



METROPOLITAN PLANNING COMMISSION REVISED DRAFT MINUTES

December 14, 2023
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Stewart Clifton
Edward Henley
Kathy Leslie
Dennie Marshall
Matt Smith
Brian Tibbs
Councilmember Jennifer Gamble

Staff Present:

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

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

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

Mailing Address: Metro Planning Department, 800 President Ronald Reagan Way, P.O. Box 196300, Nashville, TN 37219-6300

Fax: (615) 862-7130

E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

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

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

If you intend to speak during a meeting, you will be asked to fill out a short "Request to Speak" form.

Items set for consent or deferral will be listed at the start of the meeting.

Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

Legal Notice

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



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

MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

Mr. Henley moved and Mr. Marshall seconded the motion to adopt the agenda. (8-0)

C: APPROVAL OF NOVEMBER 09, 2023 MINUTES

Mr. Clifton moved and Mr. Tibbs seconded the motion to approve the meeting minutes of November 9, 2023. (8-0)

D: RECOGNITION OF COUNCILMEMBERS

No Councilmembers spoke during this time.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 3, 5, 7, 9, 10, 11, 13, 15, 17, 21, 22, 29

Vice Chair Farr joined the meeting.

Mr. Smith moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

F: CONSENT AGENDA ITEMS 30, 31, 32, 36

Councilmember Gamble moved and Mr. Smith seconded the motion to approve the Consent Agenda. (9-0)

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

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

G: ITEMS TO BE CONSIDERED

1. 2014SP-050-002

4214 CENTRAL PIKE (AMENDMENT)

Council District 12 (Erin Evans)

Staff Reviewer: Laszlo Marton

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

Staff Recommendation: Defer to the February 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2014SP-050-002 to the February 8, 2024, Planning Commission meeting. (9-0)

2. 2022SP-077-001

3539 DICKERSON PIKE

Council District 05 (Sean Parker)

Staff Reviewer: Donald Anthony

A request to rezone from CS and RS10 to SP zoning for properties located at 3525, 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 Ave. N., (36.92 acres), to permit a mixed use development with 22,000 square feet of non-residential uses and 525 multi-family residential units, requested by Barge Cauthen & Associates, applicant; 3539 Dickerson Pike, LLC, Lotus Enterprises, Inc., and New Level CDC, owners.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Zone Change

A request to rezone from Commercial Service (CS) and Single-Family Residential (RS10) to Specific Plan (SP) zoning for properties located at 3525, 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.

Existing Zoning

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. *Approximately three acres are currently zoned CS.*

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *Approximately 33 acres are currently zoned RS10. Based on acreage only, RS10 would permit a maximum of 122 single-family residential units.*

Proposed Zoning

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

PARKWOOD – UNION HILL COMMUNITY PLAN

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

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

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

SITE CONTEXT

The preliminary SP application is for nine parcels totaling 36.92 acres located along the east side of Dickerson Pike. The site has approximately 530 feet of frontage on Dickerson Pike. A preschool is currently located along a portion of the Dickerson Pike frontage. Large portions of the site—particularly the eastern two-thirds of the site—feature natural slopes of 20 percent or greater. Most of the site is also heavily wooded.

The portion of the subject site lying adjacent to Dickerson Pike is currently zoned CS; this zoning extends to a depth of 180 to 350 feet from the right-of-way and accounts for approximately three acres. The remainder of the site is currently zoned RS10. Adjacent zoning includes: CS on the northwest; RS10 and RS20 on the north; RS10 on the east; SP on the south; and CS on the southwest. Properties on the west side of Dickerson Pike across from the subject site are zoned CS and OR20. A mix of land uses is present in the vicinity; uses include single-family residential, two-family residential, multi-family residential, warehouse, commercial, and vacant land.

PLAN DETAILS

The preliminary SP is for a mixed use development on 36.92 acres located along the east side of Dickerson Pike. The development would consist of up to 22,000 square feet of nonresidential uses and 525 multi-family residential units.

Site Layout

The site layout included in the preliminary SP application divides the site into three zones: conservation, mixed use, and residential. The easternmost third of the site (approximately 24.5 acres) would be designated as the conservation zone. This area is densely wooded and includes multiple steep slopes. No buildings are proposed in the conservation zone; this area would be set aside for preservation and recreational uses.

The 6.7-acre mixed use zone would be situated between Dickerson Pike on the west and a creek on the east. This zone would include multiple buildings. A proposed mixed use building located near the northwest corner of the site would feature ground-floor office and/or commercial uses and multi-family residential units on the upper floors; this building would also include an internal parking garage. The site layout shows a second mixed use building located near the southwest corner of the site. An additional building identified as retail use is shown on the Dickerson Pike frontage between the two mixed use buildings. A daycare would be located at the rear of the mixed use zone, west of the creek that runs through the site. Up to 22,000 square feet of nonresidential uses and 450 multi-family residential units would be permitted in the mixed use zone; multi-family housing types would include a mix of flats and townhouses.

The 5.2-acre residential zone would be located between the conservation and mixed use zones and would permit up to 75 multi-family residential units. The preliminary SP application indicates that these units would be divided among various housing types including townhouses, detached units with individual garage parking, and detached units with shared surface parking. The residential zone would include an amenities area; a trail system would connect the residential zone to the mixed use and conservation zones.

Because of steep slopes, the preliminary grading plan shows several retaining walls. These are most prominent in areas south of the private street in the mixed use zone and around the northernmost detached residential structures in the residential zone. In some places, these walls reach heights in excess of 30 feet. Detailed grading plans will be required with the Final SP submittal, and Metro staff will review these plans for compliance with all applicable Metro standards.

Access, Parking, and Roadway Improvements

Access to the site would be provided via a private drive and separate garage driveway connecting to Dickerson Pike. The proposed private drive would connect to Dickerson Pike near the center of the subject site's frontage. The private drive would provide access to both the mixed use and residential zones. The garage driveway would be located near the north side of the site and would provide access to an internal multi-level parking garage in the northernmost mixed use building.

The preliminary SP application proposes a total of 510 parking spaces, 420 of which would be provided in the parking garage in the mixed use zone. The parking garage is intended to serve both the nonresidential and residential components of the mixed use zone. The remaining 90 spaces would be provided in surface lots scattered across the site. These lots are generally located near the proposed multi-family residential units in the residential zone and the proposed daycare in the mixed use zone. Eighteen detached residential units would have individual garages and/or driveway parking; these units are labeled *Type A Units* on the site landscaping plan and are shown in yellow on the site layout plan.

The Major and Collector Street Plan (MCSP) identifies Dickerson Pike as an arterial boulevard with a 102-foot standard right-of-way. The proposed SP includes a 13-foot right-of-way dedication, which will increase the right-of-way between the Dickerson Pike centerline and property line to 51 feet. The proposed SP shows an eight-foot planting strip and twelve-foot sidewalk along the Dickerson Pike frontage. Within the mixed use portion of the proposed development, the north side of the private drive would have a width of 24 feet and include a four-foot

planting strip and eight-foot sidewalk. The planting strip and sidewalk would also be provided along a portion of the south side of the private street; grade changes would cause interruptions in sidewalk continuity, particularly along the south side of the private drive, east of the mixed use buildings.

WeGo and NDOT have identified an opportunity for an enhanced public transit stop or station on the subject site. Because this is still in preliminary discussions with the applicant, it is not reflected on the preliminary SP. However, NDOT has included a condition requiring the applicant to continue these discussions with WeGo. Any transit stop on the site should be included in the final SP submittal.

Building Height and Other Bulk Standards

In the mixed use zone, the preliminary SP application proposes a maximum height at the build-to line of 30 feet. A stepback with minimum depth of 40 feet would be required. The maximum overall height for buildings in the mixed use zone would be seven stories in 90 feet. The proposed maximum floor area ratio in the mixed use zone would be 0.6, and the maximum impervious surface ratio would be 0.9. The SP application proposes minimum setbacks of zero on Dickerson Pike, five feet on sides, and 20 feet on the rear in the mixed use zone.

In the residential zone, the proposed maximum height is three stories in 45 feet. Other bulk standards would follow RS10 zoning requirements. These include: maximum building coverage of 0.40, minimum side setbacks of five feet, and minimum rear setback of 20 feet.

The preliminary SP application includes several cross-sections that show how building height will be perceived from various locations. Due to the site's topography, the proposed height of the mixed use buildings would have limited visual impacts on residential properties located along Due West Avenue North and Due West Valley Drive. Two exhibits are provided below: 1) a view of the proposed mixed use zone in relation to Dickerson Pike; and 2) a cross-section of the site showing proposed buildings in relation to site grade changes. Additional cross-sections are provided in the preliminary SP application.

Permitted Land Uses

Most uses typically permitted in the MUL-A zoning district would be permitted in the mixed use zone. Single-family, two-family, and multi-family residential uses would be permitted in the residential zone. In both the mixed use and residential zones, community gardening, non commercial, would be permitted, and short-term rentals (both owner-occupied and non-owner occupied) would be prohibited.

ANALYSIS

The subject site lies within three policy areas: T3 Suburban Mixed Use Corridor (T3 CM); T3 Suburban Neighborhood Evolving (T3 NE); and Conservation (CO).

Consistency with T3 CM Policy

The T3 CM policy applies to the westernmost portion of the subject site, which lies adjacent to Dickerson Pike. The T3 CM policy is intended to support higher-density residential and mixed use development with higher-intensity mixed use and commercial uses situated at intersections. Along with a mix of land uses, T3 CM policy areas are characterized by buildings built to the back of the sidewalk, parking behind or beside buildings, and highly connected street networks. Appropriate building types include low and medium-rise townhouses, flats, and mixed use buildings. Building heights are generally limited to one to three stories; however, additional height may be warranted at major intersections in limited situations. Proximity to other policy areas, proximity to transit, the use of building stepbacks, and site topography are factors that may be considered when allowing height greater than three stories.

Most of the proposed mixed use zone falls within the T3 CM policy area. The remaining portion of the mixed use zone falls within the T3 NE policy area; the only proposed nonresidential use identified in this portion of the mixed use zone is daycare, which is a use supported by T3 NE. With the exception of building height, the preliminary SP is consistent with the T3 CM policy. The proposed mixed use zone would have a zero street setback. Parking would be provided in an enclosed parking garage and in surface parking lots located away from the Dickerson Pike frontage. Proposed density in the mixed use zone is 67.16 residential units per acre.

The proposed building height of seven stories in 90 feet in the mixed use zone exceeds the three-story maximum recommended by the T3 CM policy. The subject site is located near—though not at—a prominent intersection. Due West Avenue North, a collector-avenue, lies approximately 1,000 feet north of the subject site. The proposed SP appears to meet several of the factors that may warrant additional building height. Among these factors are:

- The subject site is located along Dickerson Pike, which is served by WeGo route 79; the SP application shows a new WeGo bus stop located along the site's frontage.
- The proposed SP incorporates a building stepback with a depth of 40 feet.
- The subject site has steep slopes, limiting the developable area.

For these reasons, Planning staff finds that the requested height aligns with the T3 CM policy and is therefore warranted.

Consistency with T3 NE Policy

Portions of the subject site—specifically near the center and east side of the site—lie within the T3 NE policy area. Properties within the T3 NE policy area are anticipated to be developed at higher densities and with greater housing variety than classic suburban neighborhoods. Characteristics of the T3 NE policy include: moderate-density residential development; lots generally accessed from local streets or alleys; and moderate to high levels of connectivity. Houses, townhouses, and flats are among the building types recommended in the T3 NE policy area. Building heights are generally limited to one to three stories with heights of up to four stories possible in certain locations.

Most of the proposed residential zone lies within the T3 NE policy area. The preliminary SP is generally consistent with the T3 NE policy guidance. The proposed density in the residential zone is 14.42 residential units per acre. All residential parking lots and driveways in the residential zone would be accessed from private streets. Proposed housing types include houses and townhouses. The residential zone would be able to access WeGo public transit along Dickerson Pike. The proposed building height of three stories in 45 feet falls within the T3 NE policy guidance for building height.

Consistency with CO Policy

The CO policy applies to large portions of the site affected by steep slopes and a stream. Much of the CO area is also heavily wooded with large, mature trees. As shown on the following exhibit, development in the proposed SP generally avoids the steepest slopes and stream area. In the exhibit, red represents slopes greater than 25 percent, yellow represents slopes of 20 to 25 percent, and green represents slopes of 15 to 20 percent.

During final SP review, the applicant will be required to submit detailed grading and tree preservation plans to ensure that there is minimal disturbance to environmentally-sensitive areas during the construction process.

Because the proposed SP is mostly consistent with the T3 CM, T3 NE, and CO policies, staff recommends approval with conditions and disapproval without all conditions.

FIRE MARHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Preliminary review only. Must comply with all regulations in the Stormwater Management Manual at the time of final submittal for approval.

METRO WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

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

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- The applicant's traffic engineer will be required to coordinate with NDOT on conducting a new/updated transportation analysis that follows the new MMTA guidelines. The new/updated MMTA will need to be submitted and finalized with NDOT prior to the submission of any Final SP for this development.
- The applicant shall coordinate with NDOT to either construct or contribute to the planned/future signal at the intersection of Dickerson Pike and Mulberry Downs. The 'Proposed Pedestrian Crossing Signal' will need to be discussed further with NDOT to determine if it is an appropriate interim solution for this intersection. However, if NDOT determines that a financial contribution is the optimal path forward, then the funds will be delivered to NDOT prior to the approval of U&O of the first phase of this development.
- The applicant shall coordinate with WeGo on the design of the proposed transit stop along the frontage in addition to any other transit improvements within the area along Dickerson Pike.
- At Final SP the referenced 'Shared Parking Study' shall be submitted to NDOT and Planning for review. Provide detailed parking calculations to with bedroom counts to verify parking is being shown per metro code.
- Driveway/access ramps shall be a maximum of 35', per metro code.
- 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.

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)	3.03	0.6 F	79,192 SF	2,989	74	302

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)	33.3	3.7 D	145 U	1,464	108	145

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	-	-	525 U	2,860	174	218

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	-	-	22,000 SF	831	21	84

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-762	+13	-145

METRO SCHOOL BOARD REPORT

Projected student generation existing RS10 district: **16** Elementary **8** Middle **12** High

Projected student generation proposed SP district: **91** Elementary **39** Middle **46** High

The proposed SP zoning district is anticipated to generate 140 more students than what would be generated under the current RS10 zoning district. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and

Maplewood High School. Chadwell Elementary School is identified as being over capacity, while Jere Baxter Middle School and Maplewood High School are identified as being at capacity. 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.

CONDITIONS

1. Permitted uses shall be limited to all uses in the MUL-A-NS zoning district and other nonresidential uses specified on the preliminary SP plan and 525 multi-family residential units. Short-term rental property, owner-occupied and non-owner occupied, shall be prohibited in the entire development. Nonresidential uses (other than daycare and gardening, non-commercial) shall be limited to the portion of the site located within the T3 CM policy area.
2. Development parameters shall not exceed the limits of disturbance identified on sheet C2.0 of the preliminary SP. On corrected copy, revise designated zone boundaries to place the entirety of disturbed area in the residential and mixed use zones.
3. A detailed tree inventory and tree preservation plan shall be required with the Final SP.
4. On corrected copy, revise note 6 under Sidewalks and Trails on sheet L1.00 to the following: Trails outside the identified limits of disturbance shall be constructed of natural materials. Trails and other uses permitted in the conservation zone shall not disturb existing slopes or trees identified for preservation.
5. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed elevations included with the preliminary SP.
6. Internal sidewalks shall be constructed as shown in the preliminary SP. The applicant shall work with NDOT and Planning staff during Final SP review on means of filling in gaps in internal sidewalks where possible and other alternative means of promoting walkability within the development. The applicant shall work with NDOT and Planning staff prior to Final SP approval on appropriate and safe pedestrian street crossing measure(s) at the termination of the sidewalk on the south side of the private street. Signage, street markings, and/or other measures may be required.
7. On corrected copy, revise landscape note on sheet L1.00 to indicate that landscaping shall be provided per Metro Zoning Code.
8. Maximum building height shall not exceed that of elevations included in the preliminary SP. Revise maximum building height measurement standard for residential zone on sheet L1.00A to the following: Height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof.
9. Parking calculations shall be reviewed with final SP. Uses may necessitate revision of the submitted shared parking study.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the portion of the property identified as mixed use zone on the plan shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the portion of the property identified as residential zone on the plan shall be subject to the standards, regulations and requirements of the RM20-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
14. 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 the required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
15. 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.
16. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
17. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (9-0)

Resolution No. RS2023-260

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-077-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

1. Permitted uses shall be limited to all uses in the MUL-A-NS zoning district and other nonresidential uses specified on the preliminary SP plan and 525 multi-family residential units. Short-term rental property, owner-occupied and non-owner occupied, shall be prohibited in the entire development. Nonresidential uses (other than daycare and gardening, non-commercial) shall be limited to the portion of the site located within the T3 CM policy area.
2. Development parameters shall not exceed the limits of disturbance identified on sheet C2.0 of the preliminary SP. On corrected copy, revise designated zone boundaries to place the entirety of disturbed area in the residential and mixed use zones.
3. A detailed tree inventory and tree preservation plan shall be required with the Final SP.
4. On corrected copy, revise note 6 under Sidewalks and Trails on sheet L1.00 to the following: Trails outside the identified limits of disturbance shall be constructed of natural materials. Trails and other uses permitted in the conservation zone shall not disturb existing slopes or trees identified for preservation.
5. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed elevations included with the preliminary SP.
6. Internal sidewalks shall be constructed as shown in the preliminary SP. The applicant shall work with NDOT and Planning staff during Final SP review on means of filling in gaps in internal sidewalks where possible and other alternative means of promoting walkability within the development. The applicant shall work with NDOT and Planning staff prior to Final SP approval on appropriate and safe pedestrian street crossing measure(s) at the termination of the sidewalk on the south side of the private street. Signage, street markings, and/or other measures may be required.
7. On corrected copy, revise landscape note on sheet L1.00 to indicate that landscaping shall be provided per Metro Zoning Code.
8. Maximum building height shall not exceed that of elevations included in the preliminary SP. Revise maximum building height measurement standard for residential zone on sheet L1.00A to the following: Height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof.
9. Parking calculations shall be reviewed with final SP. Uses may necessitate revision of the submitted shared parking study.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. A corrected copy of the Preliminary SP plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the portion of the property identified as mixed use zone on the plan shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the portion of the property identified as residential zone on the plan shall be subject to the standards, regulations and requirements of the RM20-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
14. 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 the required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
15. 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.
16. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
17. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

3. 2023SP-054-001

CHARLOTTE PIKE MIXED USE

Council District 24 (Brenda Gadd)

Staff Reviewer: Donald Anthony

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

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-054-001 to the January 11, 2024, Planning Commission meeting. (9-0)

4. 2023SP-077-001

1520 HAMPTON STREET

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to rezone from CL and OR20 to SP zoning on properties located at 1520 Hampton Street and Avondale Circle (unnumbered), at the southwest corner of Hampton Street and Avondale Circle, and partially located within a Corridor Design Overlay District (1.81 acres), to permit up to 51 multi-family residential units, requested by Dale & Associates, applicant; KSSK, LLC, owner.

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

APPLICANT REQUEST

SP to permit 51 multi-family residential units.

Zone Change

A request to rezone from Commercial Limited (CL) and Office and Residential (OR20) to Specific Plan (SP) zoning on properties located at 1520 Hampton Street and Avondale Circle (unnumbered), at the southwest corner of Hampton Street and Avondale Circle, and partially located within a Corridor Design Overlay District (1.81 acres), to permit up to 51 multi-family residential units.

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

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 six residential units (0.31 acres).*

Corridor Design Overlay District (CDO) provides appropriate design standards for commercial, office and mixed-use development along corridors necessary to provide incremental improvements to the aesthetics of Nashville's commercial districts and corridors. Application of this overlay district shall be limited to areas requiring transitional standards.

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 1.81 acres (78,843 sq. ft.) and is located at the southwest corner of Hampton Street and Avondale Circle. The property is split zoned. Approximately 1.5 acres is zoned CL and the remaining 0.31 acres is zoned OR20. The Corridor Design Overlay District (CDO) applies to a majority of the site. Metro records identify the land uses on the site as

Proposed Plan

nightclub/lounge, hotel/motel and vacant commercial land. A majority of the site is vacant and surface parking. These areas are located along the entire length of Avondale Circle. The plan that

was published for the October 26, 2023, Planning Commission meeting included 55 residential units. The number of units has been reduced since that publication.

Site Plan

The proposed plan includes 51 residential units. Units one through 19 front Avondale Circle and units 20 through 23 front Hampton Street. Units 24 through 51 are internal to the site and all units front onto one of four small courtyards. Units along Avondale Circle and Hampton Street have shallow setbacks. Units one through seven are limited to a maximum height of 37 feet and the remaining units are limited to a maximum height of 45 feet. All units include a one or two-car garage providing all parking. Access into the site is proposed from one private drive from Avondale Circle and one private drive from Hampton Street. The plan proposes a five-foot sidewalk and four-foot planting strip along both street frontages.

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

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

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 SP is consistent with the land use policies that apply to the site, given the context and location. The proposed SP provides for an additional housing option with an increase in density. Given the sites proximity to West Trinity Lane, which is a high-capacity mixed use arterial, additional housing density is appropriate, so long as it is available for long term residential use as opposed to short term rentals. The plan proposes shallow setbacks along Avondale Circle and Hampton Street which is consistent with the urban nature of the policy. The proposed SP provides a transition from the commercial uses present along West Trinity Lane to the residential neighborhood across the street and further west along Avondale Circle. The existing CL zoning district is not consistent with the T4 NM land use policy and the proposed SP also brings the site into compliance with the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Preliminary review only. Must comply with all regulations in the Stormwater Management Manual at the time of final submittal for approval.

WATER SERVICES RECOMMENDATION

Approved with conditions

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

NASHVILLE DOT RECOMMENDATION

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. Provide details in plan set. 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.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- At the intersection of Hampton Street and Avondale, provide a detectable warning mat at the corner of the development where the pedestrian ramp is proposed.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.83	0.6 F	21,692 SF	819	21	83

Maximum Uses in Existing 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)	0.15	20 D	6 U	15	1	2

Maximum Uses in Existing 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)	0.15	0.8	5,227 SF	61	31	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	51 U	298	19	25

Traffic changes between maximum: **CL/OR20 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-445	+30	-49

METRO SCHOOL BOARD REPORT

Projected student generation existing CL/OR20 districts: 2 Elementary 1 Middle 1 High

Projected student generation proposed SP district: 14 Elementary 5 Middle 6 High

The proposed SP zoning district is expected to generate 22 more students than the existing CL and OR20 zoning districts. Students would attend Alex Green Elementary School, Brick Church College Prep Middle School, and Whites Creek High School. All schools were identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment Utilization Report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 51 multi-family residential units. Short Term Rental Property (STRP) 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 RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall 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.
10. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.

Approve with conditions and disapprove without all conditions, including updated conditions in memo. (9-0)

Resolution No. RS2023-261

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-077-001 is approved conditions and disapproved without all conditions, including updated conditions in memo. (9-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 51 multi-family residential units. Short Term Rental Property (STRP) 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 RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The final site plan shall 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.
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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.
10. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.

5. 2023S-110-001
SUBDIVISION FOR ELAINE ZEMER
Council District 35 (Jason Spain)
Staff Reviewer: Amelia Lewis

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 AR2A (4.39 acres), requested by Chapdelaine & Associates, applicant; Chad & Elaine Zemer, owners.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2023S-110-001. (9-0)

6. 2023S-112-001
OAKWOOD PRESERVE
Council District 05 (Sean Parker)
Staff Reviewer: Laszlo Marton

A request for concept plan approval to create 18 lots on property located at Bethwood Drive (unnumbered), approximately 1,094 east of Oakwood Avenue, zoned RS7.5 (5.02 acres), requested by Dale & Associates, applicant; Main Street Land Trust, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST
Request for concept plan approval to create 18 lots.

Concept plan

A request for concept plan approval to create 18 lots on property located at Bethwood Drive (unnumbered), approximately 1,094 feet east of Oakwood Avenue, zoned Single-Family Residential (RS7.5) (5.02 acres).

SITE DATA AND CONTEXT

Location: The site consists of one property located along the western side Bethwood Drive, Allenwood Drive, and Slaydon Drive.

Street Type: The site has frontage on Slaydon Drive, a local street.

Approximate Acreage: 5.02 acres.

Parcel/Site History: The site consists of one parcel that was created by deed in 2023.

Zoning History: The site was recently rezoned to RS7.5 effective 7/27/2023. It was previously zoned SP and made up a portion of the Bethwood Commons SP.

Existing Land Use: The site is currently vacant.

Surrounding Land Use and Zoning:

- North: Vacant/Specific Plan (SP)
- South: Multi-Family Residential/Specific Plan (SP)
- East: N/A
- West: Residential/Single Family Residential (RS7.5)

Proposed Concept Plan

Zoning: Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. building coverage: 0.45

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 20'

PROPOSAL DETAILS

Number of lots: 18 lots.

Lot sizes: Lot sizes vary from 3,798 square feet to 5,351 square feet. The plan utilizes the Conservation Development standards to permit lot size flexibility in exchange for protection of natural areas present on the site. The Conservation Development Standards (17.12.090) allows subdivision to reduce lots in size from the minimum required by the base zoning district by equivalent percentage of the site that is to remain natural open space. The site is 5.02 acres, while the plan proposes 2.48 acres of natural open space, resulting in a 49.4% allowable lot size reduction. This reduction would result in a minimum lot size of 3,705 square feet, which is smaller than the 3,750 square foot minimum lot size permitted by the regulations. The plans identify the minimum lot size of 3,795 square feet, which is larger than the minimum lot size of 3,750 square feet.

Access: The plan proposes to extend Slaydon Drive into the site and terminate in a cul-de-sac. A ramp from the cul-de-sac extends to the south between lots 6 and 7, allowing access to the rear of lots 1-14 lots via private drive. The private drive extends down the eastern property line to provide access to a surface parking lot north of lots 15-18.

Subdivision Variances or Exceptions Requested: None.

Conservation Development Standards (17.12.090)

- A. *Purpose and Intent. Conservation development is a set of standards that shall be utilized in the design of subdivisions as provided in this section. The purpose of these standards is to:*
1. *Preserve unique or sensitive natural resources such as steep slopes; hillsides; streams, wetlands, floodways, and floodplains; problem soils; archaeological resources; and native forests or unique vegetation through the creation of natural open space.*
 2. *Encourage the creation of lots on less environmentally sensitive areas of the site.*
 3. *Provide flexibility in design of subdivisions within existing zoning districts to promote environmental resource protection.*
- B. *Applicability. Subdivisions proposed in the R/R-A and RS/RS-A zoning districts that meet both of the following standards shall utilize the provisions of this section.*
1. *Minimum Site Area. The minimum site area of no less than ten 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).*
Complies. The site is zoned RS7.5 which would require a minimum area of 75,000 square feet. The proposed site has a total area that is 29.6 times the minimum RS7.5 lot area (5.02 acres).
 2. *Minimum Natural Area. A minimum of ten percent of the site contains any, or a combination of, the following:*
 - a. *Areas shown on FEMA maps as part of the 100-year floodplain or identified in local studies as confirmed by Metro Stormwater;*
 - b. *All perennial and intermittent streams, floodways, and associated buffers, as determined by Metro Stormwater or the State;*
 - c. *Areas of natural slopes of twenty percent or greater of at least ten thousand square foot contiguous area;*
 - d. *Areas containing problem soils as established by Section 17.28.050; wetlands, as determined by metro stormwater;*
 - e. *Known habitat for federally or state listed or proposed rare, threatened, or endangered species;*
 - f. *Areas containing a protected Cedar Glade plant species as established by Section 17.28.060;*
 - g. *Archaeological or historic sites, cemeteries, and burial grounds; or*
 - h. *Protected, heritage and historic and specimen trees, as defined by Section 17.40.450 of the Metro Zoning Code.*
More than 10 percent of the site contains features described in parts a, b, and h.
- C. *Maximum Lot Yield. The determination of the maximum lot yield shall be based on assigning twenty percent of the gross acreage of the site to open space and infrastructure. The remaining eighty percent of the gross acreage shall be divided by the minimum lot size of the base zoning district to determine the maximum yield. Yield shall not be based on the minimum lot size as described in Section D Lot Size Flexibility.*
The total site area is 5.02 acres. Eighty percent of the gross acreage of the site is 4.016 acres. The maximum lot yield is 23 lots based on a minimum of 7,500 square feet for an RS7.5 residential lot. A total of 18 lots are proposed, which does not exceed the maximum lot yield.
- D. *Conservation and Design Flexibility. In order to accomplish the purposes of this section, flexibility in lot sizes may be proposed in exchange for protection of the natural areas present on the site in natural open space according to the following standards:*
The proposal sets aside approximately 49% of the 5.02-acre site for undisturbed natural area (2.48 acres). If the lots were reduced in size by 49% they would not meet the minimum requirement of 3,750 square feet. The plan reduces the minimum lot size from 7,500 square feet to 3,795 square feet (17.12.090.d.4).
- E. *Natural Open Space. Open space provided for the purposes of protecting natural areas and in exchange for flexibility of design, as described above, shall be called natural open space and subject to the standards below. These standards are not applicable to common areas or open spaces that may be provided for other purposes.*

Natural areas on the site include streams and associated buffers and protected and heritage trees. While the stream intersects the site from the north to the southwest corner, protected trees currently exist across the whole site. Protected natural open space comprising approximately 2.48 acres (identified as primary conservation land on the plans) is identified on the northern and western portions of the site encompassing much of the floodway and associated buffers. Grading is limited to the development footprint and the areas associated with the extension of Slaydon Drive. Although grading for the road is disturbing areas that would be classified as natural open space, the regulations permit disturbance for essential infrastructure. The area being graded for the new road is not included in the 2.48 acres being set aside or flexibility of lot size for the development. A proposed greenway is also located within the open space; paved greenways are permitted to be installed within natural open spaces per 17.12.090.E.5. A homeowner's association will be responsible for management and maintenance of open spaces and landscape buffers.

F. Application Requirements

The submitted application contains all the necessary information for a Conservation Development including a site plan, a site analysis map identifies natural areas, and a preliminary grading plan that demonstrates the limits of disturbance and overall impacts to natural areas.

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

The site includes natural areas as defined by the Conservation Development Standards in the zoning code. The standards are intended to address the environmental factors. The site is heavily wooded with a stream that runs from the northeast corner to western property edge. More than half of the site is located within floodway and stream buffers. The plan does not propose any building within the floodway or the buffers except for the greenway trail, therefore staff finds that the land is suitable for development consistent with this section.

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Lots are required to have frontage onto a public street or, where permitted, onto a private street, or onto a common open space. Lots that front onto a common open space shall have a pedestrian connection from the front of each residential unit to the sidewalk and shall have vehicular access from an abutting public or private alley, or a shared driveway easement. Lots 15-18 have a deep building setback due to an existing TVA easement, creating an open space area between the proposed structure and the surface parking east of the lots. A sidewalk runs adjacent to the parking area. In order to meet the frontage requirements of this section, a condition has been added that sidewalks will be required from units 15-18 to this sidewalk to meet the pedestrian connection requirements. Lots 1-14 face the area identified as conservation area due to the stream buffer, which is area that will largely remain in its natural state with the exception of access and the proposed greenway. In this case, the greenway which is to have a pedestrian access easement on it, will serve as the pedestrian connection for these lots facing open space. The sidewalk connection around the proposed cul-de-sac provides connections to Slaydon Drive and the greenway.

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.*
Not applicable to this case. The site is located within T4 Urban Neighborhood Evolving.
- 3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts.*
- 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. See section 3-4 above.
 - c. *Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*
 1. *Within T3 Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*
 2. *Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*
Complies. The site is located within the T4 Urban Neighborhood Evolving policy area. Lots 6 and 7 are oriented to and have frontage along the proposed dead-end of Slaydon Drive and both meet the minimum frontage of 35 feet. *The commission may grant an exception to the minimum lot frontage requirements of this subsection by considering the development pattern of the area, any unique geographic, topographic, and environmental factors, and other relevant information.*
 - d. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions.
 - e. *The proposed lots comply with any applicable special policy. If the property is also within Neighborhood Maintenance policy and the special policy was adopted to preserve community character, not create infill opportunities, then the standards of Section 3-5.2 also apply.*
Not applicable to this case.

3-5.4 *Criteria for Determining Compatibility for Designated Historic Districts.*
Not applicable to this case.

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

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

3-6 Blocks

The proposed extension of Slaydon Drive brings the full length of the roadway to approximately 1,200 feet. The subdivision regulations indicate that block lengths in residential areas shall not exceed 1,200 feet. The proposed extension terminates in a cul-de-sac, which is likely appropriate given the location of Ellington Parkway to the east would preclude future connections to the east. Road connections to the north would impact the environmental features on the site that are being set aside as natural open space.

3-7 Improvements

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

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

The proposed subdivision includes an extension of Slaydon Drive that terminates in a cul-de-sac. A sidewalk is provided along the extended street.

3-9 Requirements for Streets

The proposed subdivision includes an extension of Slaydon Drive that terminates in a cul-de-sac. All streets as shown on the concept plan meet the minimum requirements for a public street.

3-10 Requirements for Dedication, Reservations, or Improvements

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

3-11 Inspections During Construction

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

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

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

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

Drainage and storm sewer requirements are reviewed by Metro Stormwater. A note on the plan includes information regarding a variance from the Metropolitan Stormwater Management Committee (SWMC). The note reads "Variance from the SWMC will be required prior to final approval. Variance shall include but may not be limited to stream crossing spaced less than 1,000 linear feet (Slaydon Drive & Greenway crossing) as well as buffer disturbance associated with the extension of Slaydon Drive. Stormwater recommends approval with conditions."

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

Staff finds the proposed subdivision consistent with the intent of Chapter 3 of the Subdivision Regulations and the standards of the Metro Zoning Code. Additionally, the Subdivision meets all of the standards of a Conservation Development and achieves the purpose of creating lots on less environmentally sensitive areas of the site through flexibility in the lot sizes and design of subdivisions.

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 T4 NE (Urban Neighborhood Evolving). The goal of the T4 NE Policy is to maintain suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. The policy states that these areas will have higher densities and or smaller lot sizes, with a broader range and integrated mixture of housing types, providing housing choice, than some surrounding urban neighborhoods. Appropriate land uses in the T4 NE policy include single-family residential, one and two-family residential, multi-family residential, open space and institutional uses.

According to the T4 NE policy density is secondary to the form of development; however, these areas are meant to moderate- to high- density with smaller lots and a more diverse mix of housing types than are typically found in T4 Urban Neighborhood Maintenance areas. The proposed concept plan creates residential lots on an environmentally burdened site using varying lot sizes.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

GREENWAYS RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Variance from the SWMC will be required prior to final approval. Variance shall include but may not be limited to stream crossings spaced less than 1,000 linear feet (Slaydon Drive & Greenway Crossing) as well as buffer disturbance associated with the extension of Slaydon Drive.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Note 13 on cover sheet should be changed moving forward to include notation of the private hauler as detailed on site plan sheet.
- Add sign at entrance notifying of entering private drive/ property.
- Nashville Department of Transportation Construction Notes
 - All work within the Public right-of-way requires an Excavation Permit from the Nashville Department of Transportation.
 - Proof-rolling of ALL street sub-grades is required in the presence of the Nashville Department of Transportation Inspector, request to be made 24 hours in advance.
 - Stop signs to be 30 inch by 30 inch.
 - Street name signs are to have six inch white letters in Highway Gothic font on a nine inch green aluminum blade, and be mounted vertically staggered. Street name signs shall be assembled using extruded sign blades.
 - All signs to have 3M high intensity retro-reflective coating.
 - All striping within ROW is to be 80 mil thermoplastic striping at the time of acceptance. Paint striping should be used in the interim until final striping has been placed.
 - The development/ contractor shall have a NDOT stamped set of plans on site to be produced upon request during any site visit.
- Though marked approval with condition applicant/project team should confirm with the Fire Marshal on adequacy of cul-de-sac radius for fire apparatus turn around. This will be required to be confirmed with an autoturn turning movement path on final construction plan submittal.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Approve with conditions.

CONDITIONS

1. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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. Remove height standard from "Site Criteria" table on sheet C0.0.
5. Per 17.12.090.D.9 - "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." On the corrected set, update the Site Details Chart to reflect the required setbacks of the zoning district that is most closely aligned with the proposed lot sizes. Lots must meet all setback requirements, including front setbacks for all lots.
6. With the final site plan, continue to work with Planning staff to provide appropriate sidewalk connection to the greenway.
7. The clearing, grading, and disturbance of natural open space shall be prohibited, unless otherwise identified in the concept plan. Minor changes may be allowed during review of the final based on engineering and construction plans. However, if the amount of open space is reduced, the lots may need to increase in size per the requirements of the Conservation Development standards.
8. Bulk standards/final lot count may change as a result of meeting requirements of Metro reviewing agencies. The number of lots shown is the maximum allowed. Reductions may be necessary on the final site plan.

9. Approval is conditional upon receiving approval of a variance from the Stormwater Management Committee. If approval is not received, the plan cannot move forward as submitted.

Approve with conditions. (9-0)

Resolution No. RS2023-262

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-112-001 is approved with conditions. (9-0)
CONDITIONS

1. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
2. Comply with all conditions and requirements of Metro reviewing agencies.
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. Remove height standard from “Site Criteria” table on sheet C0.0.
5. Per 17.12.090.D.9 - "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." On the corrected set, update the Site Details Chart to reflect the required setbacks of the zoning district that is most closely aligned with the proposed lot sizes. Lots must meet all setback requirements, including front setbacks for all lots.
6. With the final site plan, continue to work with Planning staff to provide appropriate sidewalk connection to the greenway.
7. The clearing, grading, and disturbance of natural open space shall be prohibited, unless otherwise identified in the concept plan. Minor changes may be allowed during review of the final based on engineering and construction plans. However, if the amount of open space is reduced, the lots may need to increase in size per the requirements of the Conservation Development standards.
8. Bulk standards/final lot count may change as a result of meeting requirements of Metro reviewing agencies. The number of lots shown is the maximum allowed. Reductions may be necessary on the final site plan.
9. Approval is conditional upon receiving approval of a variance from the Stormwater Management Committee. If approval is not received, the plan cannot move forward as submitted.

7. 2023S-123-001

FRANKIE LEE MOORE

Council District 01 (Joy Kimbrough)

Staff Reviewer: Amelia Lewis

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 AR2A (8.89 acres), requested by B2L Land Surveyors, applicant; Frankie Lee Moore, owner.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-123-001 to the January 11, 2024, Planning Commission meeting. (9-0)

8. 2022Z-081PR-001

Council District 28 (David Benton)

Staff Reviewer: Dustin Shane

A request to rezone from AR2A and R10 to CL zoning for property located at 436 Ezell Pike, approximately 627 feet east of Bush Road (1.17 acres), requested by Tony L. Carlew, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a and R10 to CL.

Zone Change

A request to rezone from Agricultural/Residential (AR2A) and One and Two-Family Residential (R10) to Commercial Limited (CL) zoning for property located at 436 Ezell Pike, approximately 627 feet east of Bush Road (1.17 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a may permit a maximum of 1 lot. Metro Codes provides final determinations on duplex eligibility.*

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 may permit a maximum of 3 lots with 3 duplex lots for a total of 6 units based on the 0.71 acres zoned R10. Metro Codes provides final determinations on duplex eligibility. Application of Metro’s Subdivision Regulations may result in fewer units at this site.*

Proposed Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

D Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

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

ANALYSIS

The application consists of one parcel (Map 134-08, Parcel 041) totaling 1.17 acres in size located approximately 600 feet north of the intersection with Bush Road. The property contains a single-family home and a wet weather conveyance near the center toward which both ends slope. This property and the adjacent property to the south are split zoned R10/AR2a. Surrounding land uses are mostly single-family but variously zoned AR2a, CS, and R10. An office use zoned IWD is adjacent to the rear.

The application proposes to rezone the property from AR2a and R10 to CL. The property is within the District Industrial (D-IN) policy area. D-IN policy is intended for non-hazardous manufacturing, distribution centers, and mixed business parks containing compatible industrial and nonindustrial uses. In general, permanent residential activities are not found in D-IN areas. An exception may be the edge of a D-IN area along the interface with an area containing or planned to contain residential activities.

The area shows characteristics of being in transition. The land use pattern along the street is still heavily residential: The Community Character Manual lists CS as an appropriate zoning district under D-IN policy. CL would also be considered appropriate because it is a less intense version of CS zoning. The applicant wants to develop this property as a parking and shuttle service for the nearby international airport. Commercial land uses that support larger industrial and transportation uses are a desired development pattern for D-IN policy areas, and the current zonings, AR2a and R10, do not support this policy goal. Despite the existing residential character, the property’s proximity to CS zoning to the north makes the extension of such zoning to this property suitable as well. For these reasons, staff recommends approval of the rezoning.

FIRE MARSHALL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.46	0.5 D	0 U	0	0	0

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.71	4.365 D	6 U	78	9	7

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.17	0.6 F	30,579 SF	1,154	29	117

Traffic changes between maximum: **AR2a/R10 and CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,079	+20	+110

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a and R10 districts: 1 Elementary 1 Middle 1 High

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

The proposed CL zoning is expected to generate three fewer students than the existing AR2a and R10 zoning districts. Students would attend Una Elementary School, Margaret Allen Middle School, and Antioch 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 approval.

Mr. Shane presented the staff recommendation to approve.

Tony Carlew, 436 Ezell Pike, spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Mr. Clifton stated he was unclear as to how much the development had already begun but seems as if it is pretty well into it. He felt it was a compelling presentation. Mr. Clifton said he does not have a problem with it but wanted this item presented to see some of the visuals explained.

Vice Chair Farr stated she was sensitive to the neighbors' concerns and understands this is consistent with policy. She asked if this is something they have looked at recently for something.

Ms. Milligan said they did a study near there but not that area. She advised all of the other properties were rezoned as CS in 2000 and any other properties on this street could, at any point, become changed to any uses that are permitted within CS.

Vice Chair Farr reiterated that this is consistent with policy but still understood the neighbors' concerns that this is out of place with the surrounding uses on the street.

Mr. Clifton said what threw him was looking at it compared to what there is now. He said it looks out of place on a map because of what is there, not what it is zoned.

Ms. Kempf clarified they would not have recommended approval if it was a residential policy or if the zoning around it was residential.

Mr. Clifton thought it seemed odd that it hasn't redeveloped and said he does not know how it got rezoned if owners wanted to stay there using it residentially, but they did it.

Vice Chair Farr said further complicating it is why is this the only lot that was not rezoned as CS.

Ms. Milligan responded that all of the other properties were zoned all together as CS and it appears there was a substitute, but said she was not able to fully answer at this time.

Vice Chair Farr felt if they were going to do this, then they might as well do the whole block and get all the outstanding non CS compliant.

Mr. Smith asked if the lot to the south is also residential.

Ms. Milligan nodded in the affirmative.

Mr. Smith asked if this goes commercial and it is developed, will there be a substantial buffer included in the zoning.

Ms. Milligan said, yes, if the lot that is subject to rezoning came in for permits, then it would have to meet any of the landscaping requirements that would be required between CS and R10.

Mr. Tibbs moved and Mr. Smith seconded the motion to approve. (9-0)

Resolution No. RS2023-263

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-081PR-001 is approved with conditions.
(9-0)

9. 2023Z-092PR-001

Council District 05 (Sean Parker)
Staff Reviewer: Celina Konigstein

A request to rezone from IR and MUN-A-NS to MUL-A-NS zoning for properties located at 828, 830, 832 and 834 W. McKennie Ave., approximately 150 feet west of McFerrin Ave. (0.59 acres) requested by Fulmer Lucas Engineering, applicant; Douglas Village, LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2023Z-092PR-001 indefinitely. (9-0)

10. 2023Z-095PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to RM15 zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 315 feet south of Stokers Lane, (2.66 acres) requested by SWS Engineering, applicant; Rickie & Barry Morris and Mickey Marston & Vickie Morris, owners.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2023Z-095PR-001 indefinitely. (9-0)

11. 2023Z-096PR-001

Council District 11 (Jeff Eslick)
Staff Reviewer: Celina Konigstein

A request to rezone from CS to MUN-A-NS zoning for property located at 117 Bridgeway Ave., approximately 275 feet east of Keeton Ave., (0.43 acres) requested by Kimley-Horn, applicant; 117 Bridgeway, LLC, owner.

Staff Recommendation: Defer to the February 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-096PR-001 to the February 8, 2024, Planning Commission meeting. (9-0)

12. 2023CP-005-002

EAST NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Cory Clark

A request to amend the Dickerson Road North Corridor Study (part of the East Nashville Community Plan), by studying the viability of a street connection between Homestead Road and Larkspur Drive to a residential neighborhood located south for various properties located on Homestead Road, approximately 300 feet west of Dickerson Pike, zoned CS and CS-A (20.64 acres), requested by the Metro Planning Department, applicant; various property owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend East Nashville Community Plan to change community character policy.

Major Plan Amendment

A request to amend the Dickerson North Corridor Study (part of the East Nashville Community Plan), by studying the viability of a previously recommended street connection between Homestead Road and Larkspur Drive to a residential neighborhood located south for properties located on Homestead Road, approximately 300 feet west of Dickerson Pike, zoned CS and CS-A (20.64 acres) and studying associated land use policies and mobility policies.

EAST NASHVILLE COMMUNITY PLAN

Current Policy

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

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

Dickerson North Corridor Study applies to this area. The study covers a three-mile stretch of the Dickerson Pike corridor and includes character area guidance for three distinct geographic areas. The study also includes a mobility plan that includes recommendations for improving various modes of mobility throughout the area.

Requested Policy

NOTE: T4 CC and CO policies are to remain in place on properties along Homestead Road.

Staff is recommending changes to the Dickerson North Corridor Study for the text of its Supplemental Policy Area for the Broadmoor/Ewing character area and for its mobility plan.

BACKGROUND

The community plan amendment area is in East Nashville on Homestead Road, west of Dickerson Road and east of Interstate 65. The plan amendment area is also in the Dickerson North Corridor Study (study), a small area plan that is part of the East Nashville Community Plan. The study's purpose was to address issues of land use, transportation, and community design at the neighborhood scale. The study focused on properties abutting Dickerson Pike from just north of Trinity Lane to Skyline Ridge Road. The study, adopted by the Metro Planning Commission on September 24, 2020, guides future development and redevelopment, and provides recommendations for increased mobility options for the Dickerson Pike area.

Today, the properties along Homestead Road, a dead-end street, include a few businesses, some warehouses, single-family housing, and vacant land. In 2022, the Planning Department received two applications for SPs that included multi-family residential development along Homestead Road. During review of the SPs, Planning Staff indicated to the applicants that the Dickerson Pike Study called for Larkspur Drive to extend and connect to Homestead Road and that the extension would be needed to move the projects forward. When development teams discussed their rezonings with the adjacent neighborhood, neighbors were concerned about additional non-residential traffic on their streets and voiced opposition to the policy indicated street connection. Neighbors sent a petition to Councilmember Toombs with over 100 signatures requesting that the recommended street connection to Larkspur

Drive be removed. Councilmember Toombs asked staff to study their request and potentially remove the required street connection from the small area plan.

COMMUNITY PARTICIPATION

On Thursday, November 30, 2023, Community Plans staff conducted a virtual community meeting to discuss the plan amendment. Details were made available via community meeting notices which were mailed to 153 residents within a 1,300-foot buffer of the community plan amendment area. Approximately 16 people attended the community meeting, including Councilmember Toombs. Community Plans staff discussed the amendment and afterwards attendees were given the opportunity to provide input. The neighborhood consensus is for the proposed street connection between Homestead Road and Larkspur Drive to be removed from the Dickerson North Corridor Study. The virtual community meeting was recorded and was uploaded to Metro Nashville Government's You Tube Channel.

ANALYSIS

Dickerson North Corridor Study

The Dickerson North Corridor Study strives to achieve the corridor's potential by applying the community's vision of a corridor that connects and serves the surrounding neighborhoods through new investment in development and multimodal transportation. The Homestead Road area is within the study's character area for Broadmoor-Ewing, located between Briley Parkway and Hart Lane. The study's mobility component recommends a street connection from Homestead Road to Larkspur Drive. T4 CC policy, an intense mixed-use policy, has been applied to the Homestead Road area in conjunction with the proposed increased connectivity and mobility.

Homestead Road is a local street that connects to Dickerson Pike, classified by the Major & Collector Street Plan as an arterial boulevard. Dickerson Pike, one of the city's most prominent corridors, provides connectivity to Interstate 65 and Briley Parkway (just north of the area), both of which travel to various destinations throughout Davidson County. Public transit is available with WeGo's #23 bus route, providing service that travels north-south on Dickerson Pike, with several bus stops within a two- to three-minute walk from the Homestead Road area.

Planning staff worked closely with NDOT staff to analyze the current and future capacity of Homestead Road. NDOT advised that the development teams associated with the rezoning requests conduct a traffic signal warrant analysis for the Homestead Road/Dickerson Pike intersection. Since this intersection is close to Dickerson Pike's intersection with Briley Parkway and does not meet NDOT's spacing requirement for signal installation, trips generated by potential rezoning need to be carefully analyzed so as to keep traffic below the level that would trigger a signal. NDOT has indicated that further study could be done that may allow for a signal at some point in the future, if warranted.

Adding guidance to the Supplemental Policy

The following Supplemental Policy Area (SPA) text is proposed to be added to SPA 05-DNS-EwingBroadmoor for the Ewing/Broadmoor character area in the Dickerson North Corridor Study. With removal of the proposed street connection between Homestead Road and Larkspur Drive, the supplemental policy will guide future growth by placing limits on the capacity for development along Homestead Road.

Begin document text:

Homestead Road – Design Principle for Density/Intensity

In 2022, traffic signal warrant analysis was conducted for the Dickerson Pike/Homestead Road intersection as part of a rezoning process. It was determined that Homestead Road could handle an additional 283 trips, without triggering a signal at Dickerson Pike. With any rezoning application, the capacity on Homestead Road should be analyzed at the time of application to determine supported density.

End document text exact wording.

In addition, the street connection between Homestead Road and Larkspur Drive will be removed from the study's mobility plan component. Removal of the street connection does not alter needed alignment with the intent of T4 CC and CO policies applied to the area.

While staff understands the residents' concerns about a street connection connecting their residences to a mixed-use area, providing connectivity and safe mobility options are a vital component of the Dickerson North Corridor Study. Removing street connections is not a preferred practice as overall street connections and increased mobility are needed in the Dickerson Road area.

STAFF RECOMMENDATION

Staff recommends approval for amending the Dickerson North Corridor Study to add guidance to the supplemental policy for the Ewing/Broadmoor character area and to remove the proposed street connection between Homestead Road and Larkspur Drive on the study's mobility component.

Approve. (9-0)

Resolution No. RS2023-264

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-005-002 is approved. (9-0)

13. 2023CP-008-003

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 19 (Jacob Kupin)

Staff Reviewer: Cory Clark

A request to amend the North Nashville Community Plan to remove the supplemental policy on property located at Pearl Street (unnumbered), approximately 220 feet northwest of Charlotte Avenue, zoned SP (0.76 acres), requested by Hawkins Partners, Inc.; applicant; Pearl Street Apartments, LLC, owner.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-008-003 to the January 11, 2024, Planning Commission meeting. (9-0)

14. 2023Z-008TX-001

BL2023-79/Countywide

Staff Reviewer: Dustin Shane

A request to amend Section 17.12.040 of the Metropolitan Code, Zoning Regulations regarding covered front porches within the required street setback.

Staff Recommendation: Approve with a substitute.

APPLICANT REQUEST

Amend the Zoning Code regarding covered front porches within the required street setback.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend title 17 of the Metropolitan Code of Laws by deleting section 17.12.040(E)(3) and adding new language in that section allowing awnings, patio covers, and canopies that encroach into setbacks to have supports other than the wall from which they project, and by adding a new subsection that allows front porches to similarly extend into required street setbacks under certain conditions. The proposed substitute adds a prohibition on enclosed habitable space below porches.

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

Section 1. That Section 17.12.040, Subsection E.3, of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and replacing it with the following:

3. Awnings, patio covers, or canopies projecting not more than six feet from a building wall over a required setback;
Section 2. That Section 17.12.040, Subsection E, of the Metropolitan Code of Laws is hereby amended by adding the following subsection:
32. Covered front porches in residential districts extending no more than six feet into the required street setback, provided that the following are met:
 - a. The porch shall not be enclosed,
 - b. There shall be no enclosed space above the porch or enclosed habitable space below the porch,
 - c. The porch shall be located at least ten feet from the right-of-way.

BACKGROUND

The Zoning Code currently requires awnings, patio covers, and canopies that project into required setbacks by no more than six feet to have no other structural supports than those provided by the wall to which they are attached. There is also no provision within the code that allows for porches to be located within street setbacks in a similar manner.

ANALYSIS

The current prohibition on independent structural supports for awnings, patio covers, and canopies unnecessarily limits what types of projecting covers can be soundly constructed within reasonably small setback encroachments. The proposed changes to the Zoning Code would eliminate this restriction. The proposed changes also extend a similar permission to non-enclosed front porches that extend no more than six feet into a required street setback. The conditions placed on these porches (that they not be enclosed, that there be no enclosed space above or habitable enclosed space below the porch, and that they be located at least ten feet from the right-of-way) will ensure that this permission does not result in configurations that flout the intention of the Code.

Front porches, awnings, and covers of this sort enhance residential dwellings and should be encouraged. They encourage interaction between neighbors and provide visual interest. The removal of unnecessary restrictions on these desirable additions will encourage their use and benefit their communities. For these reasons, planning staff recommends approval of the proposed text amendment with a substitute.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17 with a substitute.

SUBSTITUTE ORDINANCE NO. BL2023-79

An ordinance amending Section 17.12.040 of the Metropolitan Code, Zoning Regulations regarding covered front porches within the required street setback (Proposal No. 2023Z-008TX-001).

BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 17.12.040, Subsection E.3, of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and replacing it with the following:

3. Awnings, patio covers, or canopies projecting not more than six feet from a building wall over a required setback;

Section 2. That Section 17.12.040, Subsection E, of the Metropolitan Code of Laws is hereby amended by adding the following subsection:

32. Covered front porches in residential districts extending no more than six feet into the required street setback, provided that the following are met:

- a. The porch shall not be enclosed,
- b. There shall be no enclosed space above the porch or enclosed habitable space below the porch.
- c. The porch shall be located at least ten feet from the right-of-way.

Section 3. 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 3. 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.

Approve with a substitute. (9-0)

Resolution No. RS2023-265

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-008TX-001 is approved with a substitute. (9-0)

15. 2023SP-020-001

SOLLEY DRIVE

Council District 07 (Emily Benedict)

Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to SP on property located at 1009 Solley Drive, west of the corner of Gallatin Pike and Solley Drive (2.31 acres), to permit 24 multi-family residential units, requested by Lose Design, applicant; Chris Harris, owner.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-020-001 to the January 11, 2024, Planning Commission meeting. (9-0)

16. 2023SP-083-001

2210 LEBANON PIKE

Council District 15 (Jeff Gregg)

Staff Reviewer: Jason Swaggart

A request to rezone from R8 to SP zoning for property located at 2210 Lebanon Pike, approximately 150 feet west of Cottage Lane (1.02 acres), to permit office uses in the existing building, requested by Gatesaya Cordell, applicant; Gatesaya Cordell and Daniel Sounthonevichith, owners.

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

APPLICANT REQUEST

SP to permit general office within an existing structure.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Specific Plan (SP) zoning for property located at 2210 Lebanon Pike, approximately 150 feet west of Cottage Lane (1.02 acres), to permit office uses in the existing building.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of five lots with one duplex lot for a total of six units, based on acreage only. Final determinations on duplex eligibility provided by Codes.*

Proposed Zoning

Specific Plan-Office 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 office uses.

SITE CONTEXT AND PLAN DETAILS

The subject property is approximately one acre in size and is located on the north side of Lebanon Pike, approximately 150 feet west of the intersection of Lebanon Pike and Cottage Lane. There is an existing 3,159 sf single-family home on the property. Parking is located behind the existing home and there are three parking spaces in front of the home. Access to the site is from a single drive off of Lebanon Pike. There is a stone wall on the property that extends along Lebanon Pike. Single-Family (RS10) and One and Two Family(R8) zoning districts abut the western and northern property boundaries. The adjacent property to the east, zoned SP, is approved for a daycare which is currently in operation. Surrounding land uses include single-family residential and daycare.

Site Plan

This is a regulatory SP. The proposed SP would allow for an office use within the existing residential structure. The SP does not allow any expansion to the structure. It would allow permits to be issued for interior renovations and general upkeep. The SP allows for up to three additional parking spaces in front of the existing structure but limits to the area between the existing structure and existing parking pad. Any additional parking must be located at the rear of the existing structure.

Proposed SP

The required parking count is one space per 300 sq. ft. The SP does not require a final site plan unless a grading permit is required for any additional parking that may be required. The SP requires a right-of-way dedication along Lebanon Pike consistent with the Major and Collector Street Plan (MCSP). The dedication is required prior to the issuance of any building permits.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

Transition (TR) is intended to enhance and create areas that can serve as transitions between higher-intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small- to medium-sized footprints.

Supplemental Policy

The site is within a supplemental policy which provides more detailed guidance for specific areas. The intent of the Lebanon Pike Corridor Supplemental Policy is to ensure development along Lebanon Pike appropriately transitions to the established single family residential areas to the north. Where higher-intensity policy categories are adjacent to lower-intensity policies the scale, intensity, and uses should sensitively transition to minimize land use conflicts.

ANALYSIS

Staff finds that the proposed SP is consistent with the guidance in the supplemental policy as well as the goals of the Transition (TR) Policy. TR areas are generally small in geographic size and serve a limited function of providing transitions in scale, intensity, and use at locations between high-intensity and low-intensity policy categories or development. Small scale office uses are supported by the TR policy. In this case, the proposed office would be located within an existing structure. The proposed SP does not permit any expansion to the existing structure, but it does allow for the expansion of parking, if needed. By adaptively reusing the existing structure, the SP maintains the existing character along Lebanon Pike. While the SP permits additional parking in front of the structure, it is not permitted between the existing parking pad and Lebanon Pike, which should minimize any impacts on the existing character along Lebanon Pike.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Preliminary review only. Must comply with all regulations in the Stormwater Management Manual at the time of final submittal for approval.

WATER SERVICES RECOMMENDATION

Approved with conditions

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

NASHVILLE DOT RECOMMENDATION

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. Provide details in plan set. 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.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Parking shall meet code requirements.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.37	5.79 D	2 U	28	7	2

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	-	-	3,159 SF	37	29	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+9	+22	+3

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

- Permitted uses shall be limited to general office uses. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
- No expansion to the existing structure is permitted.
- If any necessary site improvements require a grading permit, then a final site plan must be approved prior to the issuance of any permits.
- Comply with all conditions and requirements of Metro Reviewing Agencies.
- A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
- If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the ON zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
- The final site plan shall depict 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.
- The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
- Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
- The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.

Approve with conditions and disapprove without all conditions. (9-0)

Resolution No. RS2023-266

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-083-001 is approved with conditions and disapproved without all conditions. (9-0)

CONDITIONS

- Permitted uses shall be limited to general office uses. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.

2. No expansion to the existing structure is permitted.
3. If any necessary site improvements require a grading permit, then a final site plan must be approved prior to the issuance of any permits.
4. Comply with all conditions and requirements of Metro Reviewing Agencies.
5. 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.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the ON zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any of any building permits.

17. 2023SP-086-001

THE COLLECTIVE

Council District 10 (Jennifer Webb)

Staff Reviewer: Logan Elliott

A request to rezone from R10 to SP zoning for property located at 252 Liberty Lane, approximately 530 feet north of Peeples Court, (2 acres), to permit 43 multi-family residential units, requested by Dale & Associates, applicant; Biddle Enterprises, Inc., owner.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-086-001 to the January 11, 2024, Planning Commission meeting. (9-0)

18. 2023S-188-001

RESUB PART OF LOT #12, D.C. KELLEY'S SUBDIVISION OF BRENTWOOD

Council District 26 (Courtney Johnston)

Staff Reviewer: Celina Konigstein

A request for final plat approval to create three lots on property located at 5450 Franklin Pike Circle, approximately 540 feet south of Stonegate Place, zoned R20 (1.67 acres), requested by Clint Elliott Survey, applicant; 5450 FPC LLC, owner.

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

APPLICANT REQUEST

Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 5450 Franklin Pike Circle, approximately 540 feet south of Stonegate Place, zoned One and Two-Family Residential (R20) (1.56 acres).

SITE DATA AND CONTEXT

Location: The site consists of one property located along the eastern side of Franklin Pike Circle.

Street Type: The site has frontage on Franklin Circle Pike, which is classified as a T3 suburban collector avenue in the Major and Collector Street Plan (MCSP). This section of Franklin Circle Pike has an existing right-of-way width of approximately 40 feet. The right-of-way width required to meet the MCSP is 51 feet.

Approximate Acreage: 1.56 acres or approximately 67,746 square feet.

Parcel/Site History: This site consists of one parcel in its current configuration, created by deed in 1965.

Zoning History: The property has been zoned R20 since 1995.

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

Surrounding Land Use and Zoning:

- North: Single-Family Residential/R20
- South: One and Two-Family Residential/R20
- East: Single-Family Residential/R40/PUD (Planned Unit Development)
- West: Public Right of Way

Zoning: One and Two-Family Residential (R20)

Min. lot size: 20,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 20'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Proposed Lot 1 is approximately 0.475 acres or 20,704 square feet, proposed Lot 2 is approximately 0.51 acres or 22,213 square feet, and proposed Lot 3 is approximately 0.55 acres or 23,970 square feet.

Access: Two 16-foot shared access easements are proposed to access the lots. One is proposed between Lots 1 and 2, and the other is proposed between Lots 2 and 3. Shared access is required as the proposed subdivision fronts a collector avenue.

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

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.

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 R20 zoning at the time of building permit. All proposed lots are greater than 20,000 square feet and have frontage on a public street, Franklin

Pike Circle. Shared access is provided as the proposed subdivision is located along an existing collector avenue per Sec. 3-4.4. a.

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 Franklin Pike Circle.
 - 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 R20 zoning district and its prescribed density.
 - d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*

The proposed lots do not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 81.53 feet. The proposed Lot 1 frontage is 68.21 feet, proposed Lot 2 is 68.75 feet, and proposed Lot 3 is 69.47 feet.
 2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*

The proposed lots do meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.46 acres, or 20,051 square feet. Proposed Lot 1 is approximately 0.475 acres or 20,704 square feet, proposed Lot 2 is approximately 0.51 acres or 22,213 square feet, and proposed Lot 3 is approximately 0.55 acres or 23,970 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 Franklin Pike Circle, 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 initial compatibility analysis included the three properties to the north fronting Franklin Pike Circle, and three properties to the south minus the open space parcel associated with a nearby subdivision immediately adjacent to the site, as section 3-5.2 details excluded parcels include but are not limited to schools, churches, and parks. Staff determined that an open space should be excluded based on this guidance. The proposed lots do not meet the minimum frontage.

The three surrounding lots to the north were platted on October 9, 2023. The creation of these lots allowed this site to have a compatibility analysis more reflective of the larger development pattern. Even though the proposed lots do not meet the frontage requirements for compatibility, the surrounding context is somewhat varied. The proposed lots are in keeping with the form and depth of the immediately surrounding lots to the north. The site is separated from the surrounding lots to the south by open space associated with a neighboring subdivision, where the pattern is slightly different with lots that are generally shorter and wider.

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

3-5.5 Infill Subdivision Frontage

A shared access easement is provided.

3-5.6 Reasonable Conditions

Staff is not recommending additional conditions.

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

Right-of-way to meet the MCSP is being dedicated with this plat.

3-11 Inspections During Construction

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

There are no new utilities proposed.

PLANNING STAFF COMMENTS

With the exception for the minimum lot frontage 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

- 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

STAFF RECOMMENDATION
Approve with conditions, including an exception to Section 3-5.2.d.1.

CONDITIONS

1. Update Council District to District 26 (Courtney Johnston).
2. Comply with all conditions and requirements of Metro reviewing agencies.
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-188-001 with conditions including an exception to 3-5.2.d.1 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions including an exception to Section 3-5.2.d.1 for lot frontage. (9-0)

Resolution No. RS2023-267

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-188-001 is approved with conditions including an exception to Section 3-5.2.d.1 for lot frontage. (9-0)

CONDITIONS

1. Update Council District to District 26 (Courtney Johnston).
2. Comply with all conditions and requirements of Metro reviewing agencies.
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.

19. 2023S-192-001

EMERSON HILLS PHASE 2

Council District 33 (Antoinette Lee)

Staff Reviewer: Dustin Shane

A request for final plat approval to create 109 lots on properties located at Old Hickory Boulevard (unnumbered), at the current terminus of Haskell Lane, zoned SP (27.73 acres), requested by Anderson, Delk, Epps & Associates, Inc., applicant; EGH Land Development, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final plat to create 109 residential lots.

Final Plat

A request for final plat approval to create 109 lots on properties located at Old Hickory Boulevard (unnumbered), at the current terminus of Haskell Lane, zoned Specific Plan (SP) (27.73 acres).

CASE HISTORY

The subject site is located within an SP zoning district, 2006SP-181-001. Metro Council approved the SP in 2017 (BL2017-757). The overall SP is approved for 634 residential units. This plat is for the second phase, and the associated final site plan, 2006SP-181-005, was approved in October of 2022. The plat includes 109 single-family lots, nine public roads, and open space.

SITE DATA AND CONTEXT

Location: The site is located north of Old Hickory Boulevard approximately 0.75 miles east of Pettus Road.

Approximate Acreage: 27.73

PROPOSAL DETAILS

Number of lots: 109

Subdivision Variances or Exceptions Requested: None

UPDATED FINAL PLAT RULES AND PROCEDURES

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

Proposed plat

Approval by the MPC is now required because the subject 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 determined that this plat is consistent with the Council approved SP plan, the approved final site plan, and the Subdivision Regulations. All SP conditions of approval have been satisfied.

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.

- Plans on file with NDOT under Evergreen Hills PH 2 - 2006SP-181-005.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on November 1, 2023) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 21SL0235, 21SL0236 and 21WL0100, 21WL0101. A bond amount of \$770,000.00 is assigned to 21SL0235 & 21SL0236, and an amount of \$710,000.00 is assigned to 21WL0100 & 21WL0101.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-192-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2023-268

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-192-001 is approved with conditions. (9-0)

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

20. 2023S-193-001

OLIVERI PHASE 1

Council District 08 (Deonte Harrell)

Staff Reviewer: Laszlo Marton

A request for final plat approval to create 29 lots on property located at Maxwell Road (unnumbered), at the current terminus of Heirloom Drive, zoned SP (7.48 acres) and located within the Murfreesboro Pike Urban Design Overlay District, requested by Anderson, Delk, Epps & Associates, Inc., applicant; Oliveri, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 29 lots.

Final plat

A request for final plat approval to create 29 lots on property located at Maxwell Road (unnumbered), at the current terminus of Heirloom Drive, zoned Specific Plan (SP) and located within the Murfreesboro Pike Urban Design Overlay District (7.48 acres).

CASE HISTORY

The site is located within a Specific Plan zoning district, 2018SP-019-001. The preliminary plan was granted approval by Metro Council in 2018 for 92 total units. The final site plan for this phase, case 2018SP-019-003, received administrative approval for 29 lots in July 2023. The proposed plat includes 29 single-family lots and public roads.

SITE DATA AND CONTEXT

Location: The site is located south of Maxwell Road at the current terminus of Heirloom Drive.

Approximate Acreage: 7.48 acres or approximately 325,828 square feet.

PROPOSAL DETAILS

Number of lots: 29

Subdivision Variances or Exceptions Requested: None.

UPDATED FINAL PLAT RULES AND PROCEDURES

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

The subject site received preliminary plan approval in 2018 and final site plan approval in 2023. Approval by the MPC is now required because the plat contains more than 25 lots, requiring

Proposed plat

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.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

- Bond will be required for public infrastructure prior to recording plat.
- Plat is not to be recorded until new roads have been constructed to binder layer.

TRAFFIC AND PARKING RECOMMENDATION

Approve

- 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 November 1, 2023) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 22SL0158 and 22WL0075. A bond amount of \$82,000.00 is assigned to 22SL0158, and an amount of \$181,000.00 is assigned to 22WL0075.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.

3. 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. 2023S-193-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2023-269

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-193-001 is approved with conditions. (9-0)

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. 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.

21. 2023S-197-001

VAUGHN SUBDIVISION

Council District 11 (Jeff Eslick)
Staff Reviewer: Donald Anthony

A request for final plat approval to create two lots on properties located at 100 McArthur Drive and a portion of property located at 114 Teresa Drive, approximately 175 feet southwest of Park Circle, zoned R15 and RS15 (10.98 acres), requested by Delle Land Surveying, applicant; Paul M. & Ruby Vaughn and Adrian T. & Robbie M. Dukes, Trs., owners.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-197-001 to the January 11, 2024, Planning Commission meeting. (9-0)

22. 2023S-200-001

0, 3209 & 3315 OLD HICKORY BOULEVARD RESIDENTIAL CONCEPT PLAN

Council District 11 (Jeff Eslick)
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create nine lots on properties located at 3209 and 3315 Old Hickory Boulevard, and Old Hickory Boulevard (unnumbered), approximately 410 feet southeast of Pitts Avenue, zoned MUL and RS5 (4.89 acres), requested by Catalyst Design Group, applicant; Stonehorse Real Estate Holdings, LLC and Tanya D. Tucker, owner.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2023S-200-001. (9-0)

23. 2023S-201-001

SYCAMORE ESTATES

Council District 04 (Mike Cortese)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create 35 lots on properties located at 5991 and 5997 Edmondson Pike, approximately 300 feet south of Mt. Pisgah Road, zoned SP (14.62 acres), requested by Gresham Smith, applicant; Beazer Homes LLC owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final plat to create 35 residential lots.

Final Plat

A request for final plat approval to create 35 lots on properties located at 5991 and 5997 Edmondson Pike, approximately 300 feet south of Mt. Pisgah Road, zoned Specific Plan (SP) (14.62 acres).

CASE HISTORY

The subject site is zoned SP, case 2022SP-010-001. Council approved the preliminary plan in 2022 (BL2022-1204) with 36 lots. A final site plan for construction, case 2022SP-010-002, was approved on May 24, 2023, for 35 lots and a public road. The proposed plat includes 35 lots and a public road consistent with the approved final site plan.

SITE DATA AND CONTEXT

Location: The site is located on the west side of Edmondson Pike and south of Mt. Pisgah Road.

Approximate Acreage: 14.62

PROPOSAL DETAILS

Number of lots: 35

Subdivision Variances or Exceptions Requested: None

UPDATED FINAL PLAT RULES AND PROCEDURES

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

The subject site received preliminary plan approval in 2022 and final site plan approval in 2023. Approval by the MPC is now required because the plat contains more than 25 lots, requiring

Proposed plat

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 this plat is consistent with the Council approved SP plan, the approved final site plan and the Subdivision Regulations.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Bond 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.

- Approved road construction plans on file with NDOT under Sycamore Estates 2022SP-010-002.

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approval is contingent on construction and completion of MWS Project #'s 22SL0209 and 22WL0099. A bond amount of \$230,000.00 is assigned to 22SL0209, and an amount of \$230,000.00 is assigned to 22WL0099.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any building permits, a traffic circle at the intersection of Edmondson Pike, Banbury Station and Mt. Pisgah Road shall be constructed and/or bonded.
2. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
3. Remove addresses from plat.
4. Add parcel numbers to the face of the lots.
5. Remove note 16 from plat.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. 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-201-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2023-270

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-201-001 is approved with conditions. (9-0)

CONDITIONS

1. Prior to the issuance of any building permits, a traffic circle at the intersection of Edmondson Pike, Banbury Station and Mt. Pisgah Road shall be constructed and/or bonded.
2. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
3. Remove addresses from plat.
4. Add parcel numbers to the face of the lots.
5. Remove note 16 from plat.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. 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.

24. 128-82P-001

CROSSLAND 163 (CANCELLATION)

BL2023-129

Council District 13 (Russ Bradford)

Staff Reviewer: Amelia Lewis

A request to cancel a Planned Unit Development Overlay District for property located at 1210 Murfreesboro Pike, approximately 480 feet southeast of Kermit Drive (2.89 acres), zoned CL, requested by AGB Real Estate, applicant; DW CL IV LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Cancel a Planned Unit Development.

PUD Cancellation

A request to cancel a Planned Unit Development Overlay District for property located at 1210 Murfreesboro Pike, approximately 480 feet southeast of Kermit Drive (2.89 acres), zoned Commercial Limited (CL).

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office 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.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

ANALYSIS

The property is located on the north side of Murfreesboro Pike, south of Kermit Drive. The properties along Murfreesboro Pike are primarily zoned commercial and have been developed with commercial uses. The properties to the northeast are zoned RS10 and have been developed with residential land uses.

The PUD was approved in 1982 to permit a 6,000 square foot restaurant. Metro Council approved an amendment to the PUD in 1995 to permit the development of a 152 unit motel where a 6,000 square foot restaurant facility had been approved. The Planning Commission approved a final site plan in 1997 to permit a 120 unit hotel which exists on the site today. With the cancellation of the PUD, the CL base zoning would control the land uses and development standards. Many of the permitted CL land uses are consistent with the intent of the D-OC policy to permit office and complementary land uses to support and enhance office concentrations.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2023-271

“BE IT RESOLVED by The Metropolitan Planning Commission that 128-82P-001 is approved. (9-0)

25. 2023Z-102PR-001

Council District 21 (Brandon Taylor)
Staff Reviewer: Logan Elliott

A request to rezone from OR20 to MUL-A-NS zoning for property located at 600 40th Ave. N., at the northeast corner of Delaware Avenue and 40th Ave. N. (0.26 acres), requested by SWS Engineering, applicant; GMAT Holdings, GP, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OR20 to MUL-A-NS.

Zone Change

A request to rezone from Office/Residential (OR20) to Mixed-Use Limited-Alternative-No Short Term Rentals (MUL-A-NS) zoning for property located at 600 40th Ave. N., at the northeast corner of Delaware Avenue and 40th Ave. N. (0.26 acres).

Existing Zoning

Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 5 residential units.*

Proposed Zoning

Mixed Use Limited-Alternative 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.

NORTH NASHVILLE COMMUNITY PLAN

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

SITE

The application consists of a single parcel totaling 0.26 acres, located at the corner of 40th Avenue North and Delaware Avenue. 40th Avenue North is classified as a Collector Avenue in the Major and Collector Street Plan. The property is currently zoned OR20 while surrounding properties are zoned R6, OR20 and CS. The property contains a single-family land use while surrounding land uses include vacant residential land, single-family residential, multi-family residential, and a mixture of nonresidential land uses.

ANALYSIS

Staff finds the proposed mixed use zoning district to be consistent with the Urban Mixed Use Neighborhood policy applied to the site. The land uses permitted in MUL-A are consistent with the policies intent to create urban, mixed use neighborhoods with a diverse mix of land uses. 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. Staff finds the proposed MUL-A zoning district to be appropriate given the policy and context of the site.

FIRE RECOMMENDATION

Approve

Maximum Uses in Existing 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)	0.13	20 D	3 U	15	1	2

Maximum Uses in Existing 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)	0.13	0.8	4,529 SF	53	30	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.13	1.0 F	5 U	26	1	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.065	1.0 F	2,831 SF	107	3	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.065	1.0 F	2,831 SF	318	28	28

Traffic changes between maximum: **OR20 and MUL-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+383	+1	+34

METRO SCHOOL BOARD REPORT

The mix of uses could vary and assumption of impact at this point is premature. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as being under capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2023-272

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-102PR-001 is approved. (9-0)

26. 2023Z-106PR-001

Council District 17 (Terry Vo)
Staff Reviewer: Laszlo Marton

A request to rezone from R6-A to RM20-A-NS zoning for property located at 92 Claiborne Street, approximately 130 feet north of Cannon Street (0.13 acres), requested by Ryan K. Miller, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R6-A to RM20-A-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R6-A) to Multi-Family Residential (RM20-A-NS) zoning for property located at 92 Claiborne Street, approximately 130 feet north of Cannon Street (0.13 acres).

Existing Zoning

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

Proposed Zoning

Multi-Family Residential-Alternative-No STRP (RM20-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The -NS designation prohibits Short Term Rental Property – Owner Occupied and Short Term Rental Property – Not-Owner Occupied uses from the district. *RM20-A-NS would permit a maximum of 3 units, based on acreage only.*

SOUTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The application consists of one parcel (Map 093-16, Parcel 034) totaling 0.13 acres, located along Claiborne Street. The property is currently zoned R6-A. While surrounding properties are primarily zoned R6-A, there are OR20, and MUN-zoned properties located behind the site on the opposite side of the rear alley. The property is vacant, however surrounding uses include vacant residential land, single-family residential, multi-family residential, medical office, and the Pruitt Branch Library at the corner of Charles E Davis Boulevard and Fain Street.

The application proposes to rezone the property from R6-A to RM20-A-NS. The property is located within the T4 Urban Neighborhood Evolving policy area which intends to create and enhance urban residential neighborhoods. The Community Character Manual lists RM20-A as an appropriate zoning district in T4 NE areas as it supports the policy’s intent to provide moderate- to high-density residential development. The site has access to an alley at the rear of the property, which the policy prefers, and is located in the Urban Zoning Overlay. RM20-A-NS would allow for 3 units on the property, providing a moderate increase in intensity in an area that is within a 5-minute walk from a bus stop served by WeGo route 75. The -NS designation will prohibit short term rental properties (STRPs) as a permitted use, which is appropriate given the NE policy in the area. The request is consistent with the intent of the T4 NE policy and furthers the goals of NashvilleNext to provide a mixture of housing choices near transit, therefore staff recommends approval.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.13	7.71 D	2 U	28	7	2

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.13	20 D	3 U	15	1	2

Traffic changes between maximum: **R6 and RM20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	-13	+6	+0

METRO SCHOOL BOARD REPORT

The proposed RM20-A-NS zoning district is expected to generate no more students than the existing R6-A zoning district. Students would attend Napier Elementary School, Two Rivers Middle School, and McGavock High School. Donelson Middle School is identified as being exceedingly under capacity while Hickman Elementary School and McGavock High School are identified as at capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2023-273

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-106PR-001 is approved. (9-0)

27. 2023Z-108PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Laszlo Marton

A request to rezone from RS5 to R6-A zoning for property located at 2712 Morena Street, approximately 300 feet west of 27th Ave N (0.16 acres) and located within a Detached Accessory Dwelling Unit Overlay District, requested by Dale & Associates, applicant; Turnkey Builders, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6-A) zoning for property located at 2712 Morena Street, approximately 300 feet west of 27th Avenue North and located within a Detached Accessory Dwelling Unit Overlay District (0.16 acres).

Existing Zoning

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

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The application consists of one parcel (Map 092-06, Parcel 086) totaling 0.16 acres, located along Morena Street. The property is currently vacant, and surrounding land uses include single family residential and two-family residential uses. Peal-Cohn High School is located two blocks to the east. The property has been zoned RS5 since 2006 and was previously zoned R6.

The application proposes to rezone the property from RS5 to R6-A. R6-A would allow a maximum of 2 units on the property, based on the acreage only. Staff will note that while reviewing the request for appropriateness with the Community Character Manual, it was discovered that the policy for the area was mapped in error. The subject property as well as the property at 2710 Morena Street were mapped to be within T4 Urban Residential Corridor policy. While the subject property is across the street from properties along 28th Avenue, it is addressed and oriented

to Morena Street which dead ends. Staff determined that parcels 86, 85 and 57 should be mapped T4 Urban Neighborhood Maintenance and the map is being updated.

Evaluating the subject property under T4 Neighborhood Maintenance, staff finds the proposed R6-A to generally be consistent with the policy. The property is currently vacant and underutilized though it is in an area that is in transition, adjacent to T4 Urban Residential Corridor policy to the south, on the east side of 28th Ave. N. The property is within a DADU overly district but would fail to qualify for eligibility due to lack of alley access. While the site has access constraints due to lack of alley access and being located near the dead end of Morena Street, two units on the site may still be appropriate given the surrounding land uses. Though surrounding properties are zoned RS5, several properties have duplex and triplex uses along Herman Street and 27th Ave N, thus a duplex use on the subject property would not be uncharacteristic of the neighborhood. T4 NM supports a broader mix of housing types in infill areas as well as in proximity to major corridors such as, 28th Ave N. Additionally, the property is within a 5-minute walking distance to a bus stop served by WeGo route 19, at the intersection of 28th Ave N and Herman Street. The proposed R6-A district would increase density modestly on the site and it aligns with goals of T4 NM policy and NashvilleNext to provide a mixture of housing choices near transit corridors.

FIRE RECOMMENDATION

Approve.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.16	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (week7day)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.16	7.71 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

The proposed R6-A zoning district is expected to generate no more students than the existing RS5 zoning. Students would attend Park Avenue Elementary School, Moses McKissack Middle School, and Pearl-Cohn 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.

Approve. (9-0)

Resolution No. RS2023-274

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-108PR-001 is approved. (9-0)

28. 2023Z-109PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to R6 zoning for property located at 1708 17th Ave. N., approximately 250 feet northwest of Wheless Street (0.19 acres) and located within a Detached Accessory Dwelling Unit Overlay District, requested by Dale & Associates, applicant; JWH Revocable Living Family Trust, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from RS5 to R6.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6) zoning for property located at 1708 17th Ave. N., approximately 250 feet northwest of Wheless Street (0.19 acres) and located within a Detached Accessory Dwelling Unit Overlay District.

Existing Zoning

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

Detached Accessory Dwelling Unit (DADU) Overlay District The DADU Overlay district provides additional housing options in certain areas by allowing an additional housing unit that is subordinate to the primary living unit permitted by the underlying zoning district.

Proposed Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of one duplex lot for a total of two units.*

NORTH NASHVILLE COMMUNITY PLAN

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

ANALYSIS

The subject property is located on the east side of 17th Avenue North between Century Street and Wheless Street. The Major and Collector Street Plan (MCSP) classifies 17th Avenue North as a local street. The property is approximately 8,276 sq. ft. (0.19 acres). There is an existing single-family home on the property. There is an improved alley located behind the property and it runs the entire block between Century Street and Wheless Street. The adjacent property to the north is vacant and the adjacent property to the south is classified as a triplex. Staff finds that the proposed R6 zoning district is not consistent with the policy at this location. The T4 NM policy is intended to preserve the general character of the areas it is applied. The area surrounding the subject property and within the T4 NM policy has a variety of housing types, including two family and multifamily; however, the primary character of the area is single-family. At an appropriate location, the T4 NM policy could possibly support additional two-family zoning within the policy area. These areas may be along arterial and collector streets, along primary intersections and/or adjacent to higher intensity policy areas that support higher density and/or nonresidential uses. In this case, the property is located midblock on a local street and is not located adjacent to a policy that supports additional density and/or nonresidential uses.

In addition to not meeting appropriate locational criteria, the existing development pattern provides a variety of housing options. The site is located within the DADU Overlay District which allows for a second unit on the subject property, given the presence of a rear alley. While the overlay allows for additional density, it protects the character of the area by requiring any DADU to be subservient to the primary home. It also requires any DADU to be located behind the primary structure, which is not a requirement of the proposed R6 zoning district.

FIRE MARSHAL RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.19	7.41 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.19	7.71 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R6 zoning district is expected to generate 0 additional students than the existing RS10 zoning districts. Students would attend Robert Churchwell Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for additional students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval.

Mr. Swaggart presented the staff recommendation to disapprove.

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

Chair Adkins closed the Public Hearing.

Vice Chair Farr said she understands why there is precedence for two units on this lot but felt strongly about preserving neighborhood maintenance. She stated that because this is in a DADU overlay, there is an option for additional housing choices on this lot. She agreed with staff recommendation.

Mr. Tibbs thought the character is important but said he is OK with the application. He asked if there is a church next to the property.

Ms. Milligan responded the property immediately to the south is coded as a two-unit but is actually a triplex, three units. She said they internally debated this because the DADU overlay had been newly placed on the area, which provided an option there. Ms. Milligan stated they fell on the more conservative side of recommending disapproval, but there is a mixture of land uses.

Mr. Tibbs said it felt like part of the character could be what the applicant is requesting and it would be consistent because of the make-up of this community. He stated he favored the applicant.

Councilmember Gamble asked if they have a letter from the Councilmember.

Ms. Milligan said they do not have a letter but he spoke with staff and indicated his support of this application.

Councilmember Gamble said the application is asking for a zone change to do two dwellings on this property and the DADU allows for two dwellings. She asked if there is any difference.

Ms. Milligan said there is a difference. She explained a Detached Accessory Dwelling Unit is accessory to a principal structure and is not allowed to be sold separately from the principal structure. If this was rezoned to R6, you could build two units and each could be sold to a different owner. An R6 also allows for a single family dwelling and a DADU, which is currently allowed with the RS and DADU overlay, but the ability to sell both units separately is the big difference. Ms. Milligan further explained that DADUs are more limited in height and size and intended to be smaller than the principal structure, where there would not be a limitation if allowed to build a two family unit.

Councilmember Gamble stated with multiple zoning surrounding this property and the restrictions on the DADU, she understood why the applicant is pursuing a zone change. She agreed with Mr. Tibbs.

Mr. Clifton stated he supported the staff recommendation as he felt it would lead to a bad precedent and lessen the use of DADUs, which are a useful tool.

Chair Adkins asked Ms. Milligan to explain what the effect at Council is if they approve versus disapprove this application.

Ms. Milligan advised a Planning recommendation of approval needs a majority vote of 21 at Council and a recommendation of disapproval needs a super majority vote of 27 at Council.

Ms. Kempf asked if a motion is entertained to go against staff recommendation, would they consider applying an A District standard given there is an alley which would require alley access. She asked Ms. Milligan to explain what an A District requires.

Ms. Milligan explained for R6-A, any time there is an A District, if there is a built alley, access is required to be from the alley and so, if a new structure is built, it would be required to have access from the alley.

Ms. Kempf stated in urban neighborhoods it helps with access, compactness and urban design quality.

Mr. Tibbs moved and Councilmember Gamble seconded the motion to disapprove R6 and approve R6-A. (6-3) Chair Adkins, Vice Chair Farr and Mr. Clifton voted against.

Resolution No. RS2023-275

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-109PR-001 is disapprove R6 and approve R6-A. (6-3)

29. 2023Z-111PR-001

Council District 14 (Jordan Huffman)
Staff Reviewer: Logan Elliott

A request to rezone 1.77 acres from AR2a to CS zoning and 0.07 acres from CS to AR2a on a portion of property located at 4000 Andrew Jackson Parkway, at the northwest corner of Andrew Jackson Parkway and Old Hickory Boulevard (1.84 acres being rezoned of 13.06 total acres), requested by Dale & Associates, applicant; Susan A. Basham, owner.

Staff Recommendation: Defer to the January 11, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-111PR-001 to the January 11, 2024, Planning Commission meeting. (9-0)

H: OTHER BUSINESS

30. Rules and Procedures for the DTC DRC

Resolution No. RS2023-276

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is approved. (9-0)

31. New Employment Contract for James Guthrie, Andi Dorlester, Sarah Cook

Resolution No. RS2023-277

“BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract for Emily Lange is approved. (9-0)

32. Employment Contract Renewal for Oscar Orozco

Resolution No. RS2023-278

“BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract for Emily Lange is approved. (9-0)

33. Historic Zoning Commission Report

34. Board of Parks and Recreation Report

35. Executive Committee Report

36. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2023-279

“BE IT RESOLVED by The Metropolitan Planning Commission that the director’s report is approved. (9-0)

37. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

January 11, 2024

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 4:56 p.m.