



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

February 22, 2024
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Stewart Clifton
Edward Henley
Dennis Marshall
Matt Smith
Brian Tibbs
Councilmember Jennifer Gamble
Commissioners Absent:
Jessica Farr, Vice Chair
Leah Dundon
Kathy Leslie

Staff Present:

Lucy Kempf, Executive Director
Lisa Milligan, Assistant Director of Land Development
Andi Dorlester, Land Development Manager
Tara Ladd, Legal
Abbie Rickoff, Plan Review Manager
Amelia Gardner, Planner III
Donald Anthony, Planner II
Dustin Shane, Planner II

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

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 3 pm on the Tuesday before 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.



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:05 p.m.

B: ADOPTION OF AGENDA

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

C: APPROVAL OF FEBRUARY 08, 2024 MINUTES

Mr. Smith moved and Mr. Clifton seconded the motion to approve the February 8, 2024 minutes. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

No Councilmembers spoke at this time.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 12, 14

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 Henley seconded the motion to approve the Deferred and Withdrawn Items.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

F: CONSENT AGENDA ITEMS 20, 24

Mrs. Gardner stated Mr. Smith recused himself from Item 11.

Mr. Henley moved and Mr. Tibbs seconded the motion to place Item 16 back onto the Consent Agenda.

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

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

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

G: ITEMS TO BE CONSIDERED

1. 2023CP-003-005

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN AMEND

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Cory Clark

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by studying the existing community character policy applied to properties along Buena Vista Drive to determine if a change in policy is warranted based on the current evolving residential development pattern of the immediate surrounding area for various properties located at the southeast corner of Cliff Drive and Buena Vista Pike, zoned R8 (5.55 acres), requested by the Metro Planning Department, applicant; Fed Development, LLC, owner.

Staff Recommendation: Defer to the March 14, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-003-005 to the March 14, 2024, Planning Commission meeting. (7-0)

2. 2015SP-013-005
STEPHENS VALLEY SP (AMENDMENT)
Council District 35 (Jason Spain)
Staff Reviewer: Donald Anthony

A request to amend a portion of a Specific Plan for property located at 441 Union Bridge Road and Union Bridge Road (unnumbered), at the southeast corner of Union Bridge Road and Pasquo Road, zoned SP (20.93 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Rochford Realty & Construction Co., Inc., owner.

Staff Recommendation: Defer to the March 28, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015SP-013-005 to the March 28, 2024, Planning Commission meeting. (7-0)

3. 2022SP-021-001
BERKHAMSTEAD
Council District 31 (John Rutherford)
Staff Reviewer: Laszlo Marton

A request to rezone from AR2a to SP zoning for property located at 7088 Burkitt Rd, approximately 550 feet east of Old Burkitt Rd, (11.4 acres), to permit up to 129 multi-family residential units, requested by CSDG, applicant; Blackburn Family Limited Partners II LP, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2022SP-021-001 indefinitely. (7-0)

4. 2023SP-086-001
THE COLLECTIVE
Council District 10 (Jennifer Webb)
Staff Reviewer: Celina Konigstein

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 Indefinitely.

The Metropolitan Planning Commission deferred 2023SP-086-001 indefinitely. (7-0)

5. 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 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 March 14, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-197-001 to the March 14, 2024, Planning Commission meeting. (7-0)

6. 2024S-016-001
RESUBDIVISION OF GULL HEIGHTS
Council District 14 (Jordan Huffman)
Staff Reviewer: Laszlo Marton

A request for final plat approval to create four lots on property located at 2918 Lebanon Pike, at the northwestern corner of Lebanon Pike and Guill Ct., zoned R10 (1.40 acres), requested by Crawford & Cummings, P.C., applicant; Shady Grove Road Trust, owner.

Staff Recommendation: Defer to the March 28, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-016-001 to the March 28, 2024, Planning Commission meeting. (7-0)

7. 2024Z-001PR-001
BL2023-128
Council District 32 (Joy Styles)
Staff Reviewer: Dustin Shane

A request to rezone from MUL to AR2A zoning for property located at Mt. View Road (unnumbered) at the southeastern intersection of Mt. View Rd. and Crossings Blvd. (2.13 acres), requested by Councilmember Joy Styles, applicant; Rajendra Bhakta, owner.

Staff Recommendation: Disapprove.

The Metropolitan Planning Commission deferred 2024Z-001PR-001 to the March 14, 2024, Planning Commission meeting. (7-0)

8. 2024Z-002PR-001
Council District 16 (Ginny Welsch)
Staff Reviewer: Donald Anthony

A request to rezone from R10 to OR20-A-NS zoning for property located at 99 Thompson Lane, at the corner of Thompson Lane and Dobbs Avenue, (2.2 acres), requested by Mehmet Alatas, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST
Zone change from R10 to OR20-A-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Office/Residential-Alternative-No Short-Term Rental (OR20-A-NS) zoning for property located at 99 Thompson Lane, at the corner of Thompson Lane and Dobbs Avenue (2.2 acres).

Existing Zoning

One and Two Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *Based on acreage only, R10 may permit a maximum of 10 lots with 2 duplex lots for a total of 12 units. Metro Codes provides final determination on duplex eligibility.*

Proposed Zoning

Office/Residential-Alternative-No Short-Term Rental (OR20-A-NS) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. Short-term rental property, owner-occupied and non-owner occupied, is prohibited. *OR20-A would permit a maximum of 44 units.*

SOUTH NASHVILLE 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.

SITE AND CONTEXT

The rezoning application is for a 2.2-acre parcel located along the south side of Thompson Lane between Dobbs Avenue and Wingate Avenue. The property has been zoned R10 since 1984. The property is also located in the Airport Impact Overlay District, the I-440 Impact Overlay District, and the Urban Zoning Overlay. A church, accessory building, and associated parking lot are currently located on the property. The property has frontage on Thompson Lane, Dobbs Avenue, and Wingate Avenue.

Adjacent zoning includes: SP and RS10 on the north; RS10 on the south and east; and OL and RS10 on the west. A mix of land uses—including single-family residential, multi-family residential, office, and commercial—are present in the immediate vicinity. The properties lying adjacent to the subject property on the south are both currently used for single-family residential.

ANALYSIS

The application proposes to rezone the subject property from R10 to OR20-A-NS. The property lies in the Transition (TR) policy area, which is intended to provide transitions in scale, intensity, and use at locations between high-intensity and low-intensity policy categories or development. In this particular area, the TR policy applies to properties along both sides of the Thompson Lane corridor. Properties to the north and south of the corridor lie within the T3 Suburban Neighborhood Maintenance (T3 NM) policy area; the predominant land use in this area is single-family residential.

Planning staff evaluated the rezoning request in relation to the TR policy’s focus on minimizing land use conflicts while providing opportunities for small-scale offices and a mixture of moderate to high-density housing types. Staff determined that the proposed OR20-A-NS zoning would be consistent with the policy. The OR20-A-NS zoning district permits a moderate residential density of up to 20 units per acre, while also permitting a variety of office, institutional, and educational uses. The Alternative designation in the OR20-A-NS zoning district will require that future development on the site have an urban form with buildings constructed near the sidewalk. Additionally, the No Short-Term Rental designation will prohibit short-term rentals, both owner-occupied and non-owner occupied.

Because the proposed OR20-A-NS zoning is supported by the TR policy, staff recommends approval of the rezoning request.

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)	2.2	4.63 D	12 U	148	13	13

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **OR20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	1.1	20 D	22 U	118	8	10

Maximum Uses in Proposed Zoning District: **OR20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.1	0.8	38,322 SF	418	63	45

Traffic changes between maximum: **R10 and OR20-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+388	+58	+42

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 2 Elementary 1 Middle 1 High

Projected student generation proposed OR20-A-NS district: 7 Elementary 3 Middle 4 High

The proposed OR20-A-NS zoning district is expected to generate 10 more students than the existing R10 zoning district. Students would attend Glencliff Elementary School, Wright Middle School, and Glencliff High School. Glencliff Elementary School is at capacity. Wright Middle School is under capacity. Glencliff High School is over capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Chair Adkins advised this Item has already been heard and the Public Hearing has been closed.

Mr. Anthony provided updated information and presented the staff recommendation to approve.

Mr. Tibbs asked Mr. Anthony to repeat what he said about automobile parking.

Mr. Anthony stated the owner was renting Tesla vehicles on the site but there is not an attendant; instead, people rent through an app and utilize their phone to get into the vehicle. He said the Zoning Administrator advised he would not qualify that as vehicle rental, which is a classification within the zoning code, but would classify it as automobile parking, because there is no physical transaction taking place on the property. He explained automobile parking is allowed in almost all non-residential zoning districts.

Mr. Tibbs asked if a car lot is prohibited.

Mr. Anthony answered that automobile sales and vehicle rental would not be permitted in this particular zoning district.

Councilmember Gamble asked if the owner intends to use the lot for parking.

Mr. Anthony stated it is his understanding from talking to the owner that that use is not taking place on the site right now and it is not what they intend to do in the future.

Councilmember Gamble asked the owner if parking the vehicles is his intention on the lot.

Mehmet Alatas, owner and applicant, stated he is not planning such a business. He said his main goal is to rezone so it can be used for offices.

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

Resolution No. RS2024-32

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-002PR-001 is approved. (7-0)

9. 2024Z-009PR-001

Council District 03 (Jennifer Gamble)

Staff Reviewer: Celina Konigstein

A request to rezone from OG to MUL zoning for property located at 605 W. Due West Ave., at the southeast corner of W. Due West Ave. and Briarville Road (0.94 acres), requested by Jeffrey S. & Julie Miller, applicant and owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OG to MUL.

Zone Change

A request to rezone from Office General (OG) to Mixed Use Limited (MUL) zoning for property located at 605 W. Due West Ave., at the southeast corner of W. Due West Ave. and Briarville Road (0.94 acres).

Existing Zoning

Office General (OG) is intended for moderately high intensity office uses.

Proposed Zoning

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

MADISON COMMUNITY PLAN

D Employment Center (D EC) is intended to enhance and create concentrations of employment that are often in a campus-like setting. A mixture of office and commercial uses are present but are not necessarily vertically mixed. Light industrial uses may also be present in appropriate locations with careful attention paid to building form, site design, and operational performance standards to ensure compatibility with other uses in and adjacent to the D EC area. Secondary and supportive uses such as convenience retail, restaurants, and services for the employees and medium- to high-density residential are also present.

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

ANALYSIS

The 0.94-acre site is located at the corner of 605 W. Due West Ave and Briarville Road and accessed from both streets. On the site there is one building with a former medical use.

Surrounding land uses consist of office or medical, commercial, parking, single-family residential, and a couple of vacant parcels. There is a variety of zoning districts nearby including Mixed Use General (MUG), Mixed Use Neighborhood (MUN), Single-Family Residential (RS20) and Office/Residential (OR20).

The primary policy on the site is District Employment Center Policy (D-EC) with the intent of this policy being to provide a mix of commercial, office and industrial uses. The proposed zoning, MUL, is less intense than the mixed-use zoning districts that may be appropriate for the policy listed in the Community Character Manual. The proposed zoning meets the intent of this policy to provide a mixture of office and commercial, just at a lesser intensity. For these reasons staff recommends approval.

Maximum Uses in Proposed Zoning District: OG

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.94	1.5	61,419 SF	661	84	71

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential 3-10 (221)	0.47	1.0 F	20 U	107	7	10

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.235	1.0 F	10,236SF	386	10	39

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.235	1.0 F	10,236SF	1,148	102	100

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+980	+35	+78

METRO SCHOOL BOARD REPORT

The proposed MUL zoning includes a mix of uses which could vary and assumption of impact at this point is premature. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. Chadwell Elementary School is over capacity; Jere Baxter Middle School and Maplewood High School are both 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. (7-0)

Resolution No. RS2024-33

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-009PR-001 is approved. (7-0)

10. 2024Z-002TX-001

BL2024-154/Countywide

Staff Reviewer: Laszlo Marton

A request to amend Section 17.36.120 of the Metropolitan Code, Zoning Regulations regarding the age of eligibility for signs to be considered for a Historic Landmark Signage Overlay.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code regarding the criteria to qualify as an Historic Landmark Sign.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend title 17 of the Metropolitan Code of Laws by amending section 17.36.120.E.1.d and replacing the language in the section so that signs thirty years and older may be eligible for historic landmark preservation. Currently, the criteria require an historic landmark sign to be constructed more than 50 years before the date of application.

The proposed changes to the Zoning Code are shown below (new text in underline):

Section 1. That Section 17.36.120 of the Metropolitan Code of Laws, Subsection E.1.d is hereby amended by deleting it in its entirety and replacing it with the following:

d. Age. The sign must have been constructed more than thirty years before the date of application.

BACKGROUND

The Zoning code establishes several Historic Overlay Districts for the purpose of preserving the built heritage of Nashville and Davidson County. These overlay districts generally regulate construction, alteration, repair, relocation, and demolition of all structures within their bounds, which are reflected on the Official Zoning Map. The Zoning Code

was amended in 2021 (BL2021-843) to create an Historic Landmark Signage Overlay District. Criteria in determining whether a sign qualifies as an historic landmark sign include the materials, technology, and design of the sign, the historical integrity of the sign, and the sign's location. Additionally, the criteria included an age requirement: "An historic landmark sign must be constructed more than fifty years before the date of application (17.36.120.E.1.d)."

ANALYSIS

Since their inclusion as an Historic Overlay District in 2021, Historic Landmark Signs had to be constructed more than 50 years before the date of application. The proposed amendment would reduce the minimum age requirement for Historic Landmark Signs from fifty years to thirty years. This change allows for flexibility to deem signage less than fifty years old worthy of protection, which is especially critical to preserve the region's history during a period of rapid development and transformation of the built environment.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

HISTORIC RECOMMENDATION

The Metro Historic Zoning Commission meeting is scheduled for February 21, 2024. This report will be published before a formal recommendation from Metro Historic will be made, however, Planning Staff will be aware of their recommendation at the time of the February 22, 2024, Planning Commission Meeting.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17.

Approve. (7-0)

Resolution No. RS2024-34

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-002TX-001 is approved. (7-0)

11. 2024SP-001-001

310-312 DONELSON PK.

Council District 15 (Jeff Gregg)

Staff Reviewer: Dustin Shane

A request to rezone from R10 and CL to SP zoning for properties located at 310 and 312 Donelson Pike, approximately 280 feet north of Emery Drive, (2.6 acres), to permit 41 multi-family residential units, requested by Dale & Associates, applicant; Haury & Smith Contractors, Inc. and R&S Rental Properties, LLC, owners.

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

APPLICANT REQUEST

Rezone from R10 and CL to Specific Plan to permit a multi-family residential development.

Preliminary SP

A request to rezone from One- and Two-Family Residential (R10) and Commercial Limited (CL) to Specific Plan (SP) zoning for properties located at 310 and 312 Donelson Pike, approximately 280 feet north of Emery Drive (2.6 acres), to permit 41 multi-family residential units.

Existing Zoning

One- and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 may permit a maximum of 6 lots with 1 duplex lot for a total of 7 units based on the 1.42 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.*

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

Proposed Zoning

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

PLAN DETAILS

The 2.6-acre site is approximately 280 feet north of the intersection of Donelson Pike and Emery Drive. The property consists of two parcels, one of which contains a single-family home. To the north along Donelson Pike is a residential structure that has been converted into an office building and is zoned OR20. To the south along the corridor is another converted residential structure that houses a cremation business, zoned CL. A duplex and several single-family lots border to the north and west, zoned R10 and RS10.

Site Plan

The plan calls for a multi-family residential development consisting of 41 multi-family residential units (15.76 units per acre), both attached and detached. Six units front onto Donelson Pike and have rear-loaded garages with guest parking in the rear. A private drive extends into the site and features head-in parking. Townhome units line either side of this drive, with a sidewalk system extending to each unit and out to the MCSP-required eight-foot-wide sidewalk along Donelson Pike. The private drive ends in a hammerhead-type turnaround with three garage units fronting onto the drive. All garage units interior to the site are noted as fronting the private drive. Stormwater management is handled at the rear of the site, which is downhill from the rest of the property. A modified seven-foot landscape buffer and featuring a six-foot-tall fence buffers the project from surrounding residential areas. A note indicates parking minimums will be met once bedroom counts are determined at final site plan stage.

Maximum heights range from 3 stories in 40 feet along the corridor to 2 stories in 35 feet adjacent to residential areas, with these units additionally featuring pitched roofs. Another note indicates height will be measured per the height measurement standards for SPs. STRPs are prohibited.

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

ANALYSIS

The plan is consistent with the proposed T3 CM and T3 NM policies. The T3 CM policy is intended to enhance suburban mixed-use corridors by encouraging a greater mix of higher-density residential and mixed-use development along the corridor with buildings that are compatible with the general character of suburban neighborhoods. The plan proposes a multi-family residential development that would provide additional density and housing options as well as improved pedestrian, bicycle, and vehicular connections along the corridor. There is no public transit along Donelson Pike at this time, but the Music City Star Commuter Train's Donelson Station is a short drive (or twenty-minute walk) to the north along the corridor.

The plan and architectural standards are consistent with the suburban nature of the T3 CM policy, but the visual impact of the automobile is reduced through hiding parking behind the front row of units. The step-down in height and the pitched roofs being required for residential-facing units further mitigates the impact the development will have on the adjacent established neighborhood, which features low-slung single-family ranch homes. Pedestrian and vehicular connectivity will be improved through the sidewalks and MCSP improvements as shown within the plan which meet the connectivity goals stated in the T3 CM policy.

The T3 NM policy is located in the rear of the site. The plan preserves this area within open space and uses it for stormwater mitigation.

Staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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

Approve with conditions

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

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions.
- In general, with a final: Callout any new public roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity on final. Note: A private hauler will be required for waste/recycle disposal. Additional 1-1/2' mill and overlay may be required to cover full extents of utility work in public ROW. (cont.) Extents to be coordinated in field with NDOT inspector. Provide dumpster onsite for waste/recycle disposal.

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- With the orientation of the site layout, alignment of the driveway with the car wash does not appear to be feasible. Ensure adequate sight distance is provided.
- ADA compliant curb ramps should be provided at all sidewalk corners.
- The new sidewalk along the property frontage shall connect to the existing sidewalks on both sides of the parcel. Ensure these connections are ADA compliant.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	1.18	4.63 D	6 U	78	9	7

*Based on two-family lots

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)	1.42	0.6 F	37,113 SF	1,401	35	142

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)	2.6	-	41 U	222	15	18

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1,257	-29	-131

METRO SCHOOL BOARD REPORT

Projected student generation existing R10/CL districts: 1 Elementary 0 Middle 0 High

Projected student generation proposed SP-MR district: 5 Elementary 2 Middle 2 High

The proposed SP zoning is expected to generate eight more students than the existing R10 and CL zoning districts. Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. McGavock Elementary School is identified as being at capacity while the other two 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 with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to 41 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. No master permit/HPR shall be recorded prior to final SP approval.
3. Final plat may be required prior to permitting.
4. On the corrected copy, change the fallback zoning to RM20.
5. On the corrected copy, change the buffer density description from B-5 to B-3 and update the fence to an opaque fence.
6. All units interior to the site shall face the private drive and provide pedestrian access to the internal sidewalk network.
7. Sidewalks within the ROW are to be constructed to the standards and dimensions specified in the MCSP.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Approve with conditions and disapprove without all conditions. (6-0-1)

Resolution No. RS2024-35

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024SP-001-001 is approved with conditions and disapproved without all conditions. (6-0-1)

CONDITIONS

1. Permitted uses shall be limited to 41 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. No master permit/HPR shall be recorded prior to final SP approval.
3. Final plat may be required prior to permitting.
4. On the corrected copy, change the fallback zoning to RM20.
5. On the corrected copy, change the buffer density description from B-5 to B-3 and update the fence to an opaque fence.

6. All units interior to the site shall face the private drive and provide pedestrian access to the internal sidewalk network.
7. Sidewalks within the ROW are to be constructed to the standards and dimensions specified in the MCSP.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

12. 2024SP-006-001

BUENA VISTA PIKE

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Laszlo Marton

A request to rezone from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 multi-family residential units, requested by SWS Engineering, applicant; Mickey Marston, Vickie Morris, Rickie & Barry Morris and R Squared Construction, LLC, owners.

Staff Recommendation: Defer to the March 14, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-006-001 to the March 14, 2024, Planning Commission meeting. (7-0)

13. 2024S-014-001

RESUB PLAT PART OF LOT 1 OF BLOCK "H" HERMITAGE ADDITION

Council District 17 (Terry Vo)

Staff Reviewer: Celina Konigstein

A request for final plat approval to shift lot lines on properties located at 159 and 161 Fain Street, approximately 40 feet east of Fain Street and Duncan Street, zoned R6-A (.28 acres), requested by WT Smith Survey, applicant; Mohammed, Naser, owner.

Staff Recommendation: Approve with conditions including exceptions to Section 3-5.3.c.2 for lot frontage and 3-5.5 for infill subdivision frontage.

APPLICANT REQUEST

Request for final plat approval to shift lot lines.

Final Plat

A request for final plat approval to shift lot lines on properties located at 159 and 161 Fain Street, approximately 40 feet east of Fain Street and Duncan Street, zoned One and Two-Family Residential - Alternative (R6-A) (0.28 acres).

SITE DATA AND CONTEXT

Location: The site consists of two parcels located on the southern side of Fain Street.

Street Type: The site has frontage on Fain Street which is classified as a local street.

Approximate Acreage: 0.28 acres or approximately 12,416 square feet.

Parcel/Site History: These parcels were originally platted as one lot with the adjacent parcel to the west as Lot 1 in Block H of Hermitage Addition (Book 57, Page 43). Lot 1 was subsequently deeded into three legal parcels, reflecting the current configuration.

Zoning History: The site has been zoned R6-A since 2018. Both parcels have been in the Urban Zoning Overlay (UZO) since 2007.

Existing land use and configuration: 159 Fain Street has one house on it while 161 Fain Street is vacant.

Surrounding Land Use and Zoning:

- North: Public Right of Way
- South: One and Two-Family Residential/R6-A
- East: One and Two-Family Residential/R6-A
- West: One and Two-Family Residential/R6-A

Zoning: One and Two-Family Residential – Alternative (R6-A)

Min. lot size: 6,000 square feet

Max. building coverage: 0.5

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 2

Lot sizes: Proposed Lot 1 is approximately 0.14 acres, or 6,400 square feet and proposed Lot 2 is approximately 0.14 acres or 6,016 square feet.

Access: Both lots take access from Fain Street.

Subdivision Variances or Exceptions Requested: An exception is required to Section 3-5.3.c.2. for lot frontage and an exception to Section 3-5.5 for infill subdivision 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 Urban Neighborhood Evolving (T4 NE) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For sites within the T4 Urban 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 R6-A zoning at the

time of building permit. All proposed lots are greater than 6,000 square feet and have frontage on a public street, Fain Street.

3-5 Infill Subdivisions

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

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.*

Both lots exceed the minimum square footage requirement of the zoning district. Lot 1 is 6,400 square feet and Lot 2 is 6,016 square feet.

- 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.*

Both lots have frontage on a public street, Fain Street.

- c. *Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*

1. Within T3 Suburban 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.
Not applicable to this case.

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.

Does not meet. The minimum frontage required is 40 feet. The proposed Lot 1 is 33.15 feet and the proposed Lot 2 is 33.9 feet. The proposal includes a shift to the shared property line between the lots; however, this request does not change the frontage amounts of the lots as they exist today.

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

3-5.5 Infill Subdivision Frontage

For infill lots with a street frontage of less than 50 feet in width and where no improved alley exists, these lots shall be accessed via a shared drive. The Planning Commission may grant an exception if existing conditions prevent alley access or shared drive access.

Both lots have street frontages less than 50 feet in width. The alley at the rear of the properties was abandoned by BL2022-1334, therefore alley access is not possible on this plat. Lot 1 has already been developed with an existing structure, garage, and driveway. The existing driveway on Lot 1 would not be able to be shared due to its short length and location in the middle of the lot. The building's location and configuration would provide minimal area for a new drive to extend to the east to Lot 2. Typically, when considering shared access in a situation where a drive is existing, the existing driveway would be located closer to the shared property line or the drive would be a sufficient length to provide access to a neighboring lot. Due to existing conditions on proposed Lot 1, shared access is not feasible. The Commission is required to grant an exception to this section.

3-5.6 Reasonable Conditions
Not applicable to this case.

3-6 Blocks

Not applicable. No new blocks are being created.

3-7 Improvements

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

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

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

3-9 Requirements for Streets

Not applicable. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements

The existing right-of-way for Fain Street is shown on the plat as 60 feet, which exceeds the minimum 50-foot right-of-way for local street requirement. No dedication is required.

3-11 Inspections During Construction

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

There are no new utilities proposed.

PLANNING STAFF COMMENTS

With the exception for the minimum lot frontage and the infill subdivision frontage requirement, the proposed lots meet the standards of the Metro Subdivision Regulations and Metro Zoning Code. Two exceptions to the Subdivision Regulations are required including an exception to the minimum frontage requirement of 40 feet and the requirement for alley or shared access for infill lots. The proposed plat modifies the shared lot line between the two properties; however, it does not modify the frontage amounts from what currently exists. Staff finds that the existing conditions present on the site, including the absence of a rear alley and the current development on Lot 1, would limit the feasibility to provide shared access. The intent behind shared access provisions are often to reduce excess curb cuts along public streets. Fain Street is unique in that it is a local street that terminates to the east; therefore, it does not see significant traffic volumes.

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 T4 Urban Neighborhood Evolving. The intent of T4 NE policy is to create and enhance neighborhoods—to include greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The proposed

subdivision maintains the residential land use, meets the minimum standards of the zoning district, and has frontage along an existing local street.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Approve with conditions, including exceptions to Section 3-5.3.c.2. for lot frontage and 3-5.5 for infill subdivision frontage.

CONDITIONS

1. Replace purpose note with the following: The purpose of this plat is to shift lot lines.
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. 2024S-014-001 with conditions including an exception to 3-5.3.c.2. for lot frontage and 3-5.5 for infill subdivision frontage 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 exceptions to Section 3-5.3.c.2 for lot frontage and 3-5.5 for infill subdivision frontage. (7-0)

Resolution No. RS2024-36

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-014-001 is approved with conditions including exceptions to Section 3-5.3.c.2 for lot frontage and 3-5.5 for infill subdivision frontage. (7-0)

CONDITIONS

1. Replace purpose note with the following: The purpose of this plat is to shift lot lines.
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.

14. 2024S-025-001

MADISON STATION

Council District 09 (Tonya Hancock)

Staff Reviewer: Laszlo Marton

A request for concept plan approval to create ten lots on property located at 721 Madison Square, approximately 135 feet south of Neelys Bend Road, zoned MUG-A (32.4 acres), and located within a Corridor Design Overlay District, requested by BCA Civil, applicant; 721 Madison Square LLC, owner.

Staff Recommendation: Defer to the March 14, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-025-001 to the March 14, 2024, Planning Commission meeting. (7-0)

15. 2024S-030-001

OLD CLARKSVILLE PIKE

Council District 01 (Joy Kimbrough)

Staff Reviewer: Donald Anthony

A request for final plat approval to create three lots and remove reserve status on properties located at 6250 and 6266 Eatons Creek Road and 3639 Old Clarksville Pike, approximately 228 feet southeast of Eatons Creek Road and Old Clarksville Pike, zoned AR2A and RS40 (5.41 acres), requested by Chandler Surveying, applicant; Landon Holder, Carrie Kulas and Ellis P. Jakes Revocable Living Trust, owners.

Staff Recommendation: Approve with conditions including a variance to Section 4-2.5.a.1.b.

APPLICANT REQUEST

Request for final plat approval to create 3 lots and remove reserve status.

Final Plat

A request for final plat approval to create three lots and remove reserve status on properties located at 6250 and 6266 Eatons Creek Road and 3639 Old Clarksville Pike, approximately 228 feet southeast of Eatons Creek Road and Old Clarksville Pike, zoned Agricultural/Residential (AR2a) and Single-Family Residential (RS40) (5.4 acres).

SITE DATA AND CONTEXT

Location: The site consists of three parcels located along the south side of Old Clarksville Pike and east side of Eatons Creek Road.

Street Type: The site has frontage on both Old Clarksville Pike and Eatons Creek Road. Old Clarksville Pike is classified as a collector avenue on the Major and Collector Street Plan (MCSP) with a minimum half right-of-way of 26 feet. Eatons Creek Road is classified as a local street with a minimum half right-of-way of 25 feet. The plat includes a five-foot right-of-way dedication on Old Clarksville Pike to achieve the minimum requirement. No right-of-way dedication is proposed on Eatons Creek Road as sufficient right-of-way already exists.

Approximate Acreage: 5.4 acres or approximately 237,086 square feet.

Parcel/Site History: The site consists of three parcels. The parcel at 3639 Old Clarksville Pike is a reserve parcel that was platted with the lot at 6266 Eatons Creek Road, created in 1984. The parcel at 3639 Old Clarksville Pike is identified as a reserve parcel on the recorded plat. The parcel at 6250 Eatons Creek Road was created by deed in 1979.

Zoning History: The parcel at 3639 Old Clarksville Pike (parcel 171) has been zoned RS40 since 1998; it was previously zoned R40. The majority of the parcel at 6266 Eatons Creek Road (parcel 322) has been zoned RS40 since 1998, while the southeastern corner of the parcel has been zoned AR2a since 1974; prior to 1998, the entire parcel was zoned AR2a. The parcel at 6250 Eatons Creek Road (parcel 156) has been zoned AR2a since 1974.

Existing Land Use and Configuration: All three parcels are currently vacant.

Surrounding Land Use and Zoning:

- North: Agricultural / R40
- South: Single-Family Residential / RS40, AR2a
- East: Single-Family Residential / SCC, PUD
- West: Single-Family Residential, Two-Family Residential / RS40

Zoning: Single-Family Residential (RS40)

Min. lot size: 40,000 square feet

Max. building coverage: 0.25

Min. rear setback: 20'

Min. side setback: 15'

Max. height: 3 stories

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

Zoning: Agricultural/Residential (AR2a)

Min. lot size: 2 acres

Max. building coverage: 0.20

Min. rear setback: 20'
Min. side setback: 20'
Max. height: 3 stories
Min. street setback: 40'

PROPOSAL DETAILS

Number of lots: 3

Lot size: Proposed Lot 1 would have an area of 42,500 square feet (0.98 acres). Proposed Lot 2 would have an area of 76,229 square feet (1.75 acres). Proposed Lot 3 would have an area of 116,918 square feet (2.68 acres).

Access: Access to proposed Lots 1 and 2 is provided from Old Clarksville Pike. Access to proposed Lot 3 is provided from Eatons Creek Road.

APPLICABLE SUBDIVISION REGULATIONS

The proposed final plat is subject to the Rural Subdivision Regulations found in Section 4-2 for proposed Lot 3. Additionally, proposed Lots 1 and 2 are subject to the reserve parcel standards found in Section 2-8. Both the Rural Subdivision Regulations and the reserve parcel standards are discussed below.

Application of Rural Subdivision Regulations

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

Prior versions of the Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the county. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Rural Countryside (T2 RCS) policy area. For T2 RCS, the Rural Subdivision Regulations found in Chapter 4 are utilized.

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

The following standards apply to proposed Lot 3, no portion of which is currently classified as a reserve parcel.

4-2. Development Standards

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

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

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

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

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

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

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

No new streets or joint access easements are proposed. Any new structures would be subject the setbacks established in the Zoning Code, with the exception of the street setback identified on the proposed lot, and will be placed outside of the minimum setbacks.

4-2.5. Rural Character Design

- a. *Countryside Character Option. This option may be used for any rural character subdivision. It is intended to maintain a natural, open rural character by minimizing the visual intrusion of development along primary roadways through the use of setbacks, building placement, existing vegetation and natural topographic features that obscure the view of development from the street.*

1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same block face, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*
 - a. *Building setback along existing public streets.*
Complies. The average street setback of the adjacent parcels to the south is 236 feet, greater than the anticipated 217-foot contextual setback required by Codes. There is sufficient space to accommodate a 236-foot front setback, as conditioned by staff on the corrected copy.
 - b. *Lot depth along existing public streets.*
Does not comply. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. To satisfy this standard, Lot 3 would be required to have a minimum depth of 536 feet. Proposed Lot 3 has a depth of approximately 520 feet, 16 feet less than the requirement. A variance is necessary for the lot depth standard; additional discussion can be found in the Subdivision Variance section of this report.
 - c. *Lot size along existing public streets.*
Complies. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70 percent of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The average lot size of the surrounding parcels is 0.9 acres; 70 percent of this average is 0.63 acres. Proposed Lot 3 has an area of 2.68 acres.
 - d. *Lot frontage abutting existing public streets.*
Complies. A compatibility analysis was conducted per this requirement. Minimum lot frontage is either equal to or greater than 70 percent of the frontage of the average frontage of surrounding parcels or equal to or larger than the frontage of the surrounding parcels, whichever is greater. The average lot frontage of the surrounding parcels is 99 feet; 70 percent of this average is 69.3 feet. Proposed Lot 3 has approximately 145 feet of frontage along Eatons Creek Road.
 - e. *Street lights.*
Not applicable for this plat as the property is located in the GSD.
 - f. *Cluster lot option.*
Not applicable for this plat as the proposed subdivision does not utilize the cluster lot option.

Removal of Reserve Status for Proposed Lots 1 and 2

A portion of the land included in proposed Lots 1 and 2 is currently platted as a reserve parcel. Section 2-8.1 of the Subdivision Regulations establishes standards for converting reserve parcels into buildable lots. These standards include:

- a. *A deed parcel may be converted to a building site by the procedure described in Section 2-4.*
The proposal meets the procedures described below.
- b. *Reserve parcels may be converted to building sites by submittal of a plat drawing as described in Section 2-4.*
The proposed plat includes the entirety of the reserve parcel. The proposed plat complies with the standards established in Section 2-4.
- c. *Removal of the reserve status shall require Planning Commission approval except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel and meets the current standards of all reviewing agencies.*
The reserve status is not related to any action by a public utility. Thus, Planning Commission approval is required.
- d. *When determining whether to remove the reserve status, the Planning Commission shall consider the following:*
 1. *That the parcel fits into the character of the area and is consistent with the general plan.*
Complies. The proposed lots are similar to others in the immediate area and are consistent with the recommendations set forth in NashvilleNext.
 2. *That all minimum standards of the zoning code are met.*
Complies. The proposed lots meet the minimum standards of the zoning code.
 3. *That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.2.c, 4-6.3, or 5-3.1.*

Complies. The proposed lots have street frontage on Old Clarksville Pike. Lot 2 has additional frontage on Eatons Creek Road.

4. *That the current standards of all reviewing agencies are met.*

Complies. All reviewing agencies have indicated either approval or approval with conditions.

Subdivision Variances or Exceptions Requested: Yes. The proposed plat requires a variance from Section 4-2.5.a.1.b, pertaining to lot depth for Lot 3.

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

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

Variance Analysis

The minimum required lot depth for lots using the Countryside Character Option – Open Alternative standards is the minimum required setback plus 300 feet. In this case, the minimum required lot depth is 536 feet. Proposed Lot 3 would have a depth of 520 feet. While this is approximately 16 feet less than the required depth, the proposed depth would be approximately 160 feet greater than that of all five surrounding parcels on the south.

Staff finds that the proposed variance from the lot depth requirement is consistent with Section 1-11 of the Subdivision Regulations. Staff does not foresee the granting of this variance having any negative impacts on public safety; further, the granting of this variance would not be inconsistent with the General Plan.

PLANNING STAFF COMMENTS

With the exception of the lot depth, the proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code.

POLICY CONSIDERATIONS

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

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to the entirety of this property is Rural Countryside (T2 RCS). The goal of the T2 RCS policy is to maintain the rural countryside as a permanent choice for living and not as a holding or transitional zone for future urban or suburban development. Appropriate land uses in the T2 RCS policy area include maintenance of the land in its natural state, small scale agricultural and related accessory and support uses, residential, institutional, and rural subdivisions. The property is proposed to develop as a rural subdivision, as recommended by policy. Staff finds that the proposed rural subdivision meets the intent of the T2 RCS policy.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Old Clarksville Pike is listed on the MCSP as a collector avenue with a planned width of 52'. From centerline of existing pavement show 26' width of ROW. Note to applicant - It appears that there is additional width from centerline of pavement shown.

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

- Water provided to this site by Metro Water Services.
- Sewer is provided to this site by Septic System. Metro Health Department will coordinate location of Septic Tank, field, system components, etc., not Metro Water Services.
- Water Capacity Fees for new Lots must be paid before issuance of building permits.

METRO HEALTH RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions, including a variance to Section 4-2.5.a.1.b.

CONDITIONS

1. Update the Lot 3 street setback to 236 feet. Remove all other setbacks from Lot 3.
2. Update Note 16: "Unless shown on plat, setbacks shall be per Metro Code."
3. Remove building footprints from all lots, unless required to be shown by other agencies.
4. Add parcel numbers assigned by Mapping to the face of the lots and Note 13.
5. Add right-of-way dedication area to lot area table and update Total Site Area as needed.
6. Remove "Preliminary" from the face of the plat.
7. The mylar shall be signed by the Metro Health Department prior to recording.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. Pursuant to Section 2-4.7 of the Metro Subdivision Regulations, the approved final plat shall expire if it is not recorded with the Register of Deeds within one year after the date of approval by the Planning Commission.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2024S-030-001 with conditions and a variance for lot depth (4-2.5.a.1.b), 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 a variance to Section 4-2.5.a.1.b. (7-0)

Resolution No. RS2024-36

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-030-001 is approved with conditions including a variance to Section 4-2.5.a.1.b. (7-0)

CONDITIONS

1. Update the Lot 3 street setback to 236 feet. Remove all other setbacks from Lot 3.
2. Update Note 16: "Unless shown on plat, setbacks shall be per Metro Code."
3. Remove building footprints from all lots, unless required to be shown by other agencies.
4. Add parcel numbers assigned by Mapping to the face of the lots and Note 13.
5. Add right-of-way dedication area to lot area table and update Total Site Area as needed.
6. Remove "Preliminary" from the face of the plat.
7. The mylar shall be signed by the Metro Health Department prior to recording.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. Pursuant to Section 2-4.7 of the Metro Subdivision Regulations, the approved final plat shall expire if it is not recorded with the Register of Deeds within one year after the date of approval by the Planning Commission.

16. 2024Z-014PR-001

Council District 01 (Joy Kimbrough)
Staff Reviewer: Laszlo Marton

A request to rezone from RS10 to R10 zoning for property located at 3411 Hydes Ferry Road, approximately 235 feet southwest of Ashton Ave. and Hydes Ferry Road intersection (0.37 acres), requested by Chioma Epps, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to R10.

Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 3411 Hydes Ferry Road, approximately 235 feet southwest of the Ashton Ave. and Hydes Ferry Road intersection (0.37 acres).

Existing Zoning

Single Family Residential (RS10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 1 unit.*

Proposed Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 1 duplex lot for a total of 2 units. Metro Codes provides final determination on duplex eligibility.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

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

ANALYSIS

The application consists of one parcel (Map 069-16, Parcel 080) totaling 0.37 acres, located south of the intersection of Ashton Avenue and Hydes Ferry Road. The property has been zoned RS10 since 1998 and has a single-story structure that was formerly used as a church. Surrounding properties are zoned RS10 and R10 while surrounding uses are primarily single-family residential.

The application proposes to rezone the property from RS10 to R10. The property is located within the T3 Suburban Neighborhood Evolving policy area which intends to create and enhance suburban residential neighborhoods. T3 NE supports a broader mix of housing types with higher densities to provide for housing choice. The proposed R10 zoning would allow for two units which is a moderate increase in intensity from the existing RS10 district. The property is within a 5-minute walk to a bus stop served by WeGo Route 22 at the intersection of Elizabeth Road and Hydes Ferry Road. The policy supports allowing for higher density residential uses in relation to transit corridors and centers. Staff will also note that several properties in the neighborhood, specifically along Ashton Avenue and Elizabeth Road, have been rezoned to R10 within the last two years but have yet to be developed with two-family uses. The proposed R10 district increases density modestly and aligns with goals of T3 NE policy and NashvilleNext to provide a mixture of housing choices near transit corridors.

FIRE RECOMMENDATION

Approve

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

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

Single-Family Residential (210)	0.37	4.35 D	1 U	15	5	1
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Maximum Uses in Proposed Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.37	4.35 D	2 U	28	7	2

*Based on two-family lots

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

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

METRO SCHOOL BOARD REPORT

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

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

The proposed R10 zoning is expected to generate no more students than the existing RS10 zoning. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. Cumberland Elementary and Haynes Middle School are identified as “at capacity” while Whites Creek High School is identified as “exceedingly 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. (7-0)

Resolution No. RS2024-37

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-014PR-001 is approved. (7-0)

17. 2024Z-015PR-001

BL2024-229

Council District 04 (Mike Cortese)

Staff Reviewer: Dustin Shane

A request to rezone from R40 to RS40 zoning for various properties along Cloverland Drive, west of Cloverland Park Drive (112.76 acres), requested by Councilmember Mike Cortese, applicant; various owners.

Staff Recommendation: Disapprove as submitted. Approve with a substitute ordinance.

APPLICANT REQUEST

Zone change from R40 to RS40.

Zone Change

A request to rezone from One and Two-Family Residential (R40) to Single-Family Residential (RS40) zoning for various properties along Cloverland Drive, west of Cloverland Park Drive (112.76 acres).

Existing Zoning

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

Proposed Zoning

Single-Family Residential (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

SOUTHEAST COMMUNITY PLAN

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

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

CO policy at this site recognizes pockets of steep slopes and streams.

SITE AND CONTEXT

The rezone boundary area as currently filed includes approximately 113 acres located north and south of Cloverland Drive, east of Jones Parkway and west of Cloverland Park Drive in Brentwood. The properties represent the majority of the Cloverland Acres Subdivision. The surrounding areas are almost entirely one- and two-family residentially zoned neighborhoods (R20 and R40), with the exception of an area of multi-family housing adjacent to the north, zoned RM4. The southern boundary of the area is the Davidson and Williamson County line.

ANALYSIS

The proposed RS40 zoning district would limit development in the area to single-family uses. The area currently contains primarily single-family uses with one duplex lot on Cloverland Drive. This two-family parcel is excluded from the rezone, with the existing R40 zoning designation proposed to be retained. Additional parcels interspersed throughout area, primarily along and south of Cloverland Drive, are excluded from the rezone application as originally filed.

NashvilleNext calls for the integration of more diverse housing types into neighborhoods to allow for aging in place, to address the overall affordability of housing, and to respond to demographic changes that are driving changes in housing preferences. The existing duplex in the area promotes a diversity of housing options and retaining the R40 zoning on that parcel allows the two-family unit to continue, providing some housing variety in the neighborhood. Existing two-family units make up less than one percent of the rezone area. Given the relatively low presence of two-family uses in the area, though, staff recommends approval of a substitute ordinance to remove certain parcels from the zone change area which could increase opportunities for housing diversity in the future.

Staff recommends removing lots along arterials, larger lots, and lots on corners that could likely accommodate the construction of a duplex or two-family unit without disrupting the surrounding development pattern or disturbing areas of sensitive environmental features, including potential steep slopes or streams. Staff also recommends removing lots located directly opposite existing multi-family uses at the north end of Clovermeade Drive, where the development of a two-family unit could serve as a transition between the more intense uses to the north and the lower intensity residential areas interior to the neighborhood to the south.

The T3 NM policy recognizes that some change will occur over time, but any change should not disrupt the overall established development pattern. Staff's recommendation is intended to provide a balance between maintaining the existing residential character and the General Plan goals for housing diversity, consistent with the land use policy.

Substitute Ordinance Bill No. 2024-229

Staff recommends disapproval as submitted and approval with a substitute to remove the following parcels from the downzoning (39.64 acres were removed from an original total of 112.76 acres, leaving 73.12 acres to be rezoned with the substitute).

STAFF RECOMMENDATION

Staff recommends disapproval as submitted and approval of the substitute ordinance.

Mr. Shane presented the staff recommendation to disapprove as submitted and approve with a substitute ordinance.

Councilmember Cortese spoke in favor of the application.

Ms. Kempf asked Ms. Milligan if they should seek comment in support of the substitute or the original application.

Ms. Milligan responded support is as filed, not as they have proposed. She explained that if someone would like to speak in support of the application and the Bill that has been filed, that the original application includes all of the properties, then they would speak now in support of rezoning all of the properties to RS40.

Deborah Ham, 6424 Cloverbrook Drive, spoke in favor of the application.

John David Scobey, 6412 Cloverbrook Drive, spoke in favor of the application.

Betsey Stubblefield, 5711 Cloverhill Drive, spoke in favor of the application.

Tim Kozain, 6417 Cloverbrook Drive, spoke in favor of the application.

Ann Bowlds, 6425 Cloverbrook Drive, spoke in favor of the application.

Bob Sanford, 6432 Cloverbrook Drive, spoke in favor of the application.

Councilmember Cortese spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Mr. Smith said he is torn on this as he is very much in sympathy of property rights and appreciates that the neighbors who wanted an opt out got one. He asked if he is correct in saying the Commission is not being asked to upzone anything.

Mr. Shane stated he is correct.

Mr. Smith asked if the zoning R40 has been in place since 1974.

Mr. Shane stated his is correct.

Mr. Clifton stated he has not voted for many down zonings while he has been on the Commission and felt it is not where they need to be. He asked is this the time in history they should be upzoning given their growth and capacity to deal with the growth.

Mr. Tibbs said he is not opposed to trying to keep this all together and felt the continuity of this is a perfect area.

Councilmember Gamble asked if the gray parcels are included.

Mr. Shane stated yes, those were part of the original request and the pink parcels are what they have removed.

Councilmember Gamble asked about the white parcels.

Mr. Shane said they were never part of the request.

Councilmember Gamble stated there were neighbors who were not included that wanted to be included and asked if they are contiguous with any of the pink areas.

Mr. Shane responded those would have been people that were included that they have removed with the pink parcels.

Councilmember Gamble then asked if they were removed at their request or by Planning's recommendation.

Mr. Shane answered it was by their substitution.

Councilmember Gamble asked for the reason and how did they select which parcels would be removed.

Mr. Shane stated they looked at parcels that were along the arterial and parcels that were on corner lots and parcels that were larger than average.

Councilmember Gamble said she is not opposed to it and that in her last term she requested a down zone. She asked how this fits with T3 Suburban policy.

Mr. Shane advised the Neighborhood Maintenance policy speaks to preserving character but it is more of a slow check on growth rather than a reversal and thought this was a balance between the two goals of the policy.

Councilmember Gamble asked if the RS40 is an allowable zoning within the T3 Neighborhood Maintenance.

Mr. Shane responded in the affirmative.

Mr. Marshall asked if the substitute ordinance is in order to comply with the NashvilleNext plan and if that is the reason for it.

Ms. Milligan stated that is staff's recommendation for the policy in this area.

Ms. Kempf said one of the challenges with large down zonings and large up zonings and multiple properties is they are looking at the area, and when it comes to zoning and housing, it is hard to just focus on one small portion of the county. She stated they look at the overall need and they understand there is a need for a diversity of housing but how you calibrate and prioritize and how that occurs is a conversation the community as a whole need to have.

Mr. Henley thought the process the community has gone through was proactive. He said in looking along Cloverland Drive and seeing quite a few parcels had already opted out, those seem appropriate to remain at R40. He said he is curious as to how they got to this proposal as opposed to a contextual overlay.

Councilmember Cortese responded that the guidance he was given was because there is such a difference in the variety of housing in the neighborhood, that the contextual overlay might actually cause more friction down the line.

Mr. Henley said this seems more like density control than it is a forum control. He felt there is more conversation that could happen and preferred not to be pressing to a vote now.

Mr. Marshall asked what happens if there is a deferral and will it open more conversations internally with the Commission.

Ms. Milligan explained if they were to defer, they would defer with a reason for deferral; for example, to direct staff to have additional conversations with the Councilmember regarding the proposal, so Planning can understand the point of the deferral. Also, they would have to look at Planning and Council noticing; preparing and mailing notices and preparing and posting signs.

Mr. Tibbs said he would feel more comfortable with contextual overlay as it could be a valuable tool to what a lot of the residents have said.

Chair Adkins stated he is passionate about down zonings that are driven by requests from the community and with a lot of community input and outreach. He described a time as a Councilmember when he was involved with a down zoning. Chair Adkins said the peppered pattern does not make sense and felt a contextual overlay does not make sense when there is very different housing stock. He stressed that single family housing serves an important purpose. Chair Adkins said if a down zoning with community input and it meets the character of the neighborhood and it is a continuation of the character of the neighborhood, then it is appropriate.

Mr. Clifton stated he is not sure he is supporting up zoning either and they are not taking away anybody's zoning who does not want to have it.

Ms. Kempf advised they are not up zoning as this is already an R40 district. The request is to down zone the properties in gray and staff recommended they not down zone certain properties that meet principles articulated in NashvilleNext. She gave the Commissioners a scenario in which to decide and if they did not like that option, then defer to allow more time for discussion.

Mr. Clifton said he continues to believe it is not the right time in their history to down zone and felt it was not a positive thing.

Mr. Tibbs stated there are lots that are in a cul-de-sac that he would question even with the policy.

Mr. Tibbs moved and Mr. Smith seconded the motion to defer to the March 28, 2024, Planning Commission meeting to have additional conversation with the Councilmember regarding the proposal. (7-0)

Resolution No. RS2024-38

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-015PR-001 is deferred to the March 28, 2024, Planning Commission meeting to have additional conversation with the Councilmember regarding the proposal. (7-0)

18. 2024Z-016PR-001

Council District 09 (Tonya Hancock)
Staff Reviewer: Dustin Shane

A request to rezone from RS7.5 to R8 zoning for properties located at 330, 334, 338 and 342 Rio Vista Drive, approximately 691 feet south of Anderson Lane (0.8 acres), requested by Precision Property Restoration LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS7.5 to R8.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for properties located at 330, 334, 338 and 342 Rio Vista Drive, approximately 691 feet south of Anderson Lane (0.8 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 4 units based on acreage alone. Application of Metro’s Subdivision Regulations may result in fewer units at this site.*

Proposed 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 4 lots with 1 duplex lot for a total of 5 units. Metro Codes provides final determinations on duplex eligibility.*

MADISON COMMUNITY PLAN

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

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

ANALYSIS

The application consists of four parcels (Map 043-07, Parcels 107-110) totaling 0.8 acres in size located on the east side of Rio Vista Drive opposite the Rio Vista Apartments. The property is currently vacant. Surrounding uses include other vacant residential land to the north and south and a multi-family development to the west across the street, all zoned RS7.5 and within the T3 NM policy. The eastern boundary of the site is a bluff over the Cumberland River, within the CO policy.

The application proposes to rezone the property from RS7.5 to R8. The requested R8 zoning is supported by the T3 NM policy at this location. According to the Community Character Manual, T3 NM areas are characterized by low- to moderate-density residential uses, with a focus on retention of the current neighborhood form and character. There is little established character because only multi-family housing and vacant residential land exist in the immediate vicinity. The CO policy identified on the eastern portion of the site consists of floodway, floodplain, and steep slopes associated with the Cumberland River, but there is ample space outside of these areas upon which to develop.

Housing in T3 NM areas can include a mix of building types, including “missing middle” housing such as plex houses, house courts, and multifamily housing with small to medium-sized footprints. The proposed zoning allows for one- or two-family residential uses, which would increase housing choice in the area and contribute to the provision of missing middle options.

FIRE RECOMMENDATION
Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.8	4.64 D	4 U	54	8	5

Maximum Uses in Proposed 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)	0.8	4.35 D	5 U	66	8	6

*Based on two-family lots

Traffic changes between maximum: **RS7.5 and R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+12	+0	+1

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 districts: 1 Elementary 0 Middle 0 High
Projected student generation proposed R8 district: 1 Elementary 0 Middle 0 High

The proposed R8 zoning is not expected to generate any more students than the existing RS7.5 zoning district. Any additional students would attend Amqui Elementary School, Neely’s Bend College Prep Middle School, and Hunters Lane 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.

Approve. (7-0)

19. 2024Z-020PR-001

Council District 20 (Rollin Horton)
Staff Reviewer: Celina Konigstein

A request to rezone from R8 to RM15-A-NS zoning for property located at 6109 Robertson Ave., approximately 230 feet north of Deal Ave. (0.23 acres), requested by Urban Capital, LLC, applicant and owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Zone change from R8 to RM15-A-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Multi-family Residential - Alternative - No Short-Term Rental (RM15-A-NS) zoning for property located at 6109 Robertson Ave., approximately 230 feet north of Deal Ave (0.23 acres).

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 1 lot. Duplex eligibility is determined by the Codes Department.*

Proposed Zoning

Multi-family Residential – Alternative - No Short-Term Rental (RM15-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. The – NS designation prohibits Short-Term Rental Property – Owner Occupied and Short-Term Rental Property – Not Owner Occupied uses from the district. *RM15-A-NS would permit a maximum of 3 units.*

WEST NASHVILLE COMMUNITY PLAN

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

Supplemental Policy Area

The site is within Area 2 of a supplemental T4 MU policy area (07-T4-MU-02) which applies to portions of West Nashville’s Urban Mixed-Use Neighborhood (T4 MU). The SPA is located along Robertson Avenue between Elaine Avenue and Nall Avenue. In this SPA, the following policies apply. Where the SPA is silent, the guidance of the T4 MU policy applies.

Building Form and Site Design – Height

To maintain the neighborhood-scale of the streets in the area, buildings are limited to 4 stories in height.

ANALYSIS

The 0.23 acre-site is located at 6109 Robertson Avenue. There is presently one house on the property. The nearby zoning districts include Industrial Restrictive (IR), Specific Plan (SP), and One and Two-Family Residential (R8). Surrounding land uses consist of single-family and multifamily residential, commercial, and light manufacturing. As properties in this area have been developing with additional intensity, some infrastructure improvements, including sidewalks, have occurred. Currently there are sidewalks on the northern side of Robertson Avenue; however, there is not a continuous sidewalk present on the southern side of Robertson Avenue.

The policy on the site is T4 Urban Mixed Use Neighborhood which has the intent of creating a diversity of uses and housing options within urban contexts. The proposed zoning, RM15-A-NS, is noted as an acceptable zoning district in the Community Character Manual. The additional designations of – A, Alternative, aids in the intent to create a more urban form by providing standards for entrances, raised foundations, and glazing requirements. The – NS designation, prohibits Short-Term Rental Property – Owner Occupied and Short-Term Rental Property – Not Owner Occupied ensuring the goal of the policy to provide housing options in an urban context is met.

The supplemental policy adopted in 2023 calls for a cohesive strategy of redevelopment with an emphasis on public improvements along Robertson Avenue to enhance connectivity in the area. Given the goals of the policy, staff has included a condition related to the provision of sidewalks. The supplemental policy also provides guidance on building form and site design, and in order to maintain the neighborhood scale of the streets in the area, the SPA limits building heights to four stories in height. The proposed RM15-A-NS zoning district permits a maximum height of 30 feet at the build to zone, with an increased height in 35 feet after the build to zone. This would likely yield development under four stories, consistent with the supplemental policy guidance on building form.

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)	0.23	5.44 F	2 U	28	7	2

*Based on two-family lots

Maximum Uses in Proposed Zoning District: RM15-A-NS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.23	15 D	3 U	15	1	2

Traffic changes between maximum: R8 and RM15-A-NS

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

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 zoning districts: 0 Elementary 0 Middle 0 High
Projected student generation proposed RM15-A-NS district: 0 Elementary 0 Middle 0 High

The proposed RM15-A-NS zoning is expected to generate no additional students. Students would attend Cockrill Elementary School, Moses McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Sidewalks consistent with Metro Standards shall be constructed along all public street frontages prior to final use and occupancy permit.

Approve with conditions. (7-0)

Resolution No. RS2024-40

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-020PR-001 is approved with conditions. (7-0)

CONDITIONS

1. Sidewalks consistent with Metro Standards shall be constructed along all public street frontages prior to final use and occupancy permit.

H: OTHER BUSINESS

20. Downtown Code Initiatives in 2024 Memo

Resolution No. RS2024-41

"BE IT RESOLVED by The Metropolitan Planning Commission that the DOWNTOWN Code Initiatives in 2024 Memo is approved. (7-0)

21. Historic Zoning Commission Report
22. Board of Parks and Recreation Report
23. Executive Committee Report
24. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2024-42

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

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25. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

March 14, 2024

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

March 28, 2024

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

J: ADJOURNMENT

The meeting adjourned at 5:21p.m.