



METROPOLITAN PLANNING COMMISSION MINUTES

April 25, 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
Jessica Farr, Vice Chair
Asia Allen
Stewart Clifton
Leah Dundon
Edward Henley
Kathy Leslie
Matt Smith
Councilmember Jennifer Gamble

Commissioner Absent:

Dennie Marshall

Staff Present:

Lucy Kempf, Executive Director
Todd Okolichany, Deputy Executive Director
Lisa Milligan, Assistant Director of Land Development
Andi Dorlester, Land Development Manager
Tara Ladd, Legal
Abbie Rickoff, Planning Manager I
Amelia Lewis, Planner III
Anna Grider, Planner III
Joni Williams, Assistant Director of Project Management
Donald Anthony, Planner II

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of most months 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. Special meetings, cancellations, and location changes are advertised on the [Planning Department's main webpage](#).

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

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

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

Writing to the Commission

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

Mailing Address: Metro Planning Department, 800 President Ronald Reagan Way, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130
E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

Anyone can speak before the Commission during a public hearing. A Planning Department staff member presents each case, followed by the applicant, community members opposed to the application, and community members in favor. Community members may speak for two minutes each. Representatives of neighborhood groups or other organizations may speak for five minutes if written notice is received before the meeting. Applicants may speak for ten minutes, with the option of reserving two minutes for rebuttal after public comments are complete.

Councilmembers may speak at the beginning of the meeting, after an item is presented by staff, or during the public hearing on that item, with no time limit.


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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If any accommodations are needed for individuals with disabilities who wish to be present at this meeting, please request the accommodation through hubNashville at <https://nashville.gov/hub-ADA-boards> or by calling (615) 862-5000. Requests should be made as soon as possible, but 72 hours prior to the scheduled meeting is recommended.

MEETING AGENDA

A: CALL TO ORDER

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

Chair Adkins introduced and welcomed Ms. Asia Allen as the newest Planning Commissioner.

B: ADOPTION OF AGENDA

Ms. Dundon moved and Mr. Henley seconded the motion to adopt the agenda. (9-0)

C: APPROVAL OF APRIL 11, 2024 MINUTES

Mr. Smith moved and Ms. Leslie seconded the motion to approve the meeting minutes of April 11, 2024. (9-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Horton spoke in favor of Item 12.

Chair Adkins stated he is recusing himself from Item 12.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 2, 3, 5, 6, 7, 8, 9, 15a, 15b, 21

Councilmember Gamble moved and Mr. Henley seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

F: CONSENT AGENDA ITEMS 26

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

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

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

G: DTC EAST EXPANSION INFORMATIONAL PRESENTATION

Director Kempf stated there will be no deliberation or voting on this Item, as this presentation of materials is for informational purposes only. She advised they will be bringing a zone change at a later date and they will deliberate and vote at that time.

Ms. Grider gave an informational presentation to give background on an upcoming rezoning request for the east bank.

Vice Chair Farr asked if there is any plan for underground utilities.

Ms. Grider stated they have been working with NES on an underground overlay ordinance.

Vice Chair Farr asked how will the affordable housing work.

Ms. Kempf stated, in the vision document, they set forth an aggressive standard to accomplish a mix of uses.

Bob Mendes, Chief Development Officer, explained there will be two buildings that will be 100% affordable units and then in all other buildings there will be a minimum of 10% units affordable. For the all-affordable buildings, 2/3 of the units will be at 60% AMI and below with ¼ of those being set aside for tenants with vouchers. The other 1/3 will be between 60% and 80% AMI. For the other buildings, at least 10% will be at 80% AMI or lower. He further explained they got the affordability period to be ninety nine years which is multiples of what Metro has ever accomplished before.

Vice Chair Farr asked if THDA is on board.

Mr. Mendes answered there is no application until you apply. He said they have as much reassurance as they are willing to give without applications that these projects will be well thought of.

Ms. Dundon asked for more information on the future focused ecology design mentioned in the presentation.

Ms. Grider advised they are working with Metro Water Services on a district wide storm water strategy and taking a look at areas where they may lay back the riverbank.

Mr. Mendes added they are spending a lot of time with the Corps of Engineers, who manages the river, and has extremely detailed modeling about the way the river works when it floods. He said they are committed to build this in a way where they are not degrading the performance of the east bank as a total and not pushing high water to the downtown side or towards District 3.

Chair Adkins asked why they chose to use the Downtown Codes instead of its own individual area of zoning.

Ms. Grider responded it was appropriate to expand the DTC to the east bank for a number of reasons and asked for Joni Williams to speak, as she is the regulator of the Downtown Code.

Ms. Williams explained there are several points in which planning staff and design review touch a DTC project, which has evolved since 2010. There are various levels of review as a project moves through its design development; staff to review compliance with code, design guidelines, public space framework and further with the vision plans. It allows key touch points in the evolution of the design of each block and each tower or the component within each city block. She further explained the Downtown Code has several pieces embedded within it that work great for the west side of the river and they have been able to customize about some of the things highlighted in Imagine East Bank. The DTC allows for customization to create visibility and porosity that will be different from the west side and allows for those touch points through design review to make sure that's accomplished.

H: ITEMS TO BE CONSIDERED

1. CIB FY2024-25 FY24-25 CAPITAL IMPROVEMENTS BUDGET

Staff Reviewer: Greg Claxton

Submit the FY2024-25 Capital Improvements Budget for consideration by Mayor Freddie O'Connell.

Staff Recommendation: Approve.

CAPITAL IMPROVEMENTS BUDGET

Submit the FY2024-25 Capital Improvements Budget for consideration by the Mayor.

BACKGROUND

The Charter of the Metropolitan Government for Nashville and Davidson County requires that the Planning Commission submit a list of recommended capital improvements that are necessary or desirable to be constructed or provided during the next six years.

The Capital Improvements Budget is a planning tool to prioritize and coordinate investments in long-term, durable improvements. Investments are considered to be capital improvements when they:

- Have a lifetime greater than 10 years and
- Cost more than \$50,000.

Capital improvements include Metro facilities and equipment, such as office buildings, fire trucks, or information systems. Capital improvements also include infrastructure, such as water and sewer lines, roads and sidewalks, parks, and libraries.

Some Metro investments shape private market activity by influencing where people want to live or business owners want to locate. Some investments, such as providing access to water, sewer, or transportation networks, are required for any development pattern beyond very low density rural character. In other cases, Metro investments in parks, schools, or other public spaces are amenities or resources that make a place more desirable for a home or business. Projects that interact with the private market in either of these ways should be guided by the General Plan. Other Metro investments, such as vehicles or hospital equipment, have limited impact on the private market and are not guided by the General Plan.

Identifying and funding most capital improvements involve two separate documents:

- **The Capital Improvements Budget (CIB):** All capital improvements requested from Departments and members of the Metro Council with a six-year time horizon. By Charter, any capital improvement must be included in the Capital Improvements Budget. Planning Commission compiles and makes recommendations on the CIB.
- **Capital Spending Plan:** Recommended projects during the first fiscal year of the CIB, proposed to be funded through General Obligation bonds. The Mayor submits the Capital Spending Plan to the Metro Council, which approves new bonds through a bond resolution.

Other capital improvements are funded through ordinances or resolutions authorizing the use of 4% funds, operating funds, or revenue bonds. Planning Commission does not make recommendations on the Capital Spending Plan or other funding authorizations.

Developing, recommending, adopting, and funding capital projects bring Metro Departments, Planning Commission, the Mayor, and Metro Council together, with public oversight, to decide what investments to make each year.

CAPITAL IMPROVEMENTS BUDGET PROCESS

Councilmembers begin the CIB process by requesting projects in October. Requests are reviewed by implementing departments and the Planning Department to develop cost estimates and identify how requests align with long-range plans. Planning staff compile these responses in a report submitted to the Metro Council, typically by December 15. The Council’s Budget & Finance and Planning, Zoning, & Historical Committees jointly work with all Councilmembers to establish Council priorities for projects requested for the next year’s Capital Improvements Budget.

The Metro Charter specifies the process to create the Capital Improvements Budget. Each year begins with the Finance Department collecting requested projects from Metro Departments. By Charter, Finance delivers these requests to the Planning Commission four months before the end of the Fiscal Year.

Once project requests are submitted, Planning staff assess them for alignment with Metro’s General Plan, NashvilleNext. The Planning Commission must recommend project priorities to the Mayor by sixty days before the start of the next Fiscal Year, which is on May 2 each year. This staff report and CIB are in support of this step in the process. Copies of the draft Capital Improvements Budget are posted online in document form at <https://www.nashville.gov/departments/planning/long-range-planning/capital-improvements>.

Once the Mayor has received the Planning Commission’s recommendations, the Charter requires the Mayor to submit his recommended Capital Improvements Budget to the Metro Council by May 15 each year. Metro Council must adopt the Capital Improvements Budget (with any modifications or amendments as it sees fit) by June 15.

COORDINATION WITH DEPARTMENT MASTER PLANS

Metro Departments conduct their own master and functional plans to guide operations and capital investments. They identify department needs and priorities for different capital programs. Though not formally part of NashvilleNext or the Capital Improvements Budget, these master plans play a critical role in achieving the community’s vision for Nashville’s future. Because they involve more detailed and technical planning, departments may also uncover issues that make NashvilleNext difficult to implement.

Planning staff supports other departments’ efforts to update their master plans to ensure they are coordinated with NashvilleNext and provide a transparent way of supporting capital project requests. Additionally, if departments discover aspects of NashvilleNext that are difficult to implement, Planning staff may bring those issues to Planning Commission to determine if a change to NashvilleNext is required. This ensures that NashvilleNext remains relevant and up-to-date.

FY2024-25 Capital Improvements Budget

The FY2024-25 Capital Improvements Budget includes requests for 1,029 projects costing \$21.8 billion, of which \$3.7 billion is for projects beyond the six-years required for the Capital Improvements Budget.

The six year CIB includes spending requests drawing on a variety of funding sources:

| Funding Method | Spending requests |
|--------------------------|--------------------------|
| C Proposed G.O. Bonds | \$17,303,518,900 |
| E Proposed Revenue Bonds | \$3,524,732,900 |
| H Enterprise Funds | \$416,753,000 |
| F Federal Funds | \$312,375,100 |
| A Miscellaneous Funds | \$125,000,000 |
| G State Funds | \$71,200,000 |
| M Proposed 4% Funds | \$62,188,100 |
| B Approved G.O. Bonds | \$16,483,000 |

The CIB also identifies projects by type, such as new standalone assets, ongoing programs, or asset protection.

| Project Type | Description | Count of projects |
|-------------------------|---|--------------------------|
| Single asset | A single asset is a new or rehabilitated physical asset that is purchased once, has a useful life of more than ten years, and is expensive to purchase. | 606 |
| Capital program | A capital program is a collection of smaller infrastructure improvements organized by an overarching plan. | 320 |
| Asset protection | Asset protection involves major renovations or improvements to existing facilities that would extend the useful life and/or add value to the asset. | 134 |
| Study or plan | Funding for a study or plan. | 31 |
| Contingency | Funding for project start-up and unexpected costs. | 15 |

The FY2024-25 CIB organizes project requests in three sections:

- I. **Projects Funded by the Urban Services District:** a brief list of all projects requesting funding from the Urban Services District.
- II. **Projects Funded by the General Services District:** a brief list of all projects requesting funding from the General Services District.
- III. **Detail Project Descriptions:** detailed descriptions of each requested project.

Section III reports projects' titles and descriptions, department, project status, council district, tax district, and project type, as well as requested funding by year. Projects also include maps, when available.

Projects are organized by departments, with departments grouped as follows:

- a. **Metro Council** (includes requests from Metro Council members not shown with other departments; some Council requests appear grouped within other Department programs, such as sidewalks)
- b. **Schools**
- c. **Enterprises** (Water & Sewer, Farmer's Market, Municipal Auditorium, State Fair Board, and District Energy System,)
- d. **Facilities & technology** (includes Administrative, the Agricultural Extension, County Clerk, Election Commission, Finance, General Services, Health, Information Technology Service, Metro Action Commission, and Social Services)
- e. **Safety** (includes District Attorney, Fire, Juvenile Court, Office of Emergency Management, and Police)
- f. **Development & culture** (includes Arts Commission, Historical Commission, MDHA, Parks, Planning Commission, and Public Library)
- g. **Transportation** (includes MTA and NDOT)

ALIGNMENT WITH THE GENERAL PLAN

Based on substantial community engagement, NashvilleNext identifies how Nashvillians want Nashville and Davidson County to manage change over the next 25 years. Aligning capital investments to this vision is a critical tool in achieving the community's desires. For FY2024-25, Planning staff conducted an assessment of projects based on NashvilleNext.

Alignment with the Guiding Principles

The General Plan includes seven Guiding Principles that represent the fundamental values expressed by Nashvillians throughout the process of creating NashvilleNext. In the long run, Metro's investments should support all of these principles, though spending in individual years may focus on some principles more than others.

The chart below shows the seven Guiding Principles and the number of projects that support each:

| Guiding Principle | Number of projects supported |
|-----------------------------|-------------------------------------|
| Ensure opportunity for all | 453 |
| Expand accessibility | 423 |
| Create economic prosperity | 431 |
| Foster strong neighborhoods | 803 |
| Advance education | 522 |
| Champion the environment | 371 |
| Be Nashville | 433 |

Alignment with the Growth and Preservation Concept Map

The Growth and Preservation Concept Map gives geographic context to capital investment decisions.

The Growth & Preservation Concept Map reflects Nashvillians' desires for how and where Nashville should grow and where it should preserve in the future. It identifies a green network that provides access to nature, requires environmental protection, and preserves natural resources. It also identifies and seeks to preserve the physical character of rural, suburban, and urban areas.

Smaller and larger activity centers accommodate most future growth, improve public spaces, support transit, provide walkable areas close to most parts of the county, and sustain economic activity. The locations of these centers are

generally where centers and mixed use areas were identified in prior Community Plans. Infill development should be encouraged along transit and multimodal corridors in between and immediately around activity and employment centers.

The Concept Map also identifies a network of more frequent and reliable transit service. These routes should be more direct, with fewer stops. The most heavily used routes will be identified for high-capacity transit running outside of traffic.

| Concept Map summary | Number of projects supported |
|--|-------------------------------------|
| Expands the Green Network | 97 |
| Located to support existing conditions | 315 |
| Supports a First Tier Center or Corridor | 203 |
| Supports a lower tier Center or Corridor | 161 |
| Program aligned with NashvilleNext | 87 |

Efficient government

Finally, a core goal of the Capital Improvements Budget is to promote effective, efficient capital spending. Planning staff have developed criteria to assess projects that support efficient government:

- **Project need:** Expanding services, improving services or maintaining services.
- **Condition:** Projects that renovate or replace an existing facility, which is obsolete or cannot support the department’s operations.
- **Resource leveraging:** Projects whose funding includes outside money. Projects that support enterprise operations.
- **Project leveraging:** Projects that cluster with or coordinate with other department projects.
- **Planning context:** Projects based on a master plan, that are a priority for a board or commission, developed with public input, or whose implementation will include additional public input.
- **Regional collaboration:** Projects that support regional collaboration or intergovernmental agreements or that were developed through a regional planning process.

PRIORITIZATION

The Capital Improvements Budget includes several sources of priority.

Capital Priority Group

Departments identify one Capital Priority Group for each project. The Groups are:

- Mayor’s Priority: Nashville Works
- Mayor’s Priority: Nashville Grows
- Mayor’s Priority: Nashville Moves

Department priorities

When submitting their project requests, Metro departments assign each project a priority, using the following system for identifying their priority:

| Code | Priority |
|-------------|---|
| 1001 | Appropriated and unexpended |
| 1002 | Required in the year shown |
| 1003 | Preferred in the year shown |
| 1004 | Requested in the year shown |
| 1005 | Needed for consideration in future CIBs |

Council priorities

Councilmembers request projects by October 15 each year. Projects are assessed by the Metro Departments responsible for implementing each request, if funded, as well as the Planning Department. The Planning Department compiles a report identifying how projects align with Department master plans and the General Plan and provides it to Council, typically by December 15. A joint meeting of the Metro Council’s Budget & Finance and Planning, Zoning, & Historical Committees meets to develop Council priorities.

Each Councilmember was able to submit 100 points to prioritize projects anywhere in the County, with a maximum of 50 points on any single project. Points were totaled by project and placed in order to assign a priority rank. All prioritized projects are listed in rank order with points assigned at the beginning of the Metro Council section in Part III.

Across all Councilmembers submitting priorities, 215 projects received some level of prioritization. Council priorities are reflected in Section III (Detailed project listing) as follows:

| | |
|------------------|---|
| Capital group | Mayor's Priority: Moves |
| MPC rec priority | B Recommend as planned if funding available |
| Dept priority | 1003: Preferred in FY2025 |
| Council priority | 215 out of 215 |

MPC Recommendations

In adopting the Capital Improvements Budget, the Planning Commission assigns a priority recommendation to each project. The draft CIB includes staff's recommendations. An overview of these recommendations follows in the next section.

FY2024-25 RECOMMENDATIONS

Staff recommends submitting the Capital Improvements Budget to the Mayor with the following recommendations identified:

A: Recommend as planned (38 projects; see Note below)

Projects are Recommended As Planned when they substantially advance the Guiding Principles, align with the Growth & Preservation Concept Map, and use Metro resources efficiently. Projects whose funding has already been secured, or that need additional funding to be completed, are also Recommended As Planned. Planning Commission recommends projects not funding levels. In some cases, projects may not need to be fully funded in FY24.

Most recommended projects are requesting new General Obligation bonds. However, two sets of requests are identified as "already funded projects." Projects from the Arts Commission reflect previously set-aside funds from prior capital spending plans. Projects backed by water and sewer revenue bonds are backed by Water Services' revenues and are addressed separately.

NOTE: Because of time constraints, only previously funded projects (as discussed above) are identified as "A: Recommend as planned" in the FY2024-25 Capital Improvements Budget.

B: Recommend as planned if funding available (913 projects)

Projects that are in alignment with NashvilleNext. Most projects in FY24 are Recommended As Planned If Funding Is Available. Due to the number of projects, projects with a "B" recommendation are not listed here. They are available in the Draft CIB.

C: Recommend further work (32 projects)

The Planning Commission will Recommend Further Work when different projects can be usefully aligned with one another to reduce costs or improve service or when projects require additional development before they can be recommended.

| Department | Project ID | Project Title |
|------------|------------|---|
| Council | 25DS0048 | Light installation at Glenciff High tennis courts <i>Recommend further coordination with MNPS and Parks.</i> |
| | 24DS0048 | Renovate East High Weight Room <i>Recommend further discussion with MNPS.</i> |
| | 25DS0072 | Pedestrian Crossing improvements at Jefferson St. Rosa Parks Blvd, Monroe St <i>Recommend refining request to Monroe and continued discussion with NDOT.</i> |
| | 25DS0071 | Ave for the Arts enhancement <i>Recommend further coordination with NDOT to develop the request.</i> |
| | 25DS0070 | Farmers Market Bus Stop <i>Recommend further coordination with MTA.</i> |
| | 25DS0069 | Municipal Auditorium <i>Recommend further coordination with Municipal Auditorium to compare current CIB requests to future needs.</i> |
| | 25DS0092 | Purchase Nolensville Rd <i>Recommend further discussion with TDOT / State.</i> |
| | 25DS0065 | 8th and Broadway Superstation <i>Recommend further discussion with MTA.</i> |
| | 25DS0094 | Purchase 98 Wallace RD <i>State law limits public private partnerships funded with GO bonds. Recommend exploring other approaches to accomplish this.</i> |
| | 25DS0038 | Crosswalks at S. New Hope and John Hagar <i>Per NDOT, project is not feasible without other pedestrian infrastructure. Recommend further coordination.</i> |

| Department | Project ID | Project Title |
|------------|---|---|
| Council | 25DS0031 | Traffic Calming on Huntingboro Trl <i>Per NDOT, project is on file with traffic calming program.</i> |
| | 25DS0030 | Traffic Calming on Dove Creek Rd <i>Per NDOT, project is underway.</i> |
| | 25DS0024 | Undergrounding utilities <i>Recommend further coordination with NES to refine scope and determine feasibility and cost.</i> |
| | 25DS0019 | Rosebank Elementary Playground upgrades <i>MNPS plans ADA access improvements. Recommend further discussion.</i> |
| | 24DS0049 | Widening of Nolensville Road <i>Project limits are included within existing TDOT project. Recommend further discussion with NDOT and TDOT to clarify.</i> |
| | 25DS0067 | Symphony Wall <i>Recommend further discussion and clarification of project and appropriate funding sources.</i> |
| | 25DS0109 | WeGo Route 9 <i>Per MTA, this is an operational request. Recommend further coordination.</i> |
| | 23DS0118 | LED Lighting in all North Nashville Alleyways <i>Recommend further discussion with NDOT.</i> |
| | 23DS0094 | Sound Wall/Barriers along I-40 District 21 areas <i>Recommend further coordination with NDOT and TDOT.</i> |
| | 23DS0031 | New traffic study/pattern/circle at Riverside/McGavock intersection <i>Recommend further review with NDOT of intersection evaluation.</i> |
| | 25DS0051 | Hubbard House Renovation <i>No cost estimate currently available. Recommend further discussion with department on current status of grant application.</i> |
| | 25DS0004 | Crosswalks on Whites Creek Pike <i>Per NDOT, crosswalks not feasible absent other pedestrian infrastructure. Recommend further discussion.</i> |
| | 25DS0087 | District 25 - Bus Stop Update <i>Recommend further coordination with MTA.</i> |
| | 25DS0110 | Rosa Parks Complete Street <i>Planning study is currently underway. Cost estimates are not yet available.</i> |
| | 23DS0128 | 4 Mast arms at the intersection of Hickory Hollow Parkway and Bell Rd. <i>Recommend further coordination with NDOT.</i> |
| | 25DS0108 | Extended service on WeGo Route 8 <i>Per MTA, this is an operational request. Recommend further coordination.</i> |
| | 25DS0107 | Extend WeGo Route 7 <i>Per MTA, this is an operational request. Recommend further coordination.</i> |
| | 25DS0106 | Bike Lanes on 7th Avenue <i>Recommend further coordination with NDOT to clarify overlap of project with Connect Downtown.</i> |
| | 25DS0104 | Forrest Park at Cheekwood/Warner Parks comprehensive multi-modal/safety/stormwater/wayfinding improvements <i>Planning work is underway. Cost estimates are not yet available.</i> |
| | 25DS0103 | New bus stop at Old Hickory Blvd & Highway 100 <i>Recommend further coordination with MTA.</i> |
| 25DS0095 | Purchase 204 Largo Dr <i>State law limits public private partnerships funded with GO bonds. Recommend exploring other approaches to accomplish this.</i> | |
| 25DS0111 | New South Crosstown Transit Route <i>Per MTA, this is an operational request. Recommend further coordination.</i> | |

N: Not scored (45 projects)

Projects that are not scored, because they do not relate to the Planning Commission's role in coordinating development, they are submitted with insufficient information to score, they are low department priorities, are late submissions, or are added after the Planning Commission has acted. Assessing projects that do not relate to the General Plan is likely to make them seem unimportant, when in fact they are simply not addressed by the General Plan. Projects such as these include:

- Information technology
- Fleet & equipment
- Office space retrofits or refreshes

- Omnibus categories of projects
- Contingency funding

Due to the number of projects, projects with a “N” recommendation are not listed here. They are available in the Draft CIB.

X: Do not conform to the General Plan (including recommendations for alignment):

In rare cases, project requests Do Not Conform To the General Plan. This recognizes when a proposed capital project is specifically out of step with a recommendation of the General Plan. The Planning Commission will recommend against projects that Do Not Conform to the General Plan until the project and plan are in alignment. This can be done by changing the project to conform to the General Plan or by amending the General Plan to support a vision for the future of Nashville that would be supported by the project.

No projects are currently identified as Not Conforming to the General Plan.

Approve, including information presented in the memo to the MPC. (9-0)

Resolution No. RS2024-76

“BE IT RESOLVED by The Metropolitan Planning Commission that CIB FY2024-25 is approved, including information presented in the MPC. (9-0)

2. **2023CP-003-005**
BORDEAUX - WHITES CREEK - HAYNES TRINITY
COMMUNITY PLAN AMENDMENT
 Council District 02 (Kyonzté Toombs)
 Staff Reviewer: Cory Clark

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing the policy from T3 NE to T3 NC for properties located at the southwest 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 May 9, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-003-005 to the May 9, 2024, Planning Commission meeting. (9-0)

3. **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 (11.74 acres), requested by Delle Land Surveying, applicant; Paul M. & Ruby Vaughn and Adrain T. & Robbie M. Dukes, Trs., owners.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred 2023S-197-001 indefinitely. (9-0)

4. **2024S-010-001**
BELLA TERRA
 Council District 28 (David Benton)
 Staff Reviewer: Laszlo Marton

A request for concept plan approval to create 53 lots on property located at Rural Hill Road (unnumbered), at the current terminus of Ellen Way, zoned R15 and RS7.5, and partially located within a Planned Unit Development Overlay (20.34 acres), requested by Ragan Smith, applicant; Habitat for Humanity of Greater Nashville Inc., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for concept plan approval to create 53 lots.

Concept plan

A request for concept plan approval to create 53 lots on property located at Rural Hill Road (unnumbered), at the current terminus of Ellen Way, zoned One and Two-Family Residential (R15) and Single-Family Residential (RS7.5) and partially located within a Planned Unit Development Overlay (20.34 acres).

SITE DATA AND CONTEXT

Location: The site consists of one parcel located at the current terminus of Ellen Way.

Street Type: The site has limited frontage on Rural Hill Road which is classified as a Collector Arterial in the Major Collector Street Plan. The site plan proposes street connections to Ellen Way, Pippin Drive, and Highland Ridge Drive, all of which are existing local streets.

Approximate Acreage: 20.34 acres.

Parcel/Site History: The site consists of one parcel that was created by deed in 2003.

Zoning History: The site has been zoned Single-Family Residential (RS7.5) since 1998. A small portion of the eastern edge of the site has been zoned One and Two-Family Residential (R15) since 1987 and is within a PUD.

Existing Land Use: The site is currently vacant.

Surrounding Land Use and Zoning:

- North: Residential/Single Family Residential (RS7.5)
- South: Vacant/Agricultural/Residential (AR2a)
- East: Residential/Single Family Residential (RS10/Residential PUD)
- West: Residential/Single Family Residential (RS7.5)

Proposed Concept Plan

Zoning: Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. building coverage: 0.45

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 20'

The portion of the site zoned One and Two-Family Residential (R15) does not include any proposed lots.

PROPOSAL DETAILS

Number of lots: 53 lots.

Lot sizes: Lot sizes vary from 6,000 square feet to 11,161 square feet. The plan utilizes the Conservation Development standards to permit lot size flexibility in exchange for protection of natural areas present on the site. The Conservation Development Standards (Sec. 17.12.090) allow subdivisions to reduce lots in size from the minimum required of the base zoning district by an equivalent percentage of the site that is to remain natural open space. The site is 20.34 acres, while the plan proposes 22 percent of the area, 4.5 acres, of natural open space to be preserved. This results in an allowable lot size reduction of 22 percent, or a minimum lot size of 5,850 square feet, however the smallest lots proposed on the plan are 6,000 square feet.

Access: The plan proposes to extend Ellen Way into the site and terminate in a loop drive. The plan also proposes to continue Highland Ridge Drive and connect it to Pippin Drive to the east.

Subdivision Variances or Exceptions Requested: None.

Conservation Development Standards (17.12.090)

- A. *Purpose and Intent. Conservation development is a set of standards that shall be utilized in the design of subdivisions as provided in this section. The purpose of these standards is to:*
1. *Preserve unique or sensitive natural resources such as steep slopes; hillsides; streams, wetlands, floodways, and floodplains; problem soils; archaeological resources; and native forests or unique vegetation through the creation of natural open space.*
 2. *Encourage the creation of lots on less environmentally sensitive areas of the site.*

3. *Provide flexibility in design of subdivisions within existing zoning districts to promote environmental resource protection.*
- B. *Applicability. Subdivisions proposed in the R/R-A and RS/RS-A zoning districts that meet both of the following standards shall utilize the provisions of this section.*
 1. *Minimum Site Area. The minimum site area of no less than ten times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).*
Complies. The majority of the site is zoned RS7.5 which would require a minimum site area of 75,000 square feet. The proposed site has a total area of 886,051 square feet, greater than the minimum requirement.
 2. *Minimum Natural Area. A minimum of ten percent of the site contains any, or a combination of, the following:*
 - a. *Areas shown on FEMA maps as part of the 100-year floodplain or identified in local studies as confirmed by Metro Stormwater;*
 - b. *All perennial and intermittent streams, floodways, and associated buffers, as determined by Metro Stormwater or the State;*
 - c. *Areas of natural slopes of twenty percent or greater of at least ten thousand square foot contiguous area;*
 - d. *Areas containing problem soils as established by Section 17.28.050; wetlands, as determined by metro stormwater;*
 - e. *Known habitat for federally or state listed or proposed rare, threatened, or endangered species;*
 - f. *Areas containing a protected Cedar Glade plant species as established by Section 17.28.060;*
 - g. *Archaeological or historic sites, cemeteries, and burial grounds; or*
 - h. *Protected, heritage and historic and specimen trees, as defined by Section 17.40.450 of the Metro Zoning Code.*
More than 10 percent of the site contains features described in parts h, including contiguous areas of steep slopes and protected and heritage trees.
- C. *Maximum Lot Yield. The determination of the maximum lot yield shall be based on assigning twenty percent of the gross acreage of the site to open space and infrastructure. The remaining eighty percent of the gross acreage shall be divided by the minimum lot size of the base zoning district to determine the maximum yield. Yield shall not be based on the minimum lot size as described in Section D Lot Size Flexibility.*
The total site area is 20.34 acres. Eighty percent of the gross acreage of the site is 16.27 acres. The maximum lot yield is 94 lots based on a minimum of 7,500 square feet for an RS7.5 residential lot. A total of 53 lots are proposed, which does not exceed the maximum lot yield.
- D. *Conservation and Design Flexibility. In order to accomplish the purposes of this section, flexibility in lot sizes may be proposed in exchange for protection of the natural areas present on the site in natural open space according to the following standards:*
The proposal sets aside approximately 22 percent of the 20.34-acre site for undisturbed natural area (4.5 acres). The plan reduces the minimum lot size from 7,500 square feet to 6,000 square feet (Sec.17.12.090.d.4).
- E. *Natural Open Space. Open space provided for the purposes of protecting natural areas and in exchange for flexibility of design, as described above, shall be called natural open space and subject to the standards below. These standards are not applicable to common areas or open spaces that may be provided for other purposes.*
Natural areas on the site include areas of natural slopes of twenty percent or greater as well as protected and heritage trees. Protected natural open space comprising approximately 4.5 acres (identified as Conservation Areas 1, 2, and 3 on the plans) is identified around much of the perimeter of the site and towards the center, encompassing areas with steep slopes in the center of the site and tree coverage along the perimeter. Grading is limited to areas outside of Conservation Areas. A homeowner's association will be responsible for management and maintenance of open spaces and landscape buffers.
- F. *Application Requirements*
The submitted application contains all the necessary information for a Conservation Development including a site plan, a site analysis map identifying natural areas, and a preliminary grading plan that demonstrates the limits of disturbance and overall impacts to natural areas.

APPLICABLE SUBDIVISION REGULATIONS

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

Prior versions of Subdivision Regulations for Nashville and Davidson County contained a uniform set of standards that were applied Metro-wide. This did not take into account the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect

the unique characteristics found in the different transects. The site is within the Suburban Neighborhood Evolving (T3 NE) policy. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

3-1 General Requirements

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

3-2 Monument Requirements

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

3-3 Suitability of the Land

The site includes natural areas as defined by the Conservation Development Standards in the zoning code. The standards are intended to address the environmental factors. The site contains areas of steep slopes of greater than 20 percent in areas along the northern and southern boundaries and along the eastern portion. The plan identifies some areas of natural slopes of 20 percent or greater of at least 10,000 square feet to be conserved. Staff has added a condition for an updated slope exhibit to show the proposed lots on all areas of 20 percent or greater natural slopes (entire site) and confirmation of critical lots to be identified per the subdivision regulations.

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Lots are required to have frontage onto a public street or, where permitted, onto a private street, or onto a common open space. All proposed lots have frontage onto a public street.

3-5 Infill Subdivisions

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

Not applicable, as the proposed lots are not located along an existing street.

3-6 Blocks

The proposed extension of Ellen Way at the intersection of Highland Ridge Drive brings the length of the block to approximately 689 feet. The connection of Highland Drive and Pippin drive creates a block length of approximately 911 feet. The subdivision regulations indicate that block lengths in residential areas shall not exceed 1,200 feet. The proposed extension of Ellen Way terminates into a loop drive, which staff finds to be appropriate given a connection to Rural Hill Road would likely result in a disturbance of more natural areas. The connection of Highland Drive and Pippin Drive increases street connectivity and creates a more cohesive block structure.

3-7 Improvements

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

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

The proposed subdivision includes an extension of Ellen Way that terminates in a loop road. It also includes an extension of Highland Ridge Drive to connect to Pippin Drive. Sidewalks and planting strips consistent with local street standards are provided along all street extensions.

3-9 Requirements for Streets

The proposed subdivision includes an extension of Ellen Way that terminates in a loop road. It also includes an extension of Highland Ridge Drive. All streets as shown on the concept plan and conditioned by NDOT meet the minimum requirements for a public street.

3-10 Requirements for Dedication, Reservations, or Improvements

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

3-11 Inspections During Construction

This section is applicable at the time of construction, which for this proposed subdivision, will occur only after approval of a final site plan by all reviewing agencies.

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

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

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

Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers

Drainage and storm sewer requirements are reviewed by Metro Stormwater. Stormwater recommends approval with conditions.

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

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

POLICY CONSIDERATIONS

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

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to the entirety of this property is T3 NE (Suburban Neighborhood Evolving). The goal of the T3 NE Policy is to maintain suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. The policy states that these areas will have higher densities and or smaller lot sizes, with a broader range and integrated mixture of housing types, providing greater housing choice. Appropriate land uses in the T3 NE policy include single-family residential, one and two-family residential, multi-family residential, open space and institutional uses.

According to the T3 Suburban Neighborhood Evolving policy, density is secondary to the form of development; however, these areas are meant to be moderate density with smaller lots and a more diverse mix of housing types than are typically found in T3 Suburban Neighborhood Maintenance areas. The proposed concept plan creates residential lots using varying lot sizes around environmental sensitive areas and results in a density consistent with the T3 NE Policy.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Use of ST-250 typical section is to be implemented. Pavement width of the one-way street to be 16'.
- Provide striped transition taper to guide drivers to 16' pavement. The transition stripe should be a border of the hatched area to delineate car lanes.
- Provide No parking signs every 50 ft within island.

- Install one way sign and do not enter sign for the one-way loop street.
- Install MUTCD warning sign with placard advising 15 mph for the one-way loop street.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Provide all-way stop control for the new intersection of Ellen Way & Highland Ridge Drive. Install stop (R1-1) signs with All-way (R1-3P) plaques and stop bars for all approaches. ADA compliant curb ramps and detectable warning mats shall be provided for all corners of the intersection as well.
- Parking shall be per Metro Code requirements. All driveways shall be spaced at least 25 feet from one another - shared driveways may be required to maintain this spacing requirement.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Concept Plan only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans.
- A minimum of 30% of W&S Capacity must be paid before issuance of building permits.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
2. On the corrected copy, add a new plan sheet that shows all areas of 20 percent or greater slopes on the site (regardless of area) overlaid with the proposed lots. Any lot created on a natural slope of 20 percent or greater shall be identified as a critical lot on the corrected copy.
3. On the corrected copy, shift the symbology displayed in the legend down to align with the corresponding conservation area descriptions.
4. On the corrected copy, remove Note #3.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. The clearing, grading, and disturbance of natural open space shall be prohibited, unless otherwise identified in the concept plan. Minor changes may be allowed during review of the final based on engineering and construction plans. However, if the amount of open space is reduced, the lots may need to increase in size per the requirements of the Conservation Development standards.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2024S-010-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2024-77

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-010-001is approved with conditions. (9-0)

CONDITIONS

1. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.
2. On the corrected copy, add a new plan sheet that shows all areas of 20 percent or greater slopes on the site (regardless of area) overlaid with the proposed lots. Any lot created on a natural slope of 20 percent or greater shall be identified as a critical lot on the corrected copy.
3. On the corrected copy, shift the symbology displayed in the legend down to align with the corresponding conservation area descriptions.
4. On the corrected copy, remove Note #3.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. The clearing, grading, and disturbance of natural open space shall be prohibited, unless otherwise identified in the concept plan. Minor changes may be allowed during review of the final based on engineering and construction plans. However, if the amount of open space is reduced, the lots may need to increase in size per the requirements of the Conservation Development standards.

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

5. **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 May 23, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-016-001 to the May 23, 2024, Planning Commission meeting. (9-0)

6. **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 (31.72 acres), and located within a Corridor Design Overlay District, requested by BCA Civil, applicant; 721 Madison Square LLC, owner.

Staff Recommendation: Defer to the May 23, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-025-001 to the May 23, 2024, Planning Commission meeting. (9-0)

7. **2024S-031-001**
GILLOCK STREET
Council District 07 (Emily Benedict)
Staff Reviewer: Dustin Shane

A request for concept plan approval on properties located at 714B, 716 Gillock Street and Gillock Street (unnumbered), approximately 360 feet south of Hilltop Avenue, zoned RS5 (1.09 acres) to permit 5 lots, requested by W.T. Smith Land Surveying, applicant; Turnkey Builders, LLC, owner.

Staff Recommendation: Defer to the May 23, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-031-001 to the May 23, 2024, Planning Commission meeting. (9-0)

8. **2024S-033-001**
BATSON SELMA
Council District 15 (Jeff Gregg)
Staff Reviewer: Andrea Dorlester

A request for final plat approval to create three lots on property located at 84 Fairway Drive, at the southwest corner of Fairway Drive and Selma Ave., zoned RS20 (4.49 acres), requested by Clint Elliott Survey, applicant; Donelson Heights United Methodist Church, Trs., owner.

Staff Recommendation: Defer to the May 9, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-033-001 to the May 9, 2024, Planning Commission meeting. (9-0)

9. **2024S-042-001**
MICHAEL ARMISTEAD PROPERTY
Council District 10 (Jennifer Webb)
Staff Reviewer: Laszlo Marton

A request for final plat approval to create two lots on property located at Old Springfield Pike (unnumbered), approximately 200 feet southwest of Springfield Hwy., zoned RS30 (1.76 acres), requested by Bruce Rainey & Associates, applicant; Michael S. Armistead, owner.

Staff Recommendation: Defer to the May 23, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-042-001 to the May 23, 2024, Planning Commission meeting. (9-0)

10. **145-70P-001**
BELLEVUE RETAIL (AMENDMENT)
Council District 34 (Sandy Ewing)
Staff Reviewer: Laszlo Marton

A request to amend a portion of a Planned Unit Development Overlay District to permit an increase in the allowable square footage on property located at 7075 Old Harding Pike, approximately 597 feet west of Old Hickory Blvd., zoned SCC (0.67 acres), JPD Consulting, applicant; Mehran Mozaffari & Roushanak Pazouki, owners.

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

APPLICANT REQUEST
Amend a Planned Unit Development.

PUD Amendment

A request to amend a portion of a Planned Unit Development (PUD) Overlay District to permit an increase in the allowable square footage on property located at 7075 Old Harding Pike, approximately 597 feet west of Old Hickory Boulevard, zoned Shopping Center Community (SCC) (0.67 acres).

Existing Zoning

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area. *Permitted uses are per the approved PUD.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working, and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

BELLEVUE COMMUNITY PLAN

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

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

SITE CONTEXT AND PLAN DETAILS

The application consists of one parcel (Map 142, Parcel 135) totaling 0.67 acres, located between Old Harding Pike and Flat Creek. The property contains a one-story commercial building previously occupied by fast food uses. The PUD includes the subject property and neighboring properties, including the adjacent parcels at 7087 and 7071 Old Harding Pike, which contain office and restaurant uses. Properties within the PUD are zoned SCC. The larger surrounding area includes properties zoned Shopping Center Neighborhood (SCN), Commercial Limited (CL), Office/Residential (OR20), and One and Two-Family Residential (R15), while surrounding land uses include financial institution, strip shopping center, and multi-family residential.

The PUD was originally approved in 1970 for one 12,150 square foot structure for neighborhood convenience shopping uses. The approved plan showed one structure across three parcels, including the subject property and the two adjacent parcels on either side. The parcels developed individually, and two final site plans were approved in the 1980s to permit restaurants on two of the parcels, including the subject parcel. A final site plan for the third parcel was approved for a retail/greenhouse facility.

In 1985, a final site plan was approved for a 2,116 square foot fast-food restaurant on the subject property at 7075 Old Harding Pike, which is the structure that still exists on the site today. The proposed amendment is to permit an increase in the allowable square footage for an automobile service use. The site plan shows that the proposed automobile service will be located within a new building on the site in the same general location where the previous restaurant was approved. The new building will be 4,478 square feet and will have a maximum height of one story in 30 feet. The site is accessed from Old Harding Pike using the existing joint access easement shared by the adjacent properties at 7087 and 7071 Old Harding Pike. The plan provides parking with spaces in the front, and along both sides of the building. An existing stream runs along the rear of the property. Additionally, a Greenway Conservation Easement is shown at the rear of the property within the stream buffers.

ANALYSIS

The PUD currently permits a total of 12,150 square feet of commercial uses. The new building would increase the total square footage in the entire PUD to 14,390 square feet, exceeding the ten percent threshold permitted by Section 17.40.120.G.h. Therefore, a PUD amendment is required to increase the square footage. Automobile Service uses are permitted by the base SCC zoning district on the property.

The proposed structure maintains a similar street setback as the existing structure. The additional square footage is primarily housed towards the rear of the new building, retaining the development pattern along the street that currently exists throughout the PUD. The plan retains the existing shared access on the site which is supported by the T3 Suburban Community Center policy as it avoids multiple curb cuts and limits pedestrian and vehicular conflicts along a major corridor.

G. Status of Earlier Planned Unit Developments (PUDs) The proposed amendment meets the criteria in 17.40.120.G of the Metro Zoning Code. The criteria include:

- a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
- b. The boundary of the planned unit development overlay district is not expanded;
- c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
- d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial, or industrial activities, unless such activities are otherwise permitted

by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

FIRE RECOMMENDATION

Approve with conditions

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

GREENWAYS RECOMMENDATION

Approve

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.
- (The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)

WATER SERVICES RECOMMENDATION

Not applicable

HARPETH VALLEY UTILITY DISTRICT

Availability letter provided

NASHVILLE DOT 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. Any roadway sections, ramps, sidewalks, curb & gutter, etc. shall be constructed per NDOT detail standards. Note: A private hauler will be required for waste/recycle disposal. Additional 1-1/2' mill and overlay may be required to cover full extents of utility work in public ROW. (cont.) Extents to be coordinated in field with NDOT inspector. For building permit review and approval, submit full plan set: Existing, site plan, grading, utility and NDOT detail sheet.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Comply with NDOT Roads conditions
- The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Fast Food Restaurant (934) | 0.67 | - | 2,370 SF | 1,116 | 96 | 77 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Automobile Care Center (942) | 0.67 | - | 4,450 SF | 10 | 7 | 10 |

Traffic changes between maximum: **PUD and PUD**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | -1,106 | -89 | -67 |

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions.

CONDITIONS

1. Building square footage on parcel (135) is limited to a maximum of 4,500 square feet. With approval of the PUD amendment, the overall square footage in the PUD is limited to 14,412 square feet.
2. On the corrected copy, add the square footage from Condition #1 to the Site Data.
3. With the final site plan, coordinate with Planning and NDOT on final determination of infrastructure improvements.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

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

Resolution No. RS2024-78

"BE IT RESOLVED by The Metropolitan Planning Commission that 145-70P-001 is approved with conditions and disapprove without all conditions. (9-0)

CONDITIONS

1. Building square footage on parcel (135) is limited to a maximum of 4,500 square feet. With approval of the PUD amendment, the overall square footage in the PUD is limited to 14,412 square feet.
2. On the corrected copy, add the square footage from Condition #1 to the Site Data.
3. With the final site plan, coordinate with Planning and NDOT on final determination of infrastructure improvements.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

11. 2024Z-040PR-001

Council District 17 (Terry Vo)

Staff Reviewer: Celina Konigstein

A request to rezone from R6 to RM20-A zoning for property located at 758 Lynwood Ave., approximately 230 feet west of Ridley Blvd. (0.14 acres), requested by Holland & Knight, LLP, applicant; James Ryan Snellen Living Trust, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R6 to RM20-A.

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Multi-Family Residential – Alternative (RM20-A) zoning for property located at 758 Lynwood Ave., approximately 230 feet west of Ridley Blvd. (0.14 acres)

Existing Zoning

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

reviewed by Metro Codes.

Proposed Zoning

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *Based on the acreage alone, RM20-A would permit a maximum of three multi-family residential units.*

GREEN HILLS-MIDTOWN COMMUNITY PLAN

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

SITE AND CONTEXT

The rezoning application is for a 0.14-acre parcel located along the north side of Lynwood Avenue between Ridley Blvd and 8th Ave. S. The property has been zoned R6 since 1974 and is within the Urban Zoning Overlay (UZO). A single-family home is located on the property. The property has frontage on Lynwood Avenue and the northern property line abuts Alley #657.

The property is adjacent to R6 zoning to the east and west. The surrounding area is predominately zoned R6; however, several parcels in the area are zoned OR20-A, including several parcels on the south side of the street. The surrounding area east of 8th Ave. S. largely contains one- and two-family residential uses; however, the 8th Ave. S. corridor includes commercial and nonresidential uses and is framed by Reservoir Park on the west side.

ANALYSIS

Planning staff evaluated the rezoning request in relation to the T4 MU policy focus on providing for a variety of housing and mix of uses. The Community Character Manual lists RM20-A as an appropriate zoning district under T4 MU policy. One of the stated goals of the policy is to create neighborhoods with a diverse mix of moderate to high density residential, commercial, office, and light industrial land uses. The proposed RM20-A zoning district could support the intent of the policy to a greater degree than the existing R6 zoning by allowing for an additional residential unit on the property and contributing to a greater variety of housing. The Alternative designation in the RM20-A zoning district will ensure future development on the site creates a more urban development pattern consistent with the policy through building placement and bulk standards. Additionally, the site is near an existing transit stop along 8th Ave. S. and is within walking distance to Reservoir Park, where an increase in density would be appropriate. For these reasons, staff recommends approval of the rezoning.

FIRE RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: R6

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| One and Two-Family Residential* (210) | 0.14 | 14.52 F | 2 U | 28 | 7 | 2 |

*Based on two-family lots

Maximum Uses in Proposed Zoning District: RM20-A

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential (221) | 0.14 | 20 D | 3 U | 15 | 1 | 2 |

Traffic changes between maximum: R6 and RM20-A

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

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 district: 0 Elementary 0 Middle 0 High
Projected student generation proposed RM20-A district: 0 Elementary 0 Middle 0 High

The proposed RM20-A zoning district is not expected to generate any more students than the existing R6 zoning district. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. All three schools have been identified as being at capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0)

Resolution No. RS2024-79

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-040PR-001 is approved with conditions and disapprove without all conditions. (9-0)

12. 2023CP-007-003 WEST NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 20 (Rollin Horton)
 Staff Reviewer: Anita McCaig

A request to change policy from DI to T4 MU for a portion of the property located at 525 Basswood Avenue (approximately 4.7 acres), conservation policy remains in place; requested by Centric Architecture, applicant; PSF II Rock Harbor Propco LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend West Nashville Community Plan to change the policy.

Major Plan Amendment

A request to change policy from District Impact (D I) to Urban Mixed Use Neighborhood (T4 MU) for a portion of the property located at 525 Basswood Avenue (approximately 4.7 acres). Conservation policy remains in place.

WEST NASHVILLE COMMUNITY PLAN

Current Policy

District Impact (D I) policy is intended to create and enhance areas that are dominated by one or more activities that have, or can have, a significant, adverse impact on the surrounding area, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors.

Conservation (CO) policy is intended to preserve undisturbed environmentally sensitive land features in a natural state and remediate environmentally sensitive features that previously have been disturbed when new development or redevelopment takes place. This policy is applicable to areas with sensitive environmental features, including, but not limited to, stream corridors, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. In this location, CO policy recognizes the floodplain of the Cumberland River and the waters of the marina (most of the property) and is not intended to change.

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

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

Supplemental Policy Area (SPA 07-MU-03) is proposed to provide an adequate buffer between the mixed use area and the surrounding heavy industrial concrete and quarry uses.

BACKGROUND

The plan amendment area is in West Nashville at Rock Harbor Marina, which is currently home to Blue Moon Waterfront Grille and has approximately 150 boat slips for small boats traveling along the Cumberland River. The owner of the property, Prescott Group, is interested in developing additional parking, boater amenities and infrastructure, retail spaces, and multifamily residential on the site and has sought a Specific Plan (SP) rezoning along with a plan amendment because the site's current industrial zoning and District Impact (D I) policy do not permit all the uses requested. The SP will be reviewed at a future meeting if the Plan Amendment is approved.

The marina is part of a larger D I policy area to the west, north, and east. Refer to Figure 1 below. Most of the plan amendment area (21.14 acres) is a man-made water body that connects to the Cumberland River. The area was an active rock quarry until the 1960s when the owner of the site blasted the area with dynamite and water filled the quarry to create Rock Harbor Marina. Because of its unique origin, the water body is not subject to U.S. Army Corp of Engineers' oversight.

Outside of water and floodplain areas, there are two small land areas (approximately 4.7 acres) that can be developed and where the applicant has requested to change the land use policy to Urban Mixed Use Neighborhood (T4 MU) to support their rezoning request. Currently, the property owner has a lease agreement from an adjacent property to the south for 1.6 acres used as parking; however, that acreage also has Conservation (CO) policy that will remain in place.

Existing Uses

The following uses surround the plan amendment area:

- North – quarry and concrete plant
- East – paving company
- South – marina and residential
- West – sand and fertilizer supplier

COMMUNITY PARTICIPATION

Community Plans staff facilitated an in-person community meeting on December 11, 2023. Notices were mailed to 353 property owners within a 1,300-foot buffer area, and meeting details were posted to the department's webpage. Approximately 50 people attended the meeting. Attendees asked questions about building heights, traffic, access, and uses. Comment cards indicated overall support from people in attendance. A few people had concerns about building height, parking, traffic, and proximity to industrial uses.

Prior to the community meeting, the applicant mailed information to hundreds of people in the surrounding area and discussed the project at neighborhood meetings. The applicant conducted a survey that has yielded over 500 respondents in support of the project's proposed marina, restaurants, and publicly accessible open space. Overall, the Planning Department has received comments in support of the development.

ANALYSIS – URBAN MIXED USE NEIGHBORHOOD POLICY

Rock Harbor Marina provides public access to the Cumberland River and provides amenities to the surrounding neighborhoods and Greater Nashville area. The site offers a unique development opportunity with its services and connection to the Cumberland River. T4 MU policy is an appropriate policy to apply to the two developable areas to increase the site's services, amenities, and recreation opportunities. The northern area has some challenges to its development as described below.

Small Developable Areas

- Because of its water access and floodplain areas, the marina has limited land area – two small areas – for development. One area is in the northeastern corner and is approximately 3.7 acres. The second area is in the southeastern corner and is approximately an acre, adjacent to and across from residential. See Figure 2 on the following page.

Surrounding Impact Uses

One of the biggest challenges facing this site is surrounding uses. The site – specifically the northern half – is wedged between heavy industrial uses to the north, east, and west. To understand the scale of the industrial businesses and their property intentions, Planning staff met with the following businesses in the winter of 2023:

- imi: produces ready mix concrete and then transports to downtown and other heavy construction areas.

- Pine Bluff Materials: receives sand, fertilizer, and other products from barges along the Cumberland River and transports these products via truck or stores them on site.
- Rogers Group: operates the quarry across Robertson Avenue from the plan amendment area. Blasting operations are moving over to Cockrill Bend, but they plan to transition their site fronting Robertson Avenue into another industrial use related to their crushed stone operation.
- Quikrete: manufactures concrete mix and transports materials via the Cockrill Bend bridge.
- Sessions Paving: operates as a paving contractor for the Middle Tennessee area.

All businesses expressed their intent to remain and had no interest in changing their policy or zoning because of their proximity to downtown (concrete delivery) and co-location. For example, Rogers Group supplies crushed stone to imi, who also receives sand from Pine Bluff Materials. The plan amendment area – specifically the northern half – will contend with industrial uses for years to come.

While commercial uses, including restaurants and retail, are typically appropriate near industrial facilities, residential (allowed under T4 MU policy) is highly sensitive, and placing housing near industrial uses can create tension around traffic, noise, and dust pollution as described below:

- Industrial Traffic
 - In the past few years, a bridge (shown in Figure 1) was constructed connecting the Rogers Group Quarry with Cockrill Bend. All surrounding businesses have an easement to access the bridge via a path that begins on the Rogers property at the corner of Robertson Avenue and Basswood Avenue. This bridge was a prior compromise reached between the surrounding neighborhood, the past councilmember, and industrial businesses to move heavy truck traffic off Robertson Avenue (to the east).
 - The frontage along the northern half of the plan amendment area is before the path to the bridge. Therefore, the northern plan amendment area is directly exposed to heavy truck traffic (estimated at several hundred trucks a day).
- Noise
 - According to interviews with surrounding industrial businesses, heavy truck traffic tends to occur early in the morning (3 AM – 6 AM).
 - Business owners state that their operations can be especially noisy at this time as they load their trucks with materials.
 - The Rogers Quarry is located directly across from the site. While they are in the process of moving their drilling operation to Cockrill Bend, they intend to use their property facing Rock Harbor for heavy industrial use, which could cause intense noise.
- Dust
 - Residents in the Charlotte Park-Robertson neighborhood and boaters have complained of dust emanating from these businesses and claim that it coats boats and cars. Metro Public Health has confirmed that all businesses follow safety standards related to stockpiles and crushing facilities; however, dust can be difficult to regulate or even prevent.

To ensure adequate buffering between residential uses and heavy industrial uses, staff proposes a Supplemental Policy Area (SPA) which is discussed below.

Access & Connectivity

The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (arterial-boulevards, arterial-parkways, and collector-avenues) that make up the backbone of the city's transportation system. The northern half of the property is located along Robertson Avenue, designated a local street in this location, which dead ends approximately 0.25 miles to the west from the Rock Harbor site. To the east, Robertson Avenue is a collector avenue until it meets Annex Avenue (0.25 miles east of the site). Basswood Avenue, which runs along the east of the Rock Harbor Marina, is a local street as well.

The site is located approximately 1.5 miles from the closest bus stop along Charlotte Pike. It is plausible that new development along the heart of Robertson Avenue (to the east) and additional population growth may bring a bus route to this area in the future. The site also needs sidewalk and bikeway enhancements since currently it is disconnected from the neighborhood's sidewalk network. The closest sidewalk is about 0.4 miles away. The associated rezoning development should provide quality sidewalks along Basswood Avenue and internal pathways to contribute to the pedestrian network.

As previously mentioned, site access is challenging since the property's northern half accesses Robertson Avenue in an area with industrial traffic. The industrial road and bridge (that allows industrial traffic to avoid the residential stretch of Robertson Avenue) intersects with Robertson Avenue across from the northeastern corner of the site, meaning the potential for marina traffic to mix with industrial truck traffic.

Supplemental Policy

Due to the site's location, staff proposes a supplemental policy for the northern area to buffer development from the surrounding industrial uses and provide safe access to the site.

Begin proposed text:

SPA 07-T4-MU-03 – Rock Harbor Marina

West Nashville's Urban Mixed Use Neighborhood (T4 MU) Area 3 is referenced as 07-T4-MU-03 on the accompanying map. Rock Harbor Marina is a unique recreational use with access to the Cumberland River but surrounded by heavy industrial and impact uses. The marina is located along Robertson Avenue and the west side of Basswood Avenue. The overall intent of the SPA is to strike a balance between activating one edge of the Charlotte Park-Robertson Avenue neighborhood – a neighborhood that is bounded on two-plus sides by limited access highways (Interstate 40 and Briley Parkway) – and mitigating conflicts between potential future residential uses and adjacent existing industrial operations (e.g. noise and dust). Substantial buffering is especially needed for any residential component of the marina's redevelopment along Robertson 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 – Orientation

A sizeable separation is needed between residential buildings and adjacent heavy industrial uses along Robertson Avenue. In this instance, instead of orienting buildings towards Robertson Avenue, buildings should be oriented towards the site's interior or towards Basswood Avenue.

Building Form and Site Design – Setbacks

A substantial landscaped buffer, exceeding the largest D buffer shown in the Metro Code, should be utilized along the marina's property line between Robertson Avenue and any residential buildings. This buffer area could also include a berm, parking garage, and service access.

Connectivity – Access

Primary access for the marina's redevelopment should be located carefully to avoid conflicts with industrial truck traffic to and from surrounding industrial uses.

End SPA text.

STAFF RECOMMENDATION

Staff recommends approval of the policy change to Urban Mixed Use Neighborhood (T4 MU) for the two small developable areas along with a Supplemental Policy Area for the northern area.

Chair Adkins recused himself and left the meeting.

Ms. McCaig presented the staff recommendation to approve.

John Cooper, Holland & Knight Law Firm, 511 Union Street, spoke in favor of the application.

Gina Emmanuel, Centric Architecture, 1206 Buchanan Street, spoke in favor of the application.

Male, no name or address given, stated they bought Rock Harbor in December of 2021. He spoke in favor of the application.

Eric Deems stated he lived on Eastboro Drive. He spoke in favor of the application.

Sam Lincoln, 6374 Ivy Street, spoke in favor of the application.

Emilia Sherfy, 621 River Rouge Drive, spoke in favor of the application.

Scott McKinney, 519B Basswood Avenue, spoke in favor of the application.

Erin Milstead, 523 Basswood Avenue, spoke in favor of the application.

Tyler Brewer, 521 Basswood Avenue, spoke in favor of the application.

Elaine Corn, 607A James Avenue, spoke in favor of the application.

Alex Olay stated he lives adjacent to the property. He spoke in favor of the application.

Samantha Volpe, 606 Basswood Avenue, spoke in opposition to the application.

Nicole, no last name given, 606 Basswood Avenue, spoke in opposition to the application.

Sara Stewart, 600 Basswood Avenue, spoke in opposition to the application.

Jay Fulmer, Fulmer Lucas Engineering, spoke in rebuttal.

Vice Chair Farr closed the Public Hearing.

Councilmember Horton re-emphasized his support for this application.

Mr. Henley asked about the supplemental policy and if there are possible adjustments or will there be similar conditions in terms of buffers if those amenities are for that site.

Ms. McCaig advised they worked with the applicant on if they could do other uses. She said the site plan, as of now, is doing a parking garage and landscape and buffer areas, but if things change in time, they can adjust the supplemental policy.

Mr. Henley said he likes the level of engagement that became very specific to this site and that he is in support.

Vice Chair Farr explained that at this time they are looking at the Community Plan and then in a couple of weeks, they will see the actual Specific Plan.

Ms. McCaig agreed and added that they wanted to study the policy amendment first because it lays the groundwork for the rezoning to follow. She stated that usually you hear plan amendment and rezoning together so people can see the details, but this was so complex that they chose to bring it forward first.

Vice Chair Farr stated when they get the specific plan in a couple of weeks, they will get a better feel where the retail and residential will go.

Ms. Milligan agreed and stated they are not going to get those details with the community plan amendment. She said the policy establishes what uses might be appropriate, as there are a range of things that might be appropriate, but the specific plan is going to establish the details of what is allowed for this property.

Councilmember Gamble asked if there will be a traffic study as part of the specific plan.

Ms. Milligan said there has been a traffic study completed and will be included in the specific plan.

Ms. Leslie pointed to the presentation slide and asked about the river frontage for the two parcels; the big one on top and the one on the bottom.

Jay Fulmer answered those are just portions of the parcel and the greater parcel is outlined in red (referring to the presentation slide).

Ms. Milligan stated they will get that number to answer Ms. Leslie's question.

Ms. Dundon asked if the traffic study includes a health study, such as the impact on traffic emission on health, or is it really about volume.

Ms. Milligan responded it would be for volume, people, bikes and cars impact on the roadways. In regard to any impact on existing uses, there are regulations pertaining to those uses and required to operate under those regulations.

Ms. McCaig added that they talked to the Health Department and were told the business was operating under regulations, but they can ask again to address concerns.

Ms. Allen asked if they could speak regarding concerns from the property owners on the industrial site.

Ms. McCaig advised they talked to all of the property owners and most of the concerns were the usual industrial business concerns when there is residential moving in. People are going to complain about the business and the uses and then the industrial businesses say they were there first and want to use this and continue operating, but then residential uses try to drive them out and say change and things.

Mr. Henley moved and Ms. Dundon seconded the motion to approve. (8-0-1) Chair Adkins recused himself.

Resolution No. RS2024-80

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023CP-007-003 is approved. (8-0-1)

Vice Chair Farr called for a ten minute break.

Chair Adkins rejoined the meeting.

13. 2024Z-005TX-001

BL2024-184/Evans-Segall
Staff Reviewer: Lisa Milligan

A request to amend Title 17 of the Metropolitan Code of Laws to amend the definitions of multi-family and residence for handicapped, more than eight individuals; update references related to accessory building, detached, detached accessory dwelling, and detached accessory dwelling unit for consistency; add bar/night club as a permitted use in certain industrial districts; add daycare as a permitted with conditions use in certain districts, and to add a definition for half story related to contextual overlays.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend various sections of the Zoning Code.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend various sections of the Zoning Code as described below:

Section 17.04.060 is amended by deleting the definitions of "accessory dwelling, detached", "multi-family", and "residence for handicapped, more than eight individuals", and adding new definitions for:

- "Detached accessory dwelling unit" – the definition is the same as the former accessory dwelling, detached with only the name being updated
- "Multi-family"
- Current: "Multi-family" means three or more dwelling units within a single-structure
- Proposed: "Multi-family" means three or more dwelling units on a single lot or parcel
- "Residence for handicapped, more than eight individuals" – being updated to "Residence for persons with disabilities, more than eight individuals." The new definition is as follows:
- "Residence for persons with disabilities, more than eight individuals" means a group of more than eight unrelated persons with disabilities, including two additional persons acting as support staff or guardians, living together as a single housekeeping unit. For purposes of this subsection, "persons with disabilities" includes persons with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; provided, however, such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). For the purposes of this subsection, "physical or mental impairment" includes drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism pursuant to 24 C.F.R. § 100.201. For the purposes of this subsection, "persons with disabilities" does not include persons who pose a substantial likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such disability.

Section 17.08.030 District Land Use Table is amended as follows:

- By updating the names of "accessory dwelling, detached" and "residence for handicapped, more than eight" to "Detached Accessory Dwelling Unit" and "Residence for persons with disabilities, more than eight individuals"
- By adding "Bar or Nightclub" as a permitted use in IWD, IR, and IG zoning districts
- By Adding "Daycare center (Over 75)" as a permitted with condition use in MUN, MUN-NS, MUN-A, MUN-A-NS, ON, CN, CN-NS, CN-A, and CN-A-NS.

Section 17.16.030 is amended by replacing all references to “Accessory Dwelling, Detached” with “Detached Accessory Dwelling Unit.”

Section 17.36.470 is amended by adding a definition for “one-half story” to the Contextual Overlay section of the Zoning Code. The definition is as follows:

- A partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than 4 feet above the floor of such story. A dormer shall not occupy more than 50% of the roof area. The floor area of said half story shall not exceed three quarters of the floor area of the floor immediately below it. A half story containing an independent dwelling unit or accessory apartment shall be deemed a full story.

Section 17.36.710 is amended by replacing all references to “Accessory Dwelling, Detached” with “Detached Accessory Dwelling Unit.”

ANALYSIS

The proposed amendments includes both housekeeping type amendments as well as expansion of allowable locations for “Bar or Nightclub” and “Daycare center (Over 75).”

The first housekeeping amendment is updating all references to “Accessory Dwelling, Detached” to “Detached Accessory Dwelling Unit.” Currently, both are used in the Zoning Code which can cause confusion. No entitlements are being created. Amending the Code so that all references are the same is appropriate.

The second housekeeping amendment will modify the definition of “Residence for handicapped, more than eight individuals” by changing the name and updating the definition to be consistent with current language used elsewhere in the Code. No entitlements are being created. The land use table will also be updated to reflect the new name.

The third housekeeping amendment will add a definition of one-half story to the section of the Code related to Contextual Overlays. Contextual Overlays limit some heights to one-half story but one-half story is not defined in the Code and there are multiple interpretations that could be used. Adding a definition ensures consistent application.

The first use expansion is to allow “Bar or Nightclub” uses in the IWD, IR, and IG zoning districts. “Bar or Nightclub” uses are currently permitted as follows:

- Permitted with conditions in MUN, MUN-NS, MUN-A, MUN-A-NS, CN, CN-NS, CN-A, CN-A-NS, SCN, SCN-NS
- Permitted in MUL, MUL-NS, MUL-A, MUL-A-NS, MUG, MUG-NS, MUG-A, MUG-A-NS, MUI, MUI-NS, MUI-A, MUI-A-NS, ORI, ORI-NS, ORI-A, ORI-A-NS, CL, CL-NS, CL-A, CL-A-NS, CS, CS-NS, CS-A, CS-NS, CA, CA-NS, CF, CF-NS, DTC, SCC, SCC-NS, SCR, SCR-NS

IWD, IR, and IG districts include a wide array of uses including retail uses, restaurants, and artisan distillery uses. Some industrial areas are seeing a more diverse mix of uses and allowing for “Bar or Nightclub” uses is an appropriate expansion.

The second use expansion is to allow “Daycare Center (Over 75)” as a permitted with conditions use in MUN, MUN-NS, MUN-A, MUN-A-NS, ON, CN, CN-NS, CN-A, CN-A, and CN-A-NS. The use is currently permitted with conditions in all other mixed-use, office, and commercial districts. The conditions that would apply to the expanded districts are the same that apply to other mixed-use, office and commercial districts are described below and are not proposed to change:

- If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences
- Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise
- All requirements of the state that pertain to the use and operation of the facility shall be met
- The zoning administrator may waive the above standards for multi-family housing developments of 200 or more units if compliance would disqualify an otherwise reasonable location

There is a need for additional daycare facilities within Nashville and Davidson County. Expanding the districts where larger facilities are permitted, while including appropriate conditions, provides additional opportunities to meet the need.

Staff recommends approval of all amendments.

ZONING ADMINISTRATOR RECOMMENDATION

No exceptions taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval.

BL2024-184

An ordinance to amend Title 17 of the Metropolitan Code of Laws to amend the definitions of multi-family and residence for handicapped, more than eight individuals; update references related to accessory building, detached, detached accessory dwelling, and detached accessory dwelling unit for consistency; add bar/night club as a permitted use in certain industrial districts; add daycare as a permitted with conditions use in certain districts, and to add a definition for half story related to contextual overlays (Proposal No. 2024Z-005TX-001).

WHEREAS, the Metropolitan Code of Laws (the "Code") has numerous instances of outdated, confusing, duplicative, and conflicting provisions; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions provide no benefit to the public, and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions include offensive language; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions create an undue burden on the administration of the zoning code leading to increased time to process new housing permits; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions create unnecessary barriers to public benefits such as housing and childcare; and

WHEREAS, correcting these outdated, confusing, duplicative, and conflicting provisions will be to the benefit of the residents of Nashville and Davidson County.

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

Section 1. That Section 17.04.060 of the Metropolitan Code of Laws is amended by deleting the existing definitions for "accessory building, detached", "multi-family", "residence for handicapped, more than eight individuals", and adding the following new definitions in alphabetical order:

"Detached accessory dwelling unit" means a detached dwelling unit separate from the principal single-family structure on a lot located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling unit can be an independent structure or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

"Multi-family" means three or more dwelling units on a single lot or parcel of land.

"Residence for persons with disabilities, more than eight individuals" means a group of more than eight unrelated persons with disabilities, including two additional persons acting as support staff or guardians, living together as a single housekeeping unit. For purposes of this subsection, "persons with disabilities" includes persons with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; provided, however, such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). For the purposes of this subsection, "physical or mental impairment" includes drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism pursuant to 24 C.F.R. § 100.201. For the purposes of this subsection, "persons with disabilities" does not include persons who pose a substantial likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such disability.

Section 2. That the zoning district land use table in Section 17.08.030 of the Metropolitan Code is amended by replacing "accessory building, detached" with "detached accessory dwelling unit" and replacing "Residence for handicapped, more than eight individuals" with "Residence for persons with disabilities, more than eight individuals".

Section 3. That Section 17.08.030 of the Metropolitan Code is further amended by adding "Bar or nightclub" as a permitted use, P, in IWD, IR, and IG zoning districts and updating the Land Use table as shown in Exhibit A.

Section 4. That Section 17.08.030 of the Metropolitan Code is further amended by updating the Land Use table as shown in Exhibit A and adding “Day care center (Over 75)” as a permitted with conditions use, MUN, MUN-NS, MUN-A, and MUN-A-NS zoning district; ON zoning district; and CN, CN-NS, CN-A, and CN-A-NS zoning district.

Section 5. That Section 17.16.030 of the Metropolitan Code of Laws, Subsection G, is amended as follows:

- A. by replacing the reference to “Accessory Dwelling, Detached” with “Detached Accessory Dwelling Unit”; and
- B. by replacing the reference to “Detached Accessory Dwelling” with “Detached Accessory Dwelling Unit”.
- C. by replacing the reference to “Detached Accessory Dwelling” with “Detached Accessory Dwelling Unit”.

Section 6. That Section 17.36.470 is amended by adding the following as a new subsection B.4:

4. For the purposes of this section, “one-half story” means a partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than four feet above the floor of such story. A dormer shall not occupy more than 50% of the roof area. The floor area of said half story shall not exceed three quarters of the floor area of the floor immediately below it. A half story containing an independent dwelling unit or accessory apartment shall be deemed a full story.

Section 7. That Section 17.36.710 of the Metropolitan Code of Laws is amended by replacing all references to “Accessory Dwelling, Detached” with “Detached Accessory Dwelling Unit”.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Approve. (9-0)

Resolution No. RS2024-81

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-005TX-001 is approved. (9-0)

14. 2024Z-009TX-001

BL2024-255/Hancock & Webb
Staff Reviewer: Lisa Milligan

A request to amend Section 17.40.720 of the Metropolitan Code to required mailed notice to all affected property owners of R, R-A, RS, and RS-A parcels when a change to the Zoning Code results in an increase or decrease in the number of allowed dwelling units on the affected parcels.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Amend Section 17.40.720 of the Metro Zoning Code.

PROPOSED AMENDMENTS TO TITLE 17

The proposal would amend Section 17.40.720 of the Metro Zoning Code by adding the following section:

- F. Amendments to this title that result in an increase or decrease in the number of permissible dwelling units on a parcel zoned R, R-A, RS, or RS-A shall require mailed notice of the public hearing that meets the requirements of subsections A and D of this section. The planning department shall have the responsibility for the preparation and mailing of these written notices.

ANALYSIS

The proposed amendment would add a mailed notice requirement for any text amendment that results in an increase or decrease in the number of permissible dwelling units on a parcel of property zoned R/R-A (One and Two-Family/One and Two-Family-Alternative) or RS/RS-A (Single-Family/Single-Family-Alternative). The notice would need to meet the standards of Sections 17.40.720.A and 17.40.720.D. For the purpose of this section, we must assume that subject property means properties zoned R/R-A and RS/RS-A. Section 17.40.720.A requires that notice be mailed to the owner of the subject property and to all owners of property within 1,000 feet of the property. Section D requires that if the subject property has a mailing address that is different than the subject property address, then notice shall also be mailed to the physical address of the property. There are exemptions related to overlays and zoning applications by Councilmembers. There is also a requirement that if the subject property is designated as multi-family or mobile home park, that a sign must be posted at each ingress/egress notifying residents of the

hearing. The notice requirements are applicable only to the Council public hearing and are not applicable to Metro Planning Commission public hearings.

Staff has many concerns with the proposed amendment. First, interpretation as to whether a text amendment results in an increase or decrease in the number of permissible units would be challenging. For instance, if a text amendment is proposed that requires more parking for a two-family home, that could be seen as reducing building area and therefore reducing the number of permissible units. If a text amendment allows for a reduction in lot sizes for certain types of developments, it could be seen as an increase. There are many types of text amendments that do not deal directly with the number of units permitted per parcel that have an impact on the number that may result through development, and it would be left to staff to determine which do and do not require noticing.

Second, applying Section 17.40.720.D to this amendment would require not only mailed notices but also sign notice if any properties are developed as multi-family developments or mobile home parks. Planning would have to assume that for the purposes of this amendment, subject property includes both properties zoned R/R-A or RS/RS-A and those properties within 1,000 feet, resulting in many properties across the county which may need not only mailed notices but signs as well. This section would also require staff to analyze the property list to deduce if the mailing address and property address match to determine if a notice is required to be sent to both addresses.

Third, the cost of mailing notices and posting signs would be significant and the time needed to prepare notices and post signs would be burdensome to staff. Given the number of properties zoned R/R-A and RS/RS-A and properties within 1,000 feet of those, the cost of a single mailing would be approximately \$255,000, not including signs (which cost roughly \$35 per sign) or any duplicate notices that need to be mailed to account for a difference in the mailing address and property address. Additionally, given how land uses and ownership change over time, staff would need to generate a new property list for each text amendment that triggers the mailings. Staff would also need to review the list and evaluate to determine which properties are used as multi-family or mobile home parks so that signs can be prepared and posted.

Finally, and most importantly, zoning and the adoption of the Zoning Code is a tool to implement the countywide vision for growth and development of the overall community. Often, countywide adjustments to the Code are needed to address the needs of the community as a whole. At times, as has been done several times in Metro's history, an entire new Zoning Code is drafted and adopted. Tennessee State Law, which gives municipalities the power to adopt a Zoning Code, requires that for adoption of a Code or amendment to the Code, a notice be placed in a newspaper of general circulation. This requirement is complied with for all text amendments. Requiring notice to be sent to some but not all types of properties implies that those properties deserve a greater level of input on amendments to the Zoning Code.

Planning Staff recognizes that there are issues with the current countywide text amendment process, and we welcome the opportunity to work with Council to improve outcomes. For example, the Department has suggested we consider the amount of time for Department and Council review of citywide text amendments that may result in major changes to the Code (in some instances, unless the Planning Department is the applicant on an amendment, Planning Staff is not aware of a proposed text amendment until the amendment is ready to be filed at Council. Planning Staff and other departments are then required to react quickly which limits our ability to fully analyze proposals). Other challenges around countywide text amendments are around public engagement: it is not unusual for amendments to be filed prior to any public conversation meaning that the community may also have limited time for review of proposals. Planning agrees that there needs to be a more structured approach to the drafting and introduction of countywide text amendments but disagree that this is the appropriate path.

FISCAL IMPACT RECOMMENDATION

There is a significant fiscal impact associated with this proposal as it relates to the cost of preparing and mailing notices as well as posting signs. A single text amendment triggering this requirement would cost \$255,000 minimum in mailings alone. Additional costs would apply to required duplicate mailings and signs.

STAFF RECOMMENDATION

Staff recommends disapproval.

BL2024-255

An ordinance amending Section 17.40.720 of the Metropolitan Code to require mailed notice to all affected property owners of R, R-A, RS, and RS-A parcels when a change to the Zoning Code results in an increase or decrease in the number of allowed dwelling units on the affected parcels (Proposal No. 2024Z-009TX-001).

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

Section 1. That Section 17.40.720 of the Metropolitan Code of Laws is amended by adding the following as a new Subsection F:

- F. Amendments to this title that result in an increase or decrease in the number of permissible dwelling units on a parcel zoned R, R-A, RS, or RS-A shall require mailed notice of the public hearing that meets the requirements of subsections A and D of this section. The planning department shall have the responsibility for the preparation and mailing of these written notices.

Section 2. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 3. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Milligan presented staff recommendation to disapprove.

Councilmember Hancock spoke in favor of the application.

Chair Adkins closed the Public Hearing.

Chair Adkins stated there seems to be processes they can improve and asked if a deferral may be appropriate to give time to work with the Councilmembers.

Ms. Kempf said one of the challenges is the way they prepare city wide text amendments for large major changes. She stated they agree with the Councilmember that the ones that have significant change need a better process for notifying the public and also giving the Councilmembers and the Planning Department to do the analysis that is needed. Ms. Kempf advised they can clarify the cost and make sure it is something that can be funded. She urged both Metro Departments and Council to lean into question of the city wide process and what it could look like more positively so that residents feel like they are aware of issues.

Chair Adkins asked Councilmember Hancock with what she would be comfortable.

Councilmember Hancock stated she wants to listen to the public and let them know we are working on this and we will give them public notice on significant things.

Ms. Dundon stated given the comments on these specific issues raised in the staff report, even if they did implement it, asked if there is confidence it would increase notice.

Ms. Milligan explained notices go out for zone changes to the addresses from the Property Tax Assessor. When there are a lot of properties involved, they typically get a significant amount of returned mail pieces because the Tax Assessor does not have an updated address, but that is the source of address they are required to use. She further explained it is not uncommon to notice 300 to 400 properties with just a zone change but they will still hear from a small number of those. The state law does not require mailed notices and only requires newspaper notification.

Ms. Dundon stated that notices are challenging because people often get their news from other sources than the newspaper.

Mr. Clifton agreed and said they have to re-look at this because of the massive change in newspapers and their role in society. He stated he wasn't sure he could vote for the specifics today as a positive recommendation but hoped they would be able to get more time to massage it as the staff has recommended.

Vice Chair Farr said she is struggling because it feels very abstract and it might be helpful if this is deferred and comes back with some examples. She asked if it would be legally OK to just say they are notifying only a certain subset of the Davidson County population and thought it should be county wide, not limited.

Ms. Ladd said that was a good point and if these zones need additional notification then why do other rezonings not need that same additional notification. She agreed that it should be broader if it is going to be there.

Ms. Leslie asked for a definition of text amendment.

Ms. Milligan advised a text amendment is any change to the actual text or changing the literal regulations of the zoning code. She explained it could be updating definitions and their text amendment is the guiding document for regulation of land uses. Ms. Milligan stated there are dozens of text amendments they hear every year, some minor and some major.

Ms. Kempf said that is why it is so important to get the process right and agrees there needs to be more substantive work.

Mr. Smith reiterated that more engagement and more notice is a good goal and valuable. He asked if actual rezonings count as text amendments.

Ms. Milligan answered they are not, as they are noticed already.

He asked about community character changes.

Ms. Milligan stated they have their own. She said she is going to speak broadly about notices. Ms. Milligan explained there are public hearings at the Planning Commission and public hearings at Council. There are some items that only the Commission hears; such as subdivision regulations and community plan amendments, which both require a public hearing at the Planning Commission per the Planning Commission rules and procedures, not held because they are statutorily required. Amendments to the actual subdivision regulations have a public hearing which is mandated by state law. She further explained they have public hearings on zone change applications, through rules and procedures, not state law or required by the zoning ordinance. Public hearing on text amendments is not required by state law or zoning ordinance. Ms. Milligan said all of the public hearings at the Planning Commission, except for subdivision regulation amendments, are by Planning Commission rules. She advised, at the Council level, the public hearings are for zone changes and text amendments and mandated at the state level and in the zoning code. Subdivision plats get letters for Planning Commission. Zone changes get letters and signs. Council level zone changes get letters, signs and public notice in the newspaper, which is mandated by state law and the zoning code.

Mr. Smith said they take a wide variety and huge number of actions that affect density. He stated they have to figure out a way to replace the newspaper. Mr. Smith said he is worried about the feasibility of trying to mail to every single Davidson County resident and owner every change they are going to make to density.

Councilmember Gamble said she agreed with the other comments. She asked about the text amendment they passed earlier, mostly cleaning up language, and how it was noticed.

Ms. Milligan answered there is no notice required. It was noticed on the Commission meeting agenda, on the agenda at Council and when the public hearing comes to Council, it will be in the newspaper.

Chair Adkins asked if Councilmember Hancock was willing to defer this Item to allow more time.

Councilmember Hancock stated she would suggest deferring it to July. She said regarding notices, she wants to be sure to serve everyone, including those without Internet access or smartphones.

Vice Chair Farr moved and Ms. Leslie seconded the motion to defer to the July 25, 2024 meeting for staff to do further research. (9-0)

Resolution No. RS2024-82

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-009TX-001 is deferred to the July 25, 2024, Planning Commission meeting for staff to do further research. (9-0)

Ms. Leslie left the meeting.

- 15a. **2016SP-040-003**
BETHWOOD COMMONS
Council District 05 (Sean Parker)
Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan on a portion of property located at Bethwood Drive (unnumbered), at the northern terminus of Bethwood Drive, zoned SP (1.35 acres), to remove 1.35 acres from the SP boundary, requested by Dale & Associates, Inc., applicant; Upside, LLC, owner (See associated case 2024Z-042PR-001).

Staff Recommendation: Defer to the May 9, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-040-003 to the May 9, 2024, Planning Commission meeting. (9-0)

- 15b. **2024Z-042PR-001**
Council District 05 (Sean Parker)
Staff Reviewer: Jason Swaggart

A request to rezone from SP to RS7.5 zoning for a portion of property located at Bethwood Drive (unnumbered), at the northern terminus of Bethwood Drive (1.35 acres), requested by Dale & Associates, applicant; Upside, LLC, owner (See associated case 2016SP-040-003).

Staff Recommendation: Defer to the May 9, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024Z-042PR-001 to the May 9, 2024, Planning Commission meeting. (9-0)

16. **2024S-046-001**
2109 W SUMMITT AVE
Council District 02 (Kyonzté Toombs)
Staff Reviewer: Dustin Shane

A request for final plat approval to remove the reserve status on properties located on 2109 C, D and E West Summitt Ave, north of Resha Lane, zoned R8 (0.35 acres), requested by R.L. Montoya Surveying, applicant; Sonya Brooks and O.I.C. West Summitt Avenue Residences, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

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

Final Plat

A request for final plat approval to remove the reserve status on properties located on 2109 C, D and E West Summitt Avenue, north of Resha Lane, zoned One and Two-Family Residential (R8) (0.35 acres).

SITE DATA AND CONTEXT

Location: The property is located on the west side of West Summitt Avenue, north of Resha Lane.

Street type: The site has frontage on West Summitt Avenue, a local street.

Approximate Acreage: 0.35 acres or approximately 15,246 square feet.

Parcel/Site History: The site was platted as a reserve lot in the Resha Heights Subdivision. This plat was recorded in 1949 in Book 1424, Page 110. The 1949 plat does not indicate why the reserve lot was put in place; therefore, the Planning Commission must approve the removal of the reserve status to make the parcel a buildable lot. The site has since been recorded as a part of an HPR master deed.

Zoning History: The property has been zoned One and Two-Family Residential (R8) since 1977.

Existing land use and configuration: The parcel is vacant wooded land.

Surrounding land use and zoning:

- North: Specific Plan (SP)
- South: One and Two-Family Residential (R8)
- East: One and Two-Family Residential (R8)
- West: Specific Plan (SP)

Zoning: One and Two-Family Residential (R8)

Min. lot size: 8,000 square feet
 Max. building coverage: 0.45
 Min. rear setback: 20'
 Min. side setback: 5'
 Max. height: 3 stories
 Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 1

Lot size: 15,246 square feet (0.35 acres)

Access: The proposed lot has frontage on West Summitt Avenue. The site currently has no driveways. Any future access conditions based on redevelopment will be determined at the time of any future building permit.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

Reserve Parcel

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

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

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

The reserve parcel is approximately the same size as the surrounding parcels and it exceeds the minimum lot size of the zoning code. It also has frontage along a public street, per section 3-4.2.b. All agencies have recommended approval. Staff finds that the subject reserve parcel meets the four requirements to become a buildable lot.

PLANNING STAFF COMMENTS

As proposed, the plat meets all zoning and subdivision requirements.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT ROADS RECOMMENDATION

Approve

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-4.7 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-046-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances, and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2024-83

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024ZS-046-001 is approved with conditions. (9-0)

CONDITIONS

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

17. 2024S-052-001

RESUBDIVISION LOT 9 LEONARD HEIGHTS

Council District 30 (Sandra Sepulveda)

Staff Reviewer: Oscar Orozco

A request for final plat approval to remove the reserve status and to consolidate to create one lot on properties located at 3742 Tibbs Drive and Tibbs Drive (unnumbered), approximately 327 feet east of Yelton Drive, zoned RS10 (0.45 acres), requested by JP Yard, LLC, applicant; Timothy Stephens ET UX, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to remove the reserve status and consolidate into one lot.

Final Plat

A request for final plat approval to remove the reserve status and to consolidate to create one lot on properties located at 3742 Tibbs Drive and Tibbs Drive (unnumbered), approximately 327 feet east of Yelton Drive, zoned Single Family Residential (RS10) (0.45 acres).

SITE DATA AND CONTEXT

Location: The property is located on the east side of east side of Tibbs Drive, at the southern terminus of Tibbs Drive.

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

Approximate Acreage: 0.45 acres or approximately 19,600 square feet.

Parcel/Site History: The site consists of two parcels. The western parcel, 13310002100, was platted as Lot 9 in the Leonard Heights Section – Two. This plat was recorded in 1957 in Book 2330, Page 126. The plat also included the eastern parcel, 13310002200, that was shown on the same plat as a Reserve Parcel. Due to the reserve status, no building permit can be issued on the parcel. The 1957 plat does not indicate why the reserve tract was put in place and the Planning Commission must approve the removal of the reserve status to make the parcel a buildable lot.

Zoning History: The properties (both subject parcels) have been zoned Single Family Residential (RS10) since 2003. Previously the site was zoned One and Two-Family Residential (R10).

Existing land use and configuration: The western parcel, 13310002100, has been developed with an existing single-family dwelling. The plat identifies the existing structure to remain. The parcel to the east, 13310002200, is vacant.

Surrounding land use and zoning:

- North: Single Family Residential (RS10)
- South/East: One and Two-Family Residential (R10)
- West: Single Family Residential (RS10)

Zoning: Single Family Residential (RS10)

Min. lot size: 10,000 square feet

Max. building coverage: 0.40

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 3 stories

Min. street setback: 20 feet or Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 1

Lot size: 19,600 square feet (0.45 acres)

Access: The proposed lot has frontage on Tibbs Drive. The site has an existing gravel drive, located on Tibbs Drive. Any future access conditions based on redevelopment will be determined at the time of any future building permit.

Subdivision Variances or Exceptions Requested: None.

APPLICABLE SUBDIVISION REGULATIONS

Reserve Parcel

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

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

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

The reserve parcel is approximately 6,500 square feet and does not currently meet the minimum lot size of the zoning district. The reserve parcel does not have street frontage. However, the proposed plat includes the removal of the reserve parcel status and the consolidation of the parcel with the adjacent parcel, 13310002100. It is unlikely that staff would recommend the removal of the reserve status without the consolidation as the consolidation yields a lot area greater than the required minimum lot size of 10,000 square feet and has frontage along Tibbs Drive. All agencies have recommended approval. With the proposed consolidation, staff finds that the subject reserve parcel meets the four requirements to become a buildable lot.

Lot Consolidation

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

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

3-1 General Requirements

The proposal meets the requirements of 3-1.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

The proposed lot complies with the minimum standards of the zoning code. Any development proposed on the resulting lot will be required to meet the bulk standards and all other applicable regulations of RS10 zoning at the time of building permit.

3-5 Infill Subdivisions

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

The Subdivision Regulations do not consider consolidation plats to be infill subdivisions, therefore the subdivision regulations of properties within the Suburban Neighborhood Maintenance (T3 NM) policy are not applied in the review of this subdivision.

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, however the plan provides the right-of-way to meet local street standards.

3-9 Requirements for Streets

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

3-10 Requirements for Dedication, Reservations, or Improvements

Tibbs Drive is classified as a local street. The plat does not include any right-of-way dedications as the minimum half right-of-way for a local street is currently provided.

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 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 plat for water and has recommended approval.

3-16 Sewerage Facilities

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

3-17 Underground Utilities

Utilities are required to be located underground whenever a new street is proposed. The plat is not proposing a new street and the requirement is not applicable.

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

The proposed subdivision meets the standards of the Metro Subdivision Regulations and Metro Zoning Code. Future development will be required to meet the standards of the Metro Zoning Code in regard to setback, building heights, etc. Staff recommends approval with conditions based on a finding that the proposal meets the standards of Chapter three.

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

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

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

PLANNING STAFF COMMENTS

As proposed, the proposed plat meets all zoning and subdivision requirements.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve

- No objection to shift lot lines and remove reserve parcel status.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. On the corrected copy, modify label on the existing structure to say, "Existing structure to remain." Add a new note that states, "Setback requirements per Metro Zoning Ordinance."
2. On the corrected copy, remove council district information from the right side of the plat.
3. On the corrected copy, replace note 18 with the following, "The final site plan/building permit site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within any required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of any required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
4. Provide copy of a Nashville Electric Service (NES) stamped "approved" plat prior to recording of the mylar. If any additional easements are required on the NES plat, the mylar will need to reflect these easements.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. 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-052-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (9-0)

Resolution No. RS2024-84

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-052-001 is approved with conditions.9-0)

18. 2024Z-037PR-001

Council District 16 (Ginny Welsch)
Staff Reviewer: Celina Konigstein

A request to rezone from RS5 to RM20-A-NS zoning for property located at 231 Glenrose Ave., approximately 45 feet west of Burbank Ave. (0.12 acres), requested by Ali Abdul Al-Soraify, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to RM20-A-NS.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multi-Family Residential – Alternative – No Short-Term Rental (RM20-A-NS) zoning for property located at 231 Glenrose Avenue, approximately 45 feet west of Burbank Avenue (0.12 acres).

Existing Zoning

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

Proposed Zoning

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

SOUTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial,

institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

SITE AND CONTEXT

The 0.12-acre site is located at 231 Glenrose Avenue, west of the intersection of Glenrose Avenue and Burbank Avenue. Glenrose Avenue is a collector avenue designated by the Major and Collector Street Plan (MCSP). There is presently one house on the property. Nearby zoning districts include Mixed-Use Limited – Alternative (MUL-A), One and Two-Family Residential – Alternative (R6-A), One and Two-Family Residential (R6), and Commercial Service (CS). The surrounding land uses include, residential, industrial, commercial, and office uses. There are a few vacant parcels as well.

ANALYSIS

The policy on this site is Urban Mixed Use Neighborhood (T4 MU) with the intent of this policy being to create and enhance urban mixed-use neighborhoods through encouraging a variety of uses. The requested zoning district, RM20-A-NS, would allow for a density of 20 units per acre and includes the designation of – A, Alternative and -NS, no short-term rental property. The Alternative designation aids in the intent to create a more urban form, as called for by the policy, by providing standards for entrances, raised foundations, and glazing requirements. The – NS designation prohibits short-term rental property, owner and not owner occupied.

The proposed RM20-A-NS is a district supported by the policy as a higher density residential district. The site has frontage along Glenrose Avenue, a collector avenue which can support any potential increases in traffic that may result from an increase in density on the subject parcel. Directly across from the subject site are parcels zoned Mixed-Use Limited – Alternative (MUL-A), which is a higher intensity mixed use zoning district. The subject site has minimal frontage and a smaller area, which makes it a more suitable candidate for a RM based zoning district than the MUL-A zoning district across the street. The proposed zoning district is still supported by the policy and provides more density along a corridor. A maximum of two residential units could be built on the site based on the acreage, allowing for one more residential unit on the lot than the existing RS5 zoning district would permit.

FIRE RECOMMENDATION

Approve

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Single-Family Residential (210) | 0.12 | 8.33 F | 1 U | 15 | 5 | 1 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential (221) | 0.12 | 20 D | 2 U | 9 | 1 | 1 |

Traffic changes between maximum: **RS5 and RM20-A-NS**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | + 1 | - 6 | - 4 | 0 |

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 zoning districts: 0 Elementary 0 Middle 0 High
 Projected student generation proposed RM20-A-NS district: 0 Elementary 0 Middle 0 High

The proposed RM20-A-NS zoning is not expected to generate any additional students beyond the existing RS5 zoning. Students would attend John B. Whitsitt Elementary School, Cameron College Preparatory School, and Glenclyff High School. John B. Whitsitt Elementary School and Glenclyff High School are over capacity, while

Cameron College Preparatory School is 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.

Approve. (9-0)

Resolution No. RS2024-85

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-037PR-001 is approved.9-0)

19. 2024Z-044PR-001

Council District 30 (Sandra Sepulveda)
Staff Reviewer: Donald Anthony

A request to rezone from OR20 to MUL-A zoning for property located at 5100 Linbar Drive, approximately 1,250 feet east of Wallace Road (0.5 acres), requested by LAAD, LLC, applicant; Adel Hauter, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from OR20 to MUL-A.

Zone Change

A request to rezone from Office/Residential (OR20) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 5100 Linbar Drive, approximately 1,250 feet east of Wallace Road (0.5 acres).

Existing Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 10 units, based on acreage only.*

Proposed Zoning

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

SOUTHEAST COMMUNITY PLAN

District 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. *The CO policy applies to floodplain on the westernmost two-thirds of the subject property.*

SITE AND CONTEXT

The rezoning application is for a 0.5-acre parcel located along the east side of Linbar Drive, approximately 1,250 feet east of Wallace Road. The property has been zoned OR20 since 1998. The property lies in the Airport Impact Overlay District, and the western two-thirds of the property lie in the 100-year floodplain. The property includes one structure that is currently used as an office. The property has approximately 150 feet of street frontage on Linbar Drive, which is classified as a collector-avenue in the Major and Collector Street Plan (MCSP). Linbar Drive does not currently have consistent sidewalks on either side of the street. The nearest WeGo stop (route 52) is located approximately 1,600 feet to the northwest near the intersection of Linbar Drive and Wallace Road.

Adjacent zoning includes: CS on the north; OR20 on the east and south; and RM20 on the west. Adjacent land uses include: school/college on the north; Interstate 24 right-of-way on the east; and multi-family residential on the south

and west (across Linbar Drive from the subject property). The broader area surrounding the subject property includes a mix of multi-family residential, single-family residential, office, warehouse, and commercial uses.

The requested MUL-A zoning would permit a mix of residential, commercial, and office uses. Bulk standards for the MUL-A zoning district include a maximum floor area ratio (FAR) of 1.0 and a maximum impervious surface ratio (ISR) of 0.90. The minimum required rear setback is 20 feet, and no side setback is required. A build-to zone of zero to 80 feet would apply, and any new building on the site would be required to have a primary entrance located along the building façade within the build-to zone. Building height is limited to three stories in 45 feet in the build-to zone; after a minimum setback of 15 feet, building height may reach a maximum of four stories in 60 feet.

ANALYSIS

The application proposes to rezone the subject property from OR20 to MUL-A. The easternmost one-third of the property lies in the District Employment Center (D-EC) policy area, and the remainder of the site lies within the Conservation (CO) policy area. The D-EC policy applies to properties in the area lying between Linbar Drive on the west and Interstate 24 on the east. Properties on the west side of Linbar Drive lie within the T3 Suburban Neighborhood Evolving (T3 NE) policy area, while properties on the east side of Interstate 24 lie within the T3 Suburban Neighborhood Maintenance (T3 NM) policy area.

The D-EC policy is intended to maintain, create, and enhance districts where a mixture of office, commercial, and sometimes select light industrial uses are predominant. D-EC areas are envisioned as campus-like settings with concentrations of employment and a mix of office and commercial uses. The D-EC policy also supports complimentary uses, which may include convenience retail, restaurants, and services for employees. Such uses should be accessible to both the general public and employees working within the district.

Planning staff evaluated the rezoning request in light of the D-EC policy and found that the proposed MUL-A zoning is consistent with the policy. The MUL-A zoning district would permit a mix of land uses, including commercial and office uses that can either contribute to the employment center or serve in a complementary or supportive role. The bulk standards required in the MUL-A district—including building coverage, height, and build-to zones—align with the D-EC policy.

Planning staff also evaluated the rezoning request for consistency with the Conservation policy. Approximately two-thirds of the subject property lies within the 100-year floodplain associated with Sorghum Branch, which lies west of the property. No new development is proposed with this rezoning request. However, any future development within the floodplain would be subject to Metro’s floodplain development standards.

Staff determined that the proposed MUL-A zoning would support a broad range of uses, which are consistent with the D-EC policy. Therefore, staff recommends approval of the rezoning request.

Maximum Uses in Existing Zoning District: **OR20**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential (221) | 0.25 | 20 D | 5 U | 26 | 1 | 3 |

Maximum Uses in Existing Zoning District: **OR20**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Office (710) | 0.25 | 0.8 | 8,712 SF | 99 | 35 | 11 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential 3-10 (221) | 0.25 | 1.0 F | 11 U | 58 | 4 | 5 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Retail (820) | 0.125 | 1.0 F | 5,445 SF | 206 | 5 | 21 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Restaurant (932) | 0.125 | 1.0 F | 5,445 SF | 611 | 54 | 53 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +750 | +27 | +65 |

METRO SCHOOL BOARD REPORT

The proposed MUL-A zoning district permits a mix of uses which could vary, and assumption of impact at this point is premature. Students would attend Haywood Elementary School, McMurray Middle School, and Overton High School. Haywood Elementary School is at capacity. McMurray Middle School is under capacity. Overton 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.

Approve. (9-0)

Resolution No. RS2024-86

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-044PR-001 is approved.9-0)

20. 2024Z-046PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Donald Anthony

A request to rezone from RM20-A to MUL-A zoning for properties located at 15 A, B, C Fern Ave. and 26 Lucile St., approximately 150 feet west of Elmhurst Ave. (0.88 acres), requested by C&R Associates, applicant; 26 Nashville Select, Parga GP, O.I.C. Fifteen Fern Ave. and RHOW Properties LLC, owners.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from RM20-A to MUL-A.

Zone Change

A request to rezone from Multi-Family Residential-Alternative (RM20-A) to Mixed Use Limited-Alternative (MUL-A) for properties located at 15 A, B, and C Fern Avenue and 26 Lucile Street, approximately 150 feet west of Elmhurst Avenue (0.88 acres).

Existing Zoning

Multi-Family Residential-Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 18 units, based on acreage*

only.

Proposed Zoning

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

EAST NASHVILLE COMMUNITY PLAN

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

SUPPLEMENTAL POLICY

The subject property lies in the Dickerson South Corridor supplemental policy area. The Dickerson South Corridor policy addresses land use, transportation, and community design at the neighborhood scale along the Dickerson Pike corridor from Martin Street on the north to Spring Street on the south. The policy limits building height to four stories in this subdistrict and includes recommendations for roadway upgrades.

SITE AND CONTEXT

The rezoning application is for four properties totaling 0.88 acres located along the south side of Lucile Street and the north side of Fern Avenue. The site lies approximately 150 feet west of Elmhurst Avenue. The property at 26 Lucile Street has been zoned RM20-A since 2017. The properties at 15 A-C Fern Avenue have been zoned RM20-A since 2015. The property at 26 Lucile Street currently contains one single-family residential unit and a cell tower. The property at 15 A-C Fern Avenue currently contains a detached two-family residential unit.

The site has approximately 120 feet of frontage along Lucile Street and 50 feet of frontage along Fern Avenue. No sidewalks are present along Lucile Street, while segmented sidewalks are available along portions of Fern Avenue. The nearest WeGo bus stop (routes 14 and 41) is located approximately 760 feet west at the intersection of Fern Avenue and Brick Church Pike.

Adjacent zoning includes: RS5 on the north; RS5 and RM20-A on the east; and RM20-A on the south and west. Adjacent land uses include: single-family residential on the north; single-family and two-family residential on the east; two-family residential on the south; and multi-family and two-family residential on the west. Residential uses are prominent in the broader area surrounding the site, though commercial uses can be found along both the Dickerson Pike and Brick Church Pike corridors to the east and west, respectively.

The requested MUL-A zoning would permit a mix of residential, commercial, and office uses. Bulk standards for the MUL-A zoning district include a maximum floor area ratio (FAR) of 1.0 and a maximum impervious surface ratio (ISR) of 0.90. The minimum required rear setback is 20 feet, and no side setback is required. A build-to zone of zero to 80 feet would apply, and any new building on the site would be required to have a primary entrance located along the building façade within the build-to zone. Building height is limited to three stories in 45 feet in the build-to zone; after a minimum setback of 15 feet, building height may reach a maximum of four stories in 60 feet.

ANALYSIS

The application proposes to rezone the subject properties from RM20-A to MUL-A. The entire site lies within the T4 Urban Neighborhood Evolving (T4 NE) policy area and the Dickerson South Corridor supplemental policy area. Surrounding properties also lie within these policy areas. The Dickerson South Corridor supplemental policy limits building height to four stories in this area. Additionally, the supplemental policy recommends roadway upgrades, which are already accounted for in the Major and Collector Street Plan (MCSP).

The T4 NE policy supports residential neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. Neighborhoods in the T4 NE policy area are characterized by moderate to high-density residential development, a broad range of housing types, high levels of connectivity, shallow setbacks, and building heights of one to three stories with additional height possible in some circumstances.

Staff analyzed the rezoning request for consistency with both the T4 NE policy and the Dickerson South Corridor supplemental policy. With regard to the T4 NE policy, staff reviewed the intent of the policy and the site’s relationship to the broader policy area. The site is located in close proximity to major corridors and has public transit access within

a walkable distance. Additionally, the proposed MUL-A zoning would support various housing types, shallow setbacks, and building heights consistent with the T4 NE policy. However, the proposed MUL-A zoning would permit commercial, office, and other nonresidential uses. Such uses are not supported by the T4 NE policy or with the appropriate zoning districts listed in Dickerson South Corridor study for this subdistrict, where residential uses are supported as a means of creating and enhancing neighborhoods. Because the proposed MUL-A zoning is not consistent with the land use aspects of the policy, staff recommends disapproval.

Maximum Uses in Existing Zoning District: **RM20-A**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential (221) | 0.88 | 20 D | 18 U | 96 | 7 | 8 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential 3-10 (221) | 0.44 | 1.0 F | 19 U | 102 | 7 | 9 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Retail (820) | 0.22 | 1.0 F | 9,583 SF | 362 | 9 | 37 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Restaurant (932) | 0.22 | 1.0 F | 9,583 SF | 1,075 | 95 | 94 |

Traffic changes between maximum: **RM20-A and MUL-A**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +1,443 | +104 | +132 |

METRO SCHOOL BOARD REPORT

The proposed MUL-A zoning district permits a mix of uses which could vary, and assumption of impact at this point is premature. Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. Shwab Elementary School is under capacity. Jere Baxter Middle School and Maplewood High School are at capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends disapproval.

Mr. Anthony presented the staff recommendation to disapprove.

Applicant, male, no name or address given, spoke in favor of the application.

Reginald Howard, no address given, spoke in favor of the application.

Bea Seung stated he lives in Brentwood and recently purchased 15-A Fern Avenue. He spoke in favor of the application.

Applicant, male, no name or address given, spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Henley asked if dropping 26 Lucile Street would be considered a material change to the Item.

Ms. Milligan advised the application was for both and they could make a recommendation just on one or the other. She said the policy and current zoning are the same on both pieces.

Mr. Henley asked if it would be just adding conditions if they were in favor of it. He said he would be more comfortable to make a consideration without 26 Lucile Street.

Ms. Milligan stated that with a straight zoning, they could not limit uses. The request was for MUL-A, so if approved, they could not limit it to only certain uses within MUL-A; it would permit all uses of MUL-A.

Councilmember Gamble asked about the zoning on the surrounding properties that are currently non-owner occupied Short Term Rentals.

Ms. Milligan responded those properties are zoned generally RM20-A, some straight RM20, and some RS-5. She explained at the time they started categorizing Short Term Rentals as owner occupied and non-owner occupied, there was a focus on limiting the non-owner occupied in the R and RS districts, so non-owner occupied were permitted in the RM districts. These permits were applied for and received when non-owner occupied was a permitted use in RM20. At one point, Council further refined and removed non-owner occupied as a permitted use within RM districts and when Council did that, they actually put a longer effective date on it to allow people that were either under construction or in the process of getting permits, to complete those processes before it actually changed. Councilmember Gamble asked if MUL-A is the only zoning that would allow non-owner occupied Short Term Rental use.

Ms. Milligan answered when Short Term Rentals were divided into owner occupied and non-owner occupied, they were both accessory uses to residential uses. Owner occupied are classified in the residential section of the zoning code and non-owner occupied are classified in the commercial uses of the zoning code. Non-owner occupied are only permitted in mixed use, office, commercial districts.

Mr. Smith asked if they could do an SP that mimicked RM20 with a special exception.

Ms. Milligan stated if the application came in as an SP that permits uses of RM20 and non-owner occupied Short Term Rentals, staff still would have been in the position of recommending disapproval because of the policy being a residential only policy. She said it could be a potential path, as that could be an application, but staff would likely say it is not supported and the Commission would have to make those determinations.

Vice Chair Farr asked if they approve it, would it help if someone applied for the occupancy.

Ms. Milligan responded if it was rezoned to an SP that permitted a non-owner occupied Short Term Rental and it went through the Council process and approved, then they could, because the zoning would permit it and because the zoning regulates the uses.

Vice Chair Farr said from a straight land use prospective, it does not make sense to have one lot rezoned to MUL-A in the middle of RM20. She asked if there are other variance options that can be explored.

Ms. Milligan answered in the negative. She said both the zoning code and state law prohibit use variances. Vice Chair Farr asked if they wanted to pursue the idea of converting to an SP, could they defer for that.

Ms. Milligan responded in the affirmative.

Mr. Clifton asked if the staff has done their best to see if there is a creative solution that does not do injustice to consistency.

Chair Adkins stated the applicant has something to say.

Applicant, male, no name or address given, stated MUL is a higher use and if the Commission makes a recommendation to say the only thing they will approve is non-owner occupied Short Term Rental for those two homes, it could be approved with just those conditions.

Ms. Dundon asked for clarification of the process they were alluding to to make this potentially work if it is a specific plan.

Ms. Milligan explained the application was filed with the Planning Department to rezone to MUL-A. The Commission could defer it to recommend the applicant work with staff on an SP that limits the uses. The applicant would then work with staff on an SP which would be just a document, not an actual plan, that indicates the uses. Staff would review it, write a new report and it would come back before the Commission as a more precise and limited application. Then it would move to Council.

Ms. Dundon said the SP would be within the new proposed zoning, not within the RM20.

Ms. Milligan stated she was correct and that RM20-A and MUL-A are zoning districts. Specific plan is a zoning district wherein it is a context sensitive district and creating the zoning district for that property specifically.

Ms. Dundon asked if the SP is on the existing zoning.

Ms. Milligan stated the SP would be the zoning as it would replace the zoning.

Chair Adkins stated making an exception for one particular property that does not meet policy could come back to haunt them.

Vice Chair Farr said they also stay away from spot zoning. She asked the applicant if the house is under construction.

Applicant, male, no name given, stated the house is already built and they cannot get renters or buyers because every house on Fern Avenue is a Short Term Rental.

Vice Chair Farr said this still goes back to Council so there is an opportunity for Council to override this.

Ms. Kempf stated a suggestion would be to pursue an SP which would require a deferral and a suggestion to staff to look at the existing context in terms of uses and evaluate the proposal within that.

Chair Adkins said they need to see the map of Short Term Rentals as there is more information the Commissioners need to see to decide.

Mr. Clifton felt it seemed to have been presented as something they got caught up in the changes that happened when it was being built.

Chair Adkins said the Commission is bound by certain policies, rules and state laws.

Vice Chair Farr said since the whole street has Short Term Rentals and asked if there is any reason to consider rezoning the street.

Ms. Milligan advised they would first have to consider the land use policy and possibly do a policy change.

Mr. Smith moved and Mr. Clifton seconded the motion to defer to the May 9, 2024 meeting and direct the staff to consider context, policy and an alternative zoning district. (8-0)

Resolution No. RS2024-86

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-046PR-001 deferred to the May 9, 2024, Planning Commission meeting and direct the staff to consider context, policy and an alternative zoning district (8-0)

21. 2024SP-003-001

Council District 33 (Antoinette Lee)

Staff Reviewer: Celina Konigstein

A request to rezone from AR2a to SP zoning for properties located at 433 and 13240 Old Hickory Blvd., at the northern corner of Old Hickory Blvd. and Burkitt Road (9.44 acres), to permit 85 multi-family residential units, requested by Dale & Associates, applicant; Paul Tune, Trustee, owner.

Staff Recommendation: Defer to the May 9, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-00-001 to the May 9, 2024, Planning Commission meeting. (9-0)

I: OTHER BUSINESS

22. BRAG Grant Application

A resolution authorizing the application of a TDEC Brownfield Redevelopment Area Grant (BRAG) in the amount of \$100,000 to be submitted to TDEC on or before May 1, 2024. This Grant, if awarded, will fund Phase Two Environmental Site Assessments on the Metro-owned central waterfront properties identified in the Imagine East Bank Vision Plan as parks and open space. Federal and State laws require ESAs as a first step in the redevelopment of properties that may contain environmental contaminants.

Resolution No. RS2024-87

“BE IT RESOLVED by The Metropolitan Planning Commission that the resolution authorizing the application of a TDEC Brownfield Redevelopment Area Grant (BRAG) in the amount of \$100,000 to be submitted to TDEC on or before May 1, 2024. This Grant, if awarded, will fund Phase Two Environmental Site Assessments on the Metro-owned central waterfront properties identified in the Imagine East Bank Vision Plan as parks and open space. Federal and State laws require ESAs as a first step in the redevelopment of properties that may contain environmental contaminants is approved. (8-0-1)

23. Historic Zoning Commission Report

24. Board of Parks and Recreation Report

25. Executive Committee Report

26. Accept the Director's Report

Resolution No. RS2024-88

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

27. Legislative Update

J: MPC CALENDAR OF UPCOMING EVENTS

May 9, 2024

MPC Meeting

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

May 23, 2024

MPC Meeting

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

June 13, 2024

MPC Meeting

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

K: ADJOURNMENT

The meeting adjourned at 7:41 p.m.