

Metropolitan Planning Commission



Staff Reports

November 9, 2023



Metro Planning Commission Meeting of 11/9/23

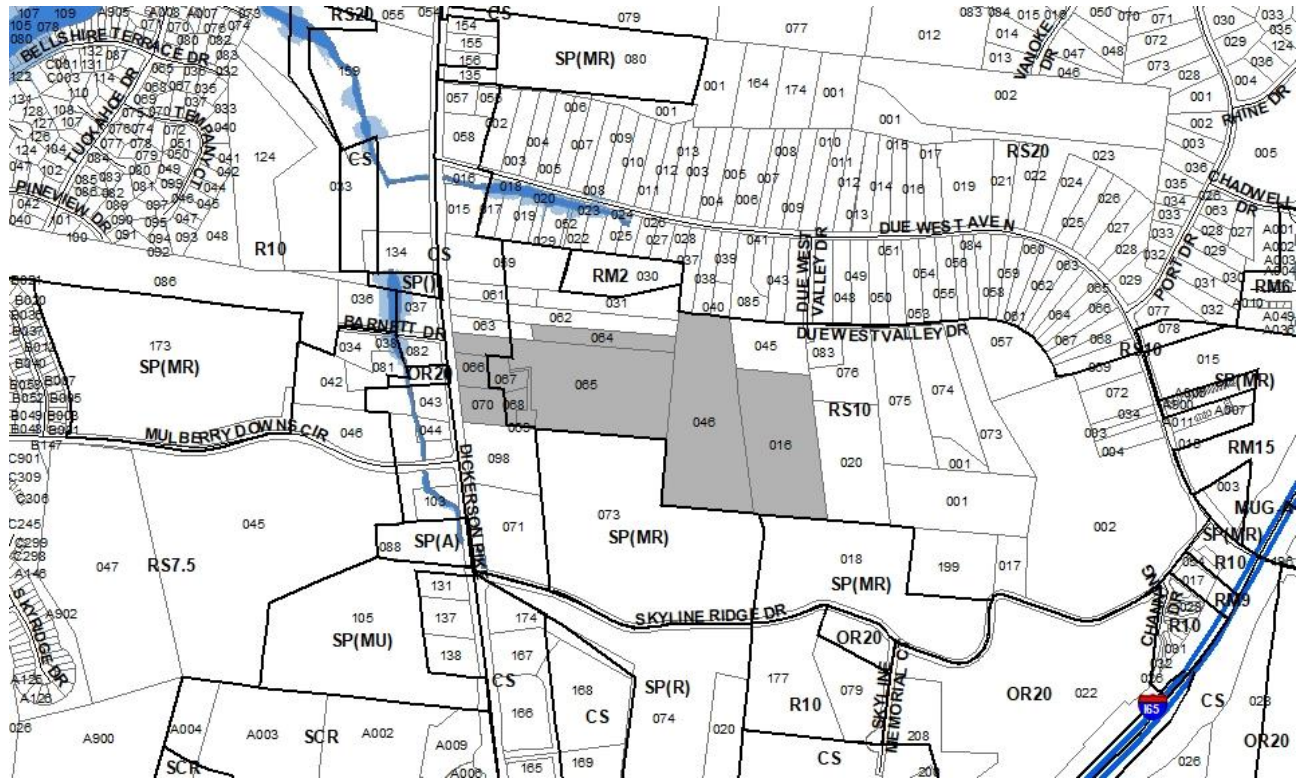
Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure,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



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2022SP-077-001

3539 DICKERSON PIKE

Map 050, Parcel(s) 064, 065, 066, 067, 068, 069, 070

Map 051-01, Parcel(s) 046

Map 051-05, Parcel(s) 016

02, Parkwood – Union Hill

05 (Sean Parker)



Metro Planning Commission Meeting of 11/9/23

Item #1	Specific Plan 2022SP-077-001
Project Name	3539 Dickerson Pike
Council District	05 – Parker
School District	01 – Gentry
Requested by	Barge Cauthen & Associates, applicant; 3539 Dickerson Pike, LLC, Lotus Enterprises, Inc., and New Level CDC, owners.

Deferrals This item was deferred from the October 26, 2023, Planning Commission meeting. No public hearing was held.

Staff Reviewer Anthony
Staff Recommendation *Defer to the December 14, 2023, Planning Commission meeting.*

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Zone Change

A request to rezone from Commercial Service (CS) and Single-Family Residential (RS10) to Specific Plan (SP) zoning for properties located at 3252, 3533, 3537, and 3539 Dickerson Pike, Dickerson Pike (unnumbered), and Due West Avenue North (unnumbered), approximately 970 feet south of the intersection of Dickerson Pike and Due West Avenue North (36.92 acres), to permit a mixed use development with 22,000 square feet of non-residential uses and 525 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2023, Planning Commission meeting.



Metro Planning Commission Meeting of 11/9/23



2023SP-048-001

THE GROVE AT BUENA VISTA

Map 070-13, Parcels 060-061, 065, 066, 096-098, 163
03, Bordeaux – Whites Creek – Haynes Trinity
02 (Kyonzte Toombs)



Metro Planning Commission Meeting of 11/9/23

Item #2
Project Name Specific Plan 2023SP-048-001
Council District The Grove at Buena Vista
School District 02- Toombs
Requested by 01 – Gentry
Williams Engineering, applicant; Fed Development, LLC,
owner.

Deferrals This item was deferred from the August 24, 2023,
September 28, 2023, and the October 12, 2023, Planning
Commission meetings. No public hearing was held.

Staff Reviewer Swaggart
Staff Recommendation *Defer indefinitely.*

APPLICANT REQUEST

Preliminary SP to permit 75 multi-family residential units.

Preliminary SP

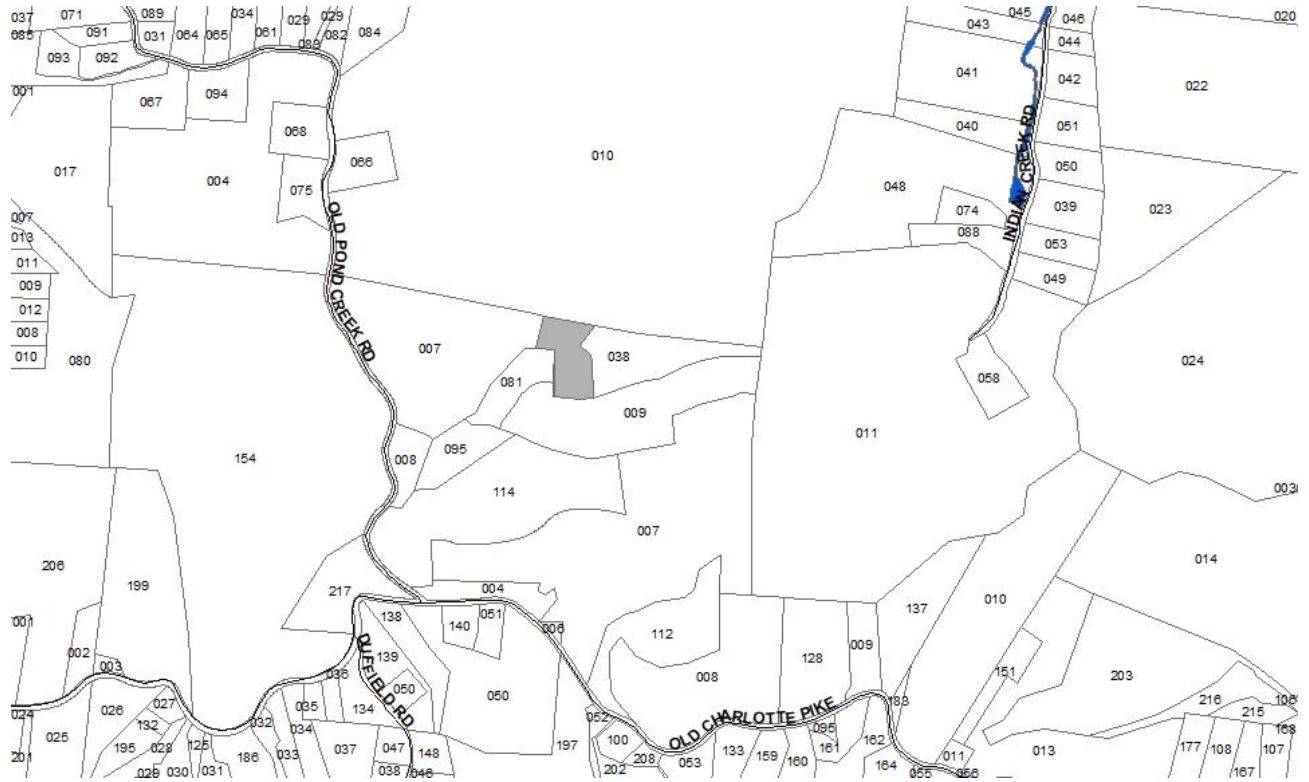
A request to rezone from One and Two-Family Residential (R8) to specific Plan (SP) zoning for properties located at 2130, 2132 A, 2140 and 2142 Buena Vista Pike and 3005 A, 3005 B, 3007 and 3009 Cliff Drive, at the southwest corner of Buena Vista Pike and Cliff Drive (5.29 acres), to permit up to 75 multi-family residential units.

STAFF RECOMMENDATION

Staff recommends indefinite deferral.



Metro Planning Commission Meeting of 11/9/23



2023S-110-001
SUBDIVISION FOR ELAINE ZEMER
Map 100, Part of Parcel 038
06, Bellevue
35 (Jason Spain)



Metro Planning Commission Meeting of 11/9/23

Item #3	Final Plat 2023S-110-001
Project Name	Subdivision for Elaine Zemer
Council District	35 – Spain
School District	09 – Tylor
Requested by	Chapdelaine & Associates, applicant; Chad and Elaine Zemer, owners.

Deferrals	This item was deferred at the October 12, 2023, and October 26, 2023, Planning Commission meetings. No public hearing was held.
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Staff Reviewer	Lewis
Staff Recommendation	<i>Defer to the December 14, 2023, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for final plat to create two lots.

Final Plat

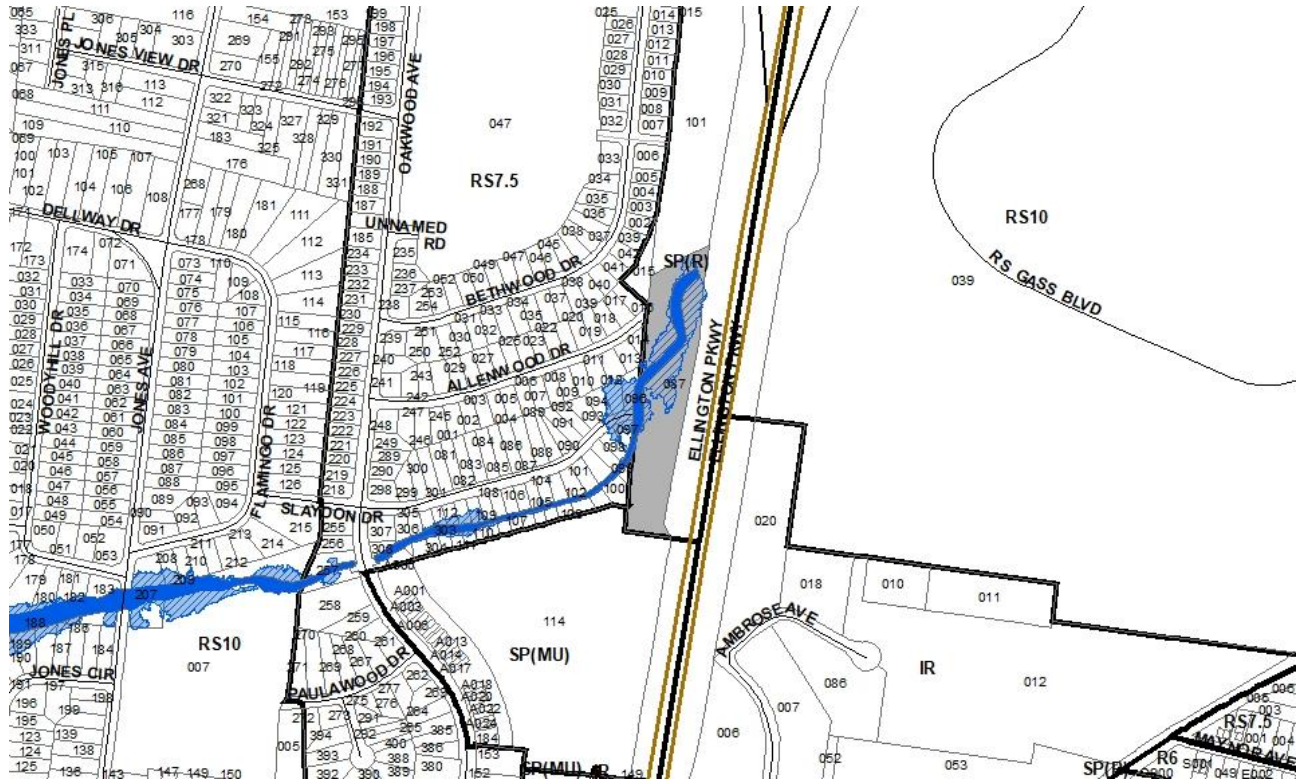
A request for final plat approval to create two lots on a portion of property located at 8056 Old Pond Creek Road, approximately 1,780 feet north of Old Charlotte Pike, zoned Agricultural/Residential (AR2A) (4.39 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2023, Planning Commission meeting.



Metro Planning Commission Meeting of 11/9/23



2023S-112-001
OAKWOOD PRESERVE
 Map 072, Parcel(s) 087
 05, East Nashville
 05 (Sean Parker)



Metro Planning Commission Meeting of 11/9/23

Item #4	Final Plat 2023S-112-001
Project Name	Oakwood Preserve
Council District	05 – Parker
School District	01 – Gentry
Requested by	Dale & Associates, applicant; Main Street Land Trust, owner.
Deferrals	This item was deferred from the September 28, 2023, October 12, 2023, and October 26, 2023, Planning Commission meetings. No public hearing was held.
Staff Reviewer	Marton
Staff Recommendation	<i>Defer to the December 14, 2023, Planning Commission meeting.</i>

APPLICANT REQUEST

Request for Concept Plan approval to create 19 lots.

Concept plan

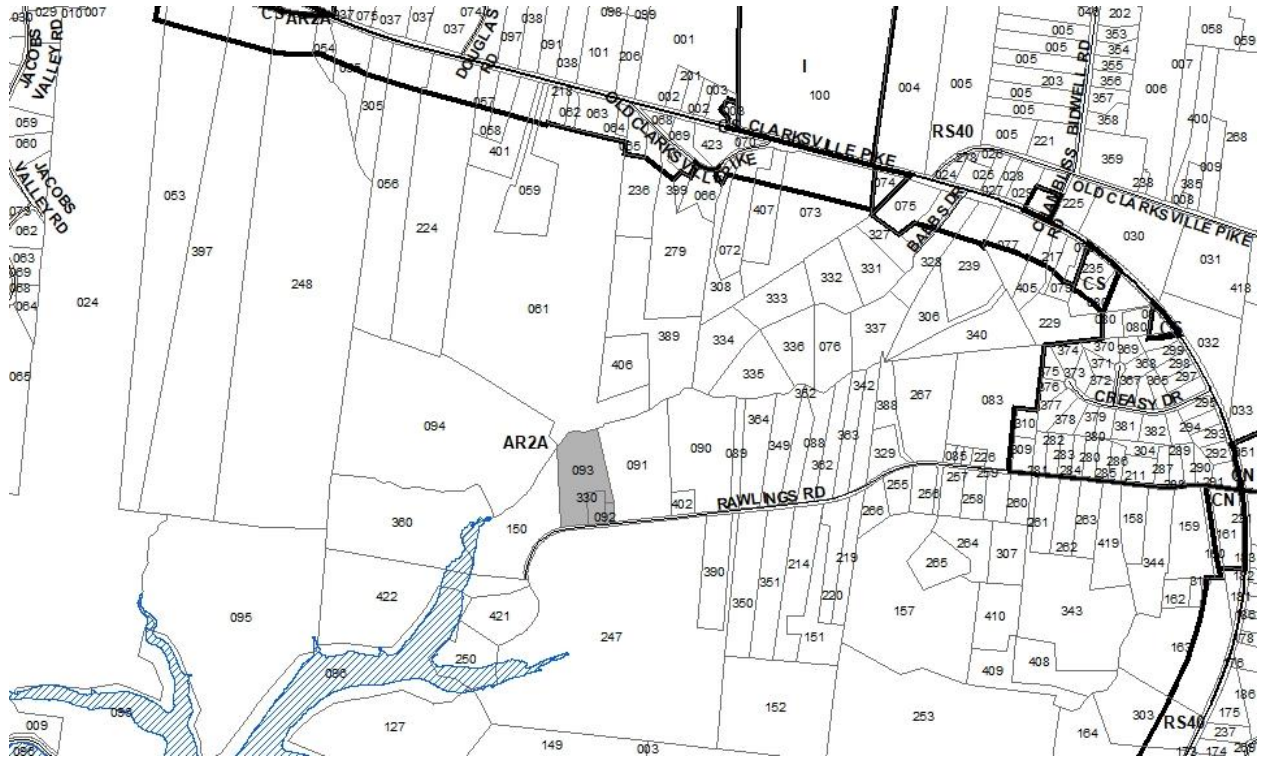
A request for concept plan approval to create 19 lots on property located at Bethwood Drive (unnumbered), approximately 1,094 east of Oakwood Avenue, zoned Single-Family Residential (RS7.5) (5.01 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2023, Planning Commission meeting.



Metro Planning Commission Meeting of 11/9/23



2023S-123-001
FRANKIE LEE MOORE
Map 021, Parcels 092-093, 330
01, Joelton
01 (Joy Kimbrough)



Metro Planning Commission Meeting of 11/9/23

Item #5 **Final Plat 2023S-123-001**
Project Name **Frankie Lee Moore**
Council District 01 – Kimbrough
School District 01 – Gentry
Requested by B2L Land Surveyors, applicant; Frankie Lee Moore, owner.

Deferrals This item was deferred at the September 28, 2023, October 12, 2023, and October 26, 2023, Planning Commission meetings. No public hearing was held.

Staff Reviewer Lewis
Staff Recommendation *Defer to the December 14, 2023, Planning Commission meeting.*

APPLICANT REQUEST

Request for final plat approval to create two lots.

Final Plat

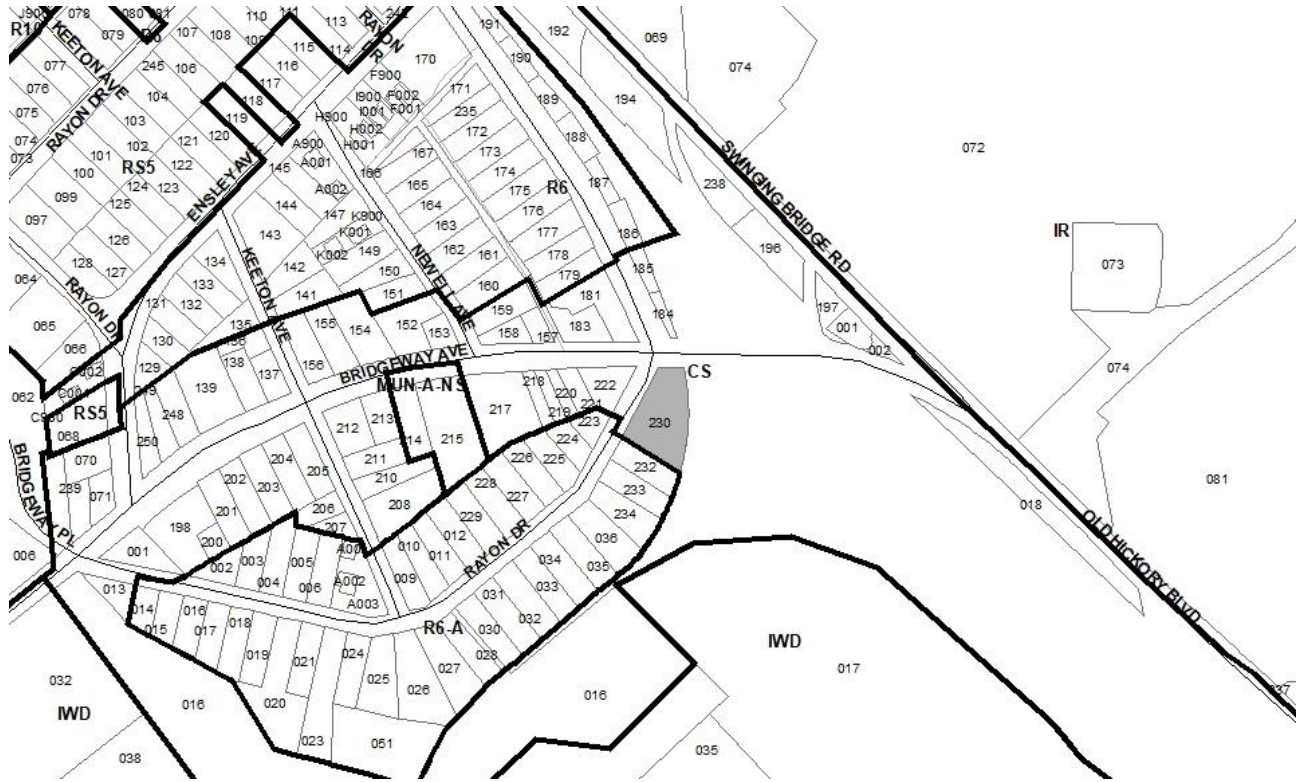
A request for final plat approval to create two lots on property located at 5350 and 5390 Rawlings Road, and Rawlings Road (unnumbered), approximately 2,559 feet southwest Old Clarksville Pike, zoned Agricultural/Residential (AR2A) (8.89 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the December 14, 2023, Planning Commission meeting.



Metro Planning Commission Meeting of 11/9/23



2023Z-078PR-001

Map 044-05, Parcel 230

14, Donelson – Hermitage – Old Hickory

11 (Jeff Eslick)



Metro Planning Commission Meeting of 11/9/23

Item #6**Council District****School District****Requested by****Zone Change 2023Z-078PR-001**

11 - Eslick

04 – Nabaa-McKinney

Cream City Development, LLC, applicant and owner.

Deferrals

The item was deferred from the June 22, 2023, September 28, 2023, October 12, 2023, and October 26, 2023, Planning Commission Meetings. No public hearing was held.

Staff Reviewer

Marton

Staff Recommendation*Disapprove OR20 and approve MUN-A-NS.***APPLICANT REQUEST****Zone change from CS to OR20.**Zone Change

A request to rezone from Commercial Service (CS) to Office/Residential (OR20) zoning for property located at 99 Bridgeway Avenue, at the northeast corner of Bridgeway Avenue and Rayon Drive (0.46 acres).

Existing Zoning

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

Proposed Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 9 units.*

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

ANALYSIS

The application consists of one parcel (Map 044-05, Parcel 230) totaling 0.46 acres, located at the corner of Bridgeway Avenue and Rayon Drive. The site borders a rail yard which separates the residential neighborhood to the west from the industrial district to the east. The area along Bridgeway Avenue has a wide range of uses including a mix of residential, commercial, office, institutional (church), and industrial. Surrounding properties are primarily zoned Commercial Service (CS) and the properties at 207 and 209 Bridgeway Avenue were rezoned to MUN-A-NS in 2022. The residential homes along Rayon Drive are zoned R6-A.



Metro Planning Commission Meeting of 11/9/23

The application proposes to rezone the property from CS to OR20. The property is located along Bridgeway Avenue, identified as a collector-avenue in the Major and Collector Street Plan (MCSP) and within the T3 Suburban Neighborhood Center (T3 NC) policy area. T3 NC is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5-minute drive. While OR20 is supported by the T3 NC policy, the site is uniquely situated to an area that is immediately adjacent to one and two-family residential zoning (R6-A) in a Neighborhood Evolving policy area. MUN-A-NS is more appropriate for the site given the envisioned land use pattern, existing zoning, and access along Bridgeway Drive. Staff is supportive of a rezone to MUN-A-NS as it will contribute to the surrounding residential area at a more appropriate scale, and the alternative district standards will provide building placement and design standards to enhance the pedestrian realm. Additionally, the -NS designation will prohibit short term rental properties (STRPs) as a permitted use, which is appropriate given the T3 NE policy to the south. For these reasons, staff recommends disapproval of OR20 and approval of MUN-A-NS.

FIRE RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.46	0.6 F	12,022 SF	454	11	46

Maximum Uses in Proposed Zoning District: OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.23	20 D	5 U	26	1	3

Maximum Uses in Proposed Zoning District: OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.23	0.8	8,015 SF	92	34	11

Traffic changes between maximum: CS and OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-336	+24	-32

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed OR20 district: 1 Elementary 0 Middle 1 High

The proposed OR20 zoning district is expected to generate 2 more students than the current CS zoning district. Students would attend DuPont Elementary School, DuPont Hadley Middle School, and McGavock High School. All three schools are identified as being at capacity. This information



Metro Planning Commission Meeting of 11/9/23

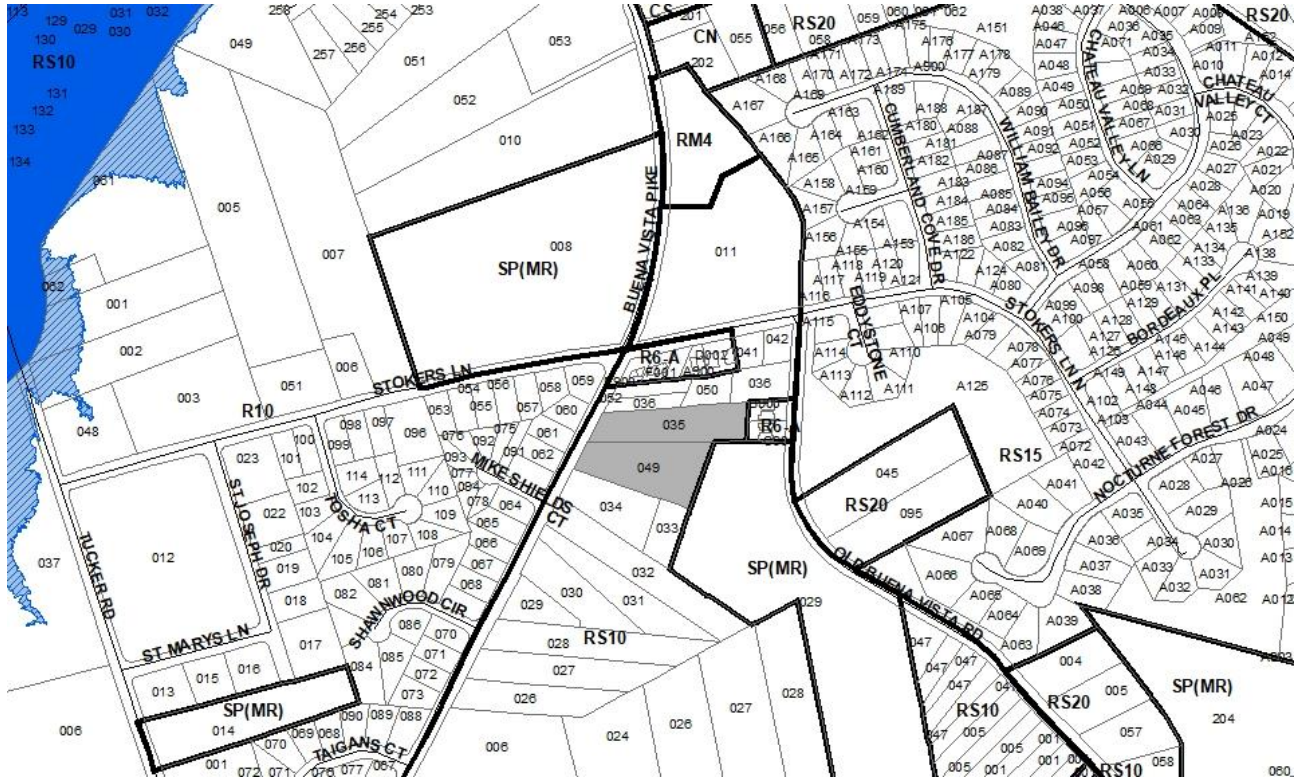
is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Disapprove OR20 and approve MUN-A-NS.



Metro Planning Commission Meeting of 11/9/23



2023Z-095PR-001

Map 070-02, Parcel(s) 035, 049

03, Bordeaux – Whites Creek – Haynes Trinity

02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 11/9/23

Item #7 **Zone Change 2023Z-095PR-001**
Council District 02 – Toombs
School District 01 – Gentry
Requested by SWS Engineering, applicant; Rickie & Barry Morris and Mickey Marston & Vickie Morris, owners.

Deferrals This item was deferred from the October 26, 2023, Planning Commission meeting. No public hearing was held.

Staff Reviewer Swaggart
Staff Recommendation *Disapprove RM15 and approve RM9-A-NS.*

APPLICANT REQUEST
Zone change from RS10 to RM15.

Zone Change

A request to rezone from Single-Family Residential (RS10) to Multi-Family Residential (RM15) zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 315 feet south of Stokers Lane, (2.66 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 11 residential units, based on acreage only. Application of the Subdivision Regulations may result in fewer units at this site.*

Proposed Zoning

Multi-Family Residential (RM15) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. *RM15 would permit a maximum of 40 residential units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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



Metro Planning Commission Meeting of 11/9/23

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The policy calls for improvement of the existing street, sidewalk, bikeway, and stormwater infrastructure to T4 Urban Transect standards through new private-sector development.

ANALYSIS

Staff finds that the proposed RM15 zoning district is not supported by the T3 NE policy at the subject location. The approximately 2.6-acre site consists of two properties that are located on the east side of Buena Vista Pike, just south of Stokers Lane. Both properties are developed with a single-family home. The character of the immediate area is currently single-family. There are also some newer two-family homes in the area. There is an approved SP north of the site, at the intersection of Buena Vista Pike and Stokers Lane. The density for the SP is approximately nine units an acre.

The policy on the opposite side of Buena Vista Pike is Suburban Neighborhood Maintenance (T3 NM). The T3 NM policy is intended to maintain the overall character of the area it is applied. The Major and Collector Street Plan (MCSP) classifies Buena Vista Pike as a collector. Given the site's T3 NE policy and the classification of Buena Vista Pike, the policy may support additional intensity above what is permitted by the current zoning district. Since the immediate area is made up of lower density single-family and the policy on the opposite side of Buena Vista Pike from the site is T3 NM, staff finds that the density permitted by the proposed RM15 zoning district is not appropriate. A density of nine units an acre would be appropriate. Staff is recommending that the proposed RM15 zoning district be disapproved, but that the Commission approve RM9-A-NS.

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)	2.66	3.7 D	11 U	136	12	13

Maximum Uses in Existing Zoning District: **RM15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	2.66	15 D	40 U	216	14	18

Traffic changes between maximum: **RS10 and RM15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+80	+2	+5



Metro Planning Commission Meeting of 11/9/23

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed RM15 district: 11 Elementary 4 Middle 4 High

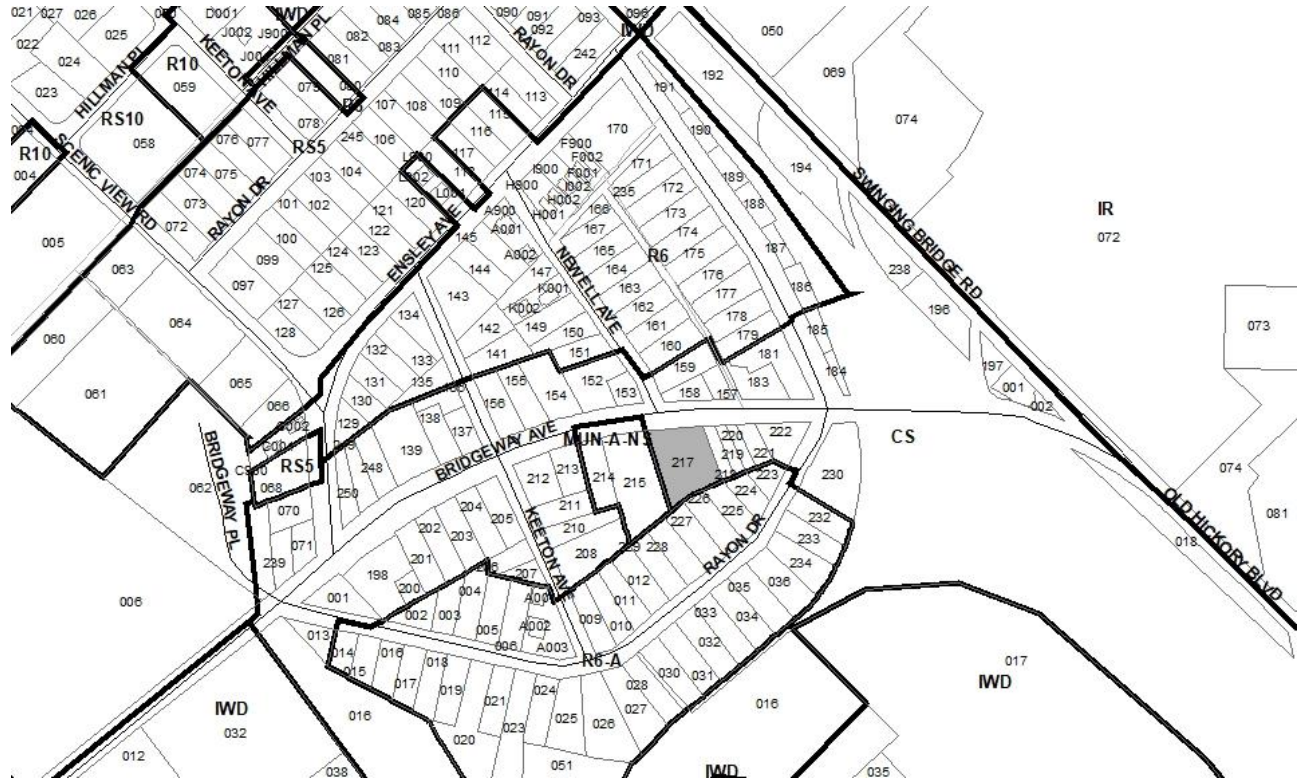
The proposed RM15 zoning district is expected to generate 16 additional students than the existing RS10 zoning districts. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as having capacity for additional students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval of RM15 and approval of RM9-A-NS.



Metro Planning Commission Meeting of 11/9/23



2023Z-096PR-001

Map 044-05, Parcel(s) 217

14, Donelson-Hermitage-Old Hickory

11 (Jeff Eslick)



Metro Planning Commission Meeting of 11/9/23

Item #8	Zone Change 2023Z-096PR-001
Council District	11 - Eslick
School District	4 – Nabaa-McKinney
Requested by	Kimley-Horn, applicant; 117 Bridgeway, LLC., owner.

Deferrals This request was deferred from the October 12, 2023, and October 26, 2023, Planning Commission meetings. No public hearing was held.

Staff Reviewer	Konigstein
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Zone change from CS to MUN-A-NS.

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) zoning for property located at 117 Bridgeway Avenue, approximately 275 feet east of Keeton Avenue, (0.43 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) is intended for a low intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property - Not-Owner Occupied uses from the district.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

ANALYSIS

The 0.43-acre site includes one parcel and is currently vacant. The site is located on the south side of Bridgeway Avenue, east of Keeton Avenue. Rayon Drive is located to the south and connects to Bridgeway Avenue in two locations, on either side of Keeton Avenue. The parcel is currently vacant. Surrounding land uses along Bridgeway Avenue include scattered commercial, industrial, office and residential uses. There is also a moderate concentration of vacant parcels along the block



Metro Planning Commission Meeting of 11/9/23

face, including adjacent properties to the east and west. The development pattern south of this site, along Rayon Drive, is primarily residential uses with commercial at the corner of Rayon Drive and Bridgeway Avenue.

The site is located along Bridgeway Avenue, a collector-avenue designated by the Major and Collector Street Plan, which is intended to enhance and create suburban neighborhood centers in proximity to residential neighborhoods. The intent of the policy is to encourage mixed use development that can serve area residents and is compatible with the surrounding suburban residential character. The proposed MUN-A-NS district is consistent with the goals of the T3 NC policy, as it would permit a mixture of uses in an area that is intended to evolve into a suburban center. Uses permitted by MUN-A-NS will contribute to the surrounding residential area at an appropriate scale, and the Alternative district standards will provide building placement and design standards intended to enhance the pedestrian realm.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.43	0.6 F	11,238 SF	424	11	43

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	.22	0.6 F	5 U	26	1	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	.21	0.6 F	5,488 SF	207	5	21

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-191	-5	-19

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Dupont Elementary School, Dupont Hadley Middle School, and McGavock High School. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.



SEE NEXT PAGE



NO SKETCH



Metro Planning Commission Meeting of 11/9/23

Item #9	Text Amendment 2023Z-007TX-001
Project Name	Compact Development
Council District	Countywide
School District	Countywide
Requested by	Metropolitan Nashville Planning Department, applicant.

Staff Reviewer	Harrison
Staff Recommendation	<i>Approve and direct staff to prepare an amendment to the Metro Subdivision Regulations.</i>

APPLICANT REQUEST

A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.04, 17.12, and 17.40 pertaining to Compact Development.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend the Zoning Code to replace the standards of Section 17.12.080, Lot averaging. The primary purpose of the amendment is to link the flexibility of lot size to the provision of useable open space established in some residential subdivisions. Additionally, the proposal would rename the former “Lot averaging” to “Compact Development” to better reflect the purpose and intent of the tool, and to reorganize the standards to make them easier to utilize. The proposal also includes amendments to Chapter 17.04 to modify definitions related to Compact Development and in 17.40 to change references to “Lot averaging” to “Compact Development,” to ensure consistency across the Zoning Code.

BACKGROUND

The Cluster Lot Option was a set of alternative zoning standards that could be utilized in the design of a Concept Plan for a residential subdivision; these alternative standards were not required, and a property owner or developer could choose to utilize conventional subdivision standards or the Cluster provisions. The previous Cluster Lot Option standards allowed a property owner or developer to propose lots smaller than the minimum lot size required by the zoning in exchange for creation of common open space within the development. The Cluster Lot Option was incorporated into the Zoning Code in the late 1990s.

The Cluster Lot Option was only to be used on properties that were:

- Zoned Single-family residential (RS/RS-A) or One and Two-Family Residential (R/R-A);
- Ten times the minimum lot size required by the zoning on the property; for example, on a site zoned Single-Family Residential RS10, the property was required to be a minimum of 100,000 square feet in size (ten times the minimum lot size of 10,000 square feet) in order to qualify; and
- The standards required a minimum of 15 percent of the gross acreage of the site be set aside as open space. In exchange, lots within the development could be reduced in size the equivalent of two zoning districts smaller than the existing zoning as long as standards for landscape buffer yards and perimeter lots were met; for example, on a site zoned RS10, lots could be reduced from 10,000 square feet to 5,000 square feet when landscape buffering was provided.



Metro Planning Commission Meeting of 11/9/23

In response to comments and concerns shared with the Commission over time, the Commission directed staff to evaluate the Cluster Lot Option. Staff analyzed data on past subdivision concept plans during a four-year period to gain an understanding of the number of concept plans utilizing the cluster lot option, and key characteristics of those plans, including the transect, location, zoning, number of lots, and the amount of and characteristics of open space created.

In addition to the data analysis, staff also conducted outreach to obtain feedback from key stakeholders. Three targeted stakeholder groups were assembled. The first was comprised of residents and neighborhood leaders representing many different geographic areas across the county where subdivision concept plans have been proposed. The second was comprised of representatives of environmental and conservation advocacy organizations, as protection of sensitive environmental features was one of the stated purposes of the Cluster Lot Option standards in place at that time. The third was comprised of representatives of the development and consultant community who regularly participate in the planning and subdivision process. Staff met virtually with each stakeholder working group twice, for a total of six sessions. Staff provided an overview of the cluster standards and sought feedback from the stakeholders on key issues related to the tool including open space standards, flexibility of lot size, and maximum lot yield. The feedback received at these sessions was incorporated into an initial draft of possible amendments, which were made available on the Planning website for feedback from stakeholders and the broader public in late summer 2021. The feedback received on the draft amendments shaped the proposal introduced at Metro Council.

As a result of this evaluation of Cluster Lot Option, in May 2022, the Conservation Development proposal was adopted by Metro Council. Conservation Development replaced the Cluster Lot Option and focuses on preservation of natural areas while allowing flexibility in lot size when certain criteria are met.

The Conservation Development standards are only applicable to properties that are:

- Zoned Single-family residential (RS/RS-A) or One and Two-Family Residential (R/R-A);
- Ten times the minimum lot size required by the existing zoning on the property; for example, on a site zoned RS10, the property must be a minimum of 100,000 square feet in size (ten times the minimum lot size of 10,000 square feet) in order to qualify; and
- Contain a minimum of ten percent natural area, including steep slopes, floodplain, and tree coverage.

If a property meets all three criteria above, it must use the Conservation Development standards. The Conservation Development standards are not optional.

Through the course of the stakeholder meetings and analysis of the Zoning Code, staff received feedback from stakeholders about the importance of additional zoning tools to ensure efficient use of land not constrained by natural features. In addition to calling for protection of sensitive natural areas, NashvilleNext also establishes goals encouraging a diversity of housing opportunities. Sites that are unconstrained by natural features play an important role in enabling our community to meet both environmental and housing goals, by providing opportunities for housing diversity without impacting sensitive environmental features found elsewhere in the county. By encouraging



Metro Planning Commission Meeting of 11/9/23

development and redevelopment of unconstrained sites, much needed housing can be provided for our growing population.

Stakeholders also mentioned a desire to see a requirement for usable open space to provide amenities and active recreation opportunities. On constrained sites, which would be subject to Conservation Development standards, the protection of natural areas is the priority, and the natural areas serve as a neighborhood amenity; however, staff acknowledged that incorporation of usable open space is an important consideration on unconstrained sites.

In August of 2022, the first iteration of Compact Development was made available on the Planning Department website for review and public comment. Staff sent an email to the Cluster Lot Option stakeholders to let them know about this new proposal and to request public comments. Comments received included clarification of whether this proposal would apply to T2 property, the desire for additional recreation standards, a refinement of the stormwater features that would be included as recreation and permitted in the open space, and a desire for additional stakeholder meetings.

The first iteration of Compact Development standards would have been applicable to properties that are:

- Zoned RS10-20 (Single-Family Residential) or R10-20 (One and Two-Family Residential);
- Ten times the minimum lot size required by the existing zoning on the property; for example, on a site zoned RS10, the property must be a minimum of 100,000 square feet in size (ten times the minimum lot size of 10,000 square feet) in order to qualify;
- Contain less than ten percent natural area; and
- The standards required a minimum of 15 percent of the gross acreage of the site be set aside as open space. Of that 15 percent, 5 percent was required to be a recreation facility further defined within the text. In exchange, lots within the development may be reduced in size the equivalent of two zoning districts smaller than the existing zoning as long as standards for landscape buffer yards and perimeter lots are met; for example, on a site zoned RS10, lots may be reduced from 10,000 square feet to 5,000 square feet when landscaping buffering is provided.

Based on input from the public, staff held three stakeholder meetings utilizing the same stakeholders for Conservation Development. With comments received from these groups, staff indefinitely deferred the original case for Compact Development to conduct additional analysis. Over the last 12 months, staff has engaged a consultant to produce real-world case studies, which have informed the current draft.

ANALYSIS

The Cluster Lot Option standards articulated multiple purposes including flexibility of design, creation of common open space, and preservation of natural features. Sometimes these purposes competed, and the standards were not organized in a way that linked them clearly to the purpose. Having two separate zoning tools – Conservation and Compact – will ensure that the purpose and applicability of each is clear, and that the standards of each tool are calibrated to ensure that the stated goals and intent are met.

One purpose of the Cluster Lot Option was to focus on the preservation of natural areas. The adopted Conservation Development standards have addressed this with provisions for development



Metro Planning Commission Meeting of 11/9/23

on constrained sites, meeting the intended purpose. The Cluster Lot Option also included a requirement to provide open space, but the character of that open space was undefined and, in some cases, resulted in undersized spaces that were on the extents of a development. This issue is addressed by the proposed Compact Development standards, which define open space and include associated standards to ensure open space is a benefit to the future residents of each development. Finally, Cluster Lot Option was intended to offer a variability in lot size to permit housing diversity and some choice in existing or nearby single and two-family areas. While housing is still a goal, additional changes are proposed in the Compact Development standards that add focus to Metro's streets and parks.

After the first iteration of Compact Development in 2022, Staff began to reanalyze and test a variety of options pertaining to zoning districts, minimum site area and locational requirements, lot yield and transitions, and useable open space and lot size reduction. A case study was then conducted to test the proposed standards.

Zoning Districts

While the first iteration limited applicability to the RS10-20 or R10-20 zoning districts, based on countywide analysis, the zoning districts were expanded to permit within all R/RS and R/RS-A districts in the current draft. The rationale for this was to ensure properties located in the more urban areas could utilize this tool and properties zoned for larger lot sizes with access to appropriate infrastructure could also utilize this tool, as formerly offered by the Cluster Lot Option.

Minimum site area and locational requirements

Both the former Cluster Lot Option and the adopted Conservation Development standards require a site to be at least ten times the minimum base zoning requirement. While this is a good option for the more suburban and rural parts of Nashville, additional housing within the urban areas is also desired. Properties from three times to ten times the minimum base zoning requirements were analyzed. In the end, five times was the chosen minimum property size requirement. This approach will capture more infill sites located closer to downtown, while still maintaining sufficient area to develop and incorporate needed infrastructure improvements.

After the first round of stakeholder meetings in 2022, staff received comments regarding proximity to existing community facilities, infrastructure, and Metro services. Categories analyzed by staff included churches, libraries, schools, parks, transit stops, properties within the Urban Zoning Overlay (UZO), proximity to arterial boulevards, and proximity to collector avenues. Based on this analysis, there were two options that provided the best outcomes from a planning perspective: proximity to arterial boulevards and collector avenues or proximity to local, state, and federal parks. To ensure Compact Development was based in policy goals mentioned in *NashvilleNext*, properties located within a quarter mile of an arterial boulevard and collector avenue, as specified in the Major and Collector Street Plan (MCSP), could possibly utilize Compact Development. To broaden the pool of properties, any property beyond that quarter mile would be required to be at least ten times the minimum lot size requirement.

Lot Yield and Transitions

Compact Development will not increase the lot yield from what would be allowed in a conventional subdivision. The proposed maximum lot yield is based on eighty percent (80%) of the site while the



Metro Planning Commission Meeting of 11/9/23

existing maximum lot yield for a conventional subdivision is based on one hundred percent (100%) of the site. To make this determination, staff analyzed approved Cluster Lot Option subdivisions from 2021 – 2022, taking into account infrastructure allocation (roads and stormwater), open space dedication, if it was a constrained site, and lot yield. With that analysis, it was shown that about nineteen percent (19%) of a site was dedicated to infrastructure.

Lots along the perimeter of a Compact Development are permitted to reduce in size with the dedication of a landscape buffer when adjacent to conventional subdivisions. Within the Zoning Code, the most intense buffer required between RS80 and RS3.75 is a Standard B Buffer. Staff maintained that requirement, but specified outside of the UZO the landscape buffer must be at least 20' wide.

Staff determined that allowing lot size reduction on the development of unconstrained sites in the T2 Rural transect would be contrary to the intent of *NashvilleNext*. T2 Rural is intended to be different than urban and suburban areas, offering residents the choice of seclusion with the countryside. Policy states that rural land should be sparsely developed with primary agriculture and low-density residential uses. Maintaining this harmonious development pattern throughout the T2 designated areas is critical to preserving the character of the rural area. Compact development is in direct contrast to this goal.

Useable Open Space and Lot Size Reduction

A Compact Development site must contain less than 10 percent natural area, as defined by 17.12.090 Conservation Development.

Under the Cluster Lot Option, recreation features were required but not defined. The Compact Development amendment defines useable open space and establishes standards for their location. Useable open space includes greenways, trails for walking and biking, picnic shelters or gazebos, playgrounds, dog parks and active recreation like ball fields or courts. When possible, every lot will be no more than 1,320 feet or a 5-minute walk from a recreation area. The requirement responds directly to previous stakeholder feedback noting that recreational features are often tucked away in an inaccessible area of a subdivision and difficult to access. Compact Development standards ensure that usable space is easily accessible. To enhance these features, pedestrian scale lighting and benches are also required when a playground or dog park are provided.

The Compact Development proposal allows stormwater features in open space, consistent with the Cluster Lot Option, with additional requirements. Conventional features such as retention and detention basins serve a critical role to help ensure new development does not increase the amount of water that leaves a site during a rain event, consistent with the requirements of adopted stormwater regulations. By allowing these control measures in open space, necessary maintenance and upkeep will be the responsibility of a homeowner's association. When located in an easement on an individual lot, stormwater control measures can become a costly burden to a single property owner when they benefit a broader area.

Based on analysis of previously approved Cluster Lot Option plans, an average of 24% of a development was dedicated towards open space. Staff would note that all but one approved case were sites that included significant natural features, and open space in these developments consisted



Metro Planning Commission Meeting of 11/9/23

of primarily preserved, natural features. The proposed Compact Development establishes a requirement for the creation of a minimum of 15% open space and for developments containing more than 4 units, a useable open space requirement. Since stormwater control measures may take up about 10% of the developed portion of a site, a minimum of 5% of the site would be available for the required useable open space. The design of stormwater control features has changed in recent years with the use of bioretention, bioswales and rain gardens being encouraged. These new styles of stormwater features can be included as useable open space when they are utilized in conjunction with other acceptable usable open space features, as determined by Staff.

With the minimum dedication of 15% open space (up to 10% stormwater and 5% useable open space), lots within the development may be reduced in size the equivalent of two zoning districts smaller than the existing zoning. While the two-district reduction is carried over from Cluster Lot Option, to encourage greater open space dedication, lot sizes may be further reduced by an equivalent amount to additional useable open space provided beyond what is required.

One *NashvilleNext* goal is ensuring the proximity and accessibility to parks. To encourage development closer to Metro's existing amenities, properties located within a quarter mile of a local, state, or federal park (excluding greenways), useable open space can be reduced by 5%. A qualifying site would then only be required to dedicate 10% open space minimum.

While Compact Development has retained some of Cluster Lot Option's original language, the standards have been updated to have some basis in policy. This includes housing diversity and choice, development near Metro's corridors, and proximity to parks.

Case Study

Staff worked with an engineering consultant to test the proposed draft language to ensure the tool was useable and to ensure that the results were providing the desired outcomes. Staff chose six properties; one that had a previously approved Cluster Lot Option site plan, one that had an approved site plan and associated Barnes Fund agreement, two that are located within a quarter mile of an arterial boulevard or collector avenue, and two that are located beyond a quarter mile of an arterial boulevard or collector avenue. Of the four properties without an approved plan, one from each property type was located within a quarter mile of a park to receive the park reduction. One property was also chosen to be developed as a conventional subdivision to show a comparison of what would be possible if Compact Development is not utilized.

Based on the case study and recommendations from the consultant, Compact Development is a useable tool. The current draft reflects primarily language clarifications recommended by the consultant, based on the final outcome of the study. The study also showed that even if a property met the criteria, the tool may not work on all properties; those with odd shapes and smaller properties proved to be improbable to utilize. Most of the test properties utilized a variety of road types, provided future connectivity, provided much more open space than what was required, and achieved lot yield.

ENGAGEMENT

Staff broadened the stakeholder list to focus Compact Development in line with the goals of this tool: housing options, transportation, and proximity to existing Metro services. One open house



Metro Planning Commission Meeting of 11/9/23

community meeting was held October 2, 2023, to discuss the proposed Compact Development standards. After the meeting, the presentation, map of possible locations, test study cases, and draft text amendment were posted online for public comment. An amended draft text amendment was posted near the end of October, 2023, based on feedback received from the meeting and after publishing.

PLANNING STAFF RECOMMENDATION

Staff recommends an effective date of January 31, 2024, to align with the Planning Commission filing deadlines. If the overall Council schedule for consideration of this proposal shifts, the effective date should also shift.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

FISCAL IMPACT RECOMMENDATION

The Metro Planning Department currently reviews subdivisions utilizing conventional standards and the Conservation Development standards and will review subdivisions that trigger Compact Development. No anticipated fiscal impact.

STAFF RECOMMENDATION

Staff recommends approval and recommends that the Planning Commission direct staff to undertake a properly noticed amendment to the Metro Subdivision Regulations for purposes of including Compact development as an option in the development of residential subdivisions, limited to areas outside of T2 Rural policies.



Metro Planning Commission Meeting of 11/9/23

DEVELOPMENT TOOL COMPARISON

	Cluster	Conservation	Compact
Purpose	-Provide flexibility of design, creation of common open space, preservation of natural features.	-Required to preserve unique or sensitive features in open space. -Provide flexibility to promote natural area preservation. -Permit clustering of lots on less sensitive areas.	-Provide for the health and welfare of residents by creating the opportunity for a diversity of housing and a mixture of residential lot sizes. -Require the provision of useable open space in the creation of common open space.
Applicability	-Optional -R/R-A, RS/RS-A -10x base zoning	-Required if 10% or more natural areas present -R/R-A, RS/RS-A -10x Base Zoning	-Optional -R/R-A, RS/RS-A -5x base zoning when ¼ mile from Arterial or Collector -10x base zoning when beyond ¼ mile from Arterial or Collector -Can't be Conservation Required
Max Yield	-85% Max Yield	-80% Max Yield	-80% Max Yield
Open Space	-15% Minimum -No indication of what's in or out -Recreational facilities required but not defined	-Set aside natural areas first -If less than 20% all must be undisturbed and in open space -If more than 20%, may elect to set aside more. Any set aside must be undisturbed -Can provide open space for other purposes (rec, stormwater, etc.) but don't get more flexibility -Adds clear standards for what is permitted or prohibited in open space, ownership and mgmt. -No recreation facility required	-15% minimum -Useable open space and facilities required and defined -One facility for 4-99 units -+One facility for every additional 100 units -Each lot shall be no more than 1,320 feet (5-minute walk) from a recreation feature -Stormwater features are allowed in open space
Flexibility of Design	-Max of 2 district reduction -Can't reduce below 3,750sq	-Lot size may be reduced an equivalent % to the % undisturbed open space -Can't reduce below 3,750sf -Applies bulk standards of closest equivalent zoning district	-Lots may utilize a 2 district reduction, plus additional reduction based on open space -Max 10% additional reduction for lots with 2 district reduction available -Max 20% additional reduction for R8/R8-A -Max 30% reduction for R6/R6-A -Applies bulk standards of closest equivalent zoning district
Buffers	-B or C buffer between cluster lots and adjacent conventional subdivisions	-C buffer required, as determined by Planning, when perimeter lot sizes are less than the minimum required in the base zoning	-B buffer between compact lots and adjacent conventional subdivisions



Metro Planning Commission Meeting of 11/9/23

ORDINANCE NO.

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.04, 17.12, and 17.40 pertaining to lot averaging, all of which is described herein (Proposal No. 2023Z-007TX-001).

WHEREAS, NashvilleNext, Metro's General Plan adopted in 2015, identifies the importance of providing residents with access to usable open space for recreation and leisure activities which fosters strong, diverse neighborhoods as the building blocks of our community; and

WHEREAS, Plan to Play, The Nashville Parks & Greenway Plan adopted in 2017, identifies open space as an important community asset that provides benefits including enhancing air and water quality, moderating temperature, providing wildlife habitat, and better quality of life for residents; and

WHEREAS, open space associated with residential development brings a number of benefits toward creating healthy and livable communities; and

WHEREAS, open space creates room for the filtering of impurities and nutrients from stormwater runoff and recharging ground water; and

WHEREAS, the Metropolitan Nashville City Council approved the Conservation Development proposal to replace the Cluster Lot Option in MC 17.12.090 which created a need for a development standard allowing for flexibility in development patterns within existing zoning allowances to balance development with usable open space; and

WHEREAS, updating the standards of the zoning code pertaining to the Lot Averaging will help ensure that flexibility of lot size and development pattern are appropriately linked with the quantity and quality of open space achieved by the proposed development.

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

Section 1. That Section 17.04.060 of the Metropolitan Code of Laws is amended by adding the following definitions in alphabetical order:

“Open space” means public or privately held land used for stormwater management, use that is not explicitly residential, mixed-use, commercial, or industrial, and active or passive recreation, including, but not limited to parks, plazas, courtyards, playing fields, trails, greenways, and golf courses.

“Useable open space” means public or privately held land used for active or passive recreation, including, but not limited to parks, plazas, courtyards, playing fields, trails, greenways, and golf courses.



Metro Planning Commission Meeting of 11/9/23

Section 2. That Chapter 17.12 of the Metropolitan Code is hereby amended by deleting section 17.12.080 Lot Averaging in its entirety and replacing it with the following:

17.12.080 - Compact Development

A. Purpose and Intent. Compact Development is a set of alternative zoning standards that may be utilized in the design of residential subdivisions. It is the purpose of this section to provide for the health and welfare of residents by creating the opportunity for a diversity of housing and recreational opportunities by creating usable open space and allowing for a mixture of residential lot sizes.

Applicability. Subdivisions proposed in the R/RS and R/RS-A zoning districts where less than ten percent of the site contains any, or a combination of, the natural areas as defined in 17.12.090 and meet one of the following standards may utilize the provisions of this section.

1. Proximal Option Minimum Site Area. Property located within 0.25 miles of any MCSP classified arterial or collector street shall have a minimum site area of no less than five (5) times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be fifty thousand square feet. (Ten thousand square feet minimum lot size times five.)
 2. Distal Option Minimum Site Area. Property located more than 0.25 miles of any MCSP classified arterial or collector street shall have a minimum site area of no less than ten (10) times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten.)
- B. Maximum Lot Yield. 80% of the gross acreage shall be divided by the minimum lot size of the base zoning district to determine the maximum yield. For example, a one hundred thousand square foot RS5 zoned property shall only be permitted to have at most 16 lots.
- C. Design Flexibility. In order to accomplish the purpose of this section, flexibility in lot sizes may be proposed in exchange for the creation of open space on the site according to the following standards:
1. Utilization of the Compact Development shall result in the creation of open space. A minimum of 15 percent of the site shall be placed in open space.
 2. Lot Size Flexibility.
 - a. Subdivisions may reduce lots in size from the minimum required by the base zoning district an equivalent of two smaller zoning districts. For example, a subdivision in the R15 district may utilize the compact development standard to create lots equivalent in size to the R8 and R8-A district. In a similar fashion, a subdivision in the RS15 district may create lots equivalent in size to the RS7.5 and RS7.5-A district.
 - b. If additional usable open space is provided, beyond the minimum requirement, a subdivision may reduce the minimum lot size by an equivalent percentage beyond the two-zoning district reduction.
 1. Subdivisions proposed in all R/RS districts where there are at least two



Metro Planning Commission Meeting of 11/9/23

smaller zoning districts, excluding RS7.5/RS7.5-A, RS5/RS5-A, and RS3.75/RS3.75-A may reduce their lot size no more than 10% beyond the two-district district reduction with an additional dedication of 10% useable open space (at least 15% total useable open space), and shall be based on the reduced size zoning district. For example, if a subdivision in R10 utilizing the reduced lot size of the R6 district sets aside ten percent usable open space then the lot sizes may be reduced an additional five percent. The reduced lot size would be reduced from a minimum 6,000 square feet lot to a minimum 5,700 square feet.

2. Subdivisions proposed in R8/R8-A districts may reduce lots in size from the minimum required by the base zoning district by an additional equivalent percentage of the site that is in usable open space, with a maximum additional reduction of 20 percent. For example, a subdivision in a R8 district utilizing the R6 lot standards that dedicates an additional 20% useable open space (at least 25% total useable open space) may reduce the lot size to 4,800 square feet.
3. Subdivisions in the R6/R6-A districts that have no district lot size reduction available, lots may be reduced in size by the equivalent percentage of the site that is in the open space, with a max reduction of 30%. For example, a subdivision in an R6 district dedicating an additional 30% useable open space (at least 35% total useable open space) may reduce lot size to 4,200 square feet.
 - c. No lot shall be reduced to less than 3,750 square feet.
3. Lots proposed for two-family dwellings shall meet the minimum lot size of the base zoning district (no reduction of lot area permitted) and shall comply with the standards of 17.16.030.D of this title.
4. Development in hillside and floodplain areas shall follow those standards as set out in Chapter 17.40.
5. Tree removal in a compact development shall follow the standards of Chapter 17.28.65 and 17.40.
6. The standards for the review of critical lots as provided in the adopted Subdivision Regulations shall apply.
7. The bulk standards and landscaping requirements of a comparable zoning district which most closely resembles the alternative lot sizes proposed for any given phase of development shall be employed for that phase of the subdivision, except for any standard that is addressed within this ordinance.
8. Perimeter lots that are reduced in size from the minimum lot size requirements required by the base zoning district and are abutting a conventional R/RS subdivision shall be required to utilize a 20-foot standard B landscape buffer yard, unless located within the Urban Zoning Overlay, as per 17.24 Article IV Landscape Buffer Yard Requirements. If the perimeter lots meet the minimum size of the base zoning district, no landscape buffer yard is required.
 - a. Landscape buffer yards shall be permitted within an access easement on individual lots, provided the easement connects to common open space that is accessible from the public right-of-way.



Metro Planning Commission Meeting of 11/9/23

- D. Open Space Standards. The required fifteen percent open space of a Compact Development may contain usable open space and stormwater features as required and described in this section.
1. Usable Open Space & Features. A minimum of five percent of a compact subdivision's total area shall be usable open space. One usable feature shall be installed for subdivisions containing between four and ninety-nine total residential units, plus an additional usable feature for every one-hundred residential units, or portion thereof, in excess of the first ninety-nine units. Usable features shall not be located in regulatory no-disturb stormwater buffers or floodway as determined by Metro Water Services. Any usable feature proposed to be located in floodplain shall not be fenced or contain impervious surfaces. Usable features, as approved by the Planning Commission or their designee, may include but are not limited to:
 - a. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
 - b. Walking or bicycle trails;
 - c. Reflective, passive recreation areas such as picnic shelters, gazebos, or shared docks;
 - d. Playgrounds with benches and pedestrian scale lighting;
 - e. Dog parks with benches and pedestrian scale lighting;
 - f. Stormwater mitigation facilities such as bioretention, bioswale, or rain garden, designed as an amenity and provided in conjunction with other usable features mentioned in this section; a stormwater feature alone shall not count as usable open space;
 - g. Other active recreational or play facilities including but not limited to paved game courts such as tennis, basketball, or volleyball courts, swimming pools, baseball/softball diamonds or other facilities;
 - h. Historic or cultural sites with walkways and interpretive signage;
 - i. Unstructured open play areas for practice or pickup games;
 - j. Low impact recreation options (i.e. bocce ball, horseshoes, outdoor chess tables);
 - k. Conservation of natural features as defined in 17.12.090.
 2. Stormwater Features. The following uses may count toward the open space stormwater feature component of this section:
 - a. Required stormwater mitigation measures such as reforestation;
 - b. Stormwater control measures, such as retention and detention basins, and other conventional stormwater facilities as approved by the Planning Commission, or their designee, and by Metro Water Services.
 3. If a property is located within 0.25 miles of local, state, or federal park a 5% reduction in useable open space is permitted, and Compact Development subdivision is required to have 10% total open space.
 - a. For the purpose of this section greenways shall not be considered parks.
 4. Compact Development subdivisions shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both.
 5. Regardless of whether sidewalks are installed, street trees shall be required on new



Metro Planning Commission Meeting of 11/9/23

- and existing streets.
- a. If sidewalks are installed, street trees shall be planted within the grass strip/green zone for any sidewalk constructed, dependent on roadway classification and right-of way availability.
 - b. If no sidewalks are installed, street trees are required to be located within the right-of-way, dependent on roadway classification and right-of way availability.
 - c. Trees shall be installed according to the provisions of the Metro Nashville Street Tree Specifications prepared and maintained by Metro Water Services in conjunction with Nashville Department of Transportation, Planning, and Codes.
 - d. Street trees shall be chosen from the Urban Forestry Recommended Tree List. Canopy trees shall be installed, except where conflicts with overhead electrical powerlines exist. In those instances, understory trees may be substituted.
 - e. Required street trees shall be depicted on a landscape plan. The landscape plan and specifications shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee.
 - f. Trees installed pursuant to this section shall be eligible for credit toward tree density required by Chapter 17.28 of this title.
6. Configuration and Access. To the maximum extent practicable given the configuration, the open space shall be in a contiguous tract. When possible, usable open space shall be centrally located, directly accessible to the largest practicable number of lots within the subdivision, have street frontage and each lot shall be no more than 1,320 feet from usable open space as measured from the perimeter of the open space to individual lot lines. Non-adjacent lots shall be provided with pedestrian access to the usable open space via direct access or an access easement designated on the plat.
7. Ownership and Management.
- a. Open space and street trees within a Compact Development shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the development and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within a Compact Development subdivision shall be a member of the association which shall be responsible for the assessment of dues to cover the recurring costs of maintaining all open space areas and usable features. Articles of incorporation and bylaws shall be submitted and approved according to the subdivision regulations.
 - b. In limited circumstances where the open space is identified on the Greenways Master Plan or within the Parks Master Plan, the developer may offer the open space for dedication to Metro Parks subject to approval and acceptance by Metro Parks Board and Metro Council as appropriate.
 - c. Open Space Management Plan. With the concept plan applicants shall submit a plan for the management of the open space, common open space, and street trees which allocates responsibility and guidelines for maintenance and operation of the open space and any facilities located within the open space areas. If the open space is restricted via a conservation easement in the favor of a bona fide land trust or other permanently established organization legally able to accept such easements, a stewardship plan or other management plan associated with the



Metro Planning Commission Meeting of 11/9/23

- conservation easement may be provided in lieu of the open space management plan.
- d. Failure to maintain. When the failure of an association or other responsible party to properly maintain open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds are utilized to remove a nuisance and/or maintain open space, those costs shall be assessed proportionally against all property owners within the development in the form of a tax lien. This provision shall not apply to any open space that has been dedicated to and accepted by the metropolitan government.
 - E. For the purpose of this section (17.12.080), a property shall be determined to be located within 0.25 miles of an Arterial Boulevard, Collector Avenue, or park when 50% or greater area of the subject site lies within a buffer when measured from the edge of right-of-way or site boundary.
 - F. A property that is required to utilize Conservation Development, as stipulated by 17.12.090, that has since been modified to remove natural features after the adoption of this ordinance shall be prohibited from utilizing Compact Development as determined by Staff.
 1. All agricultural uses, including but not limited to commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
 2. Any applicant that contests Staff determination of the removal of natural features shall be required to provide an individual assessment that natural features disturbed or removed were done so prior to the adoption of this ordinance.
 - G. Application Requirements.
 1. The subdivision concept plan (preliminary plat) shall clearly indicate that a compact development is proposed and shall be prepared in accordance with the procedures and requirements of the Metro Subdivision Regulations.
 2. All submittals shall clearly show and label the required open space and usable open space and features documenting that these requirements have been met.
 3. Concurrent with the submittal of the concept plan, the applicant shall prepare and submit a site analysis map that identifies the natural areas as defined in 17.12.090. Documentation of, or determinations regarding the areas from appropriate Metro, State or Federal agencies or official maps or resources, if applicable, shall also be provided.

Section 3. That Chapter 17.40 of the Metropolitan Code is hereby amended to modify the list of Sections/Tables in subsection 17.40.340.A as follows:

Section 17.12.080 (Compact Development)

Section 4. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting the introductory paragraph of 17.40.380 and replacing it with the following:



Metro Planning Commission Meeting of 11/9/23

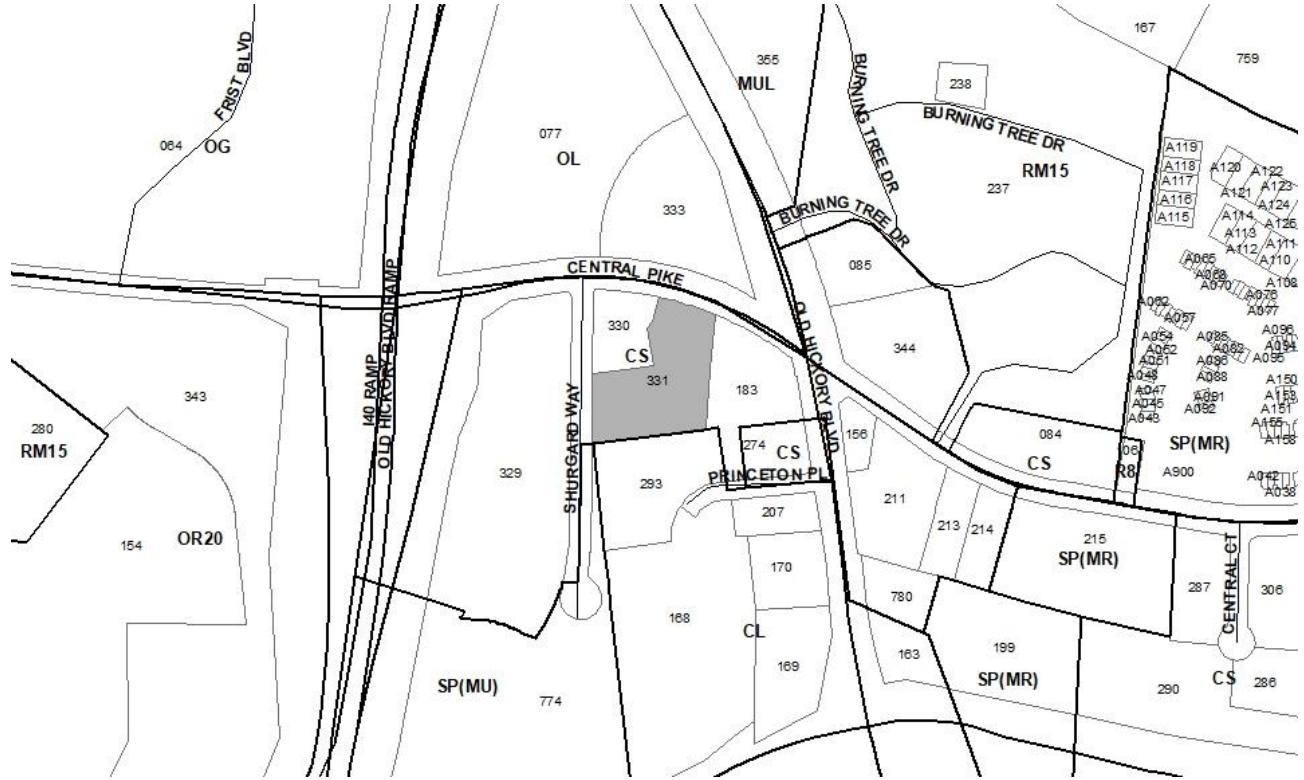
Requests for exceptions from the hillside development standards of Chapter 17.28 shall be administered and decided in conformance with the requirements of this article. The board shall have no authority to vary lot areas within platted residential developments utilizing compact or conservation development provisions of Chapter 17.12.

Section 5. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 6. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.



Metro Planning Commission Meeting of 11/9/23



2023SP-079-001

3910 CENTRAL PIKE

Map 086, Parcel(s) 331

14, Donelson – Hermitage – Old Hickory

14 (Jordan Huffman)



Metro Planning Commission Meeting of 11/9/23

Item #10a	Specific Plan 2023SP-079-001
Project Name	3910 Central Pike
Associated Case	93P-023-004
Council District	14 – Huffman
School District	04 – Nabaa-McKinney
Requested by	Catalyst Design Group, applicant; Hermitage Partnership, GP, owner.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

SP to permit 127 multi-family residential units.

Zone Change

A request to rezone from Commercial Services (CS) to Specific Plan (SP) zoning for property located at 3910 Central Pike, approximately 240 feet west of Old Hickory Boulevard, (2.06 acres) and located within a Planned Unit development Overlay District, to permit 127 multi-family residential units in an existing building.

Existing Zoning

Commercial Service 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 permits a hotel on the subject site.*

Proposed Zoning

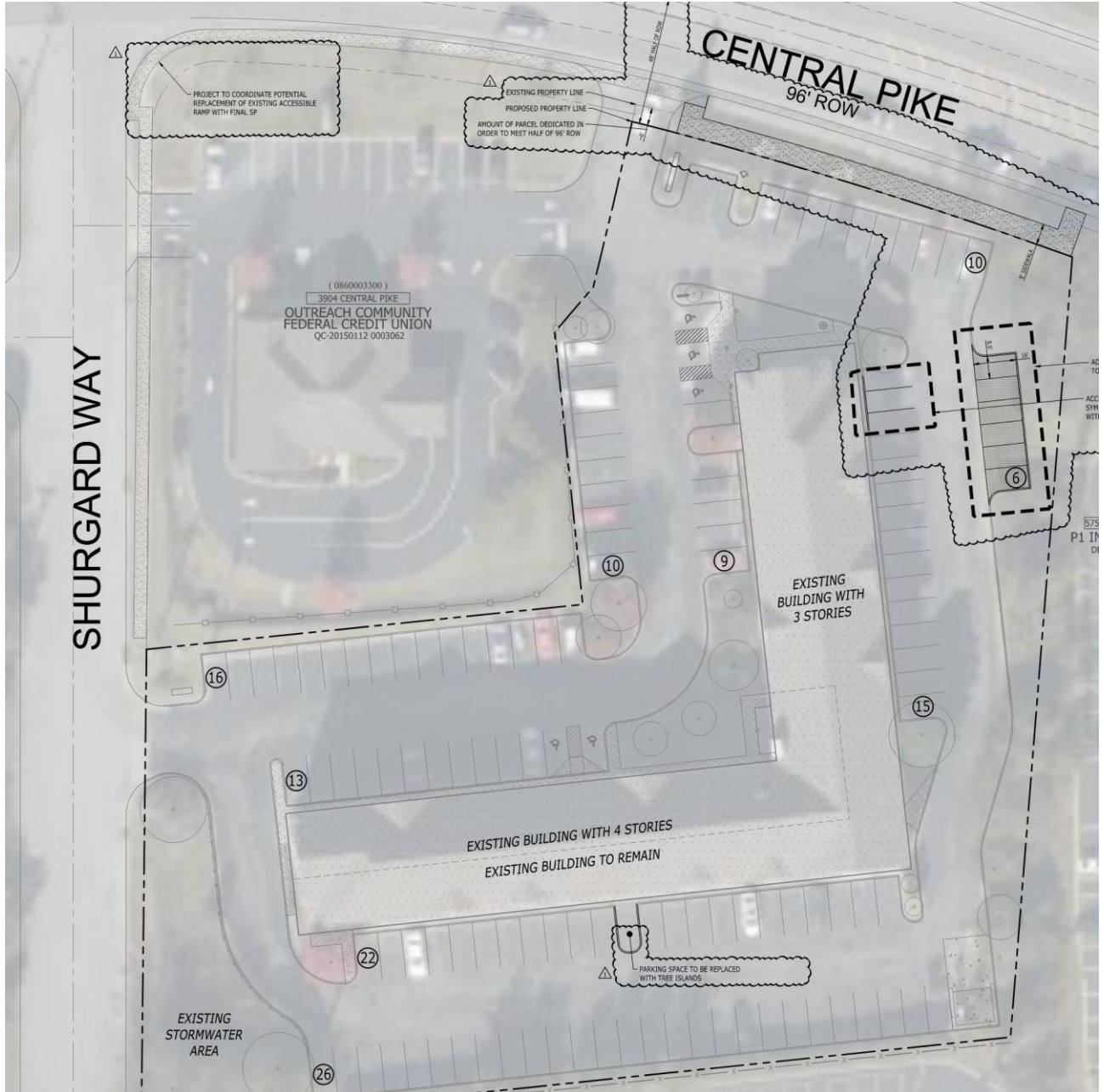
Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

SITE CONTEXT AND PLAN DETAILS

The site is approximately two acres in size. It is located on the south side of Central Pike and is just west of Old Hickory Boulevard. In addition to having frontage along Central Pike, the site also has frontage along Shurgard Way. The site is developed with a hotel and associated surface parking and shares access to Central Pike and Shurgard Way with an adjacent bank.



Metro Planning Commission Meeting of 11/9/23



Proposed Plan



Metro Planning Commission Meeting of 11/9/23

Surrounding land uses includes a small shopping center, restaurant, bank, hotel, and self-service storage. Surrounding zoning includes OL, CL, CS and SP. The associated case is to cancel the PUD overlay district which is necessary to apply the proposed SP zoning district.

Site Plan

The proposal is to convert the existing 127 hotel rooms into 127 one-bedroom multi-family residential units. The plan prohibits short term rental property owner occupied and not owner occupied. The plan does not include major changes to the site. Minor site improvements include additional landscaping and parking. The plan calls for an eight-foot-wide sidewalk and six-foot-wide planting strip along Central Pike. An approximately six-foot right-of-way dedication is included along Central Pike. The plan also includes details for improving a bus stop along Old Hickory Boulevard. Sign standards are per Metro Zoning Code.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

ANALYSIS

Staff finds that the proposed SP is consistent with the land use policies. As proposed, no major site improvements are being made and the existing hotel is being converted to multi-family residential. Multi-family is supported by the T3 CC policy. The slopes on the site and adjacent site that are mapped in CO policy area are manmade and include stormwater detention areas. In addition to the policy supporting multi-family, the plan calls for roadway improvements consistent with the Major and Collector Street Plan (MCSP) and provides off-site improvements to a bus stop along Old Hickory Boulevard.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve



Metro Planning Commission Meeting of 11/9/23

WATER SERVICES RECOMMENDATION

Approved with conditions

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

NASHVILLE DOT RECOMMENDATION

Approved with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Note: A private hauler will be required for waste/recycle disposal. Additional 1-1/2' mill and overlay may be required to cover full extents of utility work in public ROW. (cont.) Extents to be coordinated in field with NDOT inspector.
- Provide ADA complaint curb ramp at intersection of Shurgard/Central Pike.
- Extend proposed sidewalk along Shurgard ROW up to intersection and provide ADA ramp to access. Exiting conditions may not allow extension so the feasibility will be evaluated at final.
- Clean-up/remove any existing vegetation, signs that block sight triangles, upon pulling out off Central Pike access-Note on final plans and provide sight triangles for reference.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- This development does not meet the thresholds for a traffic study.
- Coordinate with NDOT on providing an ADA compliant sidewalk connection and crosswalk within the site to the existing sidewalk on Central Pike and, if feasible, to Shurgard Way. For Shurgard Way, if feasible, the north corner of the site access should have an ADA pedestrian curb ramp that connects to where the sidewalk currently ends. The feasibility to be evaluate at final.

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP district: 14 Elementary 6 Middle 8 High

The proposed SP zoning district is expected to generate 28 more students than the current CS/PUD zoning district. Students would attend Tulip Grove Elementary School, DuPont Hadley Middle School, and McGavock High School. Tulip Grove Elementary is over capacity, but there is capacity for additional middle and high school students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.



Metro Planning Commission Meeting of 11/9/23

CONDITIONS

1. Permitted uses shall be limited to a maximum of 127 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro Reviewing Agencies.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM60 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within any required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of any required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Property Owners' Association.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.



Metro Planning Commission Meeting of 11/9/23



93P-023-004

THE GATEWAY OF HERMITAGE (CANCELLATION)

Map 086, Parcel(s) 331

14, Donelson – Hermitage – Old Hickory

14 (Jordan Huffman)



Metro Planning Commission Meeting of 11/9/23

Item #10b

Project Name

Associated Case

Council District

School District

Requested by

Planned Unit Development 93P-023-004

The Gateway of Hermitage (Cancellation)

2023SP-079-001

14 – Huffman

04 – Nabaa-McKinney

Catalyst Design Group, applicant; Hermitage Partnership, GP, owner.

Staff Reviewer

Swaggart

Staff Recommendation

Approve if the associated SP is approved and 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 Overlay District for property located at 3910 Central Pike, approximately 240 west of Old Hickory Boulevard (2.06 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.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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Metro Planning Commission Meeting of 11/9/23

or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

ANALYSIS

The PUD was originally approved in 1993. The PUD permits various commercial uses that are permitted by the underlying CS zoning district. Current uses in the PUD include a bank, self-service storage and hotel. The subject site is improved with a hotel use. In 2020, a portion of the PUD at the terminus of Shurgard Way was canceled and rezoned to SP. The SP permits a mixed-use development. With the approval of the associated SP 2023SP-079-001, the cancellation of the PUD is consistent with land use policies.

STAFF RECOMMENDATION

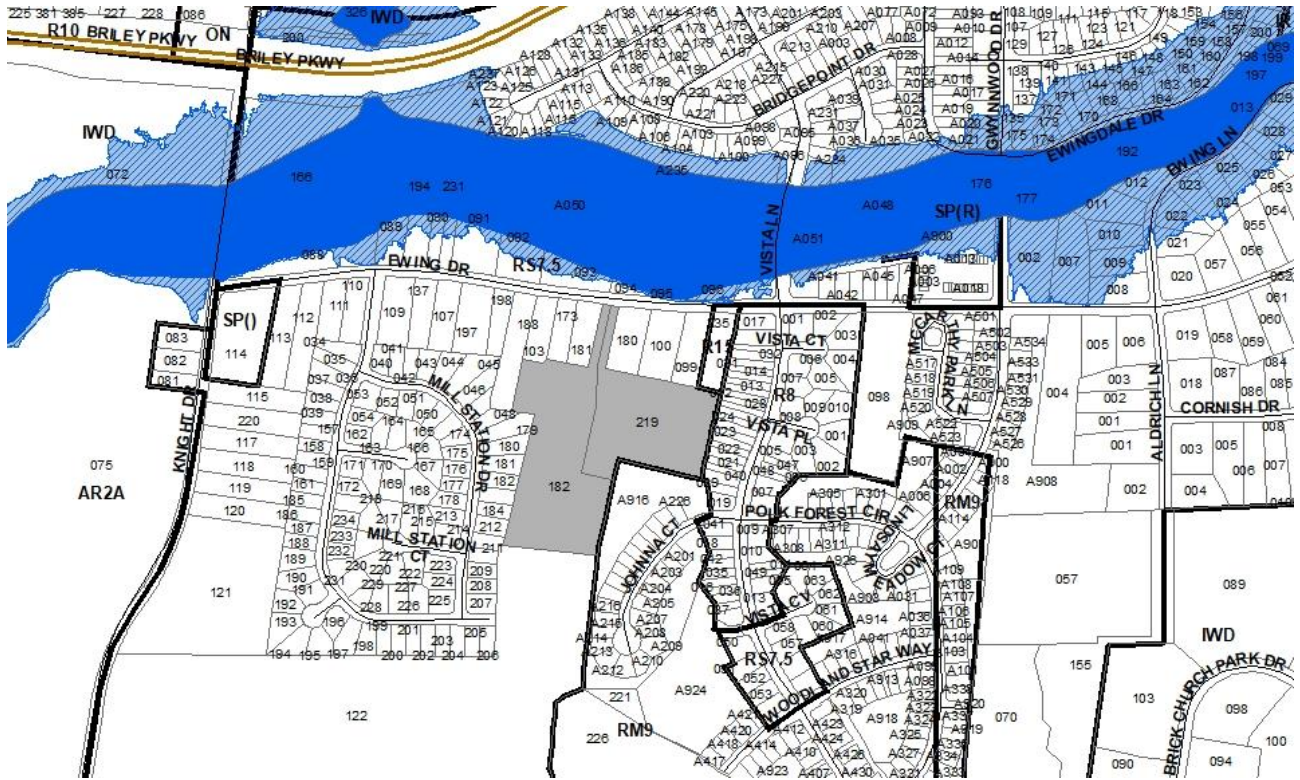
Staff recommends approval if the associated SP is approved and disapprove if the associated SP is not approved.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2021S-042-003

WRIGHT LANDING

Map 059, Parcel(s) 182 & 219

03, Bordeaux – Whites Creek – Haynes Trinity

02 (Kyonzté Toombs)



Metro Planning Commission Meeting of 11/9/23

Item #11	Final Plat 2021S-042-003
Project Name	Wright Landing
Council District	02 – Toombs
School District	01 – Gentry
Requested by	Dale and Associates, applicant; APG Rentals, LLC, owner.
Staff Reviewer	Marton
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Request for final plat approval to create 45 lots.

Final plat

A request for final plat approval to create 45 lots on properties located at 600 and 606 Ewing Drive, approximately 660 feet west of Vista Lane, zoned RS7.5 (11.47 acres).

CASE HISTORY

The site is located within the RS7.5 zoning district. Utilizing the Cluster Lot option available at the time the concept plan (2021S-042-001) was approved, the minimum lot size was reduced to the RS5 zoning district size. The concept plan was approved for 46 lots, however the final site plan proposed 45 lots due to a substitution of one of the lots for a cul-de-sac on the northeastern corner of the site. The concept plan for this subdivision was granted approval by the MPC in 2021, while the final site plan (2021S-042-002) was approved administratively in 2022. The final plat includes 45 single-family lots and public roads.

SITE DATA AND CONTEXT

Location: The site is located south of Ewing Drive and west of Vista Lane.

Street Type: All street connections proposed are local streets. Wright Landing will provide a connection to Ewing Drive, a Collector Avenue.

Approximate Acreage: 11.47 acres or approximately 499,637 square feet.

PROPOSAL DETAILS

Number of lots: 45

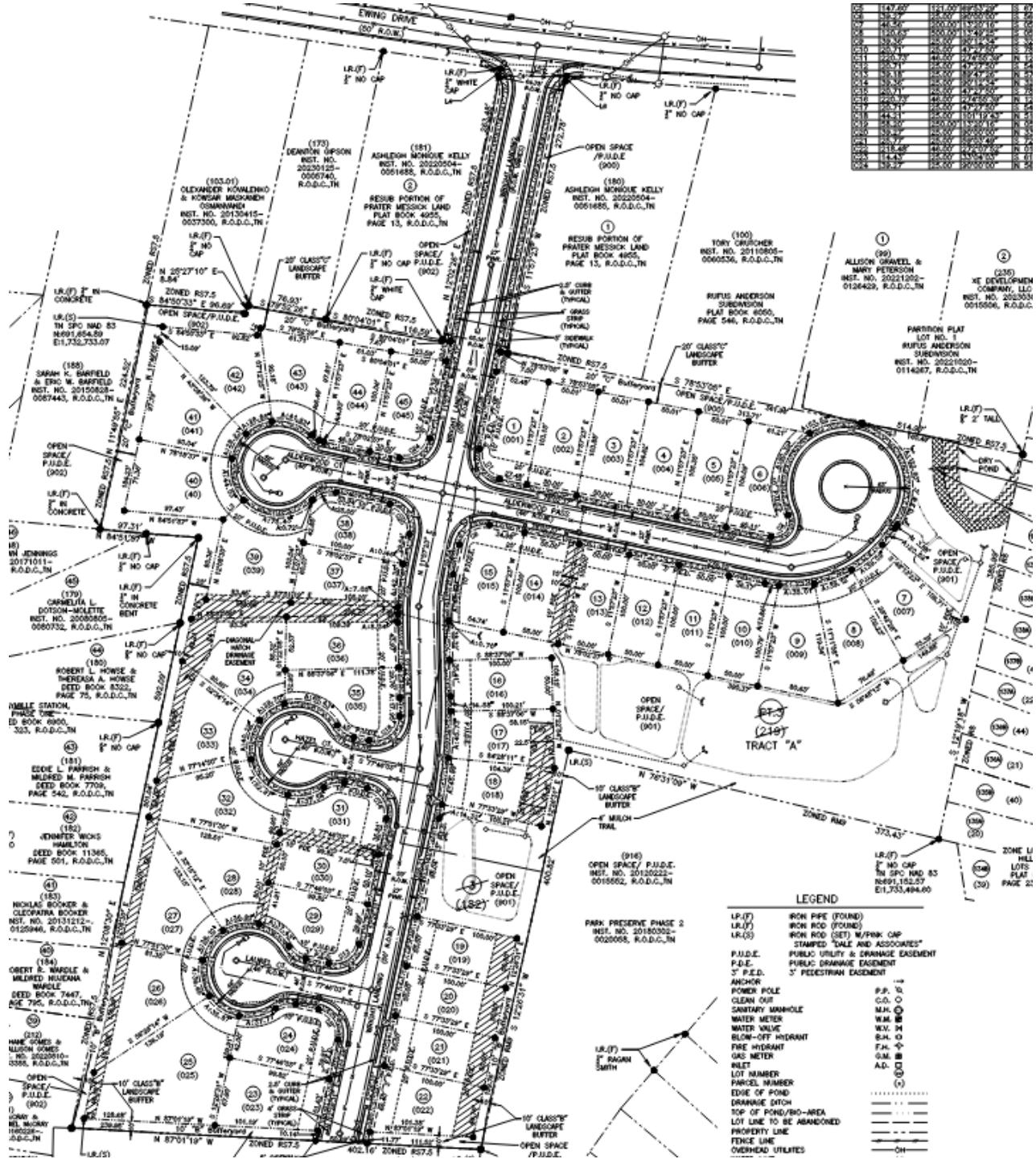
Subdivision Variances or Exceptions Requested: None.

UPDATED FINAL PLAT RULES AND PROCEDURES

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



Metro Planning Commission Meeting of 11/9/23



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LEGEND

LP-(F)	IRON PIPE (FOUND)
LR-(F)	IRON ROD (FOUND)
LR-(S)	IRON ROD (SET) W/PARK CAP
	STAMPED "DALE AND ASSOCIATES"
P.U.D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
P.D.E.	PUBLIC DRAINAGE EASEMENT
S' P.E.D.	5' PEDESTRIAN EASEMENT
ANCHOR	—
POWER POLE	P.P. □
CLEAN OUT	C.O. ○
SANITARY MANHOLE	S.M.H. ○
WATER METER	W.M. ■
WATER VALVE	W.V. ■
BLOW-OFF HYDRANT	B.O.H. ○
FIRE HYDRANT	F.H. ■
GAS METER	G.M. ■
WELT	A.D. □
LOT NUMBER	(#)
PARCEL NUMBER	(#)
EDGE OF POND
DRAINAGE DITCH	----
TOP OF POND/BO-AREA	----
LOT LINE TO BE ABANDONED	----
PROPERTY LINE	----
FENCE LINE	----
OVERHEAD UTILITIES	OH



Metro Planning Commission Meeting of 11/9/23

certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

Proposed Final Plat

The subject site received preliminary plan approval in 2021 and final site plan approval in 2022. 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 of the Subdivision Regulations. No changes have been made to the applicable policies for this site since the time of the concept plan approval.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT 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.
- Associated case 2021S-042-002. Approved road construction plans on file with NDOT titled '600 & 606 Ewing Drive, 2021S-042-002'.

TRAFFIC AND PARKING RECOMMENDATION

Approve

- 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

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on September 20, 2023) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 21SL0231 and 21WL0098. A bond amount of \$300,000.00 is assigned to 21SL0231, and an amount of \$268,000.00 is assigned to 21WL0098.



Metro Planning Commission Meeting of 11/9/23

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. 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 Metro agencies. Contact: *the Bond Desk at 862-7202, bond.desk@nashville.gov*. Utilities are to be placed underground, as provided in Section 17.28.103 of the Zoning Code.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

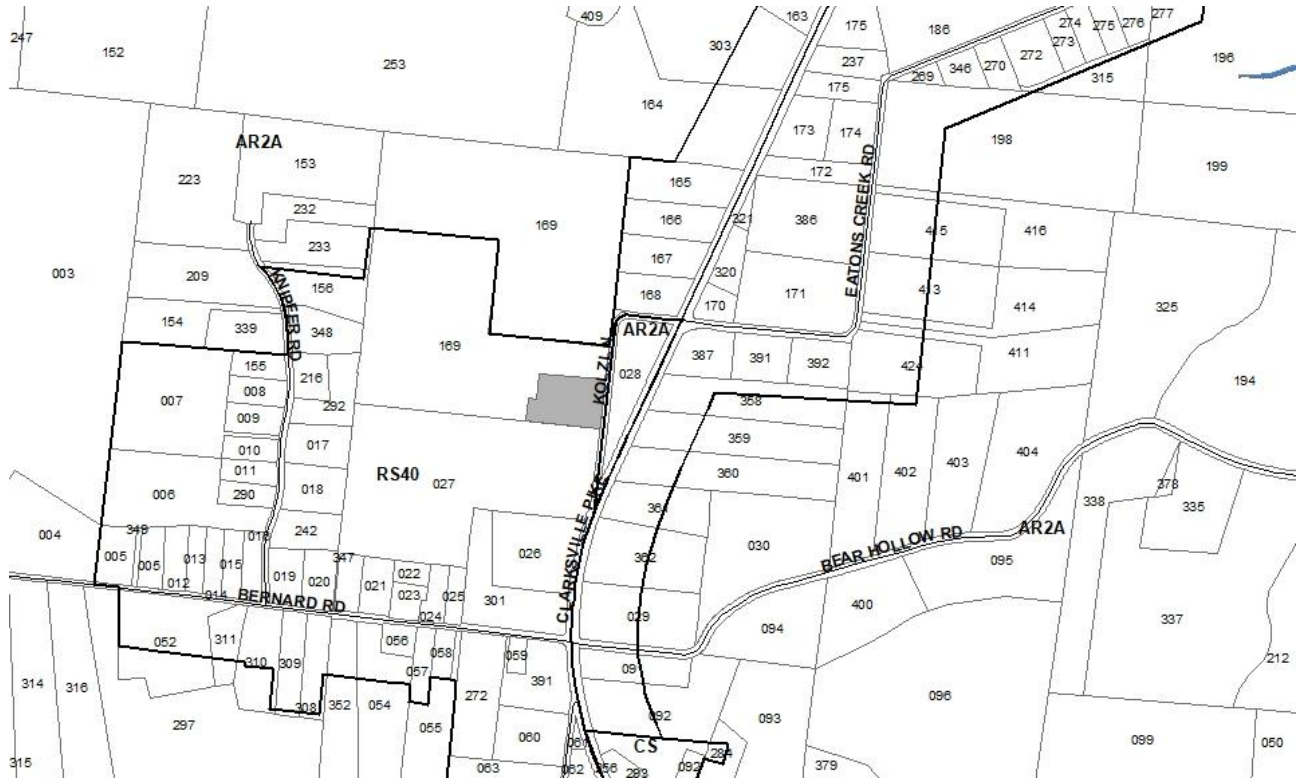
Motion to approve proposed subdivision Case No. 2021S-042-003 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2023S-174-001
5989 KOLZ LANE
Map 021, Parcel(s) 169.02
01, Joelton
01 (Joy Kimbrough)



Metro Planning Commission Meeting of 11/9/23

Item #12 **Final Plat 2023S-174-001**
Project Name **5989 Kolz Lane**
Council District 01 – Kimbrough
School District 01 – Gentry
Requested by Chapdelaine & Associates Land Surveying, applicant;
 Sean Kelly, owner.

Staff Reviewer Anthony
Staff Recommendation *Approve with conditions including variances to Sections 4-2.5.a.1.a and 4-2.5.a.1.c.*

APPLICANT REQUEST

Request for final plat approval to create 1 lot.

Final Plat

A request for final plat approval to create one lot on a portion of property located at 5989 Kolz Lane, approximately 390 feet north of Clarksville Pike, zoned Single Family Residential (RS40) (2.26 acres).

SITE DATA AND CONTEXT

Location: The site consists of a portion of one property located along Kolz Lane.

Street Type: The site has frontage on Kolz Lane, which is classified as a local street. The minimum half right-of-way for Kolz Lane is 25 feet. The plat includes right-of-way dedication to achieve this requirement.

Approximate Acreage: 2.26 acres or approximately 98,666 square feet.

Parcel/Site History: The site consists of a 2.26-acre portion of an existing 22.58-acre parcel.

Zoning History: The property has been zoned RS40 since 1998.

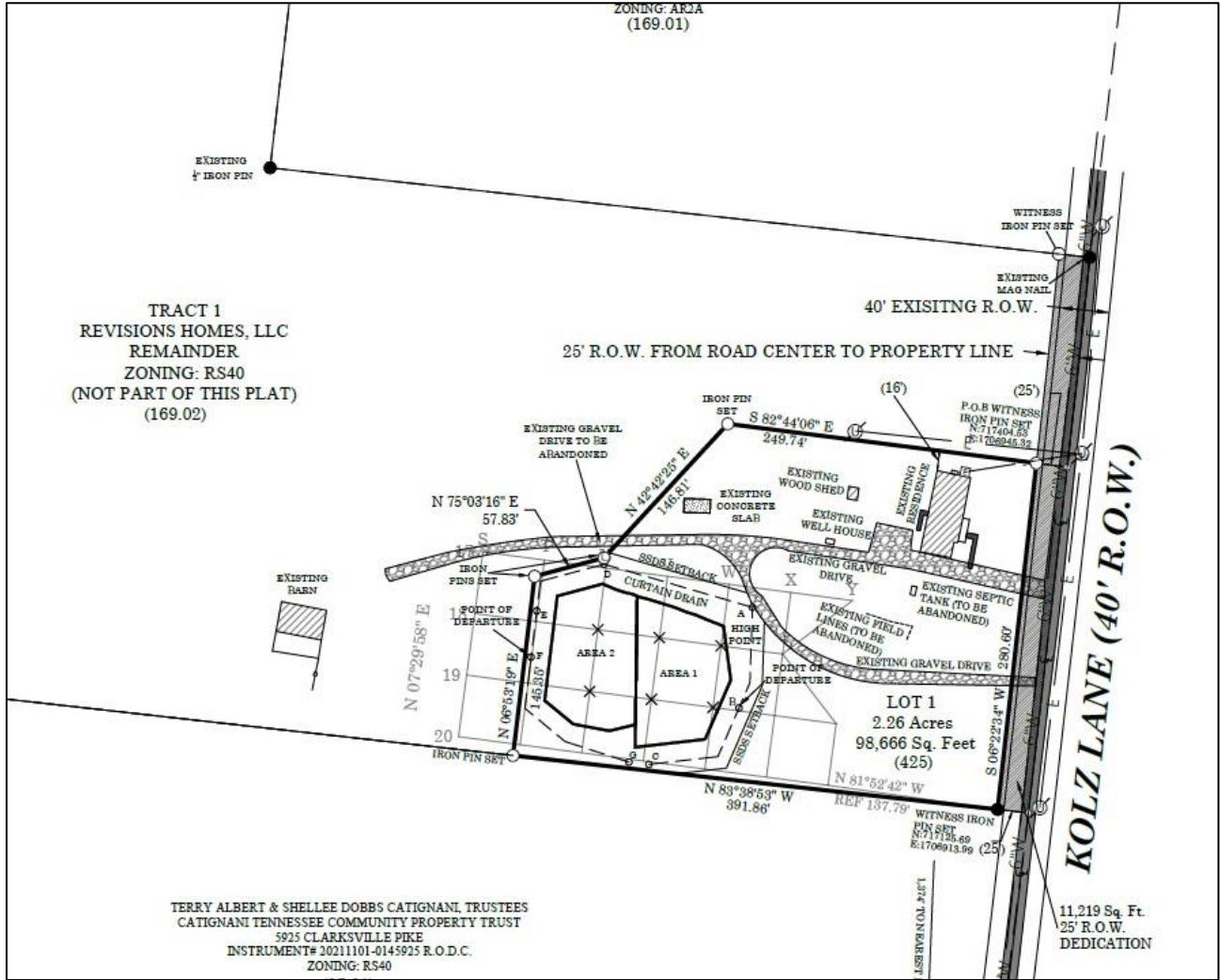
Existing Land Use and Configuration: The existing 22.58-acre parcel is currently developed with a single-family residential structure and a barn. The single-family residential structure is situated near the parcel’s street frontage and would be included in the proposed 2.26-acre lot. The barn is located near the center of the 22.58-acre parcel and would not be included in the proposed 2.26-acre lot.

Surrounding Land Use and Zoning:

- North: Single-Family Residential / AR2a
- South: Vacant / RS40
- East: Vacant / AR2a
- West: Single-Family Residential / RS40



Metro Planning Commission Meeting of 11/9/23



North ▲

Proposed Final Plat

Zoning: Single-Family Residential (RS40)

Min. lot size: 40,000 square feet

Max. building coverage: 0.25

Min. rear setback: 20'

Min. side setback: 15'

Max. height: 3 stories

Min. street setback: 40' or contextual, whichever is greater, to be determined by Codes at the time of building permit application.

PROPOSAL DETAILS

Number of lots: 1

Lot size: The proposed lot would have an area of 98,666 square feet (2.26 acres).

Access: Access is provided from Kolz Lane.



Metro Planning Commission Meeting of 11/9/23

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 the 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 the 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 Conservation (CO) and Rural Maintenance (T2 RM) policy. For T2 RM, the Rural Subdivision Regulations found in Chapter 4 are utilized.

There are several subdivision options in the Rural Subdivision Regulations. The proposed subdivision utilizes the Countryside Character Option – Open Alternative as described in Section 4-2.5.a.1 of the Subdivision Regulations.

4-2. Development Standards

4-2.1. Identification of Primary Conservation Land. Prior to design of any subdivision plan with new streets or joint access easement, Primary Conservation Land shall be identified, and, subject to the provisions of Sections 4-2.2 and 4-2.3, preserved from any disturbance.

Not applicable as no new streets or joint access easements are proposed.

4-2.2. Preservation of Conservation Land. Unless an exception is granted under Section 4-2.3, all Primary Conservation areas shall be preserved and set aside through an appropriate means such as conservation easements and/or open space.

Not applicable as no new streets or joint access easements are proposed.

4-2.3. Development Footprint. The remaining land outside of the boundary of the Primary Conservation Land shall be designated as the Development Footprint.

Not applicable as no new streets or joint access easements are proposed.

4-2.4. Building Placement. In subdivisions without new streets or joint access easements, any subdivision application shall note proposed building envelopes.

No new streets or joint access easements are proposed. The existing single-family residential structure on Lot 1 is identified on the plat as to remain. Any new structure on the lot would be subject to the minimum setbacks established in the Zoning Code.



Metro Planning Commission Meeting of 11/9/23

4-2.5. Rural Character Design

1. *Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.*
1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same block face, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*

The proposed Lot 1 is located along an existing public street and was reviewed against subsections a through d, below.

a. *Building setback along existing public streets.*

The proposed plat does not comply. The street setback of the only surrounding parcel along Kolz Lane is approximately 60 feet. The existing single-family residential structure on proposed Lot 1—which is identified as *to remain*—has a current street setback of approximately 55 feet. A variance is necessary for the building setback standard; additional discussion can be found in the Subdivision Variances section of this report.

b. *Lot depth along existing public streets.*

The proposed plat complies. The minimum depth for lots along existing public streets shall be the building setback required by Section 4-2.5(a) plus 300 feet. For proposed Lot 1, the minimum lot depth would be 360 feet. Per the Zoning Code, lot depth is measured from the midpoint of the front lot line to the rear lot line. Applying the Zoning Code definition of lot depth, the proposed Lot 1 has a depth of approximately 365 feet, which exceeds the minimum requirement of 360 feet.

c. *Lot size along existing public streets.*

The proposed plat does not comply. A compatibility analysis was conducted per this requirement. The minimum required lot size is either equal to or greater than 70 percent of the average lot size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. Planning staff’s analysis found that the minimum lot size is 21.31 acres. Proposed Lot 1 would have a lot size of 2.26 acres, which does not meet the lot size standard. A variance is necessary for the lot size standard; additional discussion can be found in the Subdivision Variances section of this report.

d. *Lot frontage abutting existing public streets.*

The proposed lot complies. A compatibility analysis was conducted per this requirement. The minimum required lot frontage is either equal to or greater than 70 percent of the frontage of the average frontage of surrounding parcels or equal to or



Metro Planning Commission Meeting of 11/9/23

larger than the frontage of the smallest surrounding parcel, whichever is greater. Staff's analysis found that the minimum frontage is 175 feet. The frontage for proposed Lot 1 is 280.6 feet, which exceeds the minimum of 175 feet.

e. Street lights.

Not applicable for this plat as the property is located in the GSD.

f. Cluster lot option.

Not applicable for this plat as the proposed subdivision does not utilize the cluster lot option.

Subdivision Variances or Exceptions Requested: Yes. The request requires variances from: Section 4-2.5.a.1.a pertaining to building setback and Section 4-2.5.a.1.c pertaining to lot size.

Section 1-11, Variances, permits the Planning Commission to grant variances to the Subdivision Regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. While the regulations grant the Commission the authority to grant variances, the regulations state that *such variances shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations*. In order to grant a variance, the Commission must find that:

1. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

Variance Analysis

Setback: The subject property has only two surrounding properties, one to the north and one to the south. The property to the south is currently vacant. The property to the north includes a single-family residential unit, which has a street setback of approximately 60 feet along Kolz Lane. The existing single-family residential unit on proposed Lot 1 has a current street setback of approximately 55 feet. The proposed final plat shows that the existing single-family residential unit will remain on Lot 1. A variance from the setback requirement is necessary in order for the existing residential unit to remain.

Lot Size: The Rural Subdivision Regulations call for individual lots to vary in size to reflect the rural character. The proposed Lot 1 would have an area of 2.26 acres, considerably smaller than the required 21.31 acres. However, other lots in the vicinity—particularly along Clarksville Pike—have



Metro Planning Commission Meeting of 11/9/23

sizes similar to or smaller than that of the proposed lot. The proposed lot meets the minimum lot size required by the RS40 zoning district.

Staff finds that the proposed variances from the setback and lot size requirements are consistent with Section 1-11 of the Subdivision Regulations. Staff does not foresee the granting of these variances having any negative impacts on public safety; further, the granting of these variances would not be inconsistent with the General Plan.

PLANNING STAFF COMMENTS

With the variances for the building setback (4-2.5.a.1.a) and lot size (4-2.5.a.1.c), the proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code.

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 T2 RM (Rural Maintenance). The goal of the T2 RM policy is to maintain the general character of rural neighborhoods as characterized by their development pattern, varying setbacks, building form, and land uses. Appropriate land uses in the T2 RM policy area include: maintenance of the land in its natural state; small scale agricultural and related accessory and support uses; residential; institutional; and rural subdivisions. The property is proposed to be developed as a single-lot residential subdivision, as suggested and recommended by policy. Staff finds that the proposed rural subdivision meets the intent of the T2 RM policy.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

- 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.)



Metro Planning Commission Meeting of 11/9/23

WATER SERVICES RECOMMENDATION

Approve

- Water is provided to this site by MWS 6inch Water Main.
- Sewer is provided to this site by a Septic System.

STAFF RECOMMENDATION

Staff recommends approval with conditions including variances to Sections 4-2.5.a.1.a and 4-2.5.a.1.c.

CONDITIONS

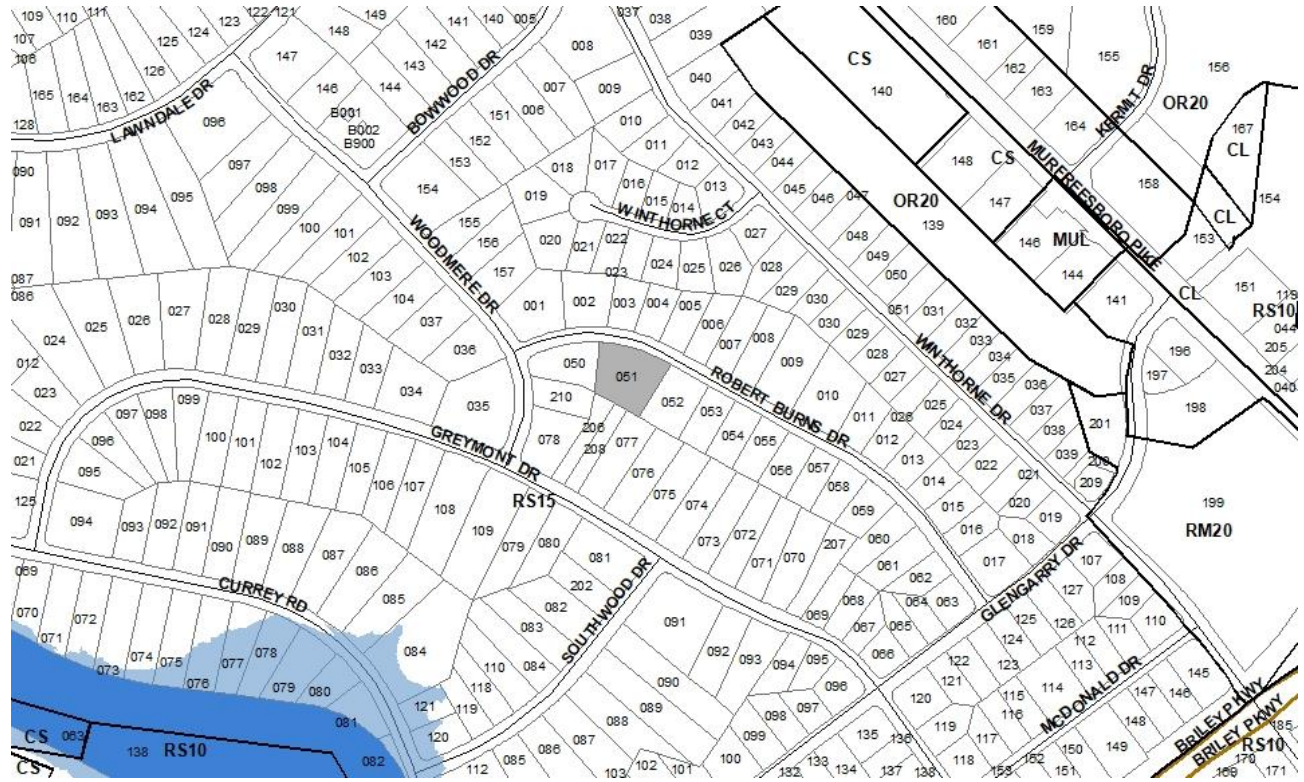
1. The requirements of the Metro Fire Marshal's office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
2. Pursuant to Section 2-4.7 of the Metro Subdivision Regulations, the approved final plat shall expire if it is not recorded with the Register of Deeds within one year after the date of approval by the Planning Commission.
3. Comply with all conditions and requirements of Metro reviewing agencies.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-174-001 with conditions and variances for building setback (4-2.5.a.1.a) and lot size (4-2.5.a.1.c), 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.



Metro Planning Commission Meeting of 11/9/23



2023S-175-001

RE-SUBDIVISION OF LOT 232 GLENGARRY PARK, SEC. 2

Map 120-05, Parcel(s) 051

11, South Nashville

16 (Ginny Welsch)



Metro Planning Commission Meeting of 11/9/23

Item #13	Final Plat 2023S-175-001
Project Name	Re-Subdivision of Lot 232 Glengarry Park, Sec. 2
Council District	16 – Welsch
School District	07 – Player
Requested by	Wold Architects and Engineers, applicant; Muhammad T. Osman, owner.
Staff Reviewer	Konigstein
Staff Recommendation	<i>Approve with conditions, including an exception to Section 3-5.2.d.2.</i>

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 704 Robert Burns Drive, approximately 265 feet east of Woodmere Drive, zoned Single-Family Residential (RS15) (0.9 acres).

SITE DATA AND CONTEXT

Location: The site consists of one property located along the southern side of Robert Burns Drive.

Street Type: The site has frontage on Robert Burns Drive which is classified as a local street. The minimum half right-of-way for Robert Burns Drive is 25 feet. The plat includes right-of-way dedication to achieve this requirement.

Approximate Acreage: 0.9 acres or approximately 39,375 square feet.

Parcel/Site History: This site consists of one parcel in its current configuration, created by deed in 1968.

Zoning History: The property has been zoned RS15 since 1998.

Existing land use and configuration: The property is currently occupied by a single-family home.

Surrounding Land Use and Zoning:

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



Metro Planning Commission Meeting of 11/9/23

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

Max. height: 3 stories

Min. street setback: 30' or contextual, whichever is greater, to be determined by Codes at the time of building permit application.

PROPOSAL DETAILS

Number of lots: 2

Lot sizes: Proposed Lot 1 is approximately 0.452 acres or 19,694.5 square feet and Lot 2 is approximately 0.452 acres or 19,681 square feet.

Access: One 25-foot by 86-foot shared access easement is proposed to access the lots.

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 located within the Suburban Neighborhood Maintenance (T3 NM) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T3 Suburban transect, the regulations found in Chapter 3 are utilized.

3-1 General Requirements

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.



Metro Planning Commission Meeting of 11/9/23

3-3 Suitability of the Land

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

3-4 Lot Requirements

The proposed 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 RS15 zoning at the time of building permit. All proposed lots are greater than 15,000 square feet and have frontage on a public street, Robert Burns Drive.

3-5 Infill Subdivisions

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

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 Robert Burns 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 T3 NM policy that applies to the site does not specifically identify an appropriate density; however, the policy supports the underlying RS15 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 meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 100 feet. The proposed Lot 1 frontage is 116.31 feet, and proposed Lot 2 is 131.99 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*



Metro Planning Commission Meeting of 11/9/23

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 0.46 acres, or approximately 20,036.6 square feet. Proposed Lot 1 is approximately 0.452 acres or 19,694.5 square feet and proposed Lot 2 is approximately 0.45 acres or 19,681.12 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 Robert Burns 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 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).

Section 3-5.2.f. above states that if the compatibility requirements are not met, the Planning Commission may consider other factors including the development pattern of the area. The proposed lots do not meet the lot size requirement to meet compatibility. They are just shy of meeting compatibility, however, the proposed lots are comparable to the surrounding lots in acreage and frontages helping to maintain visual neighborhood character.

Given this information, staff finds the proposed lots, as conditioned by staff, to be appropriate due to the surrounding development pattern.

3-5.5 Infill Subdivision Frontage

Not applicable to this case.



Metro Planning Commission Meeting of 11/9/23

3-5.6 Reasonable Conditions

Staff is recommending vehicular access for both lots be limited to the shared access easement that is identified on the plat. This would help to maintain existing access patterns along the street.

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. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

No right-of-way dedication is proposed with this plat as the existing 25-foot half of standard right-of-way for local streets already exists.

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 final plat for water and has recommended approval with conditions.



Metro Planning Commission Meeting of 11/9/23

3-16 Sewerage Facilities

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

3-17 Underground Utilities

There are no new utilities proposed.

PLANNING STAFF COMMENTS

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 regarding setbacks, 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 subdivision complies with the adopted General Plan (NashvilleNext). Per the Court, the Planning Commission may not evaluate each subdivision to determine whether it is harmonious generally but may consider policy. Policy information is provided below for consideration.

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to this property is T3 Suburban Neighborhood Maintenance. The intent of T3 NM policy is to maintain the general character of suburban neighborhoods as characterized by their development pattern, building form, land use, and associated public realm. The proposed subdivision maintains the land use, and largely meets the compatibility standards of the subdivision regulations intended to maintain the existing development standards.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions



Metro Planning Commission Meeting of 11/9/23

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

STAFF RECOMMENDATION

Approve with conditions, including an exception to Section 3-5.2.d.2.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. On the corrected copy, add the following note: Vehicular access for both lots is limited to the shared access easement. No other vehicular access is permitted.
3. 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.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

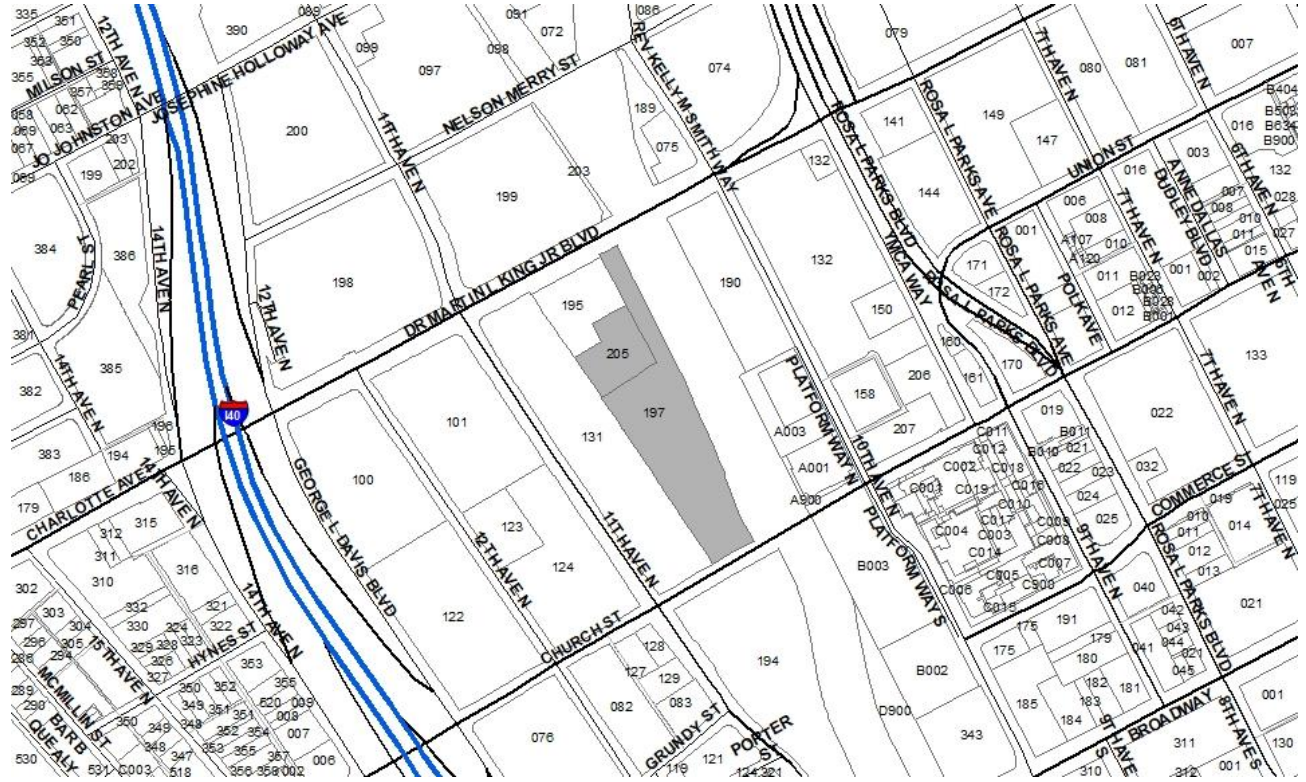
Motion to approve proposed subdivision Case No. 2023S-175-001 with conditions including an exception to 3-5.2.d.2 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2023DTC-020-002
11 NORTH
Map 093-05, Parcels 197, 205
11, Downtown
19 (Jacob Kupin)



Metro Planning Commission Meeting of 11/9/23

Item #14

DTC Overall Height Modification 2023DTC-020-002

Project Name

11 North

Council District

19 – Kupin

School District

05– Buggs

Requested by

Hastings Architecture, applicant; Eleven North Land TN, LLC, owner.

Staff Reviewer

Hammer

Staff Recommendation

Approve with conditions or defer without all conditions.

APPLICANT REQUEST

A request for overall height modification on properties located on Dr. Martin L. King Jr Boulevard.

DTC Overall Height Modification

A request for overall height modification on properties located at 1017 Dr. Martin L King Jr Blvd and Dr. Martin L King Jr Blvd (unnumbered), approximately 495 feet east of 11th Ave N, to permit a mixed use development, zoned DTC (4.62 acres), requested by Hastings Architecture, applicant; Eleven North Land TN, LLC, owner.

Existing Zoning

Downtown Code (DTC)Conf is the base zoning and is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown.

PROJECT OVERVIEW

This project is located east of 11th Avenue North, south of Dr. Martin Luther King Jr. Boulevard, directly west of CSX right-of-way. The proposal is for a mixed-use development consisting of 1,475 residential units total within all 3 towers and at least 40,000 gross square feet of ground floor retail and restaurant uses located at various locations within the site. 1,870 parking spaces are provided, including underground parking and structured parking screened by existing residential units. These spaces also serve the residents of the 2 existing low-rise apartment buildings that contain 301 units on the adjacent parcel.

Of these new 1,475 units, the developer has voluntarily committed to restrict short-term rental (STR) uses to a maximum of 148 STR units contained within the middle tower, existing on exclusively STR floors with a one-week minimum stay required per rental period.

The project is also adjacent to the Gulch Greenway, which will be rerouted and include a new direct vertical connection from the Greenway to Church Street.



Metro Planning Commission Meeting of 11/9/23



Figure 1: Perspective View Facing West



Figure 2: Perspective View Facing Northeast



Metro Planning Commission Meeting of 11/9/23



Figure 3: East Elevation



Figure 4: West Elevation



Metro Planning Commission Meeting of 11/9/23



Figure 5 (left): North Elevation

Figure 6 (right): South Elevation



Figure 7: Overall Site Plan

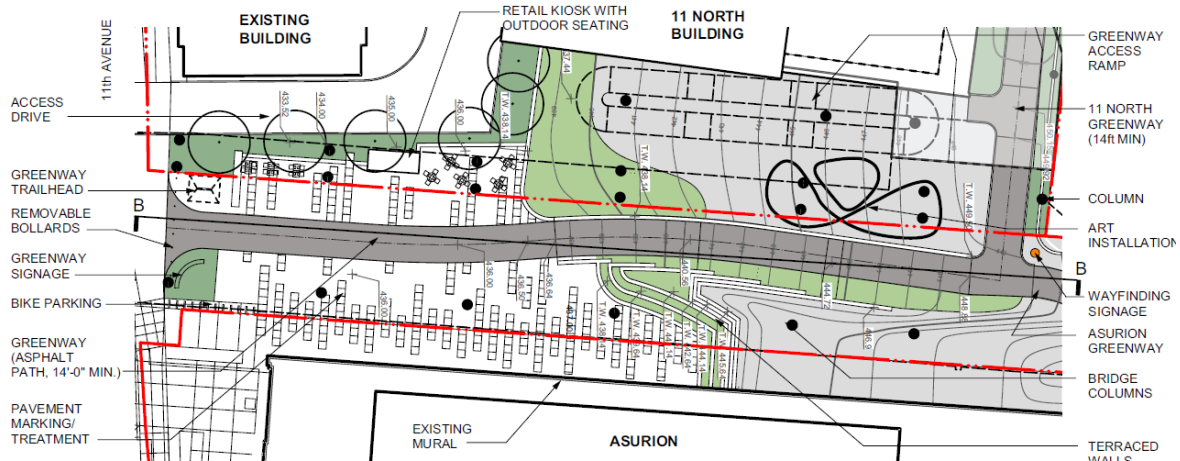


Figure 7: Programming under Church Street Viaduct



Metro Planning Commission Meeting of 11/9/23

PLAN DETAILS

The project site only has direct street frontage on two streets, Dr. Martin Luther King Jr. Boulevard and Church Street, and is separated from 11th Avenue North by two low-rise apartment buildings. A driveway between these two buildings is proposed as the primary access to the property from 11th Avenue North, as a privately maintained extension of Hynes Street with public access easements. This extension will continue through the site to Dr. Martin Luther King Jr. Boulevard.

Pedestrian entrances generally face either the Hynes Street extension or Church Street, with an internal circulation network allowing pedestrians to easily navigate the site. Vehicles enter the site from either Church Street, Dr. Martin Luther King Jr. Boulevard, the Hynes Street extension, or an existing curb cut near where Church Street passes over 11th Avenue North.

The project also proposes rerouting the Gulch Greenway from the center of the site to the eastern edge and proposes active uses lining the path. A vertical circulation connection between the on-site grade and the Church Street viaduct is included in these plans. Greenways and Parks Department staff have been consulted in developing the presented layout and the applicant presented the materials to the Greenways and Open Space Commission for conceptual approval on May 31, 2023.

OVERALL HEIGHT MODIFICATION PROCESS

The process for an Overall Height Modification is outlined in the DTC as follows:

- 1) *The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to pursue all appropriate bonuses available in the Bonus Height Program.*
- 2) *The applicant shall hold a community meeting providing notices to all property owners within 300 feet.*
- 3) *The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.*

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The LEED bonus has been proposed by pursuing LEED accreditation for a silver or higher level. Additional bonuses being utilized include Underground Parking and Open Space. The Mid-Gulch Supplemental Policy (09-T6-DN-MG-01) allows for Open Space bonuses to be earned for any development that provides a vertical connection via a ramping system built to ADA requirements and any development that provides active uses along a greenway.



Metro Planning Commission Meeting of 11/9/23

Community Meeting

The applicant held a community meeting on Wednesday, July 26, 2023 at 6:00 P.M. and sent notices to property owners within 300 feet. No members of the public attended the event.

Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on September 9, 2023. The Committee voiced support of the project, inquired about the materiality of the western façade, implementation of the 11th Avenue Corridor Study and step-back modification request. The Committee voted (with none opposed) to approve the concept design and proposed DTC modifications, and to recommend approval of the proposed Overall Height Modification with staff conditions.

Exceptional Design

The project is within the Mid-Gulch supplemental policy area, which has several points of supplemental guidance regarding treatment of viaducts, open spaces, and when additional height is appropriate, stating:

Consideration of additional height may be given to properties at the intersections of 11th Avenue/Broadway, 11th Avenue North/Church Street, and 11th Avenue North/Dr. Martin Luther King Jr. Boulevard, if buildings are sensitively designed in accordance with the goals presented in the Mid-Gulch Supplemental Policy.

The project exhibits conformance with all the guidance of this supplemental policy area including, but not limited to, activation of the greenway, creation of a vertical connection between the Church Street viaduct of the Gulch Greenway, activation of the Church Street viaduct, and alignment of Church Street access points with existing vehicular access points.

The project also exhibits unique architecture and site design by successfully activating the greenway and engaging the Church Street viaduct. The towers have a similar architectural language to one another but are easily differentiated. The proposal includes quality building materials, and successfully hides all parking from prominent views. The vertical connection proposed by this project creates neighborhood-level connectivity improvements adjacent to intense new development in the Core, Gulch North, and Gulch South subdistricts.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Conceptually, NDOT is supportive of operational improvements at the Church Street access drive; however, additional technical and structural analyses will be required if the improvements require modifications to the existing Church Street bridge structure. Any issues or concerns must be addressed in the design before NDOT will permit the developer to implement any proposed modifications. NDOT reserves the right to require alternate improvements or modifications to the Church Street viaduct that are less impactful to the structure, in lieu of what is shown, if NDOT determines that those improvements provide an equitable transportation benefit and can be mutually agreed upon by all affected parties. Supplemental traffic analysis may be required to support the alternate improvements/modifications.



Metro Planning Commission Meeting of 11/9/23

- The applicant shall coordinate with NDOT and Planning on improvements/alterations to the 11th Ave N streetscape.
- The applicant shall coordinate with Parks on any potential greenway improvements needed outside the construction of the new section of greenway. The greenway access ramp shall be designed to accommodate bicyclists without getting off their bikes, further coordination with NDOT and Parks will be required. Further coordination with NDOT and Parks may be required.
- The applicant's traffic engineer shall coordinate with NDOT on developing an updated traffic signal timing plan for the Church Street and Charlotte Avenue corridor(s) between 14th Avenue North and Rosa L. Parks Boulevard. Leading pedestrian intervals (LPIs) should be considered at all signalized study intersections.
- The applicant shall provide and/or improve crosswalks, detectable warning mats, curb ramps, and pedestrian signals at all study intersections.
- Coordinate with WeGo and NDOT on transit improvements in the study area. Potential improvements could include shelters, benches, or additional stop locations.
- The development shall provide employees, residents, and customers with extensive information about area transit service including routes, nearby stops, and schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations. Parking/storage options should be provided for bicycle and scooters on-site. Publicize B-cycle services, stop locations, and bike routes. The applicant shall coordinate with NDOT's Traffic Demand Management Coordinator to develop TDM strategy/plan prior to final site plan approval.
- As part of the construction of the project, all internal and external driveway connections should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
- The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions,

CONDITIONS

1. Substantial alterations to this proposal shall return to the DTC DRC for review.
2. Prior to building permit approval, the short-term rental restrictions outlined in the package shall be recorded as a deed restriction or restrictive covenant.
3. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
4. Prior to building permit approval, all public access or greenway easements shall be recorded.
5. Construction of the vertical circulation connection shall be completed prior to issuance of a use and occupancy permit for any of the three towers.



Metro Planning Commission Meeting of 11/9/23

6. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
7. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
8. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.



Metro Planning Commission Meeting of 11/9/23



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

April 3, 2023

Attn: David Powell
Hastings Architecture
225 Polk Ave
Nashville, TN 37203

Re: Determination on DTC Bonus Height Program Efforts for 11North

Mr. Powell:

This letter serves as a determination to submit an Overall Height Modification application for the project proposed east of 11th Avenue North and north of Church Street. This letter does not indicate support, or guarantee project approval.

The project site is located within the Gulch South Subdistrict of the Downtown Code. The property is within the Mid-Gulch area where 20 stories are permitted by-right and up to 28 stories are permitted at significant intersections, including 11th and Church, using the Bonus Height Program and 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program.

The proposed development includes a 47-story residential building, a 28-story residential building, and a 29-story residential building comprising 1475 additional residential units on site. Additionally, there will be 40,000 square feet of retail space on the ground floor lining an extension of Hynes Street, the Church Street viaduct, and the Gulch Greenway.

Exhibits submitted to Planning Staff on February 24, 2023, demonstrate the use of the following Bonus Height Program options:

- Underground Parking – Approximately 392,000 sf of bonus height is being earned by providing entirely underground parking across three levels.
- LEED – Two stories of bonus height are being earned by building a LEED accredited building of silver level or greater.
- Open Space – Approximately 458,200 sf of bonus height is being earned by providing several types of open space, including enhancements to the greenway and a vertical pedestrian connection, as identified by the Mid-Gulch supplemental policy and the Downtown Code.

Additionally, the project has committed to the following design elements that further support the Overall Height Modification request:

- Unique Architecture/Contribution to the Skyline – The series of three towers use a similar architectural language that is executed in three different ways. The heights of the buildings step down from Church Street to Martin Luther King Jr. Boulevard. The architecture makes use of quality materials to create the appearance of frames with the use of recessed bays, avoiding the ubiquitous glass-box look of other recent high-rises. The base of the tower responds to the elevation changes of the rights-of-way and paths it fronts by providing multiple levels of active uses, all while accounting for the existing structures along 11th Avenue North.
- Exceptionally Strong Streetscape – The project proposes connecting an extension of Hynes Street to Martin Luther King Jr. Boulevard in order to strengthen Downtown's street network. The development will also feature trail-oriented development by lining the Gulch Greenway with activated storefronts and visual interest.



Metro Planning Commission Meeting of 11/9/23

- Relationship to Surrounding Properties/Character of the Neighborhood – To enhance connectivity on Nashville's downtown viaducts, the project proposes vertical infrastructure to connect the Church Street viaduct to the 11th Avenue complete street and Gulch Greenway as called for by 11th Avenue Study and the Mid-Gulch Study.

With these commitments, along with the efforts to utilize the Bonus Height Program to its fullest potential, this project may proceed with the next step in the Overall Height Modification process – submitting a formal application. The project will receive detailed review by Metro Planning and other Metro departments and agencies once a formal application has been submitted. Specific issues and conditions may be addressed during the overall height modification process while other more minor details may be addressed through the final site plan process.

Note that this letter does not waive the project from the requirements of Metro Planning or other Metro departments and agencies. Reconsideration of this determination may be warranted if the applicant team is unable or unwilling to follow through with any requirements, or with any of the commitments described above.

Sincerely,

A handwritten signature in cursive script that reads "Lucy Kempf".

Lucy Kempf
Executive Director
Metro Nashville Planning Department

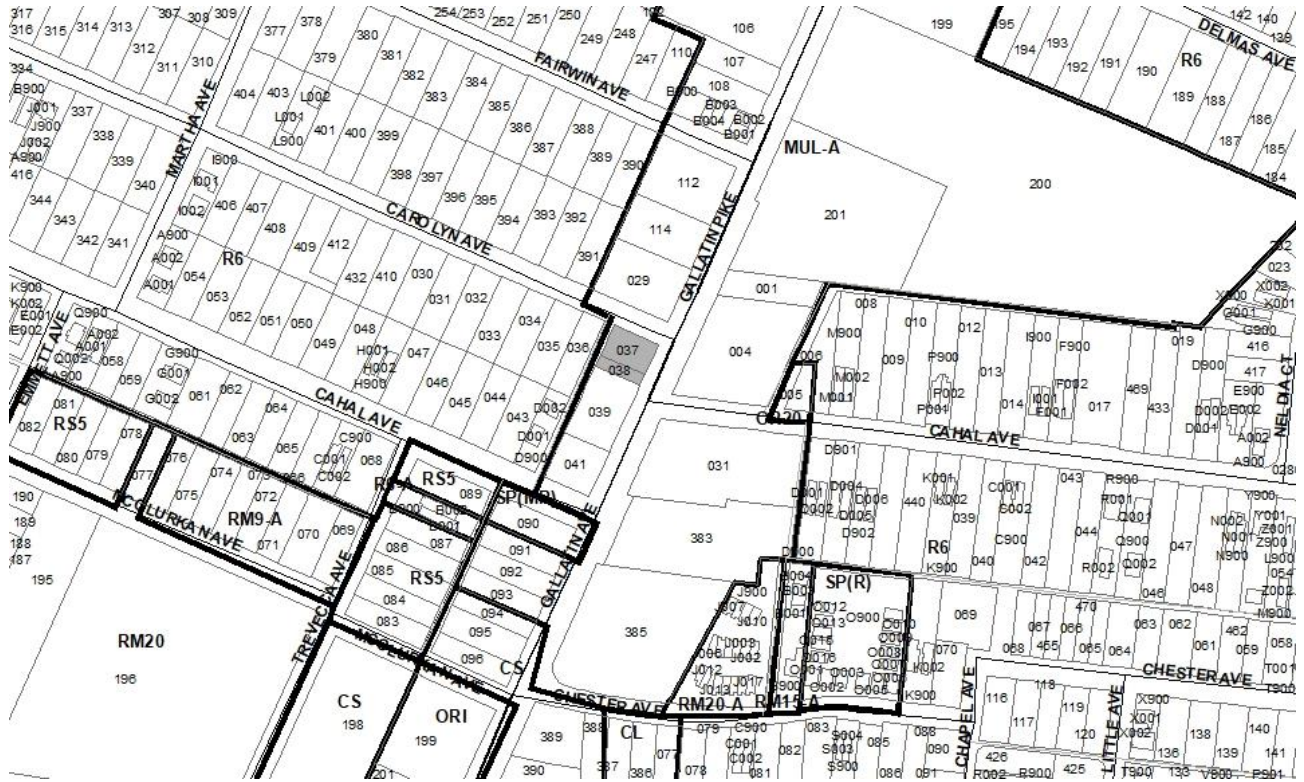
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SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2023Z-101PR-001

Map 072-13, Parcel(s) 037, 038

05, East Nashville

05 (Sean Parker)



Metro Planning Commission Meeting of 11/9/23

Item #15
Council District
School District
Requested by

Zone Change 2023Z-101PR-001
05 - Parker
1 – Gentry
Councilmember Sean Parker, applicant; McQuest Properties, LLC, owner.

Staff Reviewer
Staff Recommendation

Elliott
Approve.

APPLICANT REQUEST

Rezone from Specific Plan to MUL-A.

Rezoning

A request to rezone from SP to MUL-A zoning for properties located at 2631 and 2635 Gallatin Ave., at the southwest corner of Gallatin Pike and Carolyn Ave. (0.19 acres), and located within the Gallatin Pike Urban Design Overlay.

Existing Zoning

Specific Plan-Mixed Non-Residential (SP-NR) 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 SP permits mixed-use development.

Gallatin Pike UDO is located along the corridor of Main Street and Gallatin Pike from its intersection with South 5th Street on the southern end, to the south side of Briley Parkway on the northern end. The purpose of these regulations is to provide development standards that aim to achieve a sense of place by emphasizing the pedestrian environment, promote economic vitality on Gallatin Pike, improve the appearance and function of Gallatin Pike, improve transportation infrastructure, and to establish reasonable and improved standards for business identification. This UDO is optional at the discretion of the land owner.

Proposed Zoning

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

EAST NASHVILLE COMMUNITY PLAN

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



Metro Planning Commission Meeting of 11/9/23

SITE

The site is located on the western side of Gallatin Pike, just north of the intersection with Cahal Avenue. Gallatin Pike is classified as an Arterial Boulevard in the Major and Collector Street Plan (MCSP). The site is approximately 0.19 acres in size and has alley right-of-way along the rear of the site. The site currently has a single-story commercial building with head-in surface parking along Gallatin Pike. To the rear of the site, and along Carolyn Avenue, are residential land uses.

EXISTING SP ZONING

The existing SP zoning permits all uses of MUL-A in addition to a Kennel land use within the existing building on site. Additionally, the SP zoning modifies the Metro Zoning Code standards for commercial Kennel land uses by decreasing the required separation distance between a Kennel and any existing residential building. The SP zoning also requires some on-site improvements to improve the vehicular circulation on the site as well as the right-of-way conditions on Gallatin Pike.

ANALYSIS

Staff finds the proposed mixed use zoning district to be consistent with the Urban Mixed Use Corridor policy applied to the site. The land uses permitted in MUL-A are consistent with the policies intent to prioritize higher-intensity mixed use and commercial development at intersections. The bulk standards of the MUL-A zoning district require an urban form be provided with any future development with vehicle access limited to alleyways and buildings built near the sidewalk to provide an appropriate pedestrian realm. Right-of-way improvements along Gallatin Pike, Carolyn Avenue, or to nearby intersections may be required by NDOT at the building permit review phase. Staff finds the proposed MUL-A zoning district to be appropriate given the policy and context of the site.

FIRE MARSHAL RECOMMENDATION

Approve

METRO SCHOOL BOARD REPORT

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Hattie Cotton Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/9/23



2023Z-103PR-001
Map 069-16, Parcel(s) 101
03, Bordeaux—Whites Creek—Haynes Trinity
01 (Joy Kimbrough)



Metro Planning Commission Meeting of 11/9/23

Item #16
Council District
School District
Requested by

Zone Change 2023Z-103PR-001
01 – Kimbrough
01 – Gentry
Maxim Homes, LLC applicant; Alejandro Hernandez and Nancy Rivera, owner.

Staff Reviewer
Staff Recommendation

Elliott
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 for properties located at 1815 Elizabeth Road, approximately 270 feet southwest of John Mallette Drive and Elizabeth Road (0.37 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 lot, based on acreage alone.*

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 one duplex lot, for a total of two units, based on the acreage alone. This does not account for compliance with the Metro Subdivision Regulations. Metro Codes would determine 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 underdeveloped “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

SITE AND CONTEXT

The subject site consists of one parcel, 0.37 acres, located on the north side of Elizabeth Road, a local street. The site has been developed with a single-family use. The surrounding parcels are zoned RS10



Metro Planning Commission Meeting of 11/9/23

with some R10 zoned parcels existing nearby. The surrounding land uses are a mix of single-family and two-family residential.

ANALYSIS

The application proposes to rezone the property from RS10 to R10. The R10 zoning district is supported by the T3 NE policy. The requested R10 zoning district would not permit the future subdivision of this property.

The R10 zoning allows for one or two-family residential uses, which would increase housing choice in the area. Several surrounding parcels to the south and west have recently been rezoned with higher densities. A majority of these properties were rezoned from RS10 to R10 although there are some SPs and other two-family zoning districts as well. While the Neighborhood Evolving policy likely anticipated a change in zoning districts within this area, staff and the community are becoming aware of an increase in rezoning activity. Although the T3 NE policy supports change in housing type and increased density within the policy area, it also intends to provide housing variety by considering and responding to the existing context.

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 19 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.

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)	0.37	3.7 D	1 U	14	4	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.37	4.63 D	2 U	27	4	3

*Based on two-family lots



Metro Planning Commission Meeting of 11/9/23

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
-	-	-		+13	-	+2

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 zoning is not expected to generate any additional students. Students would attend Cumberland Elementary, Haynes Middle School, and Whites Creek High School. Cumberland Elementary and Haynes Middle School have been identified as being at capacity, while Whites Creek High School has been identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.