



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

June 27, 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:

Asia Allen
Stewart Clifton
Leah Dundon
Edward Henley
Kathy Leslie
Matt Smith
Councilmember Jennifer Gamble

Commissioners Absent:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Dennie Marshall

Staff Present:

Lucy Kempf, Executive Director
Lisa Milligan, Assistant Director of Land Management
Andrea Dorlester, Land Development Manager
Tara Ladd, Legal
Abbie Rickoff, Planning Manager I
Amelia Gardner, Planner III
Eric Hammer, Planner III
Dustin Shane, Planner II
Laszlo Marton, Planner I

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

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

Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by 3pm on the Tuesday prior to the meeting 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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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:03 p.m.

Mr. Henley moved and Ms. Dundon seconded the motion to nominate Mr. Smith to serve as meeting Chair. (7-0)

B: ADOPTION OF AGENDA

Councilmember Gamble moved and Mr. Clifton seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF JUNE 13, 2024 MINUTES

Mr. Henley moved and Ms. Allen seconded the motion to approve the meeting minutes of June 13, 2024. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Gadd spoke in favor of Items 3a and 3b.

Councilmember Evans-Segall spoke in favor of Item 16.

Councilmember Horton spoke in favor of Item 16.

Councilmember Huffman stated he fully supports the staff recommendation for Item 11. He spoke in favor of Item 18.

Councilmember Benedict spoke in favor of Item 16.

Councilmember Welsch spoke in favor of Item 16.

Councilmember Kupin spoke in favor of Item 16.

Councilmember Toombs stated she is fine with Item 16 as long as there is notice given to the community and the Councilmember of that district. She spoke in favor of Items 17, 21 and 28.

E: ITEMS FOR DEFERRAL / WITHDRAWAL: 1, 5, 6, 7, 11, 12, 14, 15, 19, 20, 23, 26

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

F: CONSENT AGENDA ITEMS: 35

Mr. Clifton moved and Mr. Henley seconded the motion to adopt the revised Agenda moving Item 29 to the top of the list and to approve the Consent Agenda. (7-0)

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

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

G: ITEMS TO BE CONSIDERED

1. 2023Z-003TX-001

DOWNTOWN CODE BONUS HEIGHT PROGRAM AMENDMENT

Staff Reviewer: Jared Islas

A request to amend Section 17.37 of the Metropolitan Code of Laws to update the Downtown Code's Bonus Height Program, all of which is described herein.

Staff Recommendation: Defer to the October 24, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023Z-003TX-001 to the October 24, 2024, Planning Commission meeting. (7-0)

2a. 2016SP-040-003

BETHWOOD COMMONS (AMENDMENT)

Council District 05 (Sean Parker)

Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan on properties located at Bethwood Drive (unnumbered) and Allenwood Drive (unnumbered), at the northern terminus of Bethwood Drive, zoned SP (8.93 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: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Amend the previously approved SP by removing two single-family residential lots and reducing the amount of open space previously approved.

SP Amendment

A request to amend a Specific Plan on properties located at Bethwood Drive (unnumbered) and Allenwood Drive (unnumbered), at the northern terminus of Bethwood Drive, zoned SP (Specific Plan), (8.93 acres), to remove 1.35 acres from the SP boundary.

Existing Zoning

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

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 (05-T3-NE-01)

The supplemental policy is intended to encourage active transportation in an area that is underserved with connections and circulation options, such as trails, bike paths, and sidewalks.

Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around.

SITE CONTEXT AND PLAN DETAILS

The approximately 1.35-acre site is a portion of a larger parcel on approximately 9 acres, located at the eastern terminus of Bethwood Drive. Ellington Parkway abuts the eastern property boundary. The properties to the west are zoned RS7.5 and have primarily been developed with single-family residential lots. Jere Baxter Middle School is located north of the site.

The original SP was approved in 2016 (BL2017-888) to permit up to 75 multi-family residential units and two single-family lots on approximately 14 acres. The SP was amended in 2023 (BL2023-1956). The amendment removed a portion of property from the SP, previously approved as open space. The approximately 5-acre area removed from the SP (currently identified as Map 072, Parcel 087) was rezoned to RS7.5 in conjunction with the SP amendment. The currently approved SP, reflecting the 2023 amendment, still permits 75 multi-family residential units and two single-family lots.

The current proposal is to remove approximately 1.35 acres from the 8.93-acre SP. The portion being removed is located at the northernmost part of the SP, currently approved with the two-single-family lots and open space.

Site Plan

The proposed plan includes 75 attached multifamily units. No changes to the approved development standards and general layout are proposed on the remaining portion of the SP, outside of the 1.35-acres being removed. Units are limited to 2.5 stories in 35 feet as measured to the roofline. Units are oriented to open space or a public street. Some units have rear loaded garages and surface parking is also provided. Access will be provided from the extension of Bethwood Drive. The plan includes a 12' trail along the eastern boundary adjacent to Ellington Parkway.

ANALYSIS

As proposed, staff finds that the amendment is consistent with the policies that apply to the site. The development outside of the area proposed to be removed from the SP is consistent with the two previously approved plans. It provides for an additional housing type and provides an appropriate transition into the existing neighborhood. The associated rezone case, 2024Z-042PR-001 is reviewed against the existing land use policies on the site, including the Urban Neighborhood Evolving (T4 NE) policy. If the associated rezone is approved and developed under existing zoning, it will need to comply with Metro Subdivision Regulations and be reviewed by all Metro agencies.

METRO GREENWAYS RECOMMENDATION

Approve with conditions

- The 12' greenway is no longer required on the approximately 1.35 acres being removed from SP 2016SP-040 with this application. Greenways staff has concerns with the ability to extend this greenway further to the north and with the safety of this isolated portion of the greenway so staff supports removing this portion. The remainder of the greenway will remain as a requirement of 2016SP-040 and the greenway will terminate at the trailhead as shown on these SP amendment plans.

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.
- Proposed trail to be built in accordance with Table 6-3 of Stormwater Management Manual Volume 1 or a variance granted from the Stormwater Management Commission.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Previous conditions of approval to the SP apply.
- Project scope identifies removal of 1.35 acres from SP to RS 7.5. Final SP roadway plans have not been submitted for approval. Note to planning no accepted public ROW is touching frontage.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Previous conditions to the SP apply.
- Project scope identifies removal of 1.35 acres from SP to RS 7.5. Final SP roadway plans have not been submitted for approval. Note to planning no accepted public ROW is touching frontage.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. All conditions of BL2023-1956 and BL2017-888 shall remain in effect unless modified by this approval.
2. Permitted uses include a maximum of 75 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not owner occupied shall be prohibited.
3. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. Final alignment of the greenway trail and trailhead will be further evaluated with any final site plan.
5. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The 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.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. Final plat may be required prior to permitting.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

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

Resolution No. RS2024-119

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-040-003 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. All conditions of BL2023-1956 and BL2017-888 shall remain in effect unless modified by this approval.
2. Permitted uses include a maximum of 75 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not owner occupied shall be prohibited.
3. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. Final alignment of the greenway trail and trailhead will be further evaluated with any final site plan.
5. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. The 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.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. Final plat may be required prior to permitting.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

2b. 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: Approve if the associated SP amendment is approved. Disapprove if the associated SP amendment is not approved.

APPLICANT REQUEST

Zone change from SP to RS7.5.

Zone Change

A request to rezone from Specific Plan (SP) to Single-Family Residential (RS7.5) zoning for a portion of property located at Bethwood Drive (unnumbered), at the northern terminus of Bethwood Drive (1.35 acres).

Existing Zoning

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

Proposed Zoning

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

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 need 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 (05-T3-NE-01)

The supplemental policy is intended to encourage active transportation in an area that is underserved with connections and circulation options, such as trails, bike paths, and sidewalks. Trail Oriented Development is a design concept that takes advantage of and leverages infrastructure that supports active ways of getting around.

SITE AND CONTEXT

The subject 1.35-acre site is located at the eastern terminus of Bethwood Drive. Ellington Parkway abuts the eastern property boundary. The 1.35-acre site is within the boundary of the Bethwood Commons Specific Plan (2016SP-040-002/BL2023-1956), which currently comprises approximately 8.93 total acres. This portion of the SP is approved for two single-family residential lots and open space. The open space includes a multi-use path. The adjacent zoning to the west is RS7.5 and is developed with single-family homes. Jere Baxter Middle School is located just northwest of the site. This portion of the SP is proposed to be removed from the SP with associated case 2016SP-040-003.

ANALYSIS

Staff finds that the proposed RS7.5 zoning district is consistent with the policies that apply to the site. The proposed RS7.5 zoning district will permit only single-family lots. This is consistent with the adjacent neighborhood. While the RS7.5 zoning district is consistent with the policy, this application cannot be approved if the associated SP amendment is not approved. If this were approved without concurrent approval of the associated case, the site would have two zoning districts, which is technically not feasible. If the rezone to RS7.5 is approved and developed under the existing zoning, it will need to comply with Metro Subdivision Regulations and be reviewed by all Metro agencies.

FIRE RECOMMENDATION

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.35	-	2	12	4	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.35	5.18 F	7 U	90	9	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5	+90	+5	+4

METRO SCHOOL BOARD REPORT

Projected student generation existing SP district: **0** Elementary **0** Middle **0** High

Projected student generation proposed RS7.5 district: **1** Elementary **0** Middle **1** High

The proposed RS7.5 zoning district is expected to generate two more students than the existing SP zoning district. Students would attend Tom Joy Elementary School, Jere Baxter Middle School, and Maplewood High School. There is additional capacity in all three schools. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval subject to the approval of the associated SP amendment, 2016SP-040-003. If the associated SP is not approved, staff recommends disapproval.

Approve if the associated SP amendment is approved. Disapprove if the associated SP amendment is not approved. (7-0)

Resolution No. RS2024-120

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-042PR-001 is approved if the associated SP amendment is approved. Disapprove if the associated SP amendment is not approved. (7-0)

3a. 2021SP-009-001

NOVEL RICHLAND CREEK (FORMERLY CRESCENT LION'S HEAD)

Council District 24 (Brenda Gadd)

Staff Reviewer: Dustin Shane

A request to rezone from SCC to SP zoning for a portion of property located at 40 White Bridge Pike, approximately 375 feet west of Post Place and located within a Commercial Planned Unit Development Overlay District (3.67 acres), to permit a mixed-use development, requested by Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner (See associated case 78-74P-003).

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

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Zone Change

A request to rezone from Shopping Center Community (SCC) to Specific Plan (SP) zoning for a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place and located within a Commercial Planned Unit Development Overlay District (3.67 acres), to permit a mixed-use development.

Existing Zoning

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

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 this title. 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.

Proposed Zoning (Note: PUD to remain)

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

WEST NASHVILLE COMMUNITY PLAN

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

CASE HISTORY

This application and its associated case (Case No. 78-74P-003) were originally scheduled to be heard at the August 26, 2021, MPC meeting. A 300-unit multi-family residential building with up to 6,000 square feet of ground floor commercial space was proposed. A recommendation of approval with conditions was published by staff prior to that meeting; however, shortly before the meeting the application was deferred at the request of the applicant. The application was indefinitely deferred at the December 9, 2021, MPC meeting. No public hearing was held. The current application reduces the proposed unit count to 277 and modifies the architectural elevations.

SITE

The subject site is approximately 3.67 acres and is currently developed with a single-story commercial building and surface parking. Access to the site is taken from White Bridge Pike, Post Place, and an existing cross access from the parcel to the west. White Bridge Pike is classified as an Arterial Boulevard in the Major and Collector Street Plan and Post Place as a local street. An access point to the Richland Creek Greenway is located at the northwest corner of the site. Adjacent to the Greenway access point and partially on the subject site is a small walled-in utility facility, and there are utility easements along both the western and northern property lines.

PLAN DETAILS

The application proposes a mixed-use building containing a maximum of 277 multi-family residential units, a maximum of 6,000 square feet of commercial uses, and structured parking. The mixed-use building is proposed to be a maximum of seven stories in height with transitions down to five, four, and three stories towards the rear of the building. The application includes elevations of the building and demonstrates how the structured parking will be screened on the eastern facade with hanging vegetation. The plan extends the Richland Creek Greenway from its current terminus to the south, continuing along the western façade of the building to a point at the southern (main) façade of the building, this being the façade closest to White Bridge Pike. The ground floor commercial space is located along the southern façade of the building facing a private drive. The plan permits all uses of MUG for the ground floor commercial.

The plan also proposes pedestrian connections between the building and the proposed greenway extension. The building has courtyards along the western façade to break up the building's massing. Additionally, the application proposes to construct a sidewalk and improve landscape islands from the southern façade that is closest to White Bridge Pike through the parking lot and to White Bridge Pike. Crosswalks are added at key locations: at all corners of the intersection with White Bridge Pike and at the private drive crossing that connects the site with the shopping centers to the south and east. Four speed cushions are also proposed along the private access drive. Bike arrows will be painted along the private drive that extends behind the existing shopping center buildings to facilitate connections

to the greenway. Parking requirements are met with a combination of gated garage spots, public garage spots, and four new on-street spaces along the access drive.

The plan includes a type C landscape buffer along the eastern property boundary as part of a landscape plan that demonstrates how the site will be buffered, how the Greenway extension will be landscaped, and how the parking lot will be improved.

ANALYSIS

The proposed mixed-use development is consistent with the intent of the Urban Community Center policy to encourage redevelopment as intense mixed-use areas that provide a mix of uses and services to meet the needs of the larger surrounding urban area. The application is requesting to exceed the generally supported three to five stories in the Community Character Manual for the T4 CC policy with a proposed building height of seven stories and the applicant has provided a response to the factors for considering taller building heights. The applicant presents the following as factors contributing to justification for additional building height:

- The location of the site within a Tier One center and being along a High-Capacity Transit Corridor as identified in Nashville Next;
- Contribution that the building makes to the overall fabric of the center in terms of creating pedestrian friendly streetscapes, plazas and open space, public art, and innovative stormwater management techniques;
- Prominence of the street or intersection on which the building is located;
- Capacity of the block structure and right-of-way to accommodate development intensity; and
- Ability to provide light and air between buildings and in the public realm of streets, sidewalks, internal walkways, multi-use paths, and open spaces.

Staff finds the conditions surrounding the site to support taller building heights in this location.

The plan proposes to improve the pedestrian connectivity of this area by providing a sidewalk network from this mixed-use building to White Bridge Pike. This sidewalk network would connect the existing grocery store and other strip-center tenants to White Bridge Pike. The application also proposes to extend the Richland Creek Greenway into the site and addresses the greenway with the design of the mixed-use building.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Reviewed revised plan 05/16/24. Additional fire access along west side of building will be needed to meet apparatus access and hose lay distance requirements.

PARKS AND GREENWAYS RECOMMENDATION

Approve with conditions

- Final site plan to provide a minor trailhead at the terminus of the greenway located at the front façade of the building. Minor trailhead to include a graphic panel provided by development and approved by Metro Parks. Details to be coordinated with Parks staff during the final site plan application.
- Final site plan to provide a minimum of 4 bicycle parking spaces at the minor trailhead location.
- Final site plan to call-out the existing poles supporting the OHL's that encroach the greenway and shoulder between the greenway and the target parking lot to be removed or relocated at least 2' from greenway path.
- Final site plan to call-out the existing light pole between the greenway and the target parking lot to be removed or relocated at least 2' from greenway path.
- Final site plan to remove the patio space from the greenway easement.
- Final site plan to remove the Greenway easement from the Gas Utility Station.
- Final site plan shall explore providing a mural on the northern façade and facades adjacent to the greenway of the Gas Utility Station located at the northwestern corner of the property. If feasible, the mural shall contribute to the greenway's park like setting and shall receive approval from Metro Parks staff prior to final site plan approval.
- Continue to coordinate with Metro Parks Greenways staff to determine extent of the Greenway easement. Easement to be finalized prior to Final SP approval.
- Greenway Easement to be dedicated and memorialized utilizing Metro Parks' standard template for Conservation Greenway Easement Agreement with exhibits providing a legal description and boundary survey of the easement.
- Greenway to be provided as shown on plans and in accordance with Metro Park Standards.
- Greenway to be lit according to Metro Parks standards, to be determined at final site plan application.
- Final site plan to provide landscaping that creates a park like setting within the Greenway Conservation Easement.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. Capacity must be paid before issuance of building permits. Per Capacity Study Permit # T2021003887.

NASHVILLE DOT ROADS RECOMMENDATION

Approve with conditions

- Final construction plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Comply w/ MPW traffic comments. A private hauler is required for waste/recycle disposal for site.

NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- A shared parking study is required prior to Final SP approval. Development proposes that additional parking needed per the study will be included within the development's parking garage. This parking shall be clearly identified to all patrons outside the building and easily accessible.
- Development shall modify the existing access drive between White Bridge Pike and the development site / greenway extension to provide a continuous multimodal connection, separated from vehicular traffic.
- Coordinate with WeGo on any specific bus stop improvements along White Bridge Pike in the vicinity of the project.
- Additional analysis will be required prior to the submittal of a final SP to determine the appropriate traffic control and any related geometric modifications at the intersection of the existing access drive and White Bridge Pike.
- Additional analysis will be required prior to the submittal of a final SP to determine any appropriate modifications that may be needed to improve bikeway connectivity between the intersection of White Bridge Pike & Post Road and the Metro Parks greenway.
- At the intersection of White Bridge Pike and Post Road / Post Place, the existing pedestrian curb ramp in the northwest corner of the intersection should be relocated to align with the crosswalk and opposite curb ramp. The sidewalk should be extended at the furnishing zones for both existing bus stops at the intersection.
- It is recommended that the development coordinate with NDOT's TDM coordinator to provide employees, residents, and customers extensive information about area transit service including routes, nearby stops, and schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations.
- Parking/storage options should be provided for bicycle and scooters on-site.
- Off-peak loading and deliveries for the retail development should be encouraged to minimize impacts to traffic operations.
- An area should be designated on-site as a drop-off location to accommodate rideshare operations.
- Developer may be required to participate in broader transportation studies for the surrounding community.
- Modifications to the above stated conditions may be approved as development phase(s) progress. However, additional analysis will be required to support any proposed modifications.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	3.67	0.5 F	79,933 SF	3,017	76	304

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	3.67	-	277 U	1,508	93	118

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	3.67	-	6,000 SF	227	5	23

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1,282	+22	-163

METRO SCHOOL BOARD REPORT

Projected student generation existing SCC district: **0 Elementary 0 Middle 0 High**

Projected student generation proposed SP district: **31 Elementary 13 Middle 16 High**

The proposed SP zoning is expected to generate 60 more students than the existing SCC zoning. Students would attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. Gower Elementary School is identified as being overcapacity. H.G. Hill Middle School and Hillwood High School are identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 277 multi-family residential units and a maximum of 6,000 square feet of ground floor non-residential use. Ground floor non-residential uses shall be limited to those permitted in MUG zoning. Short term rental property, owner occupied and short term rental property, not-owner occupied shall be prohibited.
2. Additional parking garage screening shall be required along the eastern façade at final site plan. Screening may include architectural cladding and/or additional landscaping. Elevations to be reviewed and approved by Planning Staff.
3. The eastern façade elevations shall be modified to feature similar architectural cladding to the southern and western facades for final site plan approval. Elevations to be reviewed and approved by Planning Staff.
4. The following design standards shall be added to the plan: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
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.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the MUG zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.
13. No master permit/HPR shall be recorded prior to final SP approval.
14. Final plat may be required prior to permitting.

Mr. Shane presented the staff recommendation to approve with conditions and disapprove without all conditions.

Chair Smith advised that Items 3a and 3b will be voted on together with one Public Hearing for both Items.

Simcha Ward stated he is a Director of Development with Crescent Communities. He spoke in favor of the application.

Kim Hawkins, 2205 Natchez Trace, spoke in favor of the application.

Beth Ostrowski, 5539 Knob Road, stated she is a traffic engineer and regional practice leader for KCI Technologies located at 500 11th Avenue North. She spoke in favor of the application.

Courtney Leyes, 5557 Knob Road, spoke in favor of the application.

Chelsea Cahill, 4307 Colorado Avenue, spoke in favor of the application.

Laura Lee Dobie, 3815 Whitland Avenue, spoke in favor of the application.

Rudy Edelen, 207 Ocoola Avenue, spoke in favor of the application.

Taylor Harold, 4505 Harding Pike, spoke in favor of the application.

Caroline Willett, 78A Brookwood Terrace, spoke in favor of the application.

William Jameson, 215 Leonard Avenue, spoke in favor of the application.

Charlotte Mellow, 1350 Rosa Parks Blvd, spoke in favor of the application.

Caroline Clemons, 511 Stevenson Street, spoke in favor of the application.

Steve Norris stated he lives at Lion's Head condominiums. He spoke in opposition to the application.

Martin Donner stated he lives in Hillwood and owns property in Lion's Head. He spoke in opposition to the application.

Barbara Acuna stated she lives in Lion's Head. She spoke in opposition to the application.

Anita Howards, 4487 Post Place, spoke in opposition to the application.

Twana Chick, 5967 Cane Ridge Road, spoke in opposition to the application.

Cathleen Del Casino stated she lives in Lion's Head. She spoke in opposition to the application.

Elizabeth Jesse, 4487 Post Place, spoke in opposition to the application.

Ray Walker, 4487 Post Place, spoke in opposition to the application.

Simcha Ward spoke in rebuttal.

Chair Smith closed the Public Hearing.

Mr. Clifton asked about the traffic light, which was a question raised from one of the neighbors.

Mr. Shane advised that on the NDOT list of conditions, the specific condition is additional analysis will be required prior to the submittal of the final SP to determine the appropriate traffic control and any related geometric modifications at the intersection of the existing access drive and White Bridge Pike.

Mr. Clifton said something will happen, it is just a matter of what and asked if he was correct.

Ms. Milligan responded that yes, NDOT needs additional work with the traffic engineer on the project to determine the best approach to traffic control at that location.

Mr. Clifton stated there would not be definite answers about what exactly it would be but it is part of what will happen.

Ms. Milligan said it is not unusual to determine the final improvements on traffic control at an intersection at final site plan, so NDOT has included that condition.

Mr. Clifton pointed out there has been a growing realization that integrated mixed use is the way to go for a lot of reasons, and this proposal is a great example of what they have to be doing, and said he is in support of it.

Councilmember Gamble asked if there has been a traffic study previously done.

Ms. Milligan stated a Multimodal Transportation Analysis was completed in addition to other studies have been done on this project. NDOT needs more work and more study on what the appropriate treatment is at this location.

Councilmember Gamble asked if the developer has committed to whatever that analysis shows regarding the traffic.

Ms. Milligan answered they would be required to complete whatever is called for in the additional study.

Ms. Dundon asked in the planning process, to what extent was the greater corridor and that greater shopping center considered or was it a site specific analysis.

Ms. Milligan explained that with the Multimodal Transportation Analysis that was done builds in traffic from other developments into that analysis, so the MMTA is taking a broader look regarding traffic. It is built in to the MMTA and improvements that might be done. She further explained they looked at how to incorporate sidewalks and connections to the greenway throughout, understanding they were limited to parcel under review.

Ms. Dundon asked about the process if the traffic lights put in place are not adequate to address the traffic issues.

Ms. Milligan replied it is not uncommon for additional improvements be considered or made by Metro in years down the road, as Metro is continually modifying streets, intersections and traffic control.

Ms. Dundon said she did not see a Floodplain Analysis and asked if there are any flooding issues, especially in areas of ingress and egress.

Ms. Milligan pointed to the policy map and said the light green area would be in the flood plan and floodway and there are not any flooding issues in this particular property. She stated Storm Water has reviewed this plan and recommended approval.

Mr. Henley said he is encouraged with private development taking the steps to contribute and extend the greenway network. He felt it is important to add housing with no displacement and to have multimodal access and use for the residents.

Mr. Clifton moved and Councilmember Gamble seconded the motion to approve with conditions and disapprove without all conditions, including the added condition in the memo. (7-0)

Resolution No. RS2024-121

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-009-001 is approved with conditions and disapprove without all conditions, including the added condition in the memo. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 277 multi-family residential units and a maximum of 6,000 square feet of ground floor non-residential use. Ground floor non-residential uses shall be limited to those permitted in MUG zoning. Short term rental property, owner occupied and short term rental property, not-owner occupied shall be prohibited.
2. Additional parking garage screening shall be required along the eastern façade at final site plan. Screening may include architectural cladding and/or additional landscaping. Elevations to be reviewed and approved by Planning Staff.
3. The eastern façade elevations shall be modified to feature similar architectural cladding to the southern and western facades for final site plan approval. Elevations to be reviewed and approved by Planning Staff.
4. The following design standards shall be added to the plan: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
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.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the MUG zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.
13. No master permit/HPR shall be recorded prior to final SP approval.
14. Final plat may be required prior to permitting.

3b. 78-74P-003

LIONS HEAD VILLAGE (AMENDMENT)

Council District 24 (Brenda Gadd)

Staff Reviewer: Dustin Shane

A request to amend a portion of a Commercial Planned Unit Development Overlay District on a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place, zoned SCC (3.67 acres), to add multi-family residential as a permitted use and to permit a maximum of 277 multi-family residential units, requested by Barge Cauthen and Associates, applicant; SCG Lion's Head LLC, owner (See associated case 2021SP-009-001).

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

APPLICANT REQUEST

Amend preliminary plan for a portion of a Planned Unit Development.

Amend Preliminary PUD

A request to amend a portion of a Commercial Planned Unit Development Overlay District on a portion of property located at 40 White Bridge Pike, about 375 feet west of Post Place, zoned SCC (3.67 acres), to add multi-family residential as a permitted use and to permit a maximum of 277 multi-family residential units.

Existing Zoning

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

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 this title. 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.

This PUD was intended to provide non-residential commercial uses, including retail and residential, to serve the surrounding community. A 2012 PUD Amendment approved 127,600 square feet of commercial space.

CASE HISTORY

This application and its associated case (Case No. 2021SP-009-001) were originally scheduled to be heard at the August 26, 2021, MPC meeting. A recommendation of approval with conditions was published by staff prior to that meeting; however, shortly before the meeting the application was deferred at the request of the applicant. The application was indefinitely deferred at the December 9, 2021, MPC meeting. No public hearing was held.

REQUEST DETAILS

This is a request to amend the preliminary PUD for a portion of the Lions Head Village PUD. The subject portion of the PUD is currently approved for a commercial shopping center with surface parking and this application is proposing to amend the PUD to include multi-family residential as a permitted land use and to permit a maximum of 277 multi-family residential units.

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Community Center (T4 CC) is intended to maintain, enhance, and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban

communities generally within a 5-minute drive or a 5-to-10-minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

ANALYSIS

The application proposes to add multi-family residential as a permitted use in a portion of the Lions Head Village PUD and therefore requires concurrence by the Metropolitan Council. The proposed land use is permitted in the underlying zoning district and is supported by the land use policy for the site when included in a mixed-use building or in a transitional location for the policy. The subject application would permit a maximum of 277 multi-family residential units within the PUD, and the associated SP application would govern the layout and form of the units against the land use policy guidance. The PUD will continue to govern the commercial uses and parking area on the majority of the site while the SP will modify the northwestern corner where the proposed multi-family residential building will be located. A small portion of the parking lot adjacent to this corner will also be reconfigured to improve traffic flow and reduce conflicts with pedestrians.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

WATER SERVICES

Approve with conditions

- Approved as a Preliminary PUD 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 PUD/SP plans. Capacity must be paid before issuance of building permits. Per Capacity Study Permit # T2021003887

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Reference prelim SP case: 2021SP-009-001.

STAFF RECOMMENDATION

Staff recommends approval with conditions if the associated SP is approved. Disapprove if the associated SP is not approved.

CONDITIONS

1. 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.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. 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.

Councilmember Gamble moved and Mr. Henley seconded the motion to approve with conditions as approved with Item 3a. (7-0)

Chair Smith called for a ten-minute break.

Resolution No. RS2024-122

"BE IT RESOLVED by The Metropolitan Planning Commission that 78-74P-003 is approved with conditions and disapproved if the associated SP is not approved. (7-0)

CONDITIONS

1. 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.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. 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.

4. 2022SP-021-001

BERKHAMSTEAD

Council District 31 (John Rutherford)

Staff Reviewer: Laszlo Marton

A request to rezone from AR2a to SP zoning for property located at 7088 Burkitt Rd, approximately 550 feet east of Old Burkitt Rd, (11.63 acres), to permit up to 119 multi-family residential units, requested by CSDG, applicant; Blackburn Family Limited Partners II LP, owner.

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

APPLICANT REQUEST

Rezone to SP to permit a multi-family residential development.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning for property located at 7088 Burkitt Rd, approximately 550 feet east of Old Burkitt Rd, (11.63 acres), to permit up to 119 multi-family residential units.

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of five lots with one duplex lot for a total of six units, based on acreage alone. Application of Metro's Subdivision Regulations may result in fewer units at this site.*

Proposed Zoning

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

SOUTHEAST COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle, and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

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

SITE

The subject site consists of a single parcel that is approximately 11.63 acres, located on the north side of Burkitt Road and approximately a quarter mile east of Nolensville Pike. The parcel currently contains a single-family residence that draws access from Burkitt Road, which is classified as an arterial boulevard in the Major and Collector Street Plan (MCSP). The MCSP also calls for a planned collector avenue to the north of this site.

PLAN DETAILS

The application proposes 119 multi-family residential units with two different unit types: 72 units in 3-story stacked flat type buildings and 47 of the units in 3-story attached townhome type buildings. The plan proposes to construct a local public road, running north from Burkitt Road and terminating with a cul-de-sac turnaround feature. The local street is proposed to intersect the north/south street on the northern end of the site and then stub to the east and west property lines, creating opportunities for future connectivity. The proposed units are oriented towards Burkitt Road

and the proposed public streets throughout the site. All of the proposed units draw their access from the new public streets via private drives that run behind or beside the buildings. The stacked flat units are served by surface parking that is located to the rear or to the side of the buildings and the townhomes are rear loaded with garage parking along private rear drives. No vehicular access is provided directly to individual units from the public roads. The plan also includes a publicly accessible walking path, labeled as a greenway on the plan, along the western property boundary that connects to Burkitt Road and intends to eventually connect to another path on the adjacent property to the west. This is not intended to be constructed as a standard Metro Parks Greenway. A pavilion and lawn feature are also provided within an open space area as an amenity to the residents of this development. The plans include architectural standards demonstrating that the units will have an appropriate form for the policy and will be sensitive to the surrounding context.

ANALYSIS

The site is located within the T3 Suburban Neighborhood Evolving (T3 NE) policy area which intends to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle, and vehicular connectivity. The SP includes an east-west public road and north-south public road, which will contribute to the overall goal of improved connectivity for the area.

The plan is consistent with the intent of the policy by providing a mixture of housing types in the form of townhomes and stacked flats as well as improving both vehicular and pedestrian connectivity where infrastructure is insufficient. The plan includes architectural standards that will provide development that properly addresses the street with high quality facades and sufficient levels of glazing. The plan is also sensitive to the Conservation Policy area on the site, associated with an existing pond at the northeast corner, showing building footprints away from the feature with a buffer around the pond. Staff finds the proposal to be consistent with the T3 NE and CO policies.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes. Submit architectural elevations, fire hydrant flow test reports, and fire apparatus access plan with final SP.

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% W&S Capacity & 100% DAPARC Fees must be Paid Prior to Final Site Plan/SP plan Approval. (See Capacity Permit #'s T2021063564 and T2021063565).

NASHVILLE DOT RECOMMENDATION

Approved with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- At Final SP continue to coordinate with NDOT on improving the sight distance for vehicles traveling Westbound on Burkitt Rd. A speed study may be required.

- The applicant shall provide an Eastbound left turn lane at the site access on Burkitt Rd. The transition tapers shall meet MUTCD and AASHTO standards.
- Comply with Roads conditions.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	11.4	0.5 D	6 U	78	9	7

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	11.4	-	119 U	647	41	52

Traffic changes between maximum: **AR2a and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+113 U	+569	+32	+45

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 1 Elementary 1 Middle 1 High

Projected student generation proposed SP district: 15 Elementary 6 Middle 8 High

The proposed SP zoning is expected to generate 26 additional students than what is typically generated under the existing AR2a zoning. Students would attend Maxwell Elementary School, Marshall Middle School, and Cane Ridge High School. Maxwell Elementary is identified as being at capacity. Marshall Middle School is identified as under capacity. Cane Ridge High School is identified as being 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 with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 119 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. The path along the western property line shall be placed in a public access easement and shown on the final plat.
3. Right-of-way for the proposed north-south and east-west roads shall extend to the property boundaries and be identified for future connectivity.
4. Areas of surface parking which are visible from public rights of way shall be sufficiently screened with landscaping and reviewed with the final SP landscape plan.
5. Final screening details for dumpster locations to be determined at final SP review. All screening shall meet the minimum standards of the Metro Code and additional supplemental landscape screening may be required. No dumpsters are permitted within landscape buffer yards.
6. On the corrected copy, the northernmost dumpster shall be relocated as to not be located along a public roadway.
7. On the corrected copy, update the required 40' setback along Burkitt Road in the Site Data table to be consistent with the 25' Burkitt Road setback shown on the plan.
8. On the corrected copy, update the purpose note to include prohibited uses as listed in the first condition.
9. On the corrected copy, modify "greenway" references to "pedestrian path" as it is not maintained and operated by Metro Parks and Greenways.
10. No private drives shall encroach in the landscape buffer yards. Only minimal encroachments for the pedestrian path are permitted to the extent shown on the preliminary plan.
11. On the corrected copy, modify note 2 under amenities to say, "Bicycle parking shall be provided per the UZO standards."
12. This approval does not include any signs. On the corrected copy, remove references to educational signage.

13. With the submittal of the final site plan, additional landscaping shall be provided between the northern most drive aisle and the open space.
14. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
15. There shall be no permanent parking of food trucks within the bounds of the SP. Temporary food trucks shall meet all Metro requirements.
16. No master permit/HPR shall be recorded prior to final SP approval.
17. Final plat may be required prior to permitting.
18. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
19. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
20. 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.
21. Comply with all conditions and requirements of Metro reviewing agencies.
22. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM15 zoning district as of the date of the applicable request or application.
23. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
24. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Mr. Marton presented the staff recommendation to approve with conditions and disapprove without all conditions.

Jon Cooper, 103 Fox Hunt Point, stated he is representing the developer. He spoke in favor of the application.

Twana Chick, Cane Ridge Community Club, spoke in opposition to the application.

Jon Cooper spoke in rebuttal.

Chair Smith closed the Public Hearing.

Mr. Henley asked about the easement as he was not aware of where there is an inhibition for someone to be able to access an adjacent property.

Mr. Marton said they have recently received revisions of this plan and had conversations of easements and bounds of where the right-of-way would extend. He advised they received a revision where they were proposing an access easement just west of the first drive, located behind the first set of stacked flats along Burkitt Road, which would go east to west. Mr. Marton stated they are proposing a 50 foot access easement that would lead to the property to the west. He said there was a recent request to remove the potential to have a north south connection to Pettis Road but it is the MCSP to make that connection and they went with what the MCSP required.

Ms. Milligan added there are two issues. She explained that staff has included a condition that the right-of-way to the north south and east west shall extend to the property boundaries and be identified for future connectivity. They would prefer to not have the north south road be able to extend to the north in the future. She further explained there is a planned north south collector street between Burkitt and Pettis roads and that is why staff has been consistent. Ms. Milligan said the other issue was the east west access easement and speculated that NDOT may not have had all the information they needed to make a determination of whether or not that would work and had some queuing concerns.

Chair Smith asked if there is a way to cut off the north south about the detention pond and leave an easement so if the property to the north gets developed that connectivity is still there.

Ms. Milligan responded it depends on the length as they may not have to turn it around if there is the intersection with the other local road. She said the portion of the MCSP going through this site was removed from the MCSP but not through the northern portion, so it was intended that through this site it would be local street and there is an extension to the north. Ms. Milligan felt there could be a scenario where they do a reservation for future extension should those properties redevelop.

Mr. Henley stated he sees a lot of retention and bio retention ponds throughout the site and asked if there is going to be a significant concern with all these having to be delivered at one time.

Ms. Milligan answered that Storm Water would review the grading plans for the different phases and take into consideration the needs of each phase, but also looking at the broader site. She explained this is a preliminary SP and sometimes they will show more bio pond areas than they end up needing on the back end. When they get into the grading and engineering of it, it ends up with fewer bio areas or configured differently, and Storm Water would take that all into consideration in totality.

Mr. Henley moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions including modification to condition #3 to extend the right-of-way for the east/west road to the property boundaries, and to provide area of right-of-way reservation that extends to the northern boundary on the portion of the north/south road located north of the east/west road, and that the applicant continue to work with NDOT on opportunities for a cross access easement. (7-0)

Resolution No. RS2024-123

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022SP-021-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 119 multi-family residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.
2. The path along the western property line shall be placed in a public access easement and shown on the final plat.
3. Right-of-way for the proposed north-south and east-west roads shall extend to the property boundaries and be identified for future connectivity.
4. Areas of surface parking which are visible from public rights of way shall be sufficiently screened with landscaping and reviewed with the final SP landscape plan.
5. Final screening details for dumpster locations to be determined at final SP review. All screening shall meet the minimum standards of the Metro Code and additional supplemental landscape screening may be required. No dumpsters are permitted within landscape buffer yards.
6. On the corrected copy, the northernmost dumpster shall be relocated as to not be located along a public roadway.
7. On the corrected copy, update the required 40' setback along Burkitt Road in the Site Data table to be consistent with the 25' Burkitt Road setback shown on the plan.
8. On the corrected copy, update the purpose note to include prohibited uses as listed in the first condition.
9. On the corrected copy, modify “greenway” references to “pedestrian path” as it is not maintained and operated by Metro Parks and Greenways.
10. No private drives shall encroach in the landscape buffer yards. Only minimal encroachments for the pedestrian path are permitted to the extent shown on the preliminary plan.
11. On the corrected copy, modify note 2 under amenities to say, “Bicycle parking shall be provided per the UZO standards.”
12. This approval does not include any signs. On the corrected copy, remove references to educational signage.
13. With the submittal of the final site plan, additional landscaping shall be provided between the northern most drive aisle and the open space.
14. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
15. There shall be no permanent parking of food trucks within the bounds of the SP. Temporary food trucks shall meet all Metro requirements.
16. No master permit/HPR shall be recorded prior to final SP approval.
17. Final plat may be required prior to permitting.
18. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
19. The final site plan shall label all internal driveways as “Private Driveways.” A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
20. 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.
21. Comply with all conditions and requirements of Metro reviewing agencies.
22. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM15 zoning district as of the date of the applicable request or application.
23. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

24. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

**5. 2024SP-002-001
ROCK HARBOR**

Council District 20 (Rollin Horton)
Staff Reviewer: Laszlo Marton

A request to rezone from IWD and R10 to SP zoning for property located at 525 Basswood Ave. and a portion of property located at 517 Basswood Ave., at the southwest corner of Robertson Ave. and Basswood Ave., (30.2 acres), to permit a mixed-use development, requested by Centric Architecture, applicant; PSF II Rock Harbor Propco LLC and Western Express, Inc., owners.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-002-001 to the July 25, 2024, Planning Commission meeting. (7-0)

6. 2024SP-013-001

3124 MURFREESBORO PIKE
Council District 08 (Deonté Harrell)
Staff Reviewer: Jason Swaggart

A request to rezone from AR2A to SP zoning for properties located at 3201 Hamilton Church Road and 3124 Murfreesboro Pike, approximately 1310 feet northwest of Mt. View Road (19.11 acres), within the Murfreesboro Pike Urban Design Overlay, to permit 175 multi-family residential units, requested by Kimley-Horn, applicant; Ammon & Ruth Shreibman and NIR Homes Inc., owners.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-013-001 to the July 25, 2024, Planning Commission meeting. (7-0)

7. 2024SP-016-001

751 S. 5TH STREET
Council District 06 (Clay Capp)
Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP zoning for property located at 751 S. 5th Street, at the northeast corner of S. 5th Street and Dew Street (1.41 acres), to permit a mixed-use development, requested by Dream Capital Management LLC, applicant; Professional Services Industries, Inc., owner.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-016-001 to the July 25, 2024, Planning Commission meeting. (7-0)

**8. 2020S-207-004
CHANDLER RESERVE, PHASE 3**

Council District 11 (Jeff Eslick)
Staff Reviewer: Dustin Shane

A request for final plat approval to create 40 lots and an open space on a portion of properties located at Chandler Road (unnumbered) and Hidden Hill Drive (unnumbered), at the current terminus of Flora Grove, zoned R10 (13.29 acres), requested by Wilson and Associates, applicant; Meritage Homes of Tennessee Inc., owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 40 lots.

Final plat

A request for final plat approval to create 40 lots and an open space on a portion of properties located at Chandler Road (unnumbered) and Hidden Hill Drive (unnumbered), at the current terminus of Flora Grove, zoned One and Two-Family Residential (R10) (13.29 acres).

CASE HISTORY

The site is located on vacant residential land bordering the county line in Hermitage. The site has been zoned R10 since 1974. A concept plan approving 253 residential lots was approved at the December 10, 2020, Planning Commission meeting (Case No. 2020S-207-001). A final site plan has been approved (Case No. 2020S-207-002).

The proposed Phase 3 final plat application includes 40 lots, the extensions of two public roads, and one open space parcel and is consistent with the concept and final plans.

SITE DATA AND CONTEXT

Location: The site is located at the current terminus of Flora Grove.

Approximate Acreage: 13.29 acres or approximately 578,912 square feet.

PROPOSAL DETAILS

This proposal is for final plat approval. The concept plan approved for the site utilized the by-right Cluster Lot Option standards of Section 17.12.090 of the Metro Zoning Code that were in effect at the time. The final plat matches the approved cluster lot concept plan with regard to maximum lot yield, open space requirements, alternative lot sizes, landscape buffer yard requirements, hillside development standards, floodplain development standards, and recreational facilities.

Number of lots: 40

Subdivision Variances or Exceptions Requested: None

UPDATED FINAL PLAT RULES AND PROCEDURES

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

Approval by the MPC is now required because the subject plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

APPLICABLE SUBDIVISION REGULATIONS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

METRO HISTORIC RECOMMENDATION

Approve with conditions

- Prior to the Planning Commission meeting, applicant should submit a plat showing the boundaries and 10' buffer for both the existing cemetery and the new cemetery (area of reinterments), and easement access for the two sites.

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

- Attached is a copy of the latest revised subdivision (uploaded by Planning June 14, 2024) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 21SL0012 and 21WL0007. A bond amount of \$186,000.00 is assigned to 21SL0012, and an amount of \$152,000.00 is assigned to 21WL0007.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water, and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2020S-207-004 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2024-124

"BE IT RESOLVED by The Metropolitan Planning Commission that 2020S-207-004 is approved with conditions. (7-0)

CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water, and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. After approval, submit the corrected mylar or vellum copy of the plat reflecting all Conditions of Approval, with name printed under signatures and dates from property owner(s) and surveyor, one paper copy, a CD with the electronic copy of the plat (.dwg) saved on it, and recordation fee, to Planning.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

9. 2022S-231-001

SOUTHERN LEGACY COMPANIES PROPERTY

Council District 11 (Jeff Eslick)

Staff Reviewer: Matt Schenk

A request for final plat approval to create two lots on property located at 102 McArthur Drive, approximately 160 feet north of Teresa Drive, zoned RS15 (1.14 acres), requested by WT Smith Land Surveying, applicant; Southern Legacy Companies, LLC, owner.

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

APPLICANT REQUEST

Request for final plat approval to create 2 lots.

Final Plat

A request for final plat approval to create two lots on property located at 102 McArthur Drive, approximately 160 feet north of Teresa Drive, zoned Single-Family Residential (RS15) (1.14 acres).

SITE DATA AND CONTEXT

Location: The site consists of one parcel located on the west side of McArthur Drive, southwest of Park Drive.

Street Type: The site has frontage on McArthur Drive, a local street, with an existing right-of-way width of 30 feet.

Approximate Acreage: 1.14 acres, or approximately 49,730 square feet.

Parcel/Site History: The site consists of a single parcel that was created by deed in 1956.

Zoning History: The parcel has been zoned Single-Family Residential (RS15) since 2011, when this site and surrounding properties were rezoned from the former City of Lakewood zoning to Metro Government of Nashville and Davidson County zoning. The parcel is also located within the Airport Impact Overlay.

Existing land use and configuration: The parcel is currently developed with a single-family residence that fronts McArthur Drive.

Surrounding land use and zoning:

- North: Single-Family and Two-Family Residential (RS15 and R15)
- South: Single-Family Residential (RS15)
- East: Single-Family Residential (RS15)
- West: Single-Family Residential (RS15)

Zoning: Single-Family Residential (RS15)

Min. lot size: 15,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of Lots: 2

Lot sizes: Lot 1- 0.55 acres (24,155 square feet); Lot 2- 0.53 acres (23,053 square feet)

Access: Access to all lots is provided by McArthur Drive.

Subdivision Variances or Exceptions Requested: An exception to Section 3-5.2.d.1 for lot frontage is required.

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

The subdivision is required to meet the standards of Chapter 3. Staff finds that all standards, with the exception of compatibility, are met.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

The proposed lots comply with the minimum standards of the Zoning Code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of RS15 zoning at the time of building permit. All proposed lots are greater than 15,000 square feet and have frontage on a public street, McArthur Drive.

3-5 Infill Subdivisions

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

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

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

Both lots exceed the 15,000 square foot minimum square footage requirement of the zoning district. Lot 1 is 24,155 square feet and Lot 2 is 23,053 square feet.

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

Both lots have frontage on a public street, McArthur Drive.

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

The T3 NM policy that applies to this site does not specifically identify an appropriate density; however, the policy supports the underlying RS15 zoning district and its prescribed density.

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

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

Neither of the proposed lots meet the minimum lot frontage requirement. The minimum frontage width requirement is 165 feet. The proposed frontage width is 125.5 feet for Lot 1 and 135.7 feet for Lot 2.

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

The proposed lots meet the minimum lot size requirement. The minimum lot size requirement per this section would be approximately 0.48 acres. Lot 1 has a lot size of approximately 0.55 acres and Lot 2 has a lot size of approximately 0.53 acres.

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

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

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

Both proposed lots are oriented towards McArthur Drive, consistent with the existing development pattern.

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

All agencies have recommended approval or approval with conditions.

f. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).* Section 3-5.2.f. above states that if the compatibility requirements are not met, the Planning Commission may consider other factors including the development pattern of the area. This request requires exceptions from Section 3-5.2. pertaining to lot frontage. The following section discusses the exception needed in more detail.

Variations/Exceptions Analysis

The proposed lots do not meet the compatibility requirements for lot frontage. In evaluating compatibility, staff identified one surrounding parcel to the south at the intersection of McArthur Drive and Teresa Drive, comprising approximately 0.48 acres and 165 feet of lot frontage.

In cases where a subdivision does not meet the compatibility standards established in Section 3-5-2., Section 3-5.2.f. allows the Planning Commission to grant exceptions to compatibility requirements if the subdivision can provide for the harmonious development of the community.

Due to the relatively short block face along McArthur Drive and there being only one surrounding parcel with which to compare for compatibility, staff expanded consideration to both sides of McArthur Drive to evaluate the development pattern of a larger area. In this consideration, staff considered a parcel located on the west side of McArthur Drive, south of Teresa Drive, and properties on the east side of McArthur Drive. The parcel on the west side of McArthur Drive comprises approximately 0.55 acres with 114.8 feet of lot frontage. Across the street, the east side of McArthur Drive has three relatively similarly sized properties of approximately 0.59 acres (two properties) and 0.64 acres (one property), with lot frontage widths of 140 feet, 150 feet, and 180 feet. When including these parcels in a broader analysis, this results in an average lot frontage of 146.8 feet. The proposed frontages for Lots 1 and 2, of approximately 125.5 feet and 135.7 feet, while not meeting the compatibility of the surrounding parcels, is within the general range of the average frontage of properties that staff considered for the surrounding development pattern. Staff notes the subject property, which is approximately 1.14 acres, is larger than any of the five properties considered in the analysis.

3-5.3 *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.*

Not applicable to this case.

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

Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*

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

Not applicable to this case.

3-5.6 *Reasonable Conditions*

Not applicable to this case.

3-6 Blocks

Not applicable to this case. No new blocks are being created.

3-7 Improvements

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

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

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

3-9 Requirements for Streets

Not applicable to this case. The proposal is for an infill subdivision located on an existing street.

3-10 Requirements for Dedication, Reservations, or Improvements

The existing right-of-way for McArthur Drive is approximately 30 feet. Approximately 9.76 feet of right-of-way dedication is proposed along the frontage of this site, providing the required half of standard right-of-way width of 25 feet.

3-11 Inspections During Construction

Construction plans for any required private improvements will be reviewed at the time of building permit.

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

Not applicable to this case. No new streets are proposed.

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

Not applicable to this case. No private streets are proposed.

3-14 Drainage and Storm Sewers

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

3-15 Public Water Facilities

Public water is available to this site from Metro Water Services. Metro Water Services has recommended approval with conditions.

3-16 Sewerage Facilities

Public sewer is available to this site from Metro Water Services. Metro Water Services has recommended approval with conditions.

3-17 Underground Utilities

Not applicable to this case.

PLANNING STAFF COMMENTS

With the exception of the minimum lot frontage requirement, the proposed lots meet the standards of the Metro Subdivision Regulations and Metro Zoning Code. In considering the development pattern along McArthur Drive, staff finds that the proposed subdivision is not inconsistent with the surrounding development pattern. Staff recommends approval with conditions, including an exception to Section 3-5.2.d.1.

POLICY CONSIDERATIONS

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

NashvilleNext includes a Community Character Manual (CCM) which established character areas for each property within Metro Nashville. The community character policy applied to this property is T3 Suburban Neighborhood Maintenance. The intent of T3 NM policy is to maintain the general character of suburban neighborhoods as characterized by their development pattern, building form, land use, and associated public realm. The proposed subdivision maintains the residential land use, meets the minimum standards of the zoning district, has frontage along an existing local street, and lot areas comparable to the surrounding suburban properties.

If the Commission can find that the proposed final plat is meeting the intent of the T3 NM policy, the Commission could place greater weight to this portion of the adopted General Plan (Nashville Next), and the Commission may approve the subdivision with the requested exceptions.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

- Revised Culvert/Driveway note should read: 'Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15-inch RCP).'

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- W&S Capacity fees must be paid before issuance of building permits for new lots.

STAFF RECOMMENDATION

Staff recommends approval with conditions, including an exception to Section 3-5.2.d.1. for lot frontage.

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. 2022S-231-001 with conditions including an exception to 3-5.2.d.1. for lot frontage based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Resolution No. RS2024-125

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-231-001 is approved with conditions, including an exception to Section 3-5.2.d.1. for lot frontage. (7-0)

CONDITIONS

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

10. 2024S-001R-001

Countywide

Staff Reviewer: Seth Harrison

A request to amend the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 21, 2021, requested by the Metro Planning Department, applicant.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Subdivision Regulations.

Amendment

A request to amend the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 21, 2021.

AUTHORITY

Both the Metro Charter and Tennessee state law authorize the Commission to adopt Subdivision Regulations. As stated in Tennessee Code Annotated section 13-4-303 and the Metro Subdivision Regulations Section 1-3, "Purpose," these regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

PURPOSE

There have been multiple changes to State required language and the Metro Zoning Code since the Subdivision Regulations were last amended in 2021. On June 1, 2022, and July 1, 2022, Public Chapter 1128 and Chapter 994, respectively, became effective in the State of Tennessee. On March 27, 2022, Metro Council approved BL2022-1121 adopting the Conservation Development standards, replacing the Cluster Lot Option. On March 15, 2024, Metro Council approved BL2023-120 adopting the Compact Development standards, replacing lot averaging.

The proposed changes to the Subdivision Regulations make the regulations consistent with both state law and the Zoning Ordinance.

ANALYSIS

Public Chapter 1128 requires an amendment to section 1-13 of the Subdivision Regulations. As amended the regulation would prohibit the Planning Commission from requiring the public dedication of real property or money unless there is an essential nexus between a legitimate government interest and the required dedication, and the required dedication is roughly proportional in nature and extent to the impact of the proposed property development.

Public Chapter 994 requires amendments to Sections 2-1.2 and 2-4.6 of the Subdivision Regulations. The amendments within 2-1.2 amend the number of lots that are considered a minor subdivision from four to five lots when permitted. Section 2-4.6 amends when certain final plats may be approved by the Secretary of the Planning Commission. These include subdivisions of no more than five lots and, if a concept plan was previously approved by Planning Commission, a final subdivision of no more than twenty-five lots.

BL2022-1121 requires amendments to Sections 3-1.1, 3-5.2, and 4-2.5. Amendments to Section 3-1 require subdivisions outside of T2 transects to utilize the standards of Chapter 3, amendments to Section 3-5.2 require infill subdivisions utilizing Conservation Development standards to follow the requirements of Infill Subdivisions, and amendments to Section 4-2.5 permit subdivisions required to utilize Chapter 4, Rural Character Subdivisions, to utilize Conservation Development standards.

BL2023-120 requires amendments to Sections 3-1.1, 3-5.2, and 4-2.5. Amendments to Section 3-1.1 require subdivisions outside of T2 transects to utilize the standards of Chapter 3, amendments to Section 3-5.2 require infill subdivisions utilizing Compact Development standards to follow the requirements of Infill Subdivisions, and Section 4-2.5 prohibits subdivisions required to utilize Chapter 4, Rural Character Subdivisions, from utilizing Compact Development standards.

PUBLIC OUTREACH

Due to the nature of the proposed amendments, which consist of housekeeping changes related to State legislation or Zoning Code amendments, no stakeholder meetings. On April 23, 2024, the draft amendments were posted on the Planning Department website for review and comment.

A notice was placed in the following newspapers of general circulation advertising the May 23, 2024, Planning Commission consideration of the proposed amendments:

- *The Tennessee Ledger* on April 19, 2024, and
- *El Crucero de Tennessee* on April 26, 2024.

TIMING AND EXISTING APPLICATIONS

The Planning Commission has the authority to specify the effective date of the Subdivision Regulation amendments. Staff recommends that because the amendments are intended to reflect regulations already in place that they become immediately effective.

STAFF RECOMMENDATION

Staff recommends approval of the regulations.

PROPOSED AMENDMENTS

(Additions shown in underline; amendments or deletions in ~~strike through~~):

Section 1. That Section 1-13 of the Subdivision Regulations is amended by adding the following modifications:

1-13 Fees, in-lieu contributions and other assessments, estimates, ~~or~~ payments, or dedication of real property

1. Fees, in-lieu contributions and other assessments, estimates or payments. Fees, in-lieu contributions and other assessments, estimates or payments required by these regulations or by the Metropolitan Government in furtherance of these regulations for single or multi-phase developments shall be determined by the fee or rate at the time of assessment or payment, whichever is later. The Metropolitan Government of Nashville & Davidson County may update fees and rates over time to reflect current standards and/or changes in market rates.
2. In exercising the powers granted to it by T.C.A.13-3-402 and T.C.A 13-4-302, the planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subsection may seek relief through a common law writ of certiorari in chancery court.

Section 2. That Section 2-1.2 of the Subdivision Regulations is amended by adding the following modifications:

2-1 General Procedures

2. Classification of Subdivisions. The Executive Director shall determine whether the application is a major subdivision, a minor subdivision, or a land partition. ~~final site plan~~
 - a. Major Subdivision.
 1. A major subdivision is division of land into two or more lots that include any of the following:
 - a. A new or extended public street or street right-of-way, but not including future street alignments illustrated in a plan of resubdivision as required by Section 2-7.1.
 - b. Improvement(s) within an existing street right-of-way, other than repair or construction of sidewalk(s) or other pedestrian connections required by these regulations, fire hydrants or other types of minor improvements necessary to serve the lots being created.
 - c. The dedication of a right-of-way or easement for construction of a new public road or public utility.
 - d. Dedications, reservations, improvements, or environmental conditions that, in the opinion of the Executive Director with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval in order to ensure the public health, safety, and welfare.
 2. A concept plan is required for a major subdivision.
 - b. Minor Subdivision.
 1. A minor subdivision is a division of land where the conditions for major subdivision review, as set out in Section 2-1.2.a.1. are not present. Notwithstanding the provisions of Section 2-1.2.a, the Executive Director may allow a subdivision of not more than ~~four~~ five lots to be processed as a minor subdivision where an extension to an existing public street is required or an existing substandard street is required to be brought up to Public Works Department standards or the dedication of a right-of-way or easement for construction of infrastructure improvements is required, provided that construction plans are approved prior to the subdivision being placed on a Planning Commission agenda.

Section 3. That Section 2-4.6 of the Subdivision Regulations is amended by adding the following modifications:

2-4 Final Subdivision Plat

6. Decision on Final Subdivision Plat. Upon completion of staff review, the applicable approval procedures below shall be followed.
 - a. Minor Revisions. If the Executive Director deems that the final subdivision plat shows no revisions or minor revisions to the concept and final site plans as described in Sections 2-2.6.a and 2-3.4.a, and meets all the regulatory requirements, the Executive Director is authorized to approve the final plat of subdivision on behalf of the Planning Commission. The Executive Director may direct a final plat of subdivision to the Planning Commission according to the procedures of Section 2-4.4.b. At the request of the applicant, a final plat of subdivision shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director.
 - b. Major Revisions. All other revisions shall be deemed to be major revisions as described in Sections 2-2.6.b and 2-3.4.b. If the final subdivision plat contains major revisions to the approved final site plan, a revised concept plan along with the final site plan shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Sections 2-2.6.b for major revisions to approved concept plan shall be followed for any major revisions at the time of final plat of subdivision.
 - c. Approval of Final Plats. Planning Commission approval shall be required for any final plat that did not require concept plan or Specific Plan District (SP), Planned Unit Development (PUD), Institutional Overlay (IO) and Urban Design Overlay (UDO) final site plan approval and any final plat that requires consideration of a variance or exception

~~provided that, if the plat of subdivision divides the tract into no more than two (2) lots, then the final plat may be approved by the Secretary of the Planning Commission.~~

1. If the plat of subdivision divides the tract into no more than five (5) lots, then the final plat may be approved by the Secretary of the Planning Commission.

2. If the plat of subdivision divides the tract into no more than twenty-five (25) lots and the Planning Commission previously approved a concept plan, then the final plat may be approved by the Secretary of the Planning Commission.

Section 4. That Section 3-1.1 of the Subdivision Regulations is amended by adding the following modifications:

3-1 General Requirements

1. General Requirements. Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of Chapter 3. Within T2 Rural Neighborhood and/or T2 Conservation policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood and/or T2 Conservation policies, an applicant may choose or be required to develop a Conservation Development according to the standards of Section 17.12.090 of the zoning code, Compact Development according to the standards of Section 17.12.080 of the Zoning Code, or alternative subdivisions that are more rural or urban in nature. The requirements of Chapter 4. Rural Character Subdivisions may be used to develop a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions may be used for a more urban pattern of development. For any regulation not included in Chapters 4 or 5, the regulations of Chapter 3 shall apply.

Section 5. That Section 3-5.2 of the Subdivision Regulations is amended by adding the following modifications:

3-5 Infill Subdivisions

2. Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels. For the purposes of this section, "surrounding parcels" is defined as the five R, R-A, RS, or RS-A parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same block face, whichever is less. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or cluster lot Conservation or Compact Development subdivision by approval of the rezoning or concept plan.

Section 6. That Section 4-2.5 of the Subdivision Regulations is amended by adding the following modifications:

4-2 Development Standards

5. Rural Character Design. In order to preserve the desired rural character of these areas, two Character Options exist for the development of land.

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

1. Open Alternative – Street frontage without existing vegetative or topographical screening. For the purposes of this section, "surrounding parcels" is defined as the five R, RS, AR2A or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same block face, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.

a. Building Setback along existing public streets. The required building setback shall be varied between lots. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot(s) proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback of the abutting parcels. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used. Where the majority of the abutting parcels are not developed, the minimum building setback shall be two times the amount of lot frontage. However, in no instance shall the minimum building setback be greater than 1,000 feet.

b. Lot Depth along existing public streets. The minimum depth for lots along existing public streets shall be the building setback required by Section 4-2.5(a) plus 300 feet.

c. Lot size along existing public streets.

1. Individual lot sizes shall vary in size to reflect the rural character.

2. The minimum lot size is either equal to or greater than 70% of the lot size of the average size of the surrounding parcels or equal to or larger than smallest of the surrounding parcels, whichever is greater.

3. Flag lots shall not be included in the analysis.

- d. Lot frontage abutting existing public streets. Lot frontage is either equal to or greater than 70% of the average frontage of the surrounding parcels or equal to or greater than the smallest of the surrounding parcels, whichever is greater.
- e. Street lights. Within the USD, street lighting shall be low intensity and shall be projected downward with illumination that shields light from being emitted upwards toward the night sky or on surrounding natural areas. Within the GSD, no private street lights are permitted.
- f. ~~Cluster lot option Conservation Development.~~ Development through the Countryside (Open Alternative) Character Option may utilize the provisions of ~~Cluster Lot Option Conservation Development~~ (Section 17.12.090 of the Zoning Code) within the Development Footprint area, excluding lots abutting existing public streets. Smaller lot sizes may be appropriate with the application of a Specific Plan (SP) zoning district that addresses building height, architecture, landscaping, building placement and detailed grading plan.
- g. Compact Development. Development through the Countryside (Open Alternative) Character Option shall not utilize the provisions of Compact Development (Section 17.12.080 of the Zoning Code) within the Development Footprint area.
2. Screened Alternative – Street frontage utilizing existing vegetative or topographical screening
- a. Lot Screening. Lots shall be designed to minimize visibility from the existing roadway network. Preservation of existing tree stands, existing topography, natural berms, rock outcroppings, and other features that currently provide visual screening shall be prioritized as the preferred means to minimize visibility. The concept plan/final plat shall include a landscape plan stamped by a landscape architect indicating the method to minimize the visibility from the adjacent roadway network. The Planning Commission shall determine whether the proposed screening method is sufficient to achieve the purposes of screening the development within a short (2-4 year) period and may require a bond to ensure the protection or completion of this improvement. The building envelopes shall be shown on the concept plan/final plat as a means to evaluate the effectiveness of existing and/or proposed visual screening techniques. All existing or proposed screening areas shall be designated as Conservation Land. The depth of the screened area shall be equal to the farthest building setback of primary structures on the surrounding parcels plus 300 feet. If no surrounding parcels are developed, then the screened area shall be 500 feet from the public right of way.
- b. Street lights. Within the USD, street lighting shall be low intensity and shall be projected downward with illumination that shields light from being emitted upwards toward the night sky or on surrounding natural areas. Within the GSD, no private street lights are permitted.
- c. ~~Cluster lot option Conservation Development.~~ Development through the Countryside (Screened Alternative) Character Option may utilize the provisions of ~~Cluster Lot Option Conservation Development~~ (Section 17.12.090 of the Zoning Code) within the Development Footprint area. Smaller lot sizes may be appropriate with the application of a SP that addresses building height, architecture, landscaping, etc.
- d. Compact Development. Development through the Countryside (Screened Alternative) Character Option shall not utilize the provisions of Compact Development (Section 17.12.080 of the Zoning Code).
- f. Use of Lot Screening Areas. Within the area designated for lot screening, areas identified as Prime farmland soils and land in agricultural use may be used for agricultural purposes, if permitted by the base zoning.
- b. Agricultural Character Option. This option may be used at the choice of the property owner when the primary function of the subdivision is for agricultural use and a more open character is desired. A deeper building setback is required in order to maintain a rural building framework along the street. Buffers shall be provided between houses and agricultural lands to reduce the potential for conflict between residents and farming activities.
1. Building Setback. The building setback from the front lot line shall be a minimum of 200 feet or 2 times the width of the lot along the lot frontage, whichever is greater. However, in no instance shall the minimum building setback be greater than 1,000 feet.
2. Street lights. Within the USD, street lighting shall be low intensity and shall be projected downward with illumination that shields light from being emitted upwards toward the night sky or on surrounding natural areas. Within the GSD, no private street lights are permitted.
3. Use of Conservation Areas. Within the designated Conservation Land, areas identified as prime farmland soils and land already in agricultural use may be used for agricultural purposes, if permitted by the base zoning.
4. ~~Cluster lot option Conservation Development.~~ Development through the Agricultural Character Option may utilize the provisions of ~~Cluster Lot Option Conservation Development~~ (Code Section 17.12.090 of the Zoning Code) provided the Development Footprint is internal to the overall subdivision and can be shown to comply with Subsection d of this Section.
5. Compact Development. Development through the Agricultural Character Option shall not utilize the provisions of Compact Development (Section 17.12.080 of the Zoning Code).

Approve. (7-0)

Resolution No. RS2024-126

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

11. 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 indefinitely.

The Metropolitan Planning Commission deferred 2024S-016-001 indefinitely, Planning Commission meeting. (7-0)

12. 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 July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-025-001 to the July 25, 2024, Planning Commission meeting. (7-0)

13. 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 (4.18 acres), requested by Clint Elliott Survey, applicant; Donelson Heights United Methodist Church, Trs., owner.

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

APPLICANT REQUEST
Request for final plat approval to create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 84 Fairway Drive, at the southwest corner of Fairway Drive and Selma Ave., zoned Single-Family Residential (RS20) (4.18 acres).

SITE DATA AND CONTEXT

Location: The site consists of one property located at the southwest corner of Fairway Drive and Selma Avenue.

Street Type: The site has frontage on both Fairway Drive and Selma Avenue, both of which are local roads.

Approximate Acreage: 4.18 acres or approximately 195,584 square feet.

Parcel/Site History: The site consists of one parcel that was created by deed in 1954.

Zoning History: The property was zoned RS20 in December of 1990. The site had previously been zoned R10 since 1974.

Existing Land Use: The property is currently developed with a church, parking lot, shed, and small gazebo.

Surrounding Land Use and Zoning:

- North: Single-Family Residential and School/RS10 and RS20
- South: Single-Family Residential/RS20
- East: Church and Single-Family Residential/RS10 and RS20
- West: Single-Family Residential/RS20

Zoning: Single-Family Residential/RS20

Min. lot size: 20,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 10'

Max. height: 3 stories

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 3

Lot sizes: Proposed Lot 1 is 134,756 square feet (3.09 acres), Lot 2 is 24,370 square feet (0.56 acres), and Lot 3 is 22,913 square feet (0.53 acres). The existing church and associated amenities are located on Lot 1.

Access: Access to Lots 1, 2, and 3 is via Selma Avenue. Lot 1 also has access via Fairway Drive.

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

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

The proposal meets the requirements of 3-1.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

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

3-5 Infill Subdivisions

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

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

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

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

Complies. All lots front on Selma Avenue. Lot 1 also has frontage on Fairway Drive.

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

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

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

Lot 1 is not a residential lot and is not subject to the compatibility criteria. The proposed Lot 2 does not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 115.9 feet. The proposed frontage width for Lot 2 is 96.54 feet while the proposed frontage for Lot 3 is 129.1 feet.

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

Lot 1 is not a residential lot and is not subject to the compatibility criteria. The proposed Lots 2 and 3 meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 22,910 square feet, or 0.53 acres. Proposed Lot 2 is approximately 24,370 square feet (0.559 acres) and proposed Lot 3 is approximately 22,913 square feet (0.53 acres).

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

Lot 1 is not a residential lot and is not subject to the compatibility criteria. New homes will be required to meet the contextual setback standards per the Metro Zoning Code to be determined at the time of building permit. For Lots 2 and 3, the average setback of the two abutting parcels is 96 feet, greater than the minimum building setback of the Zoning Regulations. Per the Subdivision Regulations, Lots 2 and 3 are proposed with a 96 foot platted setback.

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

Lot 1 is not a residential lot and is not subject to the compatibility criteria. Lots 2 and 3 are oriented to Selma Avenue and are consistent with surrounding residential parcels.

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

All agencies have recommended approval or approval with conditions.

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

Proposed Lot 2 does not meet the minimum lot frontage requirements for compatibility. Often a difference in lot frontages can be perceived in the rhythm along the street, impacted by the number of drives and access points as a result of limited frontage and more lots. In this case, as conditioned by staff, each lot would be limited to a single driveway, and there is a large front setback of 96 feet included on the plat, which will be compatible to the other properties along Selma Avenue.

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

Not applicable to this case.

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

Not applicable to this case.

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

3-5.6 *Reasonable Conditions*
See section 3-5.2.f. regarding conditions on vehicular access.

3-6 Blocks
Not applicable. No new blocks are being created.

3-7 Improvements
Public water and sewer infrastructure improvements are required with this subdivision. Construction plans have been approved by Metro Water. Construction plans for any required private improvements (private stormwater, water and sewer lines and connections) will be reviewed at the time of building permit.

3-8 Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities
For subdivisions, sidewalks are not required along existing streets. Per a recent court case, the section of the Zoning Code that requires sidewalks along existing streets has been voided.

3-9 Requirements for Streets
Not applicable. The proposal is for an infill subdivision located on an existing street. No new streets are proposed.

3-10 Requirements for Dedication, Reservations, or Improvements
Not applicable to this case. The existing right-of-way width complies with the local street requirement along Selma Avenue and Fairway Drive. No additional areas of dedication are required.

3-11 Inspections During Construction
This section is applicable at the time of construction, which for this proposed subdivision, will occur during the installation of infrastructure, prior to issuance of a building permit.

3-12 Street Name, Regulatory and Warning Signs for Public Streets
Not applicable. No new streets are proposed.

3-13 Street Names, Regulatory and Warning Signs for Private Streets
Not applicable. No private streets are proposed.

3-14 Drainage and Storm Sewers
Drainage and storm sewer requirements are reviewed by Metro Stormwater. Metro Stormwater has reviewed the proposed final plat and found it to comply with all applicable standards of this section. Stormwater recommends approval.

3-15 Public Water Facilities
Metro Water Services has reviewed this proposed final plat for water and has recommended approval with conditions.

3-16 Sewerage Facilities
Metro Water Services has reviewed this proposed final plat for sewer and has recommended approval with conditions.

3-17 Underground Utilities
Utilities are required to be located underground whenever a new street is proposed. The final plat is not proposing a new street and the requirement is not applicable.

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

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

POLICY CONSIDERATIONS

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

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

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

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

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- WS recommends approval of the final plat, subject to revision prior to recording incorporating the results of the recent public water and/or sanitary sewer construction plans and subject to Construction and Completion of the required public water and/or sanitary sewer, Metro Projects 24SL0023 & 24WL0012 - Batson Selma Ave. We waive the bond requirement due to the small scope of the projects and in lieu will withhold all services connections until the public projects are installed, inspected/tested, as-builts submitted/approved, confirmation the ROW is restored, and finally the projects are conveyed to Metro by the Deed of Conveyance. No early service connections will be authorized.

STAFF RECOMMENDATION

Staff recommends approval with conditions, including an exception to Section 3-5.2.d.1 for lot frontage.

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Update Note #4: Setbacks per Metro Zoning Ordinance unless otherwise platted.
4. Add Note: Hard surfaces for vehicular access to Lots 2 and 3 shall be limited to a maximum of one 20 foot-wide driveway access per lot, located between the primary structure and the street.
5. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water, and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2024S-033-001 with conditions including an exception to Section 3-5.2.d.1 based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

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

Resolution No. RS2024-127

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-033-001 is approved with conditions, including an exception to Section 3-5.2.d.1 for lot frontage. (7-0)

CONDITIONS

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.
3. Update Note #4: Setbacks per Metro Zoning Ordinance unless otherwise platted.
4. Add Note: Hard surfaces for vehicular access to Lots 2 and 3 shall be limited to a maximum of one 20 foot-wide driveway access per lot, located between the primary structure and the street.
5. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water, and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and approval process is subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.

14. 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 July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-042-001 to the July 25, 2024, Planning Commission meeting. (7-0)

15. 2024CP-008-001

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 21 (Brandon Taylor)

Staff Reviewer: Andrea Barbour

A request to amend the North Nashville Community Plan, by changing land use policy from Urban Neighborhood Maintenance (T4 NM) policy to Transition (TR) policy for 1809 9th Avenue North, approximately 136 feet north of Buchanan Street and 9th Avenue North (0.20 acres).

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024CP-008-001 to the July 25, 2024, Planning Commission meeting. (7-0)

16. 2024Z-004TX-001

Substitute BL2024-187/Countywide

Staff Reviewer: Lisa Milligan

A request to amend Section 17.16.030 of the Metropolitan Code, Zoning Regulations to amend the conditions for adaptive residential developments located in non-residential zoning districts where residential uses are permitted with conditions.

Staff Recommendation: Approve a second substitute to clarify applicability to property within Planned Unit Developments.

APPLICANT REQUEST

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would make various changes to Section 17.16.030 of the Metro Zoning Code pertaining to adaptive residential development. The current language is included below and notated with the proposed changes. Deletions are shown with a strikethrough and new language is shown with an underline.

F. Adaptive Residential Development. A residential use shall be permitted ~~provided it is located on a lot or within an existing building located within the urban services district having the majority of its frontage on an arterial street or collector street as shown on the adopted Major Street Plan, or located within the Downtown Donelson Urban Design Overlay District and where~~ provided a minimum of forty percent of the existing or proposed building's gross floor area is devoted to residential uses, subject to the following conditions:

1. Applicability. The provisions of this section shall apply to any residential use permitted with conditions in a non-residential zoning district, ~~or at an applicant's discretion, to any residential use permitted by right within a non-residential zoning district, provided it complies with the criteria set forth in this section.~~

2. Design Standards. ~~Except as noted below, all other requirements and standards established by other chapters of this title, as well as any other applicable metropolitan government, state or federal regulation, shall apply to the development and use of properties shown on the final site plan. In case of conflict between the standards of this section and other chapters of this Zoning Code, the provisions of this section shall control, except for council-approved plans such as planned unit developments, urban design overlay districts, and redevelopment districts.~~

a. All Residential Uses. The standards of this section shall apply only to a building or portion thereof converted to residential use, ~~and any addition to an existing building for residential use, and any new construction building,~~ where a minimum of forty percent of the building's gross floor area is devoted to residential use, as explicitly shown on the approved final site plan under the authority of Section 17.40.170(A) of this title, ~~except as provided below for new construction.~~ The standards of this section shall not apply to any building proposing to devote less than forty percent of the gross floor area to residential uses.

b. Single-Family and Two-Family Residential Uses. Single-family and two-family uses shall be permitted only in an existing building, ~~or as part of a new mixed-use development within a single structure.~~ ~~Otherwise, all other requirements and standards established by other chapters of this title, as well as any other applicable metropolitan government, state or federal regulation, shall apply to the development and use of properties shown on the final site plan. In case of conflict between the standards of this section and other chapters of this Zoning Code, the provisions of this section shall control, except for council-approved plans such as planned unit developments, urban design overlay districts, and redevelopment districts.~~

3. Residential Floor Area. In all non-residential districts that permit with conditions a residential use, no density or floor area ratio applies to those portions of a non-residential building converted to a residential use or to new residential construction.

4. Building Orientation. In any new or existing building, a primary building entrance shall be oriented to the ~~arterial street, to the extent feasible.~~ On a corner lot, entrances shall be oriented to each street. ~~shall be determined in consultation with the zoning administrator.~~

5. Driveway Access. For new construction, driveway access shall be determined in consultation with Nashville Department of Transportation with priority given to arterial and collector streets. ~~may be permitted on a non-arterial or non-collector street only if that street intersects the arterial or collector street within the same block.~~

6. Parking. Parking spaces shall be required for any residential, commercial and/or retail use in accordance with Chapter 17.20. Outside of the UZO, in addition, no more than one and one-half spaces shall be required per a residential dwelling unit. ~~Tandem residential parking may be no more than two cars in depth.~~ If parking is provided in a new deck or structure, the ground floor of the parking facility abutting a public street shall contain commercial or retail uses for seventy-five percent of the street frontage. The commercial or retail area shall have a minimum depth of twenty feet, a minimum height of fourteen feet (floor to floor) for the first floor of the garage at street level, with each storefront having between fifty-five percent and eighty-five percent glazed window area along the garage wall facing the public street. Upper levels of structured parking visible from public streets shall either be lined with active uses or screened with architectural screening.

7. ~~Traffic Impact Study. No traffic impact study shall be required, except the traffic engineer may require a study for developments of one hundred dwelling units or greater.~~ Multimodal Transportation Analysis. Multimodal transportation analysis shall be required per Section 17.20.140.

8. Landscaping. Notwithstanding Section 17.24.050(A), any single addition that increases the total building area by twenty-five percent or more of an existing building, in whole or in part, shall provide landscaping as required by this title. Where the number of parking spaces is increased by twenty-five percent, either through a parking lot expansion or the construction of a new parking lot, interior parking lot landscaping shall be required.

9. Final Site Plan Approval. A final site plan application shall be submitted for review and approval in a manner consistent with the procedures of Section 17.40.170(A) or 17.40.170(B), as applicable, and any supplemental information requested after review of the application. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with all applicable standards. The zoning administrator, upon advice of the appropriate metropolitan government agencies, shall grant final site plan approval based on findings that the design, proportions, and articulation of the proposed residential use are compatible with, and do not impact, the abutting or adjacent uses.

10. Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the board of zoning appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this title. The minimum filing fee shall be equal to a commercial application as per the adopted board of zoning appeals fee schedule. In granting such approval of a special exception application, the board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. The board shall not act on any application without first considering a recommendation from the planning department.

~~11. Exceptions. Any existing single-family or two-family residential structure located on any street within the CF district upon February 4, 2005, and which is, or will be owner-occupied, shall qualify as a "PC" use under this section. Further, in the event a use qualifying under this paragraph is damaged or destroyed, the structure may be restored within one year regardless of the percentage of damage or destruction. For purposes of this section, owner-occupied shall mean that as provided in Section 17.16.160(A)(4); however, the structure need not be an historic home.~~

12. Notice. Applicants seeking an adaptive residential development use shall provide mailed notice of the proposed use, including the total number of dwelling units proposed, to all property owners within one thousand feet of the subject property no more than twenty-one days following the application of any permit related to the proposed adaptive residential development. Properties owned by the applicant shall not be included in the distance measurement for public notice. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified.

ANALYSIS

In 2004, the Metro Council approved an amendment to the Zoning Code to encourage residential development along collector and arterial streets within the Urban Services District (USD). This tool, known as adaptive residential development applies to any residential use permitted with conditions in a non-residential zoning district. Adaptive residential development has contributed to a significant number of new housing units being constructed along corridors. The zoning districts that are covered by adaptive residential are: OG/-NS, CN/-NS, CN-A/-NS, CL/-NS, CL-A/-NS, CS/-NS, CS-A/-NS, CA/-NS, SCN-NS, and SCC/-NS.

The proposed amendment would make a few adjustments to the current adaptive residential provisions. First and primarily, the amendment would remove the requirement that eligible properties be located within the USD and have a majority of their frontage along a collector or arterial. This would mean that any non-residentially zoned property that allows residential uses as a permitted with condition use throughout the county would be eligible for residential development, unless otherwise restricted through an overlay such as a Planned Unit Development. In analyzing the proposal, staff reviewed zoning across the county and found that removing the restriction would increase the number of parcels for potential housing development but that those parcels are still primarily centered around corridors and commercial/mixed use areas, making them appropriate for housing.

The remaining amendments clean up the section to simplify its implementation and use based on use of the tool since its original adoption. Additionally, staff has added clarification in regards to orientation as well as for the design of structured parking.

Staff recommends approval with a second substitute to state that if a non-residentially zoned property is within a PUD overlay, unless the council approved PUD plan explicitly permits residential use that the adaptive residential use is not permitted.

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 with a second substitute to clarify applicability to property within Planned Unit Developments.

Ms. Milligan presented the staff recommendation to approve a second substitute to clarify applicability to property within Planned Unit Developments.

Councilmember Horton spoke in favor of the application.

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

Neil Kornutick, 1704 Martin Street, spoke in favor of the application.

Twana Chick, 5967 Cane Ridge Road, spoke in opposition to the application.

Chair Smith closed the Public Hearing.

Ms. Leslie asked if giving community notice is part of what is here or is it automatic.

Ms. Milligan advised it is already in the ordinance and is not being removed or changing.

Councilmember Gamble stated more housing is needed and having it on the corridors is the logical place for that type of housing density. She said she agrees with Ms. Chick's statement that they need to make sure there is a balance so there are retail and commercial amenities, which aren't are prevalent in the general service district. She asked how this amendment might impact communities that have been gentrified and changed over time and if they looked into the historic preservation of properties and neighborhoods as a review for this text amendment.

Ms. Milligan explained if properties that are eligible, or become eligible for this, are under any type of historic overlay; they would still have to go through Historic Commission approval. She said the most dramatic neighborhood change is likely in areas where this is already eligible as a tool. Ms. Milligan stated they have not seen the impact as much as they move further away into the general services district.

Councilmember Gamble asked if there is anything they would recommend as a condition.

Ms. Milligan explained that even though they would be removing the requirement to have the majority of its frontage on a collector or arterial, when looking at the map of where these properties are located, they are still centered around collectors and arterials. She further explained that they see this a little differently than they see some of the neighborhood change work and more residential neighborhoods and see it as a different category of housing and opportunity.

Mr. Henley said he noticed there is a minimum called out for qualification of 40% for residential uses across the floor area but did see any minimum for retail or commercial and asked if there are any opportunities for that.

Ms. Milligan stated the difficult thing with zoning is the limitations of it. She said if you were to say any project that utilizes the adaptive residential must have a minimum of so much commercial, then it is difficult from a market standpoint for that to actually happen. She advised they have had a couple of SPs that they have said you have to have this and it cannot be your lobby, your exercise room; it has to be a non-residential use and they have seen some success with that and some empty spaces that has sat for a long time. Ms. Milligan pointed out that even with the adaptive residential they have had, they still have those corridors that have a vibrant mix of uses, so they have not turned all residential.

Ms. Kempf advised they are doing the housing and infrastructure study with Council that is going to be a broader assessment. She said they can commit they will look at the balance of housing and other uses that are needed as part of that.

Chair Smith thought one thing this hopefully circumvents is down zoning.

Mr. Henley said he wanted text that states the intention is to try to deliver a mixed use environment for the residents if this process is put forward.

Ms. Leslie asked if you have a property zoned CS and you go into the adaptive residential use, can they still have commercial in it as well as the residential.

Ms. Milligan responded in the affirmative. She said they are allowed to have a mixture of uses and residential and residential does not have a limit of the floor area.

Mr. Henley moved and Ms. Leslie seconded the motion to approve a second substitute to clarify applicability to property within Planned Unit Developments and encourage staff to work with the Councilmember on enhancing mixed use environments. (7-0)

Resolution No. RS2024-128

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-004TX-001 is approved with a second substitute to clarify applicability to property within Planned Unit Developments. (7-0)

17. 2024Z-010TX-001

BL2024-335/Countywide
Staff Reviewer: Lisa Milligan

A request to amend Sections 17.40.740 and 17.40.770 of the Metropolitan Code, Zoning Regulations to reorganize and amend the requirements for a waiver of the fees associated with an application to the Board of Zoning Appeals made by a member or members of the Metropolitan Council.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend Section 17.40.740 and 17.40.770 of the Zoning Code

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would add the following to Section 17.40.740:

D. Up to two applications per fiscal year submitted to the board of zoning appeals by a member or members of council that have an identified community benefit and meet at least one of the following requirements:

1. The application is not for the benefit of an individual property owner or development.
2. The property owner demonstrates an inability to pay the required fee for the application.

The proposed text amendment would further amend Section 17.40.770 as follows (text to be deleted shown in strikethrough):

The board of zoning appeals may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of the following types of applications:

- A. A variance to a provision of this title;
- B. A special exception use;
- C. A change to a nonconforming use or structure;
- D. Any other application in which the board is required or requested to act.

~~Notwithstanding the foregoing provisions of this section to the contrary, members of the metropolitan council filing applications with the board of zoning appeals on behalf of their constituents shall not be required to pay an application fee, provided the purpose of the application is not for the benefit of an individual property owner or development. Members of the metropolitan council shall be limited to filing two such applications in each calendar year without paying the application fee.~~

ANALYSIS

The proposed amendment is related to waiver of fees paid for applications to the Board of Zoning Appeals (BZA) made by a member of the Metropolitan Council. The first amendment would add a section relating to BZA fee waivers to the section of the Zoning Code related to application fees. The second amendment would delete a current allowance for fee waivers for BZA applications from a different section of the Code.

Currently, the Code outlines when a fee waiver may be granted for a BZA application. The amendment would expand the allowance to different types of BZA applications and would move the waiver language into the section of the Code where other waivers are outlined.

Given that the number of BZA fee waivers will remain at two and only the type of applications is expanding, staff finds the change to be minimal. Staff recommends approval.

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.

An ordinance amending Sections 17.40.740 and 17.40.770 of the Metropolitan Code, Zoning Regulations to reorganize and amend the requirements for a waiver of the fees associated with an application to the Board of Zoning Appeals made by a member or members of the Metropolitan Council (Proposal No. 2024Z-010TX-001).

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

Section 1. That Section 17.40.740 of the Metropolitan Code is hereby amended by adding a new subsection D as follows:

D. Up to two applications per fiscal year submitted to the board of zoning appeals by a member or members of council that have an identified community benefit and meet at least one of the following requirements:

1. The application is not for the benefit of an individual property owner or development.
2. The property owner demonstrates an inability to pay the required fee for the application.

Section 2. That Section 17.40.770 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it as follows:

17.40.770 - Fees established by the board of zoning appeals.

The board of zoning appeals may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of the following types of applications:

- A. A variance to a provision of this title;
- B. A special exception use;
- C. A change to a nonconforming use or structure;
- D. Any other application in which the board is required or requested to act.

Section 3. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 4. 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. (7-0)

Resolution No. RS2024-129

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-010TX-001 is approved. (7-0)

18. 2024Z-011TX-001

BL2024-346/Countywide

Staff Reviewer: Lisa Milligan

A request to amend Chapter 16.04 and Section 17.12.030 of the Metropolitan Code of Laws to relocate the front façade orientation requirement for single-family principal structures from Title 16 of the Metropolitan Code of Laws to Title 17 of the Metropolitan Code of Laws.

Staff Recommendation: Approve amendment to Title 17.

APPLICANT REQUEST

Amend Section 16.04 and Section 17.12.030 of the Metro Code.

PROPOSED AMENDMENTS TO TITLE 17

The proposed text amendment would move the following language from Title 16 of the Metro Code to Title 17:

7. The front façade of all single-family principal structures constructed within the RS20, RS15, RS10, RS7.5, RS5, RS3.75, R20, R15, R10, R8, and R6 zoning districts shall face a public or private street unless the property is within a redevelopment district or zoning overlay that specifically includes a design review process to evaluate the appropriateness of an individual alternative front façade location.

ANALYSIS

In 2005, the Metro Council amended Title 16 of the Metro Code to add requirements related to front façade orientation in certain zoning districts. Title 16 regulations are appealed to the Building & Fire Code Appeals Board.

The orientation of buildings is generally a zoning issue. Moving the existing regulation from Title 16 to Title 17 will place the standard with like standards and will shift appeals to the Board of Zoning Appeals, which is a more appropriate body for this type of appeal.

Given that this is a shift from one section of the code to another and not a new regulation, staff views this as a housekeeping amendment and recommends approval.

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.

BL2024-346

An ordinance to amend Chapter 16.04 and Section 17.12.030 of the Metropolitan Code of Laws to relocate the front façade orientation requirement for single-family principal structures from Title 16 of the Metropolitan Code of Laws to Title 17 of the Metropolitan Code of Laws (Proposal No. 2024Z-011TX-001).

WHEREAS, the regulation on the orientation of the front façade of single-family homes was adopted by the Metropolitan Council in 2005; and

WHEREAS, for the sake of expediency this regulation was placed within Title 16 of the Metropolitan Code despite it not being related to the building code or dealing with a building issue; and

WHEREAS, the regulation of the placement and orientation of a building on a lot is generally dealt with through the Zoning Code and is considered a zoning issue; and

WHEREAS, regulations within Title 16 are appealed to the Building & Fire Code Appeals Board, while regulations within Title 17 are appealed to the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals is a more appropriate body to review appeals from the front façade orientation regulation than the Building & Fire Code Appeals Board; and

WHEREAS, relocating the regulation on the orientation of the front façade of single-family homes from Title 16 to Title 17 of the Metropolitan Code would place the regulation under the purview of the Board of Zoning Appeals and allow property owners to seek relief from the regulation through the established zoning variance process.

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

Section 1. That Chapter 16.04 of the Metropolitan Code of Laws is hereby amended by deleting Section 16.04.240 in its entirety.

Section 2. That Section 17.12.030 of the Metropolitan Code of Laws is hereby amended by adding the following as a new Subsection C.7:

7. The front façade of all single-family principal structures constructed within the RS20, RS15, RS10, RS7.5, RS5, RS3.75, R20, R15, R10, R8, and R6 zoning districts shall face a public or private street unless the property is within a redevelopment district or zoning overlay that specifically includes a design review process to evaluate the appropriateness of an individual alternative front façade location.

Section 3. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 4. 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. (7-0)

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-011TX-001 is approved amendment to Title 17. (7-0)

19. 2019SP-066-003

CLARKSVILLE PIKE MIXED USE (MODIFICATION)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to modify a portion of a Specific Plan for property located at Clarksville Pike (unnumbered), approximately 25 feet north of Bellefield Avenue, to modify the layout, zoned SP (2.21 acres), requested by Elmington, applicant; Clarksville Pike LLC, owner.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-066-003 to the July 25, 2024, Planning Commission meeting. (7-0)

20. 2021SP-041-002

CURTIS PROPERTY (MODIFICATION)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to modify a portion of a Specific Plan for property located at Curtis Street (unnumbered), at the northwest terminus of Curtis Street, zoned SP (13.99 acres), to modify the layout, requested by Elmington, applicant; Curtis Partners LLC, owner.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2021SP-041-002 to the July 25, 2024, Planning Commission meeting. (7-0)

21. 2024SP-024-001

THE MARLOWE

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Celina Konigstein

A request to rezone from RS7.5 to SP zoning for property located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit 56 multi-family residential units, requested by Catalyst Design Group, applicant; Legacy South, LLC, owner.

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

APPLICANT REQUEST

Preliminary SP to permit a multi-family residential development.

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (SP) zoning for property located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit 56 multi-family residential units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 20 single-family lots based on acreage alone. This does not account for compliance with the Subdivision Regulations. Application of Metro's Subdivision Regulations may result in fewer units at this site.*

Proposed Zoning

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

BORDEAUX – WHITES CREEK – HAYNES TRINITY PLAN

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

CASE HISTORY

This case was previously noticed as a straight rezone request to the RM15 zoning district (2024Z-018PR-001). The request was deferred at the May 9, 2024, Planning Commission meeting, following a staff recommendation to disapprove, after a public hearing was held and closed. Staff recommended disapproval of the rezoning request for two reasons. The first was that the request did not account for improved connectivity to the east by continuing McCarthy Park Lane through the site. Due to the nature of straight rezonings where there is no site plan to be evaluated, there could be no assurance of a public road connection. The second reason was that the proposed density of RM15 was likely too intense at this site without evaluating a site plan that incorporated the road connection and provided for a functional layout.

In the May 9, 2024, published staff report, staff explained that consideration may be given to a proposal for more intensity than the existing RS7.5 zoning if a revised request for a site-plan based Specific Plan was submitted that incorporated the road stub from McCarthy Park Lane to the east to evaluate whether the proposed density was appropriate. A site plan-based SP would provide assurances for road connectivity that cannot be achieved through a straight rezone.

Following the deferral at the May 9th, 2024, meeting, the applicant withdrew case 2024Z-018PR-001 and filed a site plan-based SP, which is the current application under consideration.

SITE CONTEXT AND REQUEST DETAILS

The site is one 3.58-acre parcel located at 520 Ewing Drive approximately 375 feet west of Gwynnwood Drive. Ewing Drive is designated as a collector-avenue by the Major and Collector Street Plan (MCSP). There is one house presently on the subject site. Surrounding zoning districts include Single-Family Residential (RS7.5), Multi-Family Residential (RM9) and Specific Plan (SP). The Specific Plan to the northeast of the site is 3.74 acres and permits 28 multi-family residential units at a density of 7.5 units per acre. The land uses surrounding the subject parcel include multi-family, single-family residential, and vacant land.

Site Plan

The plan proposes 56 multi-family residential units with a density of approximately 15.05 units an acre. The units are located in eleven buildings with buildings one through six being six-unit buildings, and buildings seven to eleven having four units each. All units are shown as attached townhomes. The plan shows 113 parking spaces, the majority of which line the private drive through the site. The parcel is accessed through Ewing Drive and an extension of McCarthy Park Lane, the road previously stubbed to the east of the site. The plan includes sample front elevations and includes additional design standards pertaining to, but not limited to, materials, porches, windows, entrance, and foundation.

The proposed McCarthy Park Lane extension continues the 46-foot wide right-of-way (ROW) and includes a five-foot wide sidewalk and four-foot wide planting strip. The six-foot wide sidewalk and six-foot wide planting strip provided along Ewing Drive is consistent with the Major and Collector Street Plan (MCSP). The site has an internal sidewalk network with five-foot wide sidewalks. Open space is shown in the northeast section of the site and stormwater management on the northwestern part of the site. A landscape buffer yard is proposed along the western, southern, and eastern property lines adjacent to the surrounding lower intensity developments.

ANALYSIS

Staff finds that the proposed SP is consistent with the T3 NE land use policy to improve connectivity and enhance housing diversity along corridors. While the surrounding area primarily consists of smaller lots with existing single-family and two-family dwelling, the subject parcel is substantially larger and has much greater depth than many other

parcels in the immediately surrounding area and is able to accommodate additional density.

The proposed SP introduces a new unit type on the southern side of Ewing Drive which is appropriate as it is providing a greater variety of housing within the larger area and along a collector street, consistent with the T3 NE policy. The site is also located within walking distance to a WeGo bus stop serviced by WeGo route 41 at the corner of Gwynnwood Drive and Ewing Drive. Additionally, the plan will improve vehicular and pedestrian connectivity by extending McCarthy Park Lane through the site instead of introducing a new access point along Ewing Drive.

The proposed SP is supported by the T3 NE policy guidance as it meets the goals of improved connectivity to surrounding parcels through the extension of McCarthy Park Lane, is located near transit and provides a greater range of housing choice in the area.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building construction details provided. Changes to construction or site may be required to meet adopted fire and building codes upon review of construction plans.

STORMWATER RECOMMENDATION

Approve with conditions

- Preliminary approval only. Final submittal must meet requirements of Stormwater Management Manual.

WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Plans are conditionally approved. Any plan resubmittals, addendums, or updates will need a cursory review to ensure overall adherence to previously approved road plans.
- Mill-pave of lane on Ewing Drive required along additional pavement width.
- Taper pavement along Ewing Drive per MUTCD tapers.
- Road names, stop sign, and stop bar at intersection of Ewing Drive and McCarthy Park Lane.
- Coordinate/reserve road name and addresses with NDOT addressing section. Sara Cain (615) 880-2427 sara.cain@nashville.gov
- All work within the Public right-of-way requires an Excavation Permit from the Nashville Department of Transportation.
- Proof-rolling of ALL street sub-grades is required in the presence of the Nashville Department of Transportation Inspector request to be made 24 hours in advance.
- Stop signs to be 30 inch by 30 inch.
- Street name signs are to have six inch white letters in Highway Gothic font on a nine inch green aluminum blade, and be mounted vertically staggered. Street name signs shall be assembled using extruded sign blades.
- All signs to have 3M high intensity retro-reflective coating.
- All striping within ROW is to be 80 mil thermoplastic striping at the time of acceptance. Paint striping should be used in the interim until final striping has been placed.
- The development/contractor shall have a NDOT stamped set of plans on site to be produced upon request during any site visit.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- The applicant shall comply with the MCSP along all frontages of Public ROW.
- As previously agreed upon over email, the applicant is voluntarily agreeing to the following off-site improvements:
 - At the intersection of Ewing Drive & Gwynnwood Drive the applicant shall provide pedestrian infrastructure where currently missing or damaged (Crosswalks, ADA ramps, detectable warning mats, and adequate lighting) on all feasible legs. Additional enhancements could be provided to meet FHWA's Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations.
 - If NDOT and the applicant collectively determine it is feasible, the applicant shall fill the sidewalk gap to the bus stop at Ewing Drive & Vista Lane; approximately 300 feet from 520 Ewing's property frontage. NDOT is open to an alternative design to accommodate a safe pedestrian path to the corner of Vista Lane (for example, no planting strip and 5–6-foot sidewalk behind the curb or an extended asphalt surface with delineators) to maintain the existing trees. At Final SP, a survey will need to be submitted to NDOT for review to determine the feasibility of providing a pedestrian connection.

- If there is available ROW, the applicant shall provide Crosswalks, ADA compliant curb ramps with detectable warning mats, and adequate street lighting at the intersection of Ewing Drive & Vista Lane. Additional enhancements could be provided to meet FHWA's Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations. If the pedestrian connection noted above isn't able to be made, then crosswalks, ramps and mats are to be provided for the north and west legs.
- The applicant shall continue to coordinate with NDOT and WeGo on the potential bus stop improvements, within the existing ROW, at the intersection of Ewing Drive & Gwynnwood Drive and Ewing Drive and Vista Ln. At Final SP, a survey will need to be submitted to NDOT for review to determine the feasibility constructing the bus stop improvements within the existing ROW.
- Crosswalks at Gwynnwood Drive & McCarthy Park Drive/Lane with ADA compliant curb ramps and detectable warning mats are to be provided where missing/damaged for a safe pedestrian path to the park. Specific placement of the crossing across Gwynnwood is to be proposed/determined with NDOT prior to Final SP submittal.
- Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
- The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	3.72	5.64 F	20 U	247	20	22

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	3.72	-	56 U	303	19	25

Traffic changes between maximum: RS7.5 and SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+56	-1	+3

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 zoning districts: 2 Elementary 1 Middle 2 High

Projected student generation proposed SP-R district: 15 Elementary 5 Middle 6 High

The proposed SP zoning is expected to generate 21 additional students beyond the existing RS7.5 zoning. Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. Alex Green Elementary School is exceedingly over capacity, Brick Church Middle School and Whites Creek High School are exceedingly under capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 56 single-family residential lots. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. On corrected copy, correct the spelling of the proposed McCarthy Park Lane where applicable.
3. On the corrected copy, remove lot numbers and change to "Area 1" and "Area 2". The square footages of these areas can be included in an updated Area Table.

4. On the corrected copy, in the Open Space area remove setbacks as shown.
5. On the final site plan, Buildings 1 and 11 shall be oriented toward Ewing Drive with pedestrian entrances as shown on the preliminary SP.
6. On the final site plan additional landscaping shall be provided around surface parking areas.
7. Final plat may be required prior to permitting.
8. A corrected copy of the preliminary SP plan, incorporating any conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
11. 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.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. Comply with all conditions and requirements of Metro reviewing agencies.
15. No master permit/HPR shall be recorded prior to final SP approval.
16. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.

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

Resolution No. RS2024-131

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024SP-024-001 is approved with conditions and disapproved without all conditions. (7-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 56 single-family residential lots. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited.
2. On corrected copy, correct the spelling of the proposed McCarthy Park Lane where applicable.
3. On the corrected copy, remove lot numbers and change to "Area 1" and "Area 2". The square footages of these areas can be included in an updated Area Table.
4. On the corrected copy, in the Open Space area remove setbacks as shown.
5. On the final site plan, Buildings 1 and 11 shall be oriented toward Ewing Drive with pedestrian entrances as shown on the preliminary SP.
6. On the final site plan additional landscaping shall be provided around surface parking areas.
7. Final plat may be required prior to permitting.
8. A corrected copy of the preliminary SP plan, incorporating any conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
11. 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.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. Comply with all conditions and requirements of Metro reviewing agencies.
15. No master permit/HPR shall be recorded prior to final SP approval.
16. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards and conceptual elevations outlined on the preliminary SP for review and approval.

22. 2024HL-001-001

BL2024-403/Terry Vo
Council District 17 (Terry Vo)
Staff Reviewer: Laszlo Marton

A request to apply a Historic Landmark Overlay District to property located at 1109 1st Avenue South, approximately 150 feet south of Mildred Shute Avenue, and within the Wedgewood-Houston Chestnut Hill Urban Design Overlay District, zoned RM20-A (0.36 acres), requested by Councilmember Terry Vo, applicant; Seay-Hubbard United Meth. Church TRS, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply a Historic Landmark Overlay District

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District to property located at 1109 1st Avenue South, approximately 150 feet south of Mildred Shute Avenue, and within the Wedgewood-Houston Chestnut Hill Urban Design Overlay (UDO) District, zoned Multi-Family Residential-Alternative (RM20-A) (0.36 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. *Based on acreage alone, RM20-A would permit a maximum of 7 units.*

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

Proposed Overlay

Historic Landmark Overlay District (HL) is applied to a building, structure, site, or object, its appurtenances, and the property it is located on, of high historical, cultural, architectural, or archaeological importance, whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County.

SOUTH NASHVILLE COMMUNITY PLAN

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

Wedgewood-Houston/Chestnut Hill Planning Study

The subject property is located within subdistrict 3a of the Chestnut Hill Character Area. The intent of this subdistrict is to preserve the existing housing stock and scale of housing while allowing flexibility for additional units.

REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its June 18, 2024, meeting.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

The Metro Historic Zoning Commission (MHZC) recommended approval of the Historic Landmark designation at the June 18, 2024, MHZC meeting. The following is a brief excerpt of information provided in the published MHZC report.

The house at 1109 1st Ave S is significant for its Moses McKissack design, for being the last surviving building from Meharry Medical College's first campus, and for its association with Dr. George W. Hubbard. The Hubbard House

was built as a retirement home in 1921 for the former president of Meharry Medical College, Dr. George W. Hubbard, which gives it its current name, the Hubbard House. Designed and built by local black architect Moses McKissack III, the house is the last remaining building from the original Meharry campus in South Nashville, marking this as a historically significant landmark in Nashville's black history.

The house itself is designed in the "Four Square" pattern, also known as the Prairie Box or the American Basic Box. Characteristic of the style is a square framework, extended front porch, and hipped roof with a dormer window. Hubbard House retains most of its original architectural features, except for the now-enclosed back porch, outdoor stair railings, and removal of the interior wallpaper. Aspects of Colonial Revival architecture can be seen as well in the fanlight and sidelights featured at the front entrance. The front porch is marked by several fluted square columns, and there is a bay window in the back. The interior needs extensive remodeling, but it retains the original design, tile, and woodwork, which includes exposed rafters.

Dr. Hubbard only lived in the house for three years before he died in 1924. The house came under ownership of the Seay-Hubbard United Methodist Church after Meharry Medical College outgrew its original campus and moved to Northwest Nashville instead. The Hubbard House was converted by the church so that it could be used as a parsonage. It's the only building left of the old Meharry campus.

The proposed exterior work currently planned are repairs/rehab to masonry, windows, doors (interior and exterior), front porch railings, and soffits. Additional work and future work is all interior and so not reviewed by the Commission. Although more information is needed, in general the repairs meet section IV of the design guidelines for Historic Landmarks. Staff recommends a condition that the applicant provide a detailed scope of work prior to issuance of a permit.

The Hubbard House is significant for its association with Dr. George W. Hubbard, one of the founders of Meharry Medical College and the university's first president. He was an important figure in the late-19th and early-20th centuries for progressing the rights and abilities of African-Americans leading into the Civil Rights Movement. As the last remaining building of the original Meharry campus, a university that was responsible for the training of many black medical professionals in the postwar South, it stands as a monument to the early Civil Rights Movement. In addition to being listed in the National Register of Historic Places in 1973, the building was also listed in the National Register as part of "The McKissack and McKissack Buildings in Nashville (1908-1930) Thematic Resources" in 1978. The house meets 17.36.120 (B)(1), (2), and (5) of the ordinance qualifying to be a Historic Landmark.

STAFF RECOMMENDATION

The proposed Historic Landmark Overlay District is intended to preserve the historic structure and site through the implementation of development guidelines by the Metro Historic Zoning Commission and staff. The applicable policies encourage the protection and preservation of historic structures and sites in the policy areas. Staff recommends approval of the Historic Landmark Overlay District.

Approve. (7-0)

Resolution No. RS2024-132

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

23. 2024NL-002-001

815 NELLA DR

Council District 03 (Jennifer Gamble)

Staff Reviewer: Savannah Garland

A request to apply a Neighborhood Landmark Overlay District on property located at 815 Nella Drive, approximately 486 feet west of Green Acres Drive, zoned RS20 (0.61 acres), and located within a Historic Landmark Overlay District, to permit museum, short-term rental (not owner-occupied), and multi-media production uses, requested by Natalie Hannigan, applicant; Natalie & Andrew Hannigan, owners.

Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024NL-002-001 to the July 25, 2024, Planning Commission meeting. (7-0)

24. 2024S-088-001

2908 12TH AVE S

Council District 18 (Tom Cash)

Staff Reviewer: Laszlo Marton

A request to amend a previously recorded plat to modify the setbacks on property located at 2908 12th Avenue South, at the northeast corner of 12th Avenue South and Kirkwood Avenue, zoned CS (0.33 acres), requested by Fulmer Lucas, applicant; Arrow House LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for plat amendment to modify previously platted setbacks.

Plat Amendment

A request to amend a previously recorded plat to modify setbacks on property located at 2908 12th Avenue South, at the northeast corner of 12th Avenue South and Kirkwood Avenue, zoned Commercial Service (CS) (0.33 acres).

SITE DATA AND CONTEXT

Location: The site consists of one lot located at the intersection of 12th Avenue South and Kirkwood Avenue.

Street Type: The site has frontage on 12th Avenue South which is identified as an arterial boulevard by the Major and Collector Street Plan. The site also has frontage on Kirkwood Avenue, a local street.

Approximate Acreage: 0.34 acres or approximately 14,885 square feet.

Parcel/Site History: The site consists of part of one existing lot, Lot 1 of Dr. L.G. Noels Idlewild Resubdivision of Lots 92-93 and Part of 94 (Book 3842, Page 81), platted in 1966.

Zoning History: The property has been zoned Commercial Service (CS) since 1974.

Existing Land Use: The lot has been developed with a one-story commercial retail building.

Surrounding Land Use and Zoning:

- North: Restaurant/(Commercial Service (CS)
- South: Park/One and Two-Family Residential (R8)
- East: One and Two-Family Residential/R8
- West: Commercial Retail/Specific Plan (SP)

Zoning: Commercial Service (CS)

Min. lot size: none

Max. FAR: 0.60

Max. ISR: 0.90

Min. rear setback: 20'

Min. side setback: none required

Max. height at setback line: 30 feet

Min. street setback: 15' or contextual, whichever is greater, per Zoning Code

PROPOSAL DETAILS

The amendment proposes to remove the previously platted setbacks. With the original plat, a proposed Minimum Building Setback Line of 30 feet was shown along both the 12th Avenue South and Kirkwood Avenue frontages. This amendment would remove the previously platted setbacks and require new development to meet the setbacks per the Zoning Code.

PLANNING STAFF COMMENTS

The application for a subdivision plat amendment includes the requirement to provide letters from adjacent property owners indicating their approval of the proposed subdivision amendment. In cases where these letters have not been provided, the applicant may seek approval from the Planning Commission which is why this applicant is appearing before the Commission. The amendment proposes to remove the existing 30' Minimum Building Setback Lines on the plat. Setbacks are typically defined in the bulk standards for each zoning district; however, they can also be identified on the plat when a subdivision is created. Planning staff finds no issue with the removal of the platted setback as shown on the exhibit. With any future building permits, Metro Codes and other agencies would determine compliance with the other Code requirements such as building setbacks along the front and rear setbacks, bulk standards, Impervious Surface Ratio (ISR), and any other development standards.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Should this amendment be approved, a corrected copy of the exhibit is to be provided to Planning prior to recording at the Register of Deeds. The exhibit must be recorded by the applicant at the Register of Deeds prior to issuance of building permits.
2. This application is for an amendment and does not void and vacate any previous recordings. Please remove any notes from the exhibit that reference the plat being voided.

Approve with conditions. (7-0)

Resolution No. RS2024-133

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-088-001 is approved with conditions. (7-0)

CONDITIONS

1. Should this amendment be approved, a corrected copy of the exhibit is to be provided to Planning prior to recording at the Register of Deeds. The exhibit must be recorded by the applicant at the Register of Deeds prior to issuance of building permits.
2. This application is for an amendment and does not void and vacate any previous recordings. Please remove any notes from the exhibit that reference the plat being voided.

25. 2024S-097-001

SKYRIDGE PHASE 5

Council District 03 (Jennifer Gamble)

Staff Reviewer: Celina Konigstein

A request for final plat approval to create 40 lots on a portion of property located at 3517 Brick Church Pike, at the current terminus of Northbrook Drive, zoned RS7.5 (6.75 acres), and within a Planned Unit Development Overlay District, requested by Wilson & Associates P.C., applicant; Meritage Homes of Tennessee Inc, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 40 lots.

Final Plat

A request for final plat approval to create 40 lots on a portion of property located at 3517 Brick Church Pike, at the current terminus of Northbrook Drive, zoned Single-Family Residential (RS7.5) and within a Planned Unit Development Overlay District (PUD) (6.75 acres).

CASE HISTORY

The site is located in the Skyridge Subdivision PUD, which was originally approved as Mulberry Downs PUD in 1989. A final site plan for Phases 2-6 was approved in 2022; Phases 2-6 include a total of 214 lots. The proposed Phase 5 final plat includes 40 lots and is consistent with the approved final site plan.

A final plat for Phase 5 (Metro case number 2023S-038-001) was approved by the Planning Commission on April 13, 2023; the approved final plat expired and was not recorded. The proposed final plat is consistent with the previously approved version.

SITE DATA AND CONTEXT

Location: The site consists of a portion of one property located east of the existing terminus of Northbrook Drive and south of Ewing Creek.

Approximate Acreage: 6.75 acres or approximately 294,000 square feet.

PROPOSAL DETAILS

Number of lots: 40

Subdivision Variances or Exceptions Requested: None.

UPDATED FINAL PLAT RULES AND PROCEDURES

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

The subject site received preliminary plan approval in 1999 and final site plan approval in 2022. Because the plat contains more than 25 lots, consideration by the MPC is required per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

APPLICABLE SUBDIVISION REGULATIONS

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

NASHVILLE DOT RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approval is contingent on construction and completion of MWS Project #'s 20SL0217 & 20WL0111. A bond amount of \$220,000.00 is assigned to 20SL0217, and an amount of \$190,000.00 is assigned to 20WL0111.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and

approval process are subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.

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

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2024S-097-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

Approve with conditions. (7-0)

Resolution No. RS2024-134

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-097-001 is approved with conditions. (7-0)
CONDITIONS

1. If the final plat will be recorded without first constructing the required public infrastructure improvements (roads, water and sewer line extensions), then the applicant shall request a bond for those improvements. Submit a completed bond application with a check in the amount of \$750 made payable to the "Metropolitan Government" at least three weeks prior to when the plat will be recorded with the Metro Register of Deeds. The bond review and approval process are subject to receiving estimates from Metro departments and outside utilities for the amount that is required to be bonded. Amounts are calculated after all plat revisions have been made and approved by the Metro agencies. Contact the Bond Desk at 615-862-7202 or bond.desk@nashville.gov.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

26. 2024S-098-001

SKYRIDGE PHASE 6

Council District 03 (Jennifer Gamble)
 Staff Reviewer: Celina Konigstein

A request for final plat approval to create 33 lots on a portion of property located at 3517 Brick Church Pike, at the current terminus of Northbrook Drive, zoned RS7.5 (11.61 acres), and within the Planned Unit Development Overlay District, requested by Wilson & Associates P.C., applicant; Meritage Homes of Tennessee Inc, owner.
Staff Recommendation: Defer to the July 25, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024S-098-001 to the July 25, 2024, Planning Commission meeting. (7-0)

27. 1-74P-016

HICKORY HOLLOW PUD (CANCELLATION)

BL2024-417/Joy Styles
 Council District 32 (Joy Styles)
 Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Hickory Hollow Planned Unit Development Overlay District for property located at 5255 Hickory Hollow Parkway, approximately 422 feet west of the Bell Road and Hickory Hollow Parkway intersection, zoned SCR (4.83 acres) and within a Planned Unit Development Overlay District, requested by Councilmember Joy Styles, applicant; TNCT, LLC, owner.
Staff Recommendation: Approve.

APPLICANT REQUEST

Cancel portion of a PUD.

PUD Cancellation

A request to cancel a portion of the Hickory Hollow Planned Unit Development Overlay District for property located at 5255 Hickory Hollow Parkway, approximately 422 feet west of the Bell Road and Hickory Hollow Parkway intersection, zoned SCR (Shopping Center Regional), (4.83 acres) and within a Planned Unit Development Overlay District.

Existing Zoning

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

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.

PUD HISTORY

This PUD was originally approved in 1974 and included a large area (approximately 192 acres) on both sides of Bell Road, north of Interstate 24. A portion of the PUD includes the former Hickory Hollow Mall. The 1974 Metro Council plan was approved for 1,529,581 square feet of various commercial and office uses and 432 residential units. The portion of the PUD containing the former Hickory Hollow Mall was amended in 1989, increasing the total square footage to 1,800,575 square feet of commercial and office uses permitted for the entire PUD. The PUD has been revised numerous times over the years. Several portions of the PUD have also been canceled in recent years. Council approved the last cancelation in 2021. The subject property is developed with an office building. Metro records indicates that the existing office building is approximately 44,489 square feet in size.

ANTIOCH - PRIEST LAKE COMMUNITY PLAN

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

ANALYSIS

This request is to cancel a portion of the PUD located at 5255 Hickory Hollow Parkway. If canceled, the SCR base zoning district will govern any future development on the property. Staff finds the SCR base zoning district is consistent with the T4 CC land use policy. If the PUD is canceled, then the SCR base zoning district would allow development consistent with the policy.

STAFF RECOMMENDATION

Staff recommends approval.

Approved. (7-0)

Resolution No. RS2024-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 1-74P-016 is approved. (7-0)

28. 2024Z-073PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Matt Schenk

A request to rezone from R15 to RM2-NS zoning for properties located at 574, 574C and 576 Ewing Drive, approximately 205 feet west of Vista Lane (0.85 acres), requested by XE Development Company LLC, applicant; XE Development LLC and O.I.C. Homes at 574 Ewing Drive, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R15 to RM2-NS

Zone Change

A request to rezone from One and Two-Family Residential (R15) to Multi-Family Residential-No Short-Term Rental Property (RM2-NS) zoning for property located at 574, 574C, and 576 Ewing Drive, approximately 205 feet west of Vista Lane (0.85 acres).

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 2 lots for a total of 2 units.*

Proposed Zoning

Multi-Family Residential-No STRP (RM2-NS) is intended for single-family, duplex, and multi-family dwellings at a density of two dwelling units per acre. The -NS designation prohibits Short-Term Rental Property – Owner Occupied and Short-Term Rental Property - Not Owner Occupied uses from the district. *RM2 would permit a maximum of 2 units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY PLAN

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

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

ANALYSIS

The 0.85-acre site is located at 574, 574C, and 576 Ewing Drive, approximately 205 feet west of Vista Lane. The parcel was recently rezoned from Single Family Residential (RS7.5) to One- and Two-Family Residential (R15) in 2023 and is currently vacant. Due to duplex eligibility requirements, this parcel is only permitted to have single-family residential uses, as determined by Metro Codes. Surrounding parcels are zoned Single-Family Residential (RS7.5) and One- and Two-Family Residential (R8). Land uses of the surrounding parcels include single-family residential, two-family residential, and vacant property.

The site is located within a T3 Suburban Neighborhood Evolving Policy (T3 NE). The T3 NE policy is intended to support a broader mix of housing types to provide for housing choice. Based on the approximate acreage of the site, two multi-family residential units would be permitted. Additionally, the site is located along Ewing Drive, which is classified as a Collector-Avenue in the Major and Collector Street Plan (MCSP) and is served by the WeGo Bus Route 41. Staff notes that this site is uniquely situated directly adjacent to a two-family residential use, while the properties to the west have a single-family pattern. Due to the adjacent lots to the east being two-family use, staff finds that two units at this location may be appropriate. While two units for this lot may be appropriate, other lots to the west of this lot may need further evaluation based on service availability before multi-family uses could be considered. The T3 NE policy supports additional residential density in relation to transit corridors. The proposed RM2-NS would also prohibit short-term rental property-owner occupied and short-term rental property-non owner occupied, which would ensure long term housing at this location which is appropriate in residential policy areas. Due to the surrounding development pattern and the location of the parcel in proximity to a transit corridor, the proposed RM2-NS district aligns with the goals of the T3 NE policy to provide a broader mix of housing types.

FIRE RECOMMENDATION

Approve

Maximum Uses in Existing Zoning District: **R15**

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)	0.85	2.35 F	2 U	28	7	2

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM2-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)	0.85	2 D	3 U	15	1	2

Traffic changes between maximum: **R15 and RM2-NS**

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

METRO SCHOOL BOARD REPORT

Projected student generation existing RS15 zoning districts: 1 Elementary 0 Middle 0 High

Projected student generation proposed RM2-NS district: 1 Elementary 0 Middle 0 High

The proposed RM2-NS zoning is not expected to generate any additional students beyond the existing R15 zoning. Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. Alex Green Elementary School is identified as exceedingly over capacity, while Brick Church Middle School and Whites Creek High School are identified as exceedingly under capacity. This information is based on the 2022-223 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approved. (7-0)

Resolution No. RS2024-136

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-073PR-001 is approved. (7-0)

29. 2023DTC-026-001

RUTLEDGE HILL

Council District 19 (Jacob Kupin)

Staff Reviewer: Eric Hammer

A request for overall height modification on properties located at 34, 42, and 44 Rutledge Street, 35, 43, and 45 Hermitage Avenue, and 28, 30, and 40 Middleton Street, at the northwest corner of Hermitage Ave. and Middleton Street, to permit a mixed use development, zoned DTC (4.11 acres), requested by Essex Development, applicant; David Kline & Mary Jenkins ET AL., and Rutledge Hill LLC, owners.

Staff Recommendation: Approve with conditions or defer without all conditions.

APPLICANT REQUEST

Modification of overall height standards of the Downtown Code (DTC), Rutledge Hill Subdistrict, to allow for a 37-story hotel and residential tower, a 21-story hotel and residential tower, and a 17-story residential and office building with ground floor active uses, where six stories of building height are permitted by right.

DTC Overall Height Modification

A request for overall height modification on properties located at 34, 42, and 44 Rutledge Street, 35, 43, and 45 Hermitage Avenue, and 28, 30, and 40 Middleton Street, at the northwest corner of Hermitage Ave. and Middleton Street, to permit a mixed use development, zoned Downtown Code (DTC) (4.11 acres).

Existing Zoning

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

PROJECT OVERVIEW

The project proposes a 37-story hotel and residential building, a 21-story hotel and residential building, and a 17-story residential and office building consisting of 150 residential units total, 325 hotel rooms, 50,000 square feet of office space, 70,174 square feet of ground floor retail and restaurant space, and underground parking with a total of 777 vehicular parking spaces.

PLAN DETAILS

The project is located at 34, 42, and 44 Rutledge Street, 35, 43, and 45 Hermitage Avenue, and 28, 30, and 40 Middleton Street, which together comprise the entire block between Hermitage Avenue, Lea Avenue, Rutledge Street, and Middleton Street with the exception of two parcels, 36 Middleton Street and 40 Rutledge Street, which are not included in this application. The project has frontages on all four streets.

The project proposes the adaptive re-use of multiple buildings on-site including four historic Victorian-style homes and the addition of three new high-rise towers. The project also proposes several smaller retail and restaurant spaces, all accessible from either the adjacent street or the series of pedestrian networks through the site, which navigate the 40 feet of grade change. The project proposes creating gathering spaces within this network that will be open to the public. All four streets adjacent to the project are activated with active uses. All parking is proposed to be within an underground garage shown to be accessed primarily from Lea Avenue. Entries to the below-grade parking garage entry are located on Lea Avenue and loading is accommodated internal to the site within the garage.

OVERALL HEIGHT MODIFICATION PROCESS

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

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

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

In the Rutledge Hill Subdistrict, one additional story may be earned, up to a maximum of seven stories, through use of the Bonus Height Program. A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. Efforts include fulfilling requirements of the Open Space, Pervious Surfaces, Public Parking, and Underground Parking bonuses, as well as committing to earning LEED BD+C silver certification on all new buildings proposed by the project.

Community Meetings

The applicant and design team held a community meeting on May 28, 2024, onsite at 34 Rutledge Street and sent notices to properties within 300 feet, per OHM notification guidelines. Several participants were in attendance, inclusive of the applicant team. Several adjacent residents expressed that they liked aspects of the design and program but expressed concerns about maintaining the functions of Alley #102. The applicant has also conducted other meetings with surrounding stakeholders without Planning Staff in attendance.

MDHA Design Review Committee Meetings

The applicant team presented the project to the MDHA Design Review Committee (DRC) on Tuesday, June 18, 2024. The Committee voted (with none opposed) to grant the project concept-level approval before it proceeds to Planning Commission for the OHM request, with the understanding that the applicant will return to the MDHA DRC when the design has been further developed, for a vote on final approval. Comments made by Committee members have been incorporated into the recommended conditions listed in this staff report.

Project Design Elements

- The project's publicly accessible open space totals approximately 34,120 square feet, which includes passive and active elements as well as seating. These elements are integrated into a highly connected pedestrian network and will be a key community amenity for this downtown neighborhood – ensuring a truly usable and maintained green area in this location for public use.
- The site strategy focuses on celebrating the remaining historical character of the block by preserving and adaptively re-using the Victorian-style homes and placing the high-rise buildings furthest from the homes, allowing for a transition in scale to occur from the north to the south of the site.
- The building footprints are minimized to create a more dynamic and gracious open space and pedestrian network, helping to create better relationships and access to surrounding properties. This approach to the site planning – rather than a monolithic super-block building – is a significant improvement to the neighborhood.

Additional Considerations

- The project has received letters of support from the staff of the Metropolitan Historic Zoning Commission, the Preservation Society of Nashville and the Nashville Children's Theatre.
- The project includes several properties that have already have historic preservation façade easement agreements with Historic Nashville Inc., ensuring their preservation.
- The project site is located at the edge of areas served by current downtown parks, based on Plan to Play's Downtown Park Pressure Map. Adding open space would expand access to parkland in Downtown.
- The addition of residential units in this area will increase the supply of downtown housing options, responding to the need for more housing units in the urban core.
- The popularity of tourism Downtown has created significant pressure to convert residential units to short-term rentals. The applicant is committed to removing STRs as an allowed use.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- A Multimodal Transportation Analysis (MMTA) has not been scoped for this proposed project. This shall be scoped with NDOT, completed, and finalized with NDOT prior to a building permit approval. Transportation mitigations and access locations will be evaluated and determined as part of that study. The access points and curb cuts shown in the submitted plan are not approved and discussions still need to be had following the MMTA submittal. The final design should prioritize providing vehicle access from the lowest classified roadways per the DTC.
- Additional MMTA's may be required with each phase of development.
- NDOT may support modifications to Alley #173. However, the final project design must accommodate all loading/unloading/and solid waste services on site. The applicant shall ensure that all existing operations and services that are provided through Alley #173, for the surrounding properties that are not a part of this development, are not impeded by any modifications that made to the alley. NDOT will not support a final plan that requires curbside loading and unloading. A plan that requires trucks to back into or out of the public ROW will be discouraged.
- All above grade and/or below grade encroachments that are proposed with this development have not been agreed upon with NDOT and are not approved. Additional coordination will be required prior to NDOT allowing any encroachments into the public ROW.
- Additional Traffic comments will be forthcoming after scoping and MMTA submittal. Mitigation measures/off-site improvements are anticipated and shall be determined with the finalization of the MMTA with NDOT.

STAFF RECOMMENDATION

The project's emphasis on complimenting historic fabric and creating quality outdoor spaces supports the goal of a creating a vibrant, dense urban neighborhood in this part of downtown. Several conditions are recommended to ensure that bonus height actions and critical site elements are addressed according to the standards of the DTC. Staff recommends approval with the following conditions and deferral without all conditions.

CONDITIONS

1. Approval of this application is based on site design, and the specific architectural characteristics shown within the application are required in subsequent applications, including but not limited to, window depth, curvilinear building forms, solar relationship to building orientation and window patterning, general pedestrian pathway locations, and parapets screening mechanical uses, the geometry and form of the towers, the glazing articulation with differentiated frame depths responding to climatic and solar conditions around the perimeter of the building, high-quality exterior materials (such as the referenced masonry, brick, terra cotta, and similar), a considered palette of facade textures and tactility, and a thoughtful and intentional design dialogue with the adjacent historic structures.

Deviations may require additional review by the Metropolitan Development and Housing Agency Design Review Committee or Planning Commission if deemed by Planning staff to be substantial.

2. All final facade materials shall be compliant with the requirements of the Downtown Code and shall be substantially similar in appearance to those shown in the submittal materials.
3. Ground floor façades fronting streets, internal open spaces, or pedestrian thoroughfares shall meet all the requirements of the Downtown Code for the storefront frontage type.
4. The layout and size of the individual pedestrian passages and open spaces shall not be diminished or removed by subsequent applications.
5. Final design of Alley #102 shall be reviewed and approved by NDOT and Planning and shall generally be built to accommodate both traditional alley functions (e.g., loading, service, mechanical, and maintenance access) and pedestrian movements through the site.
6. If any portion of Alley #173 is abandoned or altered, the applicant shall reconfigure the alley to directly connect to Middleton Street within the bounds of the subject property.
7. Façade easements placed on buildings associated with this development shall not be removed. The construction of new buildings shall not result in the removal of buildings with a façade easement or other historic designation.
8. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
9. All commitments shown and described on Page 4 of the application shall be certified before building permits are issued, including but not limited to Underground Parking, LEED Silver, Open Space, Public Parking, Pervious Surface, and Historic Preservation commitments.
10. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to the issuance of building permits.
11. All parking shall be underground.
12. Sidewalks being altered or replaced as part of the project shall preserve the brick character of the sidewalks and work with NDOT and Planning to ensure the final sidewalk material is acceptable.
13. Approval does not include encroachments into public right-of-way. Any encroachments into public right-of-way shall be reviewed by mandatory referral to the Metropolitan Council. All buildings shall not encroach over public streets, except that awnings and canopies may be added if approved by Metropolitan Council.
14. Approval does not include abandonments of public right-of-way. Any abandonments of public right-of-way shall be reviewed by mandatory referral to the Metropolitan Council.
15. All requirements of the Downtown Code not specifically modified shall apply.
16. 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.
17. With the DTC Final Site Plan, the applicant shall coordinate with WeGo on improved bus stops if required.
18. Comply with all conditions and requirements of Metro reviewing agencies on Final Site Plan and DTC Building Permit submittals.
19. Landscape architectural characteristics conveyed within the application are required in subsequent applications, including but not limited to, differentiated pavement and delineation between pedestrian and vehicular zones; provision and hierarchy of circulation paths; integration of indoor and outdoor programming; preponderance of landscape gardens, green roofs, and edge planting; incorporation of high-quality, durable materials, fixtures, and furnishings; lush, varied planting composition.
20. Streetscapes on all frontages shall utilize adequate soil volume and composition, and tree specifications (species, size, and spacing) to ensure a shaded pedestrian sidewalk within the right-of-way at maturity, where utility are not in conflict. All efforts shall be made by the developer to ensure that utilities being altered during this project do not conflict with streetscape elements.
21. The design of all open spaces shall be thoughtfully considered in order to create a unified, safe, and cohesive visitor experience between the new structures and the existing historic structures.

Ms. Dundon has recused herself from this item.

Mr. Hammer presented the staff recommendation to approve with conditions or defer without all conditions.

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

Nathan McCray, no address given, spoke in favor of the application.

Bernie Silvers, 20 Rutledge Street #206, spoke in favor of the application.

Woods Drinkwater, 1221 Broadway, spoke in favor of the application.

Dan Berexa, no address given, stated he is representing Gail Davis. He spoke in opposition to the application.

Bill Hubbard, Tidwell Hollow Road, spoke in opposition to the application.

Steve Snider, no address given, spoke in opposition to the application.

Leila Vartanian, 38 Middleton Street, spoke in opposition to the application.

Doug Sloan spoke in rebuttal.

Councilmember Kupin spoke in favor of the application. He stated he will continue to work with the neighbors to address the alleyway concerns.

Chair Smith closed the Public Hearing.

Mr. Henley said he appreciated the Councilmember speaking as it addressed some of his alley questions. He stated he was excited about what was presented, particularly around the preservation. Mr. Henley thought it was important to touch on the commitment to all the parking that will be below grade. He noticed a big push towards green space, sustainability and connectivity. Mr. Henley asked if staff could speak around emphasis on infrastructure.

Ms. Kempf stated they are in frequent dialogue with Water Services and NDOT about big picture issues. She said the infrastructure capacity is downtown and they strongly support neighborhoods and placemaking downtown and also new residential development. Ms. Kempf advised NDOT has provided some conditions that would require this development work with the departments to ensure upgrades occur if needed.

Mr. Hammer added that from projects they previously reviewed in that area of town, they confirmed water and sewer was sufficient for future development.

Mr. Clifton said he is unclear about how open the alleys are and wants to know more about that. He stated he is not prepared to vote on this today because of unanswered questions and wants to see the results of continued work and how that impacts the concerns that were raised.

Ms. Kempf said she is a big proponent of keeping alleys open.

(Ms. Kempf's microphone failed. There was an eight minute break while it was being fixed)

Ms. Kempf said alleys are incredibly important. She asked Mr. Hammer what the word bollard means.

Mr. Hammer explained bollards are meant to line the edges of the alleys and not meant to prohibit access into the alley at any point. They ensure vehicular traffic does not spill out into any adjacent portions of the site.

Ms. Kempf asked Mr. Hammer to provide information about height FAR of immediate adjacent projects in the area.

Mr. Hammer pointed to a map on the presentation slide and explained there are two SPs that are in the block catty-corner north of this on both sides of President Ronald Reagan Way, there are six buildings in total; 39 stories, 32 stories and 29 stories on the site on the right, and 32, 36 and 18 stories on the left.

Ms. Kempf asked if that is consistent with what they are looking at today.

Mr. Hammer said the tallest tower proposed in this application is 37 stories and is roughly in the same range as those. He stated 5.6 was the floor area ratio and is in the same category of some other projects reviewed and less than what is proposed in the SPs that are to the North.

Ms. Kempf explained there are a lot of vulnerable areas and they try to be really thoughtful about working with developers to say if you preserve all of these and their anteriors, then they will recommend more height because they have to provide a balance in housing goals and what can be accomplished on the site.

Mr. Clifton asked Mr. Kempf if she is saying absent the process of putting a conservation or historic overlay over something, that another way to look at it is it's getting what we can from the discussions on how to protect the current use of alleys.

Ms. Kempf replied she is speaking more generally, not just to this site, as there are a lot of historic properties downtown that are not protected, and wanted to give a sense of how staff looks at those, especially if they are not protected by overlays and the like. She said they go from very broad concept plans to more detailed work through different processes. Ms. Kempf explained this concept plan shows the alleys, but any change to those would have to go through this mandatory referral process.

Mr. Clifton asked if there were any protective overlays on the Victorian homes at this time.

Mr. Hammer responded the four Victorian homes are not within an historic landmark or historic preservation overlay. He said they are within the National Register but that does not give them zoning protections.

Ms. Leslie asked if there is underground parking.

Mr. Hammer responded in the affirmative.

Ms. Leslie asked if the access to the unground parking goes through the alleys.

Mr. Hammer stated not as currently proposed and access would primarily be from Lea Avenue. He said there are items like Multimodal Transportation Analysis that need to occur to determine final locations of those items.

Ms. Allen said she appreciates a lot of what has been presented about this project; below grade parking, open space, small scale retail and the adaptive reuse of the Victorian homes. She stated it was really striking looking at the Rutledge Street elevation. She asked without this height modification, what are the limits of the building heights that can go on this site.

Mr. Hammer answered six stories with the opportunity to acquire additional rights through the Bonus Height Program to seven stories.

Ms. Allen asked if it has already been submitted through the Bonus Height Program.

Mr. Hammer replied in the affirmative. He explained prior to an application receiving a determination letter, it has to show the application is using all available bonus height that is allowed or available to it on the site prior to receiving that.

Ms. Allen said the scale was her general concern. She said context within a site is important and asked if there is a way to address the scale difference.

Ms. Kempf stated they would welcome Ms. Allen's feedback as to what conditions she felt are appropriate.

Nathan McCray stated it is not one massive tower overwhelming the Victorian homes, but rather three smaller tapering towers with a good amount of texture to give them scale.

Councilmember Gamble asked for clarification of the conditions for the alleys and about the status for alley number 173.

Mr. Hammer stated the condition is in place and works with the NDOT condition as noted on the previous page. He explained in order to ensure that if an alley connection is changed, that it is done on the site of the applicant rather than a shared responsibility between the property owners.

Councilmember Gamble said she is comfortable moving forward with the conditions and with the commitment from the Councilmember to work with the community and developer to make sure that some part of the alleyway maintains for the residents. She felt the project meets the policy for the area and meets the allowed height restrictions.

Ms. Kempf stated this is the final review and clarified the project would not go to Council, but any alleyway closure decisions about public space would go to Council.

**Mr. Henley moved and Councilmember Gamble seconded the motion to approve with conditions. (6-0-1)
Ms. Dundon recused herself.**

Resolution No. RS2024-137

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023DTC-026-001 is approved with conditions. (6-0-1)

CONDITIONS

1. Approval of this application is based on site design, and the specific architectural characteristics shown within the application are required in subsequent applications, including but not limited to, window depth, curvilinear building forms, solar relationship to building orientation and window patterning, general pedestrian pathway locations, and parapets screening mechanical uses, the geometry and form of the towers, the glazing articulation with differentiated frame depths responding to climatic and solar conditions around the perimeter of the building, high-quality exterior materials (such as the referenced masonry, brick, terra cotta, and similar), a considered palette of facade textures and tactility, and a thoughtful and intentional design dialogue with the adjacent historic

- structures. Deviations may require additional review by the Metropolitan Development and Housing Agency Design Review Committee or Planning Commission if deemed by Planning staff to be substantial.
2. All final facade materials shall be compliant with the requirements of the Downtown Code and shall be substantially similar in appearance to those shown in the submittal materials.
 3. Ground floor façades fronting streets, internal open spaces, or pedestrian thoroughfares shall meet all the requirements of the Downtown Code for the storefront frontage type.
 4. The layout and size of the individual pedestrian passages and open spaces shall not be diminished or removed by subsequent applications.
 5. Final design of Alley #102 shall be reviewed and approved by NDOT and Planning and shall generally be built to accommodate both traditional alley functions (e.g., loading, service, mechanical, and maintenance access) and pedestrian movements through the site.
 6. If any portion of Alley #173 is abandoned or altered, the applicant shall reconfigure the alley to directly connect to Middleton Street within the bounds of the subject property.
 7. Façade easements placed on buildings associated with this development shall not be removed. The construction of new buildings shall not result in the removal of buildings with a façade easement or other historic designation.
 8. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited for the entire development.
 9. All commitments shown and described on Page 4 of the application shall be certified before building permits are issued, including but not limited to Underground Parking, LEED Silver, Open Space, Public Parking, Pervious Surface, and Historic Preservation commitments.
 10. The developer shall propose an agreement for reasonable public access (e.g. hours of operation and other operational expectations) to the privately-owned, publicly accessible open space. This shall be reviewed by Metro Planning and Metro Legal and recorded prior to the issuance of building permits.
 11. All parking shall be underground.
 12. Sidewalks being altered or replaced as part of the project shall preserve the brick character of the sidewalks and work with NDOT and Planning to ensure the final sidewalk material is acceptable.
 13. Approval does not include encroachments into public right-of-way. Any encroachments into public right-of-way shall be reviewed by mandatory referral to the Metropolitan Council. All buildings shall not encroach over public streets, except that awnings and canopies may be added if approved by Metropolitan Council.
 14. Approval does not include abandonments of public right-of-way. Any abandonments of public right-of-way shall be reviewed by mandatory referral to the Metropolitan Council.
 15. All requirements of the Downtown Code not specifically modified shall apply.
 16. 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.
 17. With the DTC Final Site Plan, the applicant shall coordinate with WeGo on improved bus stops if required.
 18. Comply with all conditions and requirements of Metro reviewing agencies on Final Site Plan and DTC Building Permit submittals.
 19. Landscape architectural characteristics conveyed within the application are required in subsequent applications, including but not limited to, differentiated pavement and delineation between pedestrian and vehicular zones; provision and hierarchy of circulation paths; integration of indoor and outdoor programming; preponderance of landscape gardens, green roofs, and edge planting; incorporation of high-quality, durable materials, fixtures, and furnishings; lush, varied planting composition.
 20. Streetscapes on all frontages shall utilize adequate soil volume and composition, and tree specifications (species, size, and spacing) to ensure a shaded pedestrian sidewalk within the right-of-way at maturity, where utility are not in conflict. All efforts shall be made by the developer to ensure that utilities being altered during this project do not conflict with streetscape elements.
 21. The design of all open spaces shall be thoughtfully considered in order to create a unified, safe, and cohesive visitor experience between the new structures and the existing historic structures.

H: OTHER BUSINESS

30. Memo for DTC DRC Member Appointment.

Resolution No. RS2024-138

"BE IT RESOLVED by The Metropolitan Planning Commission that the memo for DTC DRC is approved.
(7-0)

31. A 4% COLA and a 3% Open Range salary increase for the Executive Director effective July 1, 2024 as approved in the Fiscal Year 2025 Metro Budget and based on the recommendation of the MPC Executive Committee.

Mr. Henley moved and Ms. Leslie seconded the motion to approve the 4% COLA and 3% Open Range salary increase for Executive Director Kempf. (7-0)

Resolution No. RS2024-139

"BE IT RESOLVED by The Metropolitan Planning Commission that the 4% COLA and 3% Open Range salary increase are approved. (7-0)

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

Resolution No. RS2024-140

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

- 36. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

July 25, 2024

MPC Meeting

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

August 8, 2024

MPC Meeting

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

August 22, 2024

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 8:26 p.m.