



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**September 08, 2022  
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**

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

Commissioners Present:  
Greg Adkins, Chair  
Jessica Farr, Vice Chair  
Lillian Blackshear  
Edward Henley  
Stewart Clifton  
Mina Johnson  
Jeff Haynes  
Jim Lawson  
Brian Tibbs  
Councilmember Brett Withers

Staff Present:  
Lucy Kempf, Executive Director  
Lisa Milligan, Planning Manager II  
Logan Elliott, Planner II  
Dustin Shane, Planner II  
Anna Grider, Planner II  
Lora Fox, Legal

**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

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### Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of each month at 4:00 pm, in the Sonny West Conference Center on the ground floor of the Howard Office Building at 700 Second Avenue South. 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 2nd Avenue South. [Subscribe to the agenda mailing list](#)

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

### Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by 3 pm on the Tuesday prior to 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 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300  
Fax: (615) 862-7130  
E-mail: [planning.commissioners@nashville.gov](mailto: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

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## **A: CALL TO ORDER**

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

## **B: ADOPTION OF AGENDA**

Mr. Lawson moved and Mr. Henley seconded the motion to adopt the agenda. (10-0)

## **C: APPROVAL OF AUGUST 25, 2022 MINUTES**

Mr. Clifton moved and Mr. Haynes seconded the motion to approve the meeting minutes of August 25, 2022. (10-0)

## **D: RECOGNITION OF COUNCILMEMBERS**

Councilmember VanReece said there was a unique project on the Consent Agenda that was very near to Maplewood High School. She thanked the Planning staff for being diligent in making sure that something so unique and new housing type was made available.

Councilmember Toombs spoke in favor of Item 13.

## **E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 20, 21**

Ms. Milligan stated Ms. Blackshear has recused herself from Items 8 and 9.

Mr. Lawson moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn Items. (10-0)

## **F: CONSENT AGENDA ITEMS 28**

Ms. Milligan stated Mr. Henley recused himself from Item 18.

Ms. Blackshear moved and Ms. Johnson seconded the motion to approve the Consent Agenda. (10-0)

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: IMAGINE EAST BANK INFORMATION PRESENTATION**

Chairman Adkins thanked and recognized Steve Bland from WeGo for his work. He also thanked Director Kempf for working on this project, as it was a 'large shovel to lift'. Mr. Adkins thanked the Planning staff and team for their outstanding work. Lastly, he thanked Vice Chair Farr and the Commissioners for their involvement in this project over the last two years.

Director Kempf advised they were not holding a public hearing this meeting but will at a subsequent meeting in early October and at that time will have a full public hearing and a vote around adoption of the plan as part of Nashville Next.

Ms. Grider gave the informational presentation on the Imagine East Bank project. She spoke about the East Bank planning study background. Ms. Grider explained the community vision plan roll out process and engagement events. She shared the vision plan concepts, which included; Safe and Simple Multimodal Connections, Equitable and Affordable East Bank, Respect for the River and Neighborhoods for Nashvillians. Ms. Grider stated the chapter that followed focused on the Metro owned land and showed both options; one with the existing Nissan Stadium and one with Nissan Stadium moved directly to the East. Lastly, she shared the upcoming community events and option tentative schedule.

Steve Bland, CEO WeGo, thanked the Planning staff for their hard work. Mr. Bland gave his perspective on the transit piece of the project. He stressed that they strive to improve liability, speed and convenience of service on the dedicated corridors. He said the WeGo Star commuter trains runs a reliable 40 mph and runs on time 99% of the time. Mr. Bland felt an important piece of the plan was

the North South corridor which connected the neighborhoods on all sides of the downtown core through the East Bank. He spoke about WeGo Central ridership and that part of the long-range service plan was moving to a more decentralized model that included neighborhood transit centers.

Councilmember Withers said he had a lot of feedback from his constituents and was interested in hearing from other Commissioners.

Mr. Clifton asked if some of the items in the plan changed if there was not a rebuild of Nissan Stadium in a different location.

Ms. Grider advised they worked on the plan under the assumption of a renovated stadium for much of the process, so the street network, flood resiliency network and developable land work was all done under the assumption the stadium was remaining. Earlier in the year when the announcement was made about the exploration of the potential of a new stadium, they were able to switch to see the opportunities with a new location. She said the vision plan laid out both futures because the vision was yet to be made but showed in both futures that the street network can work and the publicly accessible riverfront was a possibility in both scenarios. She stated there were planning and urban design components that could be advantageous in having a new stadium and freeing up the riverfront for more public accessibility.

Vice Chair Farr asked what tools they have for an inclusive and equitable community, what resources do they have and how can this plan help to further that goal.

Angie Hubbard, Planning Department Housing Director, said that everyone has a different definition of the meaning of affordable housing. She advised their approach to affordability and equity was getting back through the community engagement process with the Affordable Housing Task Force and community meetings that are housing focused and meeting people where they are as far as housing needs. She explained to make it equitable was having conversations of what the neighborhood needed to have in place and for people to have a sense of belonging. Ms. Hubbard stressed there were also barriers to housing outside of just the cost of rent. She stated it was important to get into those conversations so they can have the right strategy to make sure the housing being created was attainable to everyone at different income levels while making sure it was feasible.

Ms. Kempf said they think of the East Bank developing in phases because it was a lot of land to develop over time and the vision was meant to anticipate the whole view over time. She thought that Ms. Hubbard's recommendation was to think of the affordability and attainability in phases and set those benchmarks with real time information.

Mr. Tibbs asked if it was already designed and if there were design standards.

Ms. Grider stated they were just conceptual illustrations to provide pictures to the intent of what they heard the community would like to see. They were including within the vision document some principals that were mostly in the neighborhood chapter related to intent for development standards, including statements about the encouragement of multi family housing and not single-family housing. She said there was a lot of vision and aspiration at this point and it would not get to the design detail until a UDO or some other zoning tool came before the Commission.

Ms. Farr asked about utility wires and if NES has been brought in.

Ms. Grider responded that they have met regularly with NES to talk about their current infrastructure on the East Bank and future infrastructure needs. They have also had discussions with engineers related to the technology and burying of lines within a floodplain and adjacent to a floodplain.

Ms. Johnson asked about the central multimodal corridor and their intentions.

Bob Murphy, East Bank Planning Team Development Director, stated they were not envisioning the East Bank Boulevard to funnel all the traffic from I-24. The idea was that the East Bank Boulevard was going to provide connections to existing neighborhoods, particularly the East Nashville area.

Ms. Johnson felt the media was doing a good job reaching people with the information of this plan and asked if there was any intended audience or stakeholder they were not reaching or was there anything more they can do to reach people with information before they adopt this plan.

Ms. Grider answered that they have been tracking and looking into the demographic of who they were reaching. She said they were starting to add more targeted engagement to broader demographics by doing a townhall with the Urban League and to lean on the Neighborhood Advisory Committee to get the word out.

Mr. Withers asked about lack of bike lanes on the multimodal spine street and how the vision document envisions multimodal connections other than cars.

Bob Murphy advised the overarching concept was providing a very robust comprehensive network of bike ways and sidewalks. He said the boulevard itself will not have a bike lane but will provide access to the boulevard through the parallel north south streets, as well as the intersecting streets, which will all have well designed, safe and comfortable bike way facilities.

## H: ITEMS TO BE CONSIDERED

**1. 2022Z-011TX-001**

**BL2022-1347/Brett Withers**

Staff Reviewer: Molly Pike

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

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2022Z-011TX-001 indefinitely. (10-0)**

**2. 2007SP-048-001**

**ZION HILL SP (AMENDMENT)**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Seth Harrison

A request to amend a Specific Plan on property located at 2433 Buena Vista Pike, approximately 721 feet west of East Ln, zoned SP (5.01 acres), to permit 75 multi-family units, requested by RJX Partners, LLC, applicant; RJX Partners, LLC, owners

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-048-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**3. 2022SP-026-001**

**4046 MURFREESBORO PIKE**

Council District 33 (Antoinette Lee)

Staff Reviewer: Logan Elliott

A request to rezone from AR2A to SP on properties located at 4046 & 4060 Murfreesboro Pike, approximately 667 feet northeast of Maxwell RD, (10.12 acres), to permit a mixed use development, requested by RJX Partners, LLC, applicant; Cooper, Louise TN Real Estate Trust, The & Mortie Q. Dickens, owners

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2022SP-026-001 indefinitely. (10-0)**

**4. 2022SP-040-001**

**2635 GALLATIN AVE DOG DAYCARE**

Council District 05 (Sean Parker)

Staff Reviewer: Logan Elliott

A request to rezone from MUL-A to SP zoning for property located at 2635 Gallatin Avenue at the corner of Carolyn Avenue and Gallatin Pike (0.13 acres), and within the Gallatin Pike Urban Design Overlay, to permit all uses of MUL-A plus Kennel and to adjust the standards required for a Kennel, requested by Paws Up Capital, applicant; McQuest Properties, LLC, owner.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-040-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**5. 2022SP-049-001  
15TH & CHURCH**

Council District 19 (Freddie O'Connell)  
Staff Reviewer: Logan Elliott

A request to rezone from MUI-A to SP zoning for property located at properties located at 1414 Church Street and 210, 212, 216, 218, and 220 15th Avenue North, approximately 220 feet west of 14th Ave N, (0.86 acres), to permit a mixed use development, requested by Roers Capital, LLC, applicant; Shaar Forero Properties, Inc. and Thomas Michael Horrell and Sara Darby Smith, owners.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-049-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**6. 2021S-122-001  
RESUBDIVISION OF LOT 18 SHARONDALE HEIGHTS**

Council District 25 (Russ Pulley)  
Staff Reviewer: Seth Harrison

A request for final plat approval to create two lots and abandon Right-of-way on property located at 2816 White Oak Drive, at the southern terminus of White Oak Drive, zoned R10 (0.83 acres), requested by James L. Terry, applicant; Lasonti Enterprises LLC, owner.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021S-122-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**7. 2022S-200-001  
PLAN OF HAMILTON PLACE**

Council District 01 (Jonathan Hall); 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

A request for final plat approval to create 12 lots on property located at 3465 W Hamilton Avenue, approximately 223 feet southeast of Haynes Park Court, zoned RS10 (20.85 acres), requested by Clint Elliott Survey, applicant; Thomas G. Williams, owner.

**Staff Recommendation: Defer Indefinitely.**

**The Metropolitan Planning Commission deferred 2022S-200-001 indefinitely. (10-0)**

**8. 2019SP-044-001  
3699 DICKERSON ROAD**

Council District 08 (Nancy VanReece)  
Staff Reviewer: Jason Swaggart

A request to rezone from CS and RS20 to SP-R zoning for property located at 3699 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.02 acres), to permit a multi-family residential development, requested by Centric Architecture, applicant; Core Holdings, LLC, owner.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2019SP-044-001 to the September 22, 2022, Planning Commission meeting. (9-0-1)**

**9. 2021SP-091-001  
PIN HOOK RIDGE**

Council District 33 (Antoinette Lee)  
Staff Reviewer: Abbie Rickoff

A request to rezone from AR2a to SP-R zoning for property located at 3834 Pin Hook Road, approximately 390 feet west of Lakewood Village Drive (10.2 acres), to permit 39 single family residential lots, requested by Ragan Smith, applicant; Century Communities of Tennessee, LLC, owner.

**Staff Recommendation: Defer to the October 13, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-091-001 to the October 13, 2022, Planning Commission meeting. (9-0-1)**

**10. 2022SP-046-001  
WALTON STATION**

Council District 08 (Nancy VanReece)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP zoning on a portion of property located at 3300 and 3344 Walton and on properties located at 3302, 3304, 3306, 3308, 3312, Walton Lane and Walton Lane (unnumbered), approximately 211 feet west of Slate Drive, (18.36 acres), to permit 220 residential units, requested by Alfred Benesch & Co., applicant; Alcorn, Carrie A. S.(LE) & Suggs, Evelyn, Dodson, Percy M., Dodson, Percy M. & Harbut, Mary D., Donelson, Albender, Dotson, Beulah M., Faith is The Victory Church, Inc., Jenkins, Michael Allen & Benson, Arnithea Dorcel, Jenkins, Vivian & Michael A., Ridley, May Alice, Threackill, Meccie L. & Brooks, James R. et al, owners.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-046-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**11. 2022SP-055-001  
BELLEVUE TOWNHOMES**

Council District 23 (Thom Druffel)  
Staff Reviewer: Amelia Lewis

A request to rezone from R40 and RM4 to SP zoning for property located at 6842 Highway 70 S, approximately 1,500 feet west of Brookmont Terrace, (11.77 acres), and partially within a Planned Unit Development Overlay District, to permit 54 multi-family residential units, requested by Joseph Haddix, applicant; Flowers, John David, owner.

**Staff Recommendation: Defer to the October 13, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022SP-055-001 to the October 13, 2022, Planning Commission meeting. (10-0)**

**12. 2022SP-059-001  
CHESTNUT STREET**

Council District 17 (Colby Sledge)  
Staff Reviewer: Dustin Shane

A request to rezone from IR to SP zoning on properties located at 426, 446, and 464 Chestnut Street and Chestnut Street (unnumbered), approximately 243 feet north of Martin Street, (2.5 acres), to permit a mixed-use development, requested by Barge Cauthen & Associates, applicant; Nashville Phase I Property Holders LLC, Nashville Phase III Property Holder 2 LLC, owners.

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

**APPLICANT REQUEST**

**Preliminary SP to permit a mixed-use development.**

### Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) zoning on properties located at 426, 446, and 464 Chestnut Street and Chestnut Street (unnumbered), approximately 243 feet north of Martin Street (2.5 acres), to permit a mixed-use development.

### **Existing Zoning**

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

### **Proposed Zoning**

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

### **SITE CONTEXT AND PLAN DETAILS**

The site is located on the north side of Chestnut Street between two spurs of the CSX railroad and directly south of a railyard. The property has frontage solely on Chestnut Street. The site consists of four parcels that currently contain a small warehouse, a parking lot, and vacant land. The property slopes very slightly up to the north and west. Surrounding uses to the south include light manufacturing and early twentieth century industrial buildings that have been converted to hotel use.

### Site Plan

The SP is intended to create a mixed-use development to be completed in one phase. A detailed list is provided specifying which uses are allowed. The applicant is seeking approval with the site plan-based SP for a 111,500-square foot performance venue (with 2,200 square feet of retail), a 153,000-square foot office building (with 13,500 square feet of retail), and a 135,540-square foot parking garage. FAR proposed is 2.42 but will be capped at 2.5 (with the parking garage being underground and not counting toward that total). Height for the concert venue building is proposed at four stories in 92'6" while the office building will rise to five stories in 76 feet. A pedestrian pavilion will be located in the center of the site and feature plantings, seating, and a box office/merchandise store connected to the performance venue. The retail uses of the office building will ring this pavilion and extend down Chestnut Street.

The parking garage will provide 350 parking spaces. Parking is not required per Code along Chestnut Street at this location because it has been identified as an Immediate Need Multi-Modal Corridor. The SP proposes to share parking among uses since they will have different peak hours of operation—the office uses in the daytime and the concert use in the evenings. Bicycle parking will be per Code. One curb cut is requested at the northeast of the site that will provide access to the garage while another is requested at the opposite southwestern end as access to a backstage loading dock. A rideshare pickup/dropoff area will be provided along Chestnut, along with bike lanes and a WeGo transit stop. Street trees will buffer the sidewalk from the road. ROW dedications and dimensions match those required by the MCSP

The elevations show brick architecture that fits with the industrial heritage of the Wedgewood Houston neighborhood and pays homage to the remaining early twentieth century industrial buildings still standing across Chestnut Street to the south. Detailed architectural standards are included. A smokestack will rise from the pavilion with the word "Chestnut" on it to aid in wayfinding and help establish a sense of place. A preliminary signage plan indicates signage will be arranged tastefully around the venue building to advertise performances.

Standards governing residential uses are included, though no residential uses are proposed at this time. These include a max unit count of 175 units and a build-to zone of 0 to 15 feet. A note indicates that all requirements of Section 17.24 pertaining to landscaping shall be met. Another note indicates that several stormwater retention strategies are being considered, including cisterns and a green roof.

### **SOUTH NASHVILLE COMMUNITY PLAN**

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

### **SUPPLEMENTAL POLICY**

The site is located within the Wedgewood-Houston Chestnut Hill (WHCH) Small Area Plan, specifically the SPA 11-WHCH-1 supplemental policy area. The WHCH Plan describes this area, called North Wedgewood-Houston, as containing a wide variety of commercial and small-scale light industrial uses. In line with the neighborhood's long-term vision, this area is home to a rising number of houses and small and larger scale artisan and maker uses. The urban grid, variety of uses, and new dense housing, create a vibrant walkable commercial neighborhood that adds services to the broader community.



## **ANALYSIS**

The T4 MU policy is intended to maintain, enhance, and create urban, mixed-use neighborhoods with a diverse mix of moderate- to high-density residential, commercial, office, and light industrial land uses. The proposed uses and intensity are consistent with the T4 MU Policy and will inject a new level of vitality into the revitalizing neighborhood. An additional feature of the policy is high levels of connectivity with complete street networks, sidewalks, and bikeways. The policy states that there will be clearly distinguishable boundaries identified by block structure, street and alley networks, and building placement.

The WHCH plan includes more specific guidance to achieve the goals of the small area plan. The WHCH Plan includes standards for building typologies, height guidance, and zoning in the districts of the plan. The building typologies include plex or manor, house court, townhouse, flats, live/work, mixed use, and industrial buildings. The plan is proposing two mixed-use structures, which according to the small area plan, should range from three to four stories. Character Area 1 includes provisions for additional height when: 1) providing active uses and enhanced streetscaping; 2) combined with adaptive reuse of other parts of the site; 3) accompanied by urban industrial uses; and 4) located in lower lying areas. The proposed heights of the structures on the site range from four stories to five stories. To justify the increased height, the proposed plan includes the provision of active uses along the Chestnut Street frontage and potential urban industrial uses within the retail spaces along the ground floors. The architecture fits with the industrial aesthetic of the neighborhood and will further the sense of place the plan envisions. This is required by the small area plan, which states that "new construction should reflect and respond to the surrounding industrial buildings" in Character Area 1.

Overall, many features of the proposed plan are consistent with the policy, including: providing for a mix of uses including retail, office, and a performance venue in close proximity; contributing to walkability with street improvements per the MCSP; provision of active uses along the streetscape; and provision of urban-industrial style architecture. The proposed structures have large massing, consistent with older industrial structures that could be found in the Wedgewood Houston area. Given that adaptive reuse is not an option on this site, as it may be for some other properties in this area, the development is proposing large structures encompassing much of the block. Architectural standards have been included on the plan that provide interest and massing differentiations to address the size of the proposed structures. For these reasons, staff recommends approval.

## **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.

## **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. 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**

- With final: Callout roadway sections, (access and ADA) ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Label/dimension any ROW dedications required to accommodate street sections. Provide internal stop control at private drive intersections w/ public roads. Provide stopping sight distance exhibits at any relevant private accesses. Dimension ROW pavement widths for clarity. Provide waste management-loading/unloading plan for site. Note: A private hauler will be required for waste/recycle disposal. Coordinate w/ NDOT traffic on offsite improvements for phase 4.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- Ensure MCSP requirements are being met and appropriate ROW is dedicated if needed.
- Per TIS: Improve pedestrian infrastructure deficiencies, coordinate with NDOT on planned Chestnut St bikeway, implement transit stop improvements. Callout improvements on revised plan.
- Park per code.
- Ensure final designs follow the codes and requirements of all metro agencies.
- Continue to coordinate with NDOT on potential off-site improvements.

- The applicant shall coordinate with NDOT on updating the traffic study to more accurately capture the trips generated by the Live Venue and to develop an appropriate traffic management plan for the area. This will also include updating the site plan's estimated parking requirements for the live venue, which may require a parking study to be conducted.

**HISTORIC ZONING COMMISSION STAFF RECOMMENDATION**

**Approve with conditions**

Due to its proximity to the Nashville City Cemetery and Fort Negley, and according to the Tennessee Division of Archaeology records, the subject property is located in an area of likely burials, including the former Catholic Cemetery, Federal and Confederate troop burials, and impressed African Americans who died during Fort construction. Metropolitan Historical Commission staff recommends the following conditions:

- During blasting, if utilized, a seismologist should be on site to monitor potential damage to underground burial vaults and above ground monuments at the City Cemetery and Fort Negley.
- During excavation an archaeologist should be on site to monitor for human remains. If human remains are found, consult with Historical Commission staff to identify an appropriate location at the City Cemetery for reburial. Additionally, all state cemetery laws shall apply. If human burials are found, cease work immediately and notify standard parties. Contact Metropolitan Historical Commission staff, TDEC/TDOA, and Tennessee Historical Commission staff within 48 hours.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.50	0.6 F	65,340 SF	149	12	12

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	2.50	-	139,500 SF	1,465	158	156

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)	2.50	-	15,700 SF	593	15	60

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

Land Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Music Venue	2.50	-	109,300 SF	5,600	810	1,035

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

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

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed SP-MU district: 0 Elementary 0 Middle 0 High

The proposed SP-MU zoning district is not expected to generate any more students than what is typically generated under the existing IR zoning district. Students would attend Fall-Hamilton Elementary School, Cameron College Prep Middle School, and Glenclyff High School. Fall-Hamilton Elementary School and Glenclyff High School have been identified as having additional capacity while Cameron College Prep Middle School has been identified as being over

capacity. This information is based upon the 2020-2021 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 those specified within the SP document. Short term rental property, owner occupied and short term rental property, not-onwer occupied shall be prohibited within the entire development. Square footage of permitted uses is limited as per the plan.
2. 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.
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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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.
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.

Ms. Blackshear recused herself from this Item.

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

Pablo David, 429 Chestnut Street, spoke in favor of the application.

Michael Hines, Hartshorne Plunkard Architecture, 315 West Walton Street, Chicago, IL, spoke in favor of the application.

Megan Ziegler, KCI Technologies, 500 11<sup>th</sup> Avenue North, spoke in favor of the application.

Dewayne Cuthbertson, 409 Merritt Avenue, spoke in favor of the application.

Earnest Morgan, 409 Merritt Avenue, spoke in favor of the application.

Chad DiDonato, 409 Merritt Avenue, spoke in favor of the application.

Shay Sapp, 151A Rains Avenue, spoke in opposition to the application.

Dakota Gordon, no address given but stated he lived right down the road from the Wedgewood Houston area. He spoke in opposition to the application.

Jon Sewell, 477 Chestnut Street, spoke in opposition to the application.

Weston Hirt, 907 Birchwood Avenue, spoke in opposition to the application.

### **Mr. Adkins closed the Public Hearing.**

Ms. Milligan stated Councilmember Sledge was not able to attend but his position was of support of this project with a commitment for multiple community meetings between now and when it will be introduced on first reading.

Ms. Farr said it sounded like there has not been any community meetings.

Ms. Milligan responded that the Councilmember expressed that the applicant has been in contact with SNAP and a community meeting has been scheduled for September 20<sup>th</sup> with the SNAP Board and he was committed to community meetings in advance of the Council meeting. She believed there has not been a meeting to date but they have been in contact and scheduled.

Ms. Farr thought this was a great project and the design was exciting and seemed like it fit well with the character of Wedgewood Houston. She said she was a bit surprised that there has not been a community meeting so far and was open to thinking of a deferral to make sure that meeting occurs.

Mr. Tibbs asked about parking in the area and with this project.

Ms. Milligan responded that the zoning code requirement for parking in this location was that no parking was required. She explained there was a text amendment in May 2021 that amended the zoning code to say that for uses that were located with most of their frontage on an immediate or long-term need, multimodal corridor was exempt from all parking requirements. The zoning code does not require parking but they are providing 350 spaces in two levels of underground parking.

Mr. Tibbs said parking was his biggest concern. He felt this fits in well and that it was ideal for the community. He said he was OK with what the Councilmember has indicated as far as the community meetings and was in support of this development.

Ms. Johnson indicated she was disappointed that a community meeting has not yet happened. She felt the plan was thoughtful and if the community knew of the plan, they would appreciate it. She said as far as the plan was concerned, the location, height, usage, adaptable reusing of the historical plan and all the elements were thoughtful. She said she was comfortable supporting this with the condition from the Historic Commission regarding human remains, archaeology before and during. Ms. Johnson stated every element of this plan met policy guidelines and she was in support.

Councilmember Withers said there was a lot of good in this proposal and was in support of staff recommendation.

Mr. Henley said he really liked the plan and understood the context of it and thought it was a great opportunity for the community. He urged the applicant to reach out to the community to address questions in community meetings.

Mr. Clifton stated he cannot vote for this right now without addressing neighbors' fear and questions through community meetings.

Mr. Haynes asked if the concert venue was part of the plan when they did the traffic study.

Megan Ziegler answered that since it operates out of peak times, the entirety of the venue was not included, but they took into consideration people who would arrive and leave during peak hours, so the concert venue was included in the study.

Mr. Haynes asked how many trips did they assume to fill the 4,500-seat concert venue.

Megan Ziegler stated that for the live venue, it was assumed for the peak hour between 7a.m. and 9 a.m. it was 68 trips and the same for the evening peak. During 4 p.m. and 6 p.m., it was assumed that 68 vehicles would be entering or leaving the site.

Mr. Haynes asked for the actual concerts, which he assumed would be after 6 p.m., how many trips will get through the neighborhood to fill the 4,500-seat venue.

Ms. Ziegler said they are doing additional analysis for off peak times. The National standard for travel for events to concert venues as such was about two people to 2.5 people per vehicle, but that did not take into account rideshare.

Mr. Haynes encouraged the applicant to have those numbers when Councilmember Sledge has the community meetings as this was an important answer for the neighborhood.

Mr. Lawson stated there was nowhere in the regulations that says the applicant has to go to the community for a plan. The Commission has asked applicants to meet the requirements that they set forward for various developments. Once they met them, as a group they have said they would like to see the community be a part of that but have not made it a regulation or requirement. Mr. Lawson understood the Councilmember was in favor of the plan and will get the community on board if it is not on board. He said he was in support of the application.

**Mr. Tibbs moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions. (8-1-1) Mr. Clifton voted against. Ms. Blackshear recused herself.**

Mr. Adkins called for a 10-minute break.

Mr. Lawson left the meeting.

**Resolution No. RS2022-237**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-097-001 is approved with conditions and disapproved without all conditions. (8-1-1)

**CONDITIONS**

1. Permitted uses shall be limited to those specified within the SP document. Short term rental property, owner occupied and short term rental property, not-onwer occupied shall be prohibited within the entire development. Square footage of permitted uses is limited as per the plan.
2. 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.
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. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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.
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.

**13. 2022Z-076PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to rezone from R6 to RM20 zoning for property located at 1718 Pecan Street, approximately 400 feet west of 18th Ave N (0.18 acres), requested by Richard H. Roberts, applicant, Richard H. Roberts and Brittany L. Roberts owners.

**Staff Recommendation: Disapprove.**

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**APPLICANT REQUEST**

**Zone change from R6 to RM20.**

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Multifamily Residential (RM20) zoning for property located at 1718 Pecan Street, approximately 400 feet west of 18th Ave N (0.18 acres).

**Existing Zoning**

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

**Proposed Zoning**

Multifamily Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of four residential units.*

**NORTH NASHVILLE COMMUNITY PLAN**

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

existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

**SITE AND CONTEXT**

The approximately 8,757 sq. ft. parcel requested to be rezoned to RM20 is located on the north side of Pecan Street between 23<sup>rd</sup> Ave. N. and 24<sup>th</sup> Ave. N. The surrounding zoning is one and two-family (R6) and the surrounding development pattern consist of a variety of single- and two-family homes.

**ANALYSIS**

The proposed RM20 zoning district is not supported by the T4 NM land use policy at this location. The subject parcel is located midblock and is surrounded by single and two-family zoning. Inserting a multi-family zoning district is not appropriate at this location and staff recommends disapproval. The existing zoning is appropriate and allows for development at a scale that fits with the character of the neighborhood.

**FIRE MARSHAL RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	0.18	7.260 D	2 U	28	7	2

\*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.18	20 D	4 U	20	1	2

Traffic changes between maximum: **R6 and RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	-8	-8	-

**METRO SCHOOL BOARD REPORT**

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

The proposed RM20 zoning district is not expected to generate any additional students than what is typically generated under the existing R6 zoning district. Students would attend Churchwell Elementary School, John Early Middle School, and Pearl Cohn-High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

Ms. Blackshear recused herself from this Item.

Ms. Milligan presented the staff recommendation to disapprove.

Richard Roberts, no address given, spoke in favor of the application.

Dewayne Roberts, 4000 unintelligible, spoke in favor of the application.

Brittany Roberts, 2001 Biscayne Blvd, Miami, FL, spoke in favor of the application.

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

**Mr. Adkins closed the public hearing.**

Mr. Haynes asked if they were to support staff recommendation but with the Councilmember's support of the project, would it go on to Council for a vote of 27 members.

Ms. Milligan responded that if there was a recommendation of disapproval from the Commission, then it required 27 votes on third reading as opposed to 21 votes.

Mr. Haynes asked if there were other considerations given for an SP or for other types of zoning besides RM20.

Ms. Milligan stated there was not consideration of others. She explained there is a range of zoning that would be supported by any of their policies.

Mr. Henley thought key factors were the support of the Councilmember and neighborhood support. He said an additional consideration would be a condition that this property was not used for short term rentals. Mr. Henley said that he was in favor.

Ms. Milligan suggested that if there was a desire to specifically exclude short term rentals, that they have the NS districts, and there could be a recommendation of approval of an NS district, so it would not be a condition but a zoning district. She explained the differences between zoning RM20, RM20-A and RM20-A-NS.

Councilmember Withers felt the neighbors' support was persuasive. He said that given the context, neighborhood support and need for housing, he was in support of the application with an NS designation.

Ms. Johnson appreciated the applicant having community meetings and neighborhood support. She felt that staff recommendation was based on policy and did not disagree. Ms. Johnson stated she could not support the zone change but given the neighborhood support, thought Council had a great tool to move forward, and if so, would recommend an NS designation.

Mr. Tibbs agreed with staff analysis. He said that even though this is mid-block, what was being proposed was appropriate. He asked if the SP tool was brought up to the applicant.

Ms. Milligan said that given the size of the site, the RM20-A-NS would likely achieve the same goals they are looking for with any sort of SP, which was an easier process for moving forward than permitting.

Ms. Kempf stated the A district is the key design and usability feature that they would want to achieve.

Ms. Farr said as she looked at the rest of the street and the amount of development that was occurring and density of the unique development in that area, it felt right. She asked if it is possible to have all alley access for four units.

Ms. Milligan said they have seen projects that have that many units on a lot and thought there was opportunity for that number of units but it would just have to be reconfigured a bit.

Ms. Farr asked Mr. Roberts if it worked with his design plan for all units to have access off the alley.

Mr. Roberts answered that the two front units would access off Pecan Drive and the two rear units would utilize the alley.

Ms. Farr said that with the RM2-A designation, all four units would have to have access off the alley. She asked if he could make it work for all four units to have access off the alley.

Mr. Roberts said it could be possible but he was trying to do the front two units with front access.

Ms. Kempf asked Ms. Milligan if the Commission were to recommend RM20-A-NS, it would give the applicant time to work through implications and the Councilmember could weigh-in with her own decision, could that move forward if they were to remove the A district, would that become disapproved. She said she was trying to create some time for everybody to be able to evaluate without trying to do this on the spot.

Ms. Milligan answered it would be the same intensity from a density standpoint.

**Ms. Farr moved and Mr. Tibbs seconded the motion to disapprove RM20 and approve of RM20-A-NS. (7-0-1)  
Ms. Blackshear recused herself.**

Ms. Blackshear rejoined the meeting.

Ms. Farr left the meeting.

**Resolution No. RS2022-238**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-097-001 is disapproved RM20-and approved of RM20-A-NS. (7-0-1)

**14a. 2022Z-078PR-001**

Council District 08 (Nancy VanReece)

Staff Reviewer: Logan Elliott

A request to rezone from RS10 to RM20 and RM40 zoning for various properties located west of Ellington Parkway and east of Walton Lane, approximately 200 feet east of Arrowhead Drive and partially within Planned Unit Development Overlay District (14.09 acres), requested by Fulmer Lucas Engineering, applicant; Luma Systems, LLC & O.I.C Arrowhead, owners. (See associated case #4-84P-004)

**Staff Recommendation: Approve.**

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**APPLICANT REQUEST**

**Zone change from RS10 to RM20 and RM40.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to Multi-Family Residential (RM20) and Multi-Family Residential (RM40) zoning for property located at 222, 224, 226, 228, 230, 232, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, and 262 Arrowhead Drive, 300 B, 307, 309, 311, 313, 315, 317, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380 E Village Lane and 3335, 3343, 3345 Walton Lane (unnumbered), approximately 200 feet east of Arrowhead Drive and partially within Planned Unit Development (PUD) Overlay District (14.09 acres).

**Existing Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 52 units.*

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.

**Proposed Zoning**

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The 11.77 acres of property requested to be rezoned to *RM20 would permit a maximum of 235 units. 75 multi-family units were recently or are still in the processes of being constructed on the property with some portions of the property being vacant.*

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. The 2.32 acres of property requested to be rezoned to *RM40 would permit a maximum of 93 units.*

**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.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. The conservation policy here recognizes areas of steep slope.

**SITE AND CONTEXT**

The approximately 14.09 acre site is located on the eastern and southern side of Walton Lane, southwest of the interchange of Ellington Parkway and Briley Parkway. Walton Lane is a local road and the subject site is approximately a quarter mile to the north of Broadmoor Drive, a Collector Avenue in the Major and Collector Street Plan. The site is adjacent to Maplewood High School and otherwise is surrounded by a mixture of residential uses and vacant properties. The subject site contains single family uses, multi-family uses, and some vacant property.

**ANALYSIS**

Staff finds the proposed RM20 and RM40 zoning district to be consistent with the guidance provided in the Community Character Manual for the T4 NE policy. The policy describes that higher density development should be adjacent to Centers or Corridors as identified in NashvilleNext. The portion of the site that fronts the portion of Walton Lane that runs north/south is within a transition area that's associated with the Dickerson Pike Corridor and supports diversity in housing types. The area has recently seen new development with attached townhouses, including on a portion of the subject site. The proposed zoning would allow this area to continue to evolve with a greater variety of housing types. Staff recommends approval of the RM20 and RM40 zoning districts.

**FIRE MARSHAL'S OFFICE RECOMMENDATION**

**Approve**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	14.09	4.365 D	52 U	570	41	54

Maximum Uses in Proposed Zoning District: **RM20**

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)	11.77	20 D	235 U	1,279	80	100

Maximum Uses in Proposed Zoning District: **RM40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	2.32	40 D	93 U	505	32	41

Traffic changes between maximum: **RS10 and RM20/RM40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+276 U	+1,279	+71	+87

**Projected student generation existing RS10 zoning district: 6 Elementary 5 Middle 6 High Projected student generation proposed RM20/RM40 districts: 52 Elementary 32 Middle 33 High**

The proposed RM20 and RM40 zoning is expected to generate 100 additional students beyond the existing RS10 zoning. Students would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools are identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (10-0)**

**Resolution No. RS2022-239**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-078PR-001 is approved. (10-0)

**14b. 4-84P-004**

**ARROWHEAD PUD (CANCELATION)**

Council District 08 (Nancy VanReece)

Staff Reviewer: Logan Elliott

A request to cancel a portion of a Planned Unit Development Overlay District on various properties located west of Ellington Parkway and east of Walton Lane, approximately 40 feet east of Walton Lane (10.08 acres), zoned RS10, requested by Fulmer Lucas Engineering, applicant; O.I.C. Arrowhead, owner. (See associated case #2022Z-078PR-001).

**Staff Recommendation: Approve if associated zone change is approved and disapprove if associated zone change is not approved.**

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**APPLICANT REQUEST**

**Cancel a portion of an existing Planned Unit Development Overlay District (PUD).**

PUD Cancellation

A request to cancel a portion of a Planned Unit Development Overlay District on property located at 222, 224, 226, 228, 230, 232, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, and 262 Arrowhead Drive, 300 B, 307, 309, 311, 313, 315, 317, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380 E Village Lane, approximately 40 feet east of Walton Lane (10.08 acres), zoned Single-Family Residential (RS10).

**Existing Zoning**

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

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.

**MADISON 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.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. The conservation policy here recognizes areas of steep slope.

#### **PLAN DETAILS**

The Arrowhead PUD was originally approved in 1981 to permit 102 townhouse units. A portion of the PUD was revised at the June 28, 2018 MPC meeting to adjust the site plan and to reduce the number of units to 83 multi-family units. A final site plan application has been approved for these 83 units and some are completed and some still under construction.

This request is to cancel a portion of the PUD. No changes to the remaining portion of the PUD are proposed with this application.

#### **ANALYSIS**

Staff finds the PUD cancellation request to be consistent with the T4 NE policy if the property is simultaneously rezoned to a multi-family residential zoning district that would permit a development intensity consistent with what currently exist to avoid creating a non-conforming situation. The density of the existing development is approximately 7.75 units per acre.

#### **STAFF RECOMMENDATION**

Approve if associated zone change is approved and disapprove if associated zone change is not approved.

**Approve. (10-0)**

#### **Resolution No. RS2022-240**

“BE IT RESOLVED by The Metropolitan Planning Commission that 4-84P-004 is approved. (10-0)

### **15. 2022Z-081PR-001**

Council District 28 (Tanaka Vercher)

Staff Reviewer: Dustin Shane

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

**Staff Recommendation: Approve.**

#### **APPLICANT REQUEST**

**Zone change from AR2a and R10 to CL**

#### Zone Change

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

#### **Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 1 lot with 1 duplex lot for a total of 2 units based on acreage alone. Metro Codes provides final determinations on duplex eligibility.*

One and Two-Family Residential Districts (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. R10 would permit a maximum of 5 lots with 1 duplex lots for a total of 6 units. Metro Codes provides final determinations on duplex eligibility.

**Proposed Zoning**

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

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

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

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

**ANALYSIS**

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

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

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

**FIRE MARSHALL RECOMMENDATION**

**Approve**

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

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

\*Based on two-family lots

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

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

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Retail (820)	1.17	0.6 F	30,579 SF	1,154	29	117
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Traffic changes between maximum: **AR2a/R10 and CL**

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

**METRO SCHOOL BOARD REPORT**

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

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

The proposed CL zoning is expected to generate three fewer students than the existing AR2a and R10 zoning districts. Students would attend Una Elementary School, Margaret Allen Middle School, and Antioch High School. All three schools are identified as having capacity for additional students. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

Mr. Shane presented the staff recommendation to approve.

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

Richard Roberts, no address given, spoke in favor of the application.

Dewayne Roberts, no address given, spoke in favor of the application.

Kay Clark, 438 and 440 Ezell Pike, spoke in opposition to the application.

**Mr. Adkins closed the Public Hearing.**

Ms. Milligan stated she was contacted by Councilmember Vercher who requested this Item be deferred because she was unable to attend the meeting.

Mr. Tibbs felt this was a good one for deferral so the Councilmember can weigh-in.

Ms. Johnson said this zoning change was difficult because the base zoning was residential but the policy on top was industrial, so a zone change made sense considering directly adjacent to the north property was commercial, CS. She stated the parcel map picture made sense; however, it was difficult because sometimes policy and actual zoning do not match and thought a more in-depth community engagement was in order. She said she was in support of a deferral.

Councilmember Withers thought the split zoning that goes across the two lots was unusual in many capacities. He felt sympathy for the neighbors with a commercial use next door to their property in a residential area. He mentioned landscape buffers and other protections put in place to buffer between commercial and residential and asked what has been worked out to date or can it even be handled through the base zoning. He said he would like to learn more about that next time.

Mr. Haynes stated he had no comments.

Mr. Henley asked why this was CL while the property to the north was zoned CS.

Ms. Milligan said the buffer requirements CS or CL were the same. CL has less FAR allowance than CS. CL restricted uses more than CS, which was a broader range of commercial uses.

Mr. Henley asked if there was an A designation that came with CL and felt it would be important to understand what that might be if this came back before the Commission.

Ms. Milligan responded there was a CL-A district. She said this property was outside the UZO and explained the A standards differ if in the UZO or outside the UZO. Ms. Milligan explained it will typically have build-to versus set back so it would push buildings closer but if it were primary building parking, most of the design standards for the A districts were related to building design.

Mr. Henley thought a deferral was in order per the Councilmember's request.

**Mr. Henley moved and Mr. Tibbs seconded the motion to defer to the October 13, 2022, Planning Commission meeting and keep the public hearing open. (6-0)**

**Resolution No. RS2022-241**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-081PR-001 is deferred to the October 13, 2022 Planning Commission meeting and keep the public hearing open. (6-0)

**16. 2022Z-082PR-001**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Jason Swaggart

A request to rezone from R8 to OR20 zoning for property located at Spencer Avenue (unnumbered), approximately 27 feet southeast of Foundry Drive (0.71 acres), requested by TTL, Inc, applicant; Kurio Properties, LLC, owner.

**Staff Recommendation: Defer to the October 13, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022Z-082PR-001 to the October 13, 2022, Planning Commission meeting. (10-0)**

**17. 2022Z-084PR-001**

Council District 17 (Colby Sledge)  
Staff Reviewer: Abbie Rickoff

A request to rezone from R6 to MUN-A-NS zoning for property located at 760 E. Argyle Ave, approximately 200 feet east of 8th Ave. S., (0.13 acres), requested by Brazil Clark, PLLC, applicant; Brazil Clark Holdings, GP, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Zone change from R6 to MUN-A-NS**

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) zoning for property located at 760 E. Argyle Ave, approximately 200 feet east of 8th Ave. S. (0.13 acres).

**Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. R6 would permit a maximum of one duplex lot for a total of two units. Metro Codes provides a final determination on duplex eligibility. Application of Metro's Subdivision Regulations may result in fewer units at this site.

**Proposed Zoning**

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

**GREEN HILLS-MIDTOWN COMMUNITY PLAN**

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

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

**SITE AND CONTEXT**

The site is located on the north side of E. Argyle Avenue, approximately 200 feet east of 8<sup>th</sup> Avenue South, identified as an arterial-boulevard on the Major and Collector Street Plan (MCSP). The property is developed with a single-family residential use. Rear Alley #388 is partially constructed and extends from 8<sup>th</sup> Avenue South to the east, behind the site, before terminating just past this site. Surrounding properties to the west include an adjacent office use and multi-family development located at the corner of E. Argyle Ave. and 8<sup>th</sup> Ave. South. Properties located behind the site, on the north side of the alley, are developed with office uses, and properties to the east are developed with single- and two-family residential uses. On the south side of E. Argyle Ave., a multi-family building for seniors comprises much of the block face, transitioning to non-residential uses that wrap the 8<sup>th</sup> Ave. S. corridor.

**ANALYSIS**

The proposed MUN-A-NS zoning district is intended for a mixture of residential, retail, and office uses and is within the range of appropriate zoning districts supported by the T4 MU policy. The site is located on the western edge of a T4 MU policy area, adjacent to a higher intensity policy area, T4 CM, Urban Mixed Use Corridor, which continues along the 8<sup>th</sup> Ave. S. corridor. In 2018, the adjacent property to the west, located in the T4 CM policy, was rezoned from R6 to Office/Residential, OR20-A, which permits multi-family and/or office uses. The adjacent property has since developed with an office use.

The applicant for the subject site initially requested OR20-NS zoning, which would be in keeping with the intensity supported at the adjacent parcel to the west, in the T4 CM policy. However, OR20/-A zoning is not feasible at this site, if developing with non-residential uses, because the minimum lot size required by Zoning for nonresidential development in OR20/-A is 7,500 square feet, and this site comprises less than 7,500 square feet. Per the applicant, the intent is to redevelop with an office use. Therefore, developing under OR20/-A is not an option due to the minimum lot size required for nonresidential uses. Additionally, the site abuts a partially constructed alley, but the initial request of OR20-NS would not have required alley access without the 'A' district designation.

Given that OR20-NS zoning would not provide an opportunity to develop nonresidential uses at this site and would not have required alley access, the applicant modified the rezone request to MUN-A-NS, which does not have a minimum lot size requirement. The MUN-A-NS district does represent a slight increase in intensity, when compared to the adjacent OR20-A zoned property to the west. In general, properties located on the edge with higher intensity policy areas, such as T4 MU adjacent to T4 CM, would form transitions to the lower intensity policy area. However, MUN-A-NS zoning is supported by the T4 MU policy and is the least intense Mixed Use zoning district available in the Zoning Ordinance. The site is adjacent to office uses to the west and to the north, on the opposite side of the rear alley, and is proximate to 8<sup>th</sup> Ave. S., an immediate need priority corridor identified by the NashvilleNext Growth and Preservation Map. The MUN-A-NS zoning district supports residential and non-residential uses at the neighborhood scale and includes bulk regulations and development standards, including access and parking requirements, that will likely limit the scale and massing of future development at this site. The -NS designation will prohibit STRP uses, protecting the existing character of surrounding properties. Staff supports MUN-A-NS in this instance with the condition to dedicate the remaining portion of alley right-of-way needed to accommodate future alley access.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential (210)	0.13	7.260 D	1 U	15	5	1

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	0.07	0.6 F	2 U	9	1	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Retail (820)	0.03	0.6 F	784 SF	30	0	3
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Maximum Uses in Proposed Zoning District: **MUN-A-NS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	0.03	0.6 F	784 SF	88	8	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+112	+4	+11

**METRO SCHOOL BOARD REPORT**

Given the mix of uses permitted, the number of residential units ultimately built on site may vary and an assumption as to impact at this point is premature. Students would attend Waverly-Belmont Elementary School, J.T. Moore Middle School, and Hillsboro High School. J.T. Moore Middle School is identified as being over capacity. Waverly-Belmont Elementary School and Hillsboro High School have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Due to lot size along East Argyle Ave frontage, provide the following for building permit approval: A 2.5 ft. alley ROW dedication along property frontage to accommodate future alley access.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Prior to building permit approval, provide areas of dedication along the frontage of Alley #388 consistent with Nashville DOT requirements to accommodate future alley access.

**Approve with conditions. (10-0)**

**Resolution No. RS2022-242**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-084PR-001 is approved with conditions. (10-0)

**CONDITIONS**

1. Prior to building permit approval, provide areas of dedication along the frontage of Alley #388 consistent with Nashville DOT requirements to accommodate future alley access.

**18. 2022Z-087PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to R10 zoning for property located at 1906 Manchester Avenue, approximately 418 feet southwest of John Mallette Drive (0.47 acres), requested by Pillars Development, applicant; BCM Construction, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS10 to R10.**



Zone Change

A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for property located at 1906 Manchester Avenue, approximately 418 feet southwest of John Mallette Drive (0.47 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN**

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

**ANALYSIS**

The approximately 0.47 acre site is located on the south side of Manchester Avenue between John Mallette Drive and Hydes Ferry Road. Manchester Avenue is a local street. The surrounding area is comprised of R10 and RS10 zoning with single-family and one and two-family uses.

This site is located in the T3 NE policy, which calls for enhancement of existing suburban neighborhoods to permit additional housing types and density than what is currently present, while maintaining the character of the surrounding area. The proposed zoning will maintain the existing residential character of the surrounding area with a small incremental increase in density.

The predominant zoning in the surrounding area is single-family; however, there have been recent zone changes from single-family to one and two-family. Most of these zone changes were from RS10 to R10 although there are some SPs and other two-family zoning districts as well. While the evolving policy likely anticipated a change in zoning districts within this area, staff and the community are becoming increasingly aware of an increase in rezoning activity. While the T3 NE policy supports diversity of housing types and increased density within the policy area, it is not intended for all to transition away from single-family.

To balance the needs of the current residents and the existing infrastructure and to maintain the housing diversity called for in the policy, staff has analyzed an area bounded by John Mallette Drive to the north, Hydes Ferry Road to the west, the Cumberland River to the south, and Clarksville Pike to the east, which consists of 286 parcels. Since 2021, 42 parcels in the area have been rezoned. For the analysis, staff looked at the study area as if it were not developed and consisted of vacant land and zoned for one and two-family. Under this scenario, a subdivision that included 286 lots would be limited to 25% duplex lots. The 25% limit for duplex lots is dictated by current Zoning Code requirements and is intended to maintain a variety of housing options. The 25% limitation results in 71 lots being appropriate for duplexes. This would allow for the rezoning of 28 additional parcels. Staff recommends that when the 71-parcel mark is reached, further analysis regarding the land uses, infrastructure, and policy should occur to determine if further rezoning is appropriate.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.30	4.356 D	1 U	15	5	1

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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One and Two-Family Residential* (210)	0.30	4.356 D	2 U	28	7	2
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\*Based on two-family lots

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

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS10 district: 0 Elementary 0 Middle 0 High**

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

The proposed R10 zoning district is not expected to generate any additional students than what is typically generated under the existing RS10 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0-1)**

**Resolution No. RS2022-243**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022Z-087PR-001 is approved. (9-0-1)

**19. 2022S-001R-001**

Council District Countywide

Staff Reviewer: Molly Pike

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

**Staff Recommendation: Approve the regulations and effective date.**

**AUTHORITY**

Both the Metro Charter and Tennessee state law authorize the Commission to adopt Subdivision Regulations. 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**

At the April 28, 2022, Planning Commission meeting, the Commission directed staff to prepare amendments to the Subdivision Regulations related to the recently approved Conservation Development proposal. This proposal is housekeeping amendments to update references to Cluster Lot Option to Conservation Development throughout the Subdivision Regulations. Also included is an amendment to include a new section in Chapter 1 General Provisions to codify the recently approved amendment to TCA 13-3-403 and TCA 13-4-303 requiring clarification as to when a property owner is required to either dedicate land or payment as part of the subdivision process, the constitutionally based standard known as Nollan-Dolan. This amendment also includes the removal of an inappropriate reference to the Urban Forestry Recommended and Prohibited Tree and Shrub List.

**ANALYSIS**

The Conservation Development proposal was approved by the Planning Commission at the April 28, 2022, Planning Commission meeting and the Metro Council at their May 17, 2022 meeting. At their April 28<sup>th</sup> meeting the Planning Commission directed staff to prepare amendments to the Subdivision Regulations related to the Conservation Development proposal. This Subdivision Regulation amendment proposal is housekeeping amendments to update references to Cluster Lot Option to Conservation Development throughout the Subdivision Regulations.

This proposal also includes an amendment to include a new section in Chapter 1 General Provisions to codify the recently approved amendment to TCA 13-3-403 and TCA 13-4-303 requiring clarification as to when a property owner is required to either dedicate land or payment as part of the subdivision process, the constitutionally based standard known as Nollan-Dolan.

There is an inappropriate reference to the Urban Forestry Recommended and Prohibited Tree and Shrub List that is proposed to be removed. The existing regulations require a tree survey prior to any land disturbance but it references the tree list as those trees which are required to be surveyed. There are many native trees that are not included on this list due to their questionable use in an urban environment but that are worthy of preservation in a buffer or natural area. Removing this reference acknowledges these trees and requires that any tree over 12" be identified on the survey. This practice is already being followed by the Metro Urban Forestry staff, so the removal of this reference realigns the text with the practice.

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## **PUBLIC OUTREACH**

On July 12, 2022, the proposed amendments were posted on the Planning Department website and the link was included in an email notice to 48 recipients who were stakeholders in the Cluster Lot Option analysis that resulted in the development of the Conservation Development standards.

A notice was placed in the following newspapers of general circulation advertising the September 8, 2022, Planning Commission consideration of the proposed amendment:

- *Tennessee Tribune* on July 28, 2022,
- *La Campana Tennessee* on July 23, 2022, and
- *Nashville Ledger* on July 29, 2022.

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## **TIMING AND EXISTING APPLICATIONS**

The Planning Commission has the authority to specify the effective date of the Subdivision Regulation amendments. Approving the amendments without any timing would make them effective immediately. However, the Planning Commission could approve the amendments with an effective date. This could apply to all applications, including those already in process, or to only new applications.

Staff proposes that these amendments related to Conservation become effective for the September 14, 2022 filing deadline and thereafter which matches the effective date for the Conservation Development proposal.

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## **STAFF RECOMMENDATION**

Staff recommends approval of the regulations and the effective date of September 14, 2022.

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## **PROPOSED AMENDMENTS**

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

Amend Chapter 1 General Provisions, to modify Subsection 1-13 as follows:

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.

Amend Chapter 3 Requirements for Improvements, Reservations and Design, to modify subsection 3-5.2. as follows:

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 blockface, 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 Development subdivision by approval of the rezoning or concept plan.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.1.f. as follows:

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.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.2.c. as follows:

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.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.b.4. as follows:

4. ~~Cluster lot option~~ Conservation Development. Development through the Agricultural Character Option may utilize the provisions of ~~Cluster lot option~~ Conservation Development (Code Sec 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.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.d. as follows:

d. Preservation of Tree Canopy. Prior to any land disturbance within the Development Footprint, a tree survey shall be undertaken and all ~~recommended~~ canopy trees ~~on the Urban Forestry Recommended and Prohibited Tree and Shrub List~~ that are 12" or greater in diameter shall be identified. No such identified trees shall be removed unless the tree is within the designated building envelope as designated on the final plat or approved for removal by the Urban Forester due to condition, disease or damage or invasive nature.

**Approve the regulations and effective date. (10-0)**

**Resolution No. RS2022-244**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-001R-001 is approved the regulations and effective date. (10-0)

**20. 2022S-090-001**

**WINSTON HEIGHTS CONCEPT PLAN**

Council District 27 (Robert Nash)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create 20 lots on property located at Winston Ave W (unnumbered) and JJ Watson Ave (unnumbered), approximately 660 feet west of Nolensville Pike, zoned R6, (4.57 acres), requested by Paul Lebovitz, LA, applicant; Salahadeen R. Osman, owner.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-090-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**21. 2022S-095-001  
GREEN LANE SUBDIVISION**

Council District 03 (Jennifer Gamble)  
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 22 cluster lots on properties located at 419, 423, 427, 431, 435 Green Lane and Green Lane (unnumbered), approximately 645 feet west of Knight Drive, zoned R10 (11.99 acres), requested by Catalyst Design Group, applicant; Richard Jr & Evonne Machen, Kenneth E. & Marilyn Street, Ray Anthony McClain and Kenneth James & Tracy Cater Machen, owners.

**Staff Recommendation: Defer to the September 22, 2022, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2022S-095-001 to the September 22, 2022, Planning Commission meeting. (10-0)**

**22. 2022S-155-001  
1708 CARVELL AVE**

Council District 17 (Colby Sledge)  
Staff Reviewer: Jafar Ware

A request for final plat approval to create three lots on properties located at 1708 and 1710 Carvell Avenue, approximately 450 feet south of Southgate Avenue, zoned RM20-A-NS and located within the Wedgewood Houston Urban Design Overlay (0.51 acres), requested by Donovan Benson, applicant; BMB Properties, owner.

**Staff Recommendation: Approve with conditions.**

**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 1708 and 1710 Carvell Avenue, approximately 450 feet south of Southgate Avenue, zoned Multi-Family Residential-Alternative-No Short-Term Rentals (RM20-A-NS) (0.52 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located at the west side of Carvell Avenue, north of Wedgewood Avenue and south of Southgate Avenue.

**Street Type:** The site has frontage onto Carvell Avenue is classified as a Local Street in the Major and Collector Street Plan.

**Approximate Acreage:** The proposed area for subdivision is 0.52 acres or 22,661 square feet.

**Parcel/Site History:** This site is comprised of two parcels, which has existed since at least 1968 by deed. The site currently contains two structures (a detached residential home and an accessory structure) to be demolished.

**Zoning History:** This lot has been zoned RM20-A-NS since at least 2021(BL2021-634) and OV-UDO (Wedgewood-Houston / Chestnut Hill) since at least 2021(BL2021-635).

**Existing land use and configuration:** The site consists of one residential structure with access currently provided on Carvell Avenue.

**Surrounding land use and zoning:**

North: Multi-Family Residential (RM20-A-NS and UDO)

South: One Family Residential – Wedgewood & Carvell Specific Plan (2015SP-018-002), Single-Family Residence

East: Multi-Family Residential (RM20-A-NS and UDO), school

West: Multi-Family Residential (RM20-A-NS and UDO)

**Zoning:** Multi-Family Residential (RM20-A-NS and UDO)

Minimum lot size: 7,500 square feet

Maximum height: 2 stories in 30' or 2.5 stories in 35'

Minimum front setback on Carvell Avenue: average setback of adjacent single-family homes

Minimum rear setback for all properties: 5'

Minimum side setback for all properties: 5'  
Maximum Building Coverage: 0.60  
Maximum Imperious Surface Area: 0.7

### PROPOSAL DETAILS

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

**Number of lots:** 3 lots.

**Lot sizes:** Lot sizes range from 0.15 acres (6,561 square feet) to 0.15 acres (6,676 square feet).

**Access:** The lots have frontage along the existing Carvell Avenue and shall be limited to one driveway per lot, if shared access is not utilized.

**Subdivision Variances or Exceptions Requested:** No variances or exceptions have been requested.

### 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 T4 NE policy. For sites within the T4 transect, the conventional regulations found in Chapter 3 are utilized.

#### 3-1 General Requirements

Staff finds that all standards 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.

#### 3-3 Suitability of the Land

There are no sensitive environmental features on the site including steep slopes, problem soils, or streams.

#### 3-4 Lot Requirements

All proposed lots comply with the minimum lot size 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 RM20-A-NS and zoning at the time of building permit. All proposed lots have frontage on Carvell Avenue.

#### 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.

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

- a. *All minimum standards of the zoning code are met.*  
Complies. All lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*  
Complies. Lots 1, 2, and 3 front Carvell Avenue.
- c. *Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:*
  1. *Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.*

Complies: Each lot has a frontage of, at least, 70' in length.

- d. *The current standards of all reviewing agencies are met.*  
All agencies have recommended approval or approval with conditions.
- e. *The proposed lots comply with any applicable special policy. If the property is also within Neighborhood Maintenance policy and the special policy was adopted to preserve community character, not create infill opportunities, then the standards of Section 3-5.2 also apply.*  
Complies. The lots comply with both the Zone Ordinance's bulk standards, as well as the Urban Design Overlay regulations.

**3-6 Blocks**

This application does not propose to create any new blocks.

**3-7 Improvements**

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

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

Sidewalks will be required at the time of building permit pursuant to Section 17.20.120 of the Zoning Code.

**3-9 Requirements for Streets**

This application does not propose to create any new streets,

**3-10 Requirements for Dedication, Reservations, or Improvements**

The application proposes a right-of-way dedication to meet the requirements of the Major and Collector Street Plan.

**3-11 Inspections During Construction**

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

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

Nashville Department of Transportation (NDOT) reviews street names and signage requirements for public roads and has recommended approval of this plat. See comments in the recommendations from all agencies section below.

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

Not applicable to this case. The proposal does not include private streets.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

Public Water is provided to this site by Metro. These conditions are listed in the recommendations from all agencies section below.

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

Utilities are required to be located underground whenever a new street is proposed and the application does not include any new streets.

**PLANNING STAFF COMMENTS**

The proposed subdivision meets the standards of the Metro Subdivision Regulations and the standards of the Metro Zoning Code for a concept plan. Staff recommends approval with conditions if the Planning Commission finds the lots can provide harmonious development.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

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

**STORMWATER RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Dedicate right of way to provide for a total of 25' of right-of-way, from the roadway centerline.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- As our previous comments have been addressed on the latest plat revision (stamped received 8/16/2022), MWS recommends approval with conditions.
- Capacity fees must be paid before issuance of building permits.

**CONDITIONS**

1. Evidence must be provided showing all existing structures are demolished, prior to the recording of the plat.
2. Comply with all conditions and requirements of Metro agencies.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-155-001 with conditions.

**Approve with conditions. (10-0)**

**Resolution No. RS2022-245**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-155-001 is approved with conditions. (10-0)

**23. 2022S-180-001**

**STABLE COURT CONCEPT**

Council District 09 (Tonya Hancock)

Staff Reviewer: Logan Elliott

A request for concept plan approval to create seven lots on property located at Stable Court (unnumbered), approximately 200 feet east of Welworth Street, zoned RS7.5 (2.51 acres), requested by Civil Infrastructure Associates, applicant; MCH Development LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Concept plan approval to permit 7 single-family lots.**

Concept Plan

A request for concept plan approval to create seven lots on property located at Stable Court (unnumbered), approximately 200 feet east of Welworth Street, zoned Single-Family Residential (RS7.5) (2.51 acres).

**SITE DATA AND CONTEXT**

**Location:** The site is located on the western side of Stable Court in Madison, about two-thirds of a mile north of Anderson Lane.

**Street Type:** The site has frontage onto Stable Court and Stable Lane, both local residential roads.

**Approximate Acreage:** The proposed area for subdivision is approximately 2.51 acres or 109,335 square feet.



**Parcel/Site History:** This site is comprised of one parcel. The parcel was created in 2020.

**Zoning History:** The parcel is zoned RS7.5 and this zoning has existed since at least 1998.

**Existing land use and configuration:** The site is currently vacant.

**Surrounding land use/zoning:**

North: Residential/Single-Family Residential (RS7.5)  
South: Residential/Single-Family Residential (RS7.5)  
East: Residential/Single-Family Residential (RS7.5)  
West: Residential/Single-Family Residential (RS7.5)

**Zoning:** Single-Family Residential (RS7.5)

Min. lot size: 7,500 square feet

Max. height: 3 stories

Min. front setback: 20'

Min. rear setback: 20'

Min. side setback: 5'

Maximum Building Coverage: 0.45

**PROPOSAL DETAILS**

This proposal is for subdivision development under existing zoning entitlements. No rezoning is proposed with this application.

**Number of lots:** 7 single-family lots.

**Lot sizes:** Lot sizes range from 0.17 acres (7,580 square feet) to 0.38 acres (12,340 square feet).

**Access:** Access is proposed from the existing Stable Court and Stable Lane. Shared access is provided on lots with less than 50 feet of street frontage as required by the Subdivision Regulations.

**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 consider the diverse character that exists across the County. In order to achieve harmonious development within the diversity of development patterns that exist in Nashville and Davidson County, the Planning Commission has adopted the current Subdivision Regulations. The Subdivision Regulations incorporate the General Plan policies by including rules or standards for each specific transect. This allows policies of the General Plan to be followed through application of the varying Subdivision Regulations to reflect the unique characteristics found in the different transects. The site is within the Suburban Neighborhood Evolving (T4 NE) policy. For T4 NE, the conventional regulations found in Chapter 3 are utilized.

This proposal meets Chapter 3 of the Subdivision Regulations and utilizes the cluster provisions allowed by the Zoning Code.

**CLUSTER LOT OPTION**

This proposal does not utilize the Cluster Lot Option of the zoning code.

**Landscape Buffer Yard Requirements (Article IV)**

When incompatible zoning districts abut, the Zoning Code requires landscape buffer yards between the incompatible districts. The zoning districts abutting the northern and eastern property lines are zoned RS7.5 so no buffer yards are required.

**Hillside Development Standards (Section 17.28.030)**

In general, lots created under the cluster lot option shall be clustered on those portions of the site that have natural slopes of less than 20% grade. Areas with natural slopes that are 25% or greater shall be placed outside of building envelopes and preserved to the greatest extent possible. The Planning Commission may authorize lots with natural slopes 25% or greater subject to the concept plan demonstrating that the lots can meet the critical lot standards. These standards generally require building envelopes to be outside of the areas with 25% or steeper slopes. It is important to note that the Subdivision Regulations also includes hillside development standards. The subject property does not contain any natural slopes.

**Floodplain/Floodway Development Standards (Section 17.28.40)**

In general, new development should stay outside or have limited encroachment into areas designated as floodplain or floodway. This site is not located within floodplain or floodway.

**SUBDIVISION REGULATIONS – CHAPTER 3**

**3-1 General Requirements**

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

**3-2 Monument Requirements**

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

**3-3 Suitability of the Land**

Staff finds that the land is suitable for development consistent with this section. A stream runs adjacent to the western property line and resultingly, stream buffer encroaches onto this site. The subject plan identifies the necessary stream buffers and otherwise the land is suitable for development.

**3-4 Lot Requirements**

All proposed lots comply with the minimum lot size 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 the RS7.5 zoning district and cluster lot requirements at the time of building permit.

**3-5 Infill Subdivisions**

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

Not applicable. Property is not located within Neighborhood Maintenance policy.

**3-6 Blocks**

All proposed block lengths meet the distance requirements as established in the subdivision regulations.

**3-7 Improvements**

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

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

Sidewalks are required in association with new streets. The proposed subdivision includes new public streets and sidewalks are provided consistent the Metro local street standard.

**3-9 Requirements for Streets**

All streets as shown on the concept plan meet the minimum requirements for a public street.

**3-10 Requirements for Dedication, Reservations, or Improvements**

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

**3-11 Inspections During Construction**

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

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

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

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

Not applicable to this case. The concept plan does not propose any new private streets.

**3-14 Drainage and Storm Sewers**

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

**3-15 Public Water Facilities**

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

**3-16 Sewerage Facilities**

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

**3-17 Underground Utilities**

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

**Subdivision Variances or Exceptions Requested:** No variances or exceptions to the Subdivision Regulations are requested with this application.

**PLANNING STAFF COMMENTS**

The proposed subdivision meets the standards of the Subdivision Regulations and Zoning Code. Future development will be required to meet the standards of the Metro Zoning Code regarding setbacks, etc. Staff recommends approval with conditions as the proposed subdivision meets the requirements of the Zoning Code and Subdivision Regulations.

**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.

The Community Character Manual (CCM) policy applied to the site is primarily Urban Neighborhood Evolving (T4 NE) with Conservation policy recognizing a stream buffer. T4 NE areas are predominately residential areas with neighborhoods featuring shallow and consistent setbacks and closer building spacing. T4 NE areas within the Urban transect are intended to provide greater housing choice and improved connectivity. Conservation policy areas are intended to keep undisturbed environmentally sensitive land features in a natural state and remediate environmentally sensitive features that have been disturbed when new development or redevelopment takes place.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

**Approve**

**STORMWATER RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT RECOMMENDATION**

**Approve 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 roadway sections, (access and ADA)ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Provide internal stop control at intersections. Note: A private hauler will be required for waste/recycle disposal.

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

- Parking shall be per code

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions and requirements of Metro agencies.
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.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-180-001 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. (10-0)**

**Resolution No. RS2022-246**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-180-001 is approved with conditions. (10-0)

**CONDITIONS**

1. Comply with all conditions and requirements of Metro agencies.
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.

**24. 2022S-210-001**

**HIDDEN HILLS RESUB**

Council District 11 (Larry Hagar)

Staff Reviewer: Logan Elliott

A request for final plat approval to remove the reserve status of one parcel, located at 4929 Leesa Ann Lane, approximately 178 feet east Leesa Ann Court, zoned R10 (0.27 acres), requested by Dale & Associates applicant; XE Development Company, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to remove the reserve status of one parcel, located at 4929 Leesa Ann Lane, approximately 178 feet east Leesa Ann Court, zoned One and Two-Family Residential (R10) (0.27 acres).

**SITE DATA AND CONTEXT**

**Location:** The property is located with the Hidden Hill subdivision in Hermitage, near the edge of Davidson County and near Wilson County.

**Street type:** The property has frontage onto Leesa Ann Court.

**Approximate Acreage:** 0.27 acres or approximately 11,930 square feet.

**Parcel/Site History:** This site is in the Hidden Hill Subdivision and was recorded in 1973. The site consists of a single reserve parcel. Because of the reserve status, no building permit can be issued on the parcel. The 1973 plat does not indicate why the reserve tract was put in place so the Planning Commission must approve the removal of the reserve status to make the parcel a buildable lot.

**Zoning History:** The properties have been zoned R10 since at least 1974.

**Existing land use and configuration:** The property is currently vacant.

**Surrounding land use and zoning:**

- North: One and Two-Family Residential (R10)
- North: One and Two-Family Residential (R10)
- North: One and Two-Family Residential (R10)
- North: One and Two-Family Residential (R10)

**Zoning:** One and Two-Family Residential (R10)

Min. lot size: 10,000 square feet

Max. building coverage: 0.40  
Min. rear setback: 20'  
Min. side setback: 5'  
Max. height: 3 stories  
Min. street setback: Contextual per Zoning Code

**PROPOSAL DETAILS**

**Number of lots:** 1

**Lot sizes:** 0.27 acres or approximately 11,930 square feet.

**Access:** The lot has access onto Leesa Ann Lane, a residential local street.

**Subdivision Variances or Exceptions Requested:** None

**APPLICABLE SUBDIVISION REGULATIONS**

Chapter 2-8, Miscellaneous Platting Situations, apply to this request. Section 2-8.1, pertains to converting parcels to building sites. The Commission is required to review parcels being converted to building sites. An exception to this is when a parcel is in reserve due to pending action by a public utility to provide service to the parcel and the reason is stated on the plat that created the reserve parcel. In this event where the reason is stated in the plat, the review can be done at an administrative level with all reviewing agency approvals.

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

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

Staff finds that the subject reserve parcel meets the four requirements to become a buildable lot.

**PLANNING STAFF COMMENTS**

As proposed, the reserve parcel meets all zoning and subdivision requirements.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

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

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2022S-210-001 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. (10-0)**

**Resolution No. RS2022-247**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2022S-210-001 is approved with conditions. (10-0)

**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.

**I: OTHER BUSINESS**

25. Historic Zoning Commission Report
26. Board of Parks and Recreation Report
27. Executive Committee Report
28. Accept the Director's Report

**Resolution No. RS2022-248**

"BE IT RESOLVED by The Metropolitan Planning Commission that the director's report is **approved**. (10-0)

29. Legislative Update

**J: MPC CALENDAR OF UPCOMING EVENTS**

**September 22, 2022**

MPC Meeting

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

**October 13, 2022**

MPC Meeting

4 pm, 2601 Bransford Avenue Metro Nashville Public School Admin Building

**K: ADJOURNMENT**

The meeting adjourned at 6:56 p.m.