NE policy. The proposed zoning allows for one or two-family residential uses, which would increase housing choice in the area. Several surrounding parcels have recently been rezoned with higher densities. A majority of these zoning requests are from RS10 to R10 although there are some SPs and other two-family zoning districts as well. While the evolving policy likely anticipated a change in zoning districts within this area, staff and the community are becoming increasingly aware of an increase in rezoning activity. While the T3 NE policy supports change in housing type and increased density within the policy area, it also intends for there to be a variety of housing options in the area it is applied and for the existing context to be taken into consideration. To provide for a variety of housing options in the area, some of the existing single-family housing should be maintained. It may also be appropriate for more intense zoning to be applied to areas on the edge of the NE area, adjacent to more intense policy areas.

To balance the needs of the current residents and the existing infrastructure, to protect the existing housing stock, and to provide the housing diversity called for in the policy, staff has analyzed an area bounded by John Mallette Drive to the north, Hydes Ferry Road to the west, the Cumberland River to the south, and Clarksville Pike to the east, which consists of 286 parcels. For the analysis, staff looked at the study area as if it were not developed and consisted of vacant land and zoned for one and two-family. Under this scenario, a subdivision that included 286 lots would be limited to 25% duplex lots, per the standards of the Zoning. The 25% limitation results in 71 lots being duplex eligible. This would allow for the rezoning of 24 additional parcels beyond this subject application. Staff recommends that when the 71-parcel mark is reached, further analysis regarding the land uses, infrastructure, and policy should occur. While the 25% limit may not be the perfect tool, this is a measure that can provide for some change to occur while also being sensitive to the concerns of existing residents.

The proposed R10 zoning district will incorporate additional intensity into the neighborhood in a manner that does not disrupt the suburban character of the neighborhood. It represents a modest increase in intensity, consistent with the surrounding context.

FIRE RECOMMENDATION
Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.6	4.356 D	2 U	28	7	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Res* (210)	0.6	4.356 D	4 U	54	8	5

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R10 zoning is expected to generate no additional students than the existing RS10 zoning. 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. RS2023-295

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-086PR-001 is approved. (7-0)

H: OTHER BUSINESS

30. Bonus Height Certification Memo for 909 Division Street

Resolution No. RS2023-296

"BE IT RESOLVED by The Metropolitan Planning Commission that the Bonus Height Certification Memo for 909 Division Street is approved. (7-0)

31. New Employment Contracts and Employment Contract Amendments

Resolution No. RS2023-297

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract and Employment Contract Amendments is approved. (7-0)

Mr. Clifton moved and Ms. Johnson seconded the motion to approve new employment contracts and employment contract amendments as outlined on the chart provided to the Commission and approve a contract for the Executive Director which includes 6% COLA provided to all Metro Employees and additional 9% open range increase based on the Executive Committee recommendation. (7-0)

32. Historic Zoning Commission Report
33. Board of Parks and Recreation Report
34. Executive Committee Report
35. Accept the Director's Report

Resolution No. RS2023-298

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

36. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

August 24, 2023

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Schools Administration Building, School Board Meeting Room

September 14, 2023

MPC Meeting

4 pm, 2601 Bransford Avenue, Metro Schools Administration Building, School Board Meeting Room

September 28, 2023

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 5:44 p.m.