



# METROPOLITAN PLANNING COMMISSION

## DRAFT MINUTES

**February 08, 2024**  
**4:00 pm Regular Meeting**

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

### MISSION STATEMENT

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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  
Stewart Clifton  
Leah Dundon  
Edward Henley  
Kathy Leslie  
Dennie Marshall  
Matt Smith  
Councilmember Jennifer Gamble

**Staff Present:**

Lucy Kempf, Executive Director  
Todd Okolichany, Deputy Executive Director  
Lisa Milligan, Assistant Director of Land Development  
Tara Ladd, Legal  
Amelia Lewis, Planner II  
Laszlo Marton, Planner I  
Dustin Shane, Planner II  
Donald Anthony, Planner II

**Commissioners Absent:**

Brian Tibbs

**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 President Ronald Reagan Way. Only one meeting may be held in December. Special meetings, cancellations, and location changes are advertised on the [Planning Department's main webpage](#).

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

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

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

### Writing to the Commission

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

Mailing Address: Metro Planning Department, 800 President Ronald Reagan Way, P.O. Box 196300, Nashville, TN 37219-6300  
Fax: (615) 862-7130  
E-mail: [planning.commissioners@nashville.gov](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 4:06 p.m.

Chair Adkins introduced and welcomed Ms. Leah Dundon to the Planning Commission.

## B: ADOPTION OF AGENDA

Mr. Smith moved and Vice Chair Farr seconded the motion to adopt the agenda. (9-0)

## C: APPROVAL OF JANUARY 11, 2024 MINUTES

Mr. Clifton moved and Councilmember Gamble seconded the motion to approve the meeting minutes of January 11, 2024. (9-0)

## D: RECOGNITION OF COUNCILMEMBERS

Councilmember Spain spoke in favor of Item 11.

Councilmember Huffman spoke in favor of Item 17.

Councilmember Evans said regarding Item 2, she acknowledges it is a challenging conversation as it reflects the tension between creating networks like this and the need for housing.

## E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 3, 6, 9, 12, 13, 15

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

## F: CONSENT AGENDA ITEMS 20, 21, 25

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

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

## G: ITEMS TO BE CONSIDERED

### 1. 2023CP-003-005

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

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Corey Clark

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by studying the existing community character policy applied to properties along Buena Vista Drive to determine if a change in policy is warranted based on the current evolving residential development pattern of the immediate surrounding area for various properties located at the southeast corner of Cliff Drive and Buena Vista Pike, zoned R8 (5.03 acres), requested by the Metro Planning Department, applicant; Fed Development, LLC, owner.

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023CP-003-005 to the February 22, 2024, Planning Commission meeting. (9-0)**

## 2. 2014SP-050-002

### 4214 CENTRAL PIKE (AMENDMENT)

Council District 12 (Erin Evans)

Staff Reviewer: Laszlo Marton

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

**Staff Recommendation: Disapprove.**

#### APPLICANT REQUEST

**Amend previously approved SP to permit multi-family residential units.**

#### Zone Change

A request to amend a Specific Plan for property located 4214 Central Pike, at the southwest corner of N. New Hope Road and Central Pike, zoned Specific Plan (SP) to permit 320 multi-family residential units (14.02 acres).

#### **Existing 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.

#### **Proposed Zoning**

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

#### **DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN**

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

Supplemental Policy Area 14-T3-CM-01- Central Pike/Melvin Road/New Hope Road (2018) was created to address issues identified by the community related to the mix of land uses, mobility, connectivity, and pedestrian infrastructure. The supplemental policy contains a concept plan which provides guidance on the mix of land uses as well as mobility and improved connectivity within the

study area. The mobility guidance is intended to improve connectivity and promote safe and efficient modes of transportation across the study area and along Central Pike through new development and redevelopment that creates a system of streets with multiple routes and connections.

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

The 4214 Central Pike SP was a regulatory plan approved in 2014 to permit a mix of uses. The approved preliminary SP included Nursing Home, Assisted-Care Living, and Independent Living Multi-Family as its primary uses and allowed for various accessory uses such as Community Education, General Office, Day Care Center, as well as Single-Family and Two-Family Residential. The SP amendment proposes to alter the allowable uses to solely multi-family residential. Additionally, the amendment proposes to change the fallback zoning district from MUN to MUN-A-NS.

The property is located at the corner of South New Hope Road and Central Pike, on approximately 14 acres. Properties to the south and east of the subject property are zoned RS15 while properties to the north and west are zoned SP, MUN, and MUL-A. Surrounding land uses include vacant commercial land, single family residential, multi-family residential, office, and institutional. South New Hope Road is identified as a collector avenue and Central Pike is identified as an arterial boulevard on the Major Collector Street Plan.

The proposed plan includes a total of 320 multi-family residential units shared across 7 buildings throughout the site. Unit types are broken down as follows: 16 studio units, 173 1-bedroom units, 106 2-bedroom units, and 25 3-bedroom units. The density on the site is approximately 21 units per acre. The buildings are shown as 3/4 split story residential buildings with moderate spacing. The plan includes an amenity area, two park spaces, and a stormwater management area at the northwest corner of the site.

The site is accessed by two points, one along South New Hope Road and another off Central Pike. Parking frames the internal drive network and circles the site. Sidewalk and planting strips will be provided along portions of South New Hope Road and Central Pike. Internal sidewalks provide connection between buildings and site amenities. Parking is provided adjacent to buildings throughout the site in the form of surface parking and garage spaces.

The plan includes 20-foot C-3 landscape buffer yards along the side and rear. Two areas have been identified as park space, including one internal to the site and another which borders the sidewalk along Central Pike. At the northwest corner of the site, a large area for stormwater management is proposed. This area is the lowest point across the whole site.

## **ANALYSIS**

The application proposes a multi-family residential development along the corridor and provides improved pedestrian facilities along Central Pike and a portion of South New Hope Road. The plan includes some characteristics of T3 CM policy areas such as providing housing along a corridor and framing the Central Pike Corridor with the northernmost building, which is encouraged by the policy. Absent the building along Central Pike, the plan fails to meet the goals and is not consistent with the Central Pike Supplemental Policy Area (SPA).

The SPA was created to reflect the desires of the community for alternative route connections and different land uses. The mobility component of the SPA shows a conceptual network of proposed public street connectivity throughout the area which illustrates providing multiple direct, local street connections without requiring the use of Central Pike (see Figure 1). Benefits of a more connected street network, which are listed in the SPA, include multiple routes and connections, lower traffic volumes, reduce traffic delays on major streets, efficient service delivery, and better and redundant emergency vehicle access. Additionally, an interconnected street network allows for lower stress bicycle and pedestrian movements between neighborhoods. The Central Pike Concept Plan Map shows a proposed east-west road connection through the site starting at South New Hope Road and eventually intersecting with a north-south extension of North New Hope Road. The T3 CM policy supports this further and explains that sites within the area should coordinate access and circulation to create a corridor that functions as a whole instead of as separate buildings sites. The proposed plan does not include a public street connection to set up future connectivity to adjacent sites. Additionally, the site is in a key location to begin to set up the envisioned street network and not doing so would prevent the community's shared vision from coming to fruition.

A local street network can also serve as an organizing principle for development sites. The lack of a network and use of only private drives is resulting in a podded off development, dominated by large surface parking areas.

The SPA also provides guidance on the mix of land uses within the area. The subject site falls within the Commercial Mixed Use land use guidance which calls for a mixture of high intensity commercial and high intensity residential uses. The proposed plan is an all-residential project. Although the SPA envisioned a mixed use development for the site, staff would consider an all-residential project but would expect a well-designed plan that met the goals of the SPA by providing the needed infrastructure in street connections. The layout includes one building near the northeast corner that fronts Central Pike, but the remainder of the buildings are generally internally oriented towards surface parking areas and internal drives. While the plan proposes a stubbed private drive for future vehicle access continuing to the parcel to the south, it does not provide an interconnected public street network with a strong block structure that connects to the larger parcels to the east. As the proposal does not include any provisions for a public street network through the site in accordance with the land use policies, staff has determined the plan does not meet the goals of the policy. Additionally, not all agencies have recommended approval of the proposed plan.

## **HISTORIC RECOMMENDATION**

### **Approve with conditions**

- Recommend Phase I Archaeological Survey

## **FIRE RECOMMENDATION**

### **Approve with conditions**

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

## **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**

- MWS recommends approval, on the following conditions: Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits before their construction may begin. A minimum of 30% of Water and Sewer Capacity fees must be paid before issuance of building permits. (Water and Sewer Capacity Fee Permit No's T2023028122 and T2023028121).

**NASHVILLE DOT RECOMMENDATION**

**Returned**

- The Supplemental Policy (Community) Area plan for Central Pike shows a future public road network. The current site plan submitted for review does not show any internal public road(s). Therefore, continue to coordinate with metro planning on future public street connectivity requirement, per the Central Pike SPA plan.

**TRAFFIC AND PARKING RECOMMENDATION**

**Returned**

- The supplemental policy (Community) Area plan for Central Pike shows a future public road network. The current plans submitted for review do not show any local public roads. Therefore, continue to coordinate with metro planning on public street connectivity requirement, per the Central Pike SPA.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Senior Adult Housing (252)	-	-	200 U	779	40	51

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	200 U	1,088	68	87

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	-	-	320 U	1,742	107	136

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-125	-1	-2

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed SP district: 36 Elementary 15 Middle 19 High

The proposed SP zoning is expected to generate 70 more students than the existing SP zoning district. Students would attend Dodson Elementary School, Dupont Tyler Middle School, and McGavock High School. All three schools are identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

Mr. Marton presented the staff recommendation to disapprove.

Shawn Henry, 500 11<sup>th</sup> Avenue North, Tune, Entekin & White Law Firm, spoke in favor of the application.

Mary McGallen, Kimley-Horn, spoke in favor of the application.

Andy Clark, National Healthcare Corporation, spoke in favor of the application.

Bubba McIntosh, National Healthcare Corporation, 100 East Vine Street, spoke in favor of the application.

Brian Bodenheimer, 1230 New Hope Village, spoke in opposition to the application.

Cameron Bean, Flournoy Development, 1715 North Dixon Drive, Columbus, GA, spoke in rebuttal.

**Chair Adkins closed the Public Hearing.**

Chair Adkins asked for a clarification of the agencies that have not approved.

Ms. Kempf advised NDOT recommendation and Traffic and Parking recommendation have both listed as returned, which means they have not approved. She stated the issue is around the mobility network. Ms. Kempf said they work closely with them when they establish and recommend a mobility network and they take that into account in their reviews. She noted it would be unusual for the Commission to proceed without all reviewing agencies approving and felt it would be good to deliberate and give feedback.

Vice Chair asked for elaboration on block length.

Ms. Milligan stated Timberview Drive accesses two lots and a plat that had previously been approved. She explained when that plat was approved, the subdivision did not meet the subdivision regulation because of access and road frontage. It was approved for a communications tower and very limited use. Ms. Milligan added staff felt comfortable supporting that use given the limited use, but there was a condition that if it was further developed, the road needed to be extended.

Ms. Kempf advised to do the policy, the streets are aligned with the land use recommended and they may just need to revisit the policy if they want to re-entertain the mobility network. She said they have Planning and NDOT aligned on what they think is best based on their understanding of what the policy says.

Ms. Milligan added they are in a unique situation in that they have had pre-application requests from adjacent properties and a great opportunity to build out what was the community goals for the area.

Vice Chair Farr stated the flip side of approving the plan as proposed is they would preclude that kind of mobility altogether, which would not be a good thing to do. She asked if they shifted the plan to accommodate the road, and they have less than 1,000 feet for block length, would it create an issue from the new proposed road up to Central Pike.

Ms. Milligan answered they would have to work with NDOT but did not believe it would create an issue. She said if there is a lower volume road, there can be shorter distances.

Mr. Smith asked how much of the SPA new road grid has been constructed since 2018.

Mr. Marton said there are a couple other SPs in this area. He explained there is one property north of Central Pike that includes an East to West connection. For the areas in the supplemental policy south of Central Pike, this is the first one and is in a key location at this intersection and is beginning to work at building that connected road network.

Mr. Smith asked if the pre-apps also include the roads.

Ms. Milligan responded they have been giving them feedback that it should be setting up and extending a public street network.

Mr. Smith asked if the applicant were to include that piece, are they responsible for building the public road and then deeding it over to NDOT, and NDOT is not actually doing the construction.

Ms. Milligan answered in the affirmative. She explained that typically when they are reviewing SPs that have a mobility component where they have a collector street that was planned and shown as part of a small area plan. Ms. Milligan further explained there have been segments of it approved in three different SPs. They would build their segment and work with engineering to make sure it would be easily connected by the next piece.

Mr. Smith asked if the street size in the SPA is different or similar than Timberview.

Ms. Milligan said it is not part of the major and collector street plan, so it would be a standard local 50 feet with sidewalks on both sides. Timberview may have a similar right-of-way but the cross section is different.

Councilmember Gamble asked if the topography is any more challenging than any of the other topographies in this area.

Ms. Milligan responded there is some type of topography along South New Hope Road and there may have to be a slight shift from where they have their entrance drive to the north, but NDOT has reviewed it and believes there is ability to construct a road and that topography should not be an issue there.

Mr. Henley asked if there was dialogue about having any accessory uses complimenting the residential-only development.

Ms. Milligan stated the previous SP on the property was a regulatory SP and it allowed a litany of uses; primarily, assisted living, nursing and independent living with maximum units for each of those types. She added there were accessory uses that were permitted and none of those uses permitted to be a principal use, so they could only exist if something else did. Ms. Milligan said it is not unusual to see an all residential project, although at an intersection, you might expect a mix of uses.

Shawn Henry stated his client would like a deferral before there is a negative vote on the application.

**Vice Chair Farr moved and Mr. Clifton seconded the motion to defer to the March 14, 2024, Planning Commission meeting and reopen the public hearing. (9-0)**

**Resolution No. RS2024-18**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-050-002 is deferred to the March 14, 2024, Planning Commission meeting and reopen the public hearing. (9-0)

**3. 2020SP-039-003**

**6001 & 6003 OBRIEN AVE**

Council District 20 (Rollin Horton)

Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan for properties located at 407, 407B, 409, 411, 413, 415, 417 and 419 Lellyett Street, at the southwest corner of Obrien Avenue and Lellyett Street, zoned SP (0.48 acres), to permit short-term rental properties – not owner occupied, requested by FM Investments, LLC, applicant; FM Investments, LLC, O.I.C. Homes at Lellyett Street, Adam Schneider, Matthew Ryan & Jeffrey Howard, owners.

**Staff Recommendation: Withdraw.**

**The Metropolitan Planning Commission withdrew 2020SP-039-003. (9-0)**

**4. 2023SP-032-001**

**316 HOMESTEAD PRELIMINARY SP**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to rezone from CS to SP zoning for property located at 316 Homestead Road, approximately 240 feet north of Southridge Drive (1.56 acres), to permit 23 multi-family residential units, requested by Catalyst Design Group, applicant; Bella Cyrus Development, LLC, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit a multi-family development.**

Preliminary SP

A request to rezone from Commercial Service (CS) to Specific Plan (SP) zoning for property located at 316 Homestead Road, approximately 240 feet north of Southridge Drive (1.56 acres), to permit 23 multi-family residential units.

**Existing Zoning**

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing, and small warehouse uses.

**Proposed Zoning**



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

### **EAST NASHVILLE COMMUNITY PLAN**

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

### Dickerson North Corridor Study

The site is within the Dickerson North Small Area Plan and specifically within the Ewing/Broadmoor character area. Supplementary policy areas are intended to provide additional guidance beyond the CCM policies, often identifying a smaller area and providing guidance based on context and specific goals for this area. Additional information on the supplemental policy is included in the analysis below.

### **SITE**

The approximately 1.56-acre site is located on the south side of Homestead Road, a local street, and about a quarter mile to the east of Dickerson Pike, an Arterial Boulevard. The site is relatively flat with no environmental features mapped on the property. The site currently contains a single-family land use and is surrounded by other single-family land uses on Homestead Road and to the rear of the site with some commercial and office land uses also being located on Homestead Road. Homestead Road is a substandard roadway with no curb, gutter, or sidewalks existing.

### **PLAN DETAILS**

The application proposes a Specific Plan zoning district that permits a maximum of 23 multi-family residential units accessed via private drives. The units are attached into rows of units that front Homestead Road and internal open spaces. The units include garage parking with some surface parking available. The plan includes the improvement of Homestead Road to standard local street conditions along the site's frontage.

### **ANALYSIS**

The application proposes to rezone the property from CS to SP to permit 23 multi-family residential townhome units. The property is within the T4 Urban Community Center (T4 CC) policy area, with further guidance being given by the Dickerson North Small Area Plan. Within that plan it is part of the Ewing/Broadmoor character area, which envisions single-family areas further from Dickerson Pike transitioning in built form to heights of up to five stories along the corridor. Attached homes are given as an example of what this transitional built form could look like in the areas abutting single-family. The vicinity is identified as "lowest intensity," reflecting its role within this framework. A local street connection between Homestead Road and Larkspur Drive was removed from the Dickerson North Small Area Plan by a community plan amendment at the December 14, 2023, MPC meeting.

For elements not specifically contained in the supplemental policy, T4 CC policy applies. T4 CC is intended to maintain, enhance, and create urban community centers through development as intense mixed use areas that serve the larger surrounding urban area. They are pedestrian-friendly and located at or close to prominent intersections. An urban built form privileging pedestrians is promoted.

The development level intensity envisioned by these policies, however, was dependent upon provision of the essential infrastructure identified in the Dickerson North Small Area Plan. With the removal of the originally envisioned road connection (an extension of Larkspur Drive to the south up to the western terminus of Homestead Road), a marked increase in entitlements could put too much strain on the existing road network. Accordingly, NDOT has verified that additional capacity is available on Homestead Road before a traffic signal is warranted at the intersection of this road with Dickerson Pike. The 23 units proposed with this application, along with the 33 proposed under Case No. 2023SP-041-001 at 330/332 Homestead Road, would not exhaust the development potential along the road.

The plan proposes a reasonable increase in entitlements along a constrained ROW, which a traffic analysis has confirmed is appropriate for the current level of infrastructure. Therefore, staff recommends approval with conditions and disapproval without all conditions.

### **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.

### **WATER SERVICES RECOMMENDATION**

**Approve with conditions**

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

**NASHVILLE DOT ROADS RECOMMENDATION**

**Approve with conditions**

Final construction plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Approval conditions:

- Provide ST-252 half road section along frontage.
- Repave turn-a-round at the terminus of Homestead, per -252 schedule. (cont.) If possible w/ existing ROW, Expand pavement terminus for better turn-a-round capabilities, remove island and re-establish street lighting at terminus.

**NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- MCSP requirements shall all be met.
- Site access point(s) and loading (if applicable) shall be finalized with NDOT prior to final SP submittal.
- Parking shall be per code.
- Where feasible, the applicant shall provide additional pavement on Homestead Road out to Dickerson Pike to meet current NDOT standards. Further Coordination with NDOT will be required.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.56	0.6 F	40,722 SF	1,537	39	155

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (221)	.78	-	23 U	124	8	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1,413	-31	-144

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed SP-R district: 4 Elementary 2 Middle 2 High

The proposed SP-R zoning is expected to generate 8 more students than the existing CS zoning district. 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 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 23 multi-family units; short term rental properties, owner occupied; and short term rental properties, not-owner occupied.

2. On the corrected copy, add note to the maximum height: No setback required.
3. On the corrected copy, label the landscape plan and add a note indicating that a C3 Landscape Buffer will be provided along the southern property line.
4. On the corrected copy, change the fallback zoning to RM20-A.
5. With the final SP, coordinate with staff on providing shared vehicular access to adjacent parcels. This may require extension of the eastern and western drives to the property boundaries. Any shared access easements shall be recorded with a final plat, if platted, or prior to issuance of building permits if no plat is required.
6. No master permit/HPR shall be recorded prior to final SP approval.
7. Final plat may be required prior to permitting.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. The applicant agrees to build a sidewalk connecting this property to the SP (2023SP-041-001) at 330/332 Homestead Road. The applicant also agrees to continue conversations with NDOT during final site plan review regarding the extension of sidewalks to Dickerson Pike.

Councilmember Toombs spoke in favor of Items 4 and 5.

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

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

Quan Poole, Holland & Knight Law Firm, 511 Union Street, spoke in opposition to the application.

Katie Kirby, Empower Electric, spoke in opposition to the application.

James Gamble, Empower Electric, 321 Homestead Road, spoke in opposition to the application.

Male, no name or address given, spoke in rebuttal.

Councilmember Toombs addressed the community support concerns.

**Chair Adkins closed the Public Hearing.**

Chair Adkins asked to clarify that the owners who have spoken against the application do not have their business on this particular lot.

Ms. Milligan stated Chair Adkins is correct.

Councilmember Gamble stated she is very familiar with this area and as they consider the housing needs in the city, this is the exact place they would want to have multifamily developments that are close to the corridor. She asked for clarification of the street width and if it will be a public or private road.

Ms. Milligan advised Homestead Road is a public street with 50 foot right-of-way but narrow in places pavement. NDOT has a condition that requires the applicant to continue to work with them to widen that pavement where possible. She said the internal drives for this development are private.

Councilmember Gamble asked if they would meet the required width standards set by Planning so they are able to have trash pickup and other things.

Ms. Milligan answered in the affirmative and added they meet all of the standards for fire access points.

Ms. Leslie asked if there is a proposal for a traffic signal.

Mr. Shane said there is not and there is not a desire to have one. He said from NDOT's perspective, it is too close to the interstate interchange.

Mr. Marshall asked if there were any other businesses that did not want to see the project move forward.

Mr. Shane answered there was one other property owner that voiced objection and that went to the SharePoint they received.

Mr. Henley said he is an avid supporter of affordable housing and it is frustrating to keep having debates about these projects. He felt this is a good opportunity to improve this area.

Vice Chair Farr stated this is a great example of where dealing with the infrastructure more holistically will help greatly. She asked whether this allows for short term rentals.

Ms. Milligan stated this is a policy that would support short term rentals.

Vice Chair Farr said that is a concern and felt that being good neighbors with a business, having a lot of Ubers coming in and out, would be problematic. She stated she would be open for discussion about limiting or prohibiting short term rentals.

Mr. Clifton said that is part of the proposal she brought and indicated it had some short term rentals, and while not needing them everywhere, this is not a bad place.

Councilmember Toombs explained there are two different projects, 316 and 330/332. In getting additional infrastructure beyond what a developer would normally do for a project, and figure out what works for all parties involved, there was an agreement to allow short term rentals for 316 but not for 330 and 332. She said that was the compromise.

**Councilmember Gamble moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions, including updated conditions in the memo. (9-0)**

**Resolution No. RS2024-19**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-032-001 is approved with conditions and disapproved without all conditions, including updated conditions in memo. (9-0)

**CONDITIONS**

1. Permitted uses shall be limited to 23 multi-family units; short term rental properties, owner occupied; and short term rental properties, not-owner occupied.
2. On the corrected copy, add note to the maximum height: No stepback required.
3. On the corrected copy, label the landscape plan and add a note indicating that a C3 Landscape Buffer will be provided along the southern property line.
4. On the corrected copy, change the fallback zoning to RM20-A.
5. With the final SP, coordinate with staff on providing shared vehicular access to adjacent parcels. This may require extension of the eastern and western drives to the property boundaries. Any shared access easements shall be recorded with a final plat, if platted, or prior to issuance of building permits if no plat is required.
6. No master permit/HPR shall be recorded prior to final SP approval.
7. Final plat may be required prior to permitting.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. The applicant agrees to build a sidewalk connecting this property to the SP (2023SP-041-001) at 330/332 Homestead Road. The applicant also agrees to continue conversations with NDOT during final site plan review regarding the extension of sidewalks to Dickerson Pike.

## 5. 2023SP-041-001

### 330 & 332 HOMESTEAD ROAD

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to rezone from CS to SP zoning for properties located at 330 and 332 Homestead Road, approximately 745 feet west of Dickerson Pike (2.24 acres), to permit 33 multi-family residential units, requested by Catalyst Design Group, applicant; Roger & Joan West, and Roger West, Et Ux, owners.

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

#### APPLICANT REQUEST

**Rezone from CS to Specific Plan to permit a multi-family residential development.**

#### Zone Change

A request to rezone from Commercial Services (CS) to Specific Plan (SP) zoning for properties located at 330 and 332 Homestead Road, approximately 745 feet west of Dickerson Pike (2.24 acres), to permit 33 multi-family residential units.

#### **Existing Zoning**

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing, and small warehouse uses.

#### **Proposed Zoning**

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

#### **EAST NASHVILLE COMMUNITY PLAN**

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

#### Dickerson North Corridor Study

The site is within the Dickerson North Small Area Plan and specifically within the Ewing/Broadmoor character area. Supplementary policy areas are intended to provide additional guidance beyond the CCM policies, often identifying a smaller area and providing guidance based on context and specific goals for this area. Additional information on the supplemental policy is included in the analysis below.

#### **SITE CONTEXT**

The application consists of three parcels (Map 060-04, Parcels 013, 014, and 106) totaling 2.24 acres in size located on the south side of Homestead Road, about 750 feet west of the intersection with Dickerson Pike. The property contains two single-family homes (with the rear parcel being listed as vacant commercial land). Surrounding uses include single-family uses, industrial uses, and vacant land all zoned CS or CS-A. A single-family home, vacant land, and an office use, all zoned RS10, abut to the south. Commercial uses are found two parcels to the east, also zoned CS.

#### Site Plan

The plan calls for a multi-family residential development consisting of 33 multi-family residential units (14.73 units per acre), all attached. Eight units front onto Homestead Road. A private drive extends into the center of the site with spurs that run behind the units and provide garage access. Eighteen units draw rear garage access from the central drive extending through the site. They front open space along the side property lines. Seven units at the southern end of the site front a rear open space area. All units feature rear-loaded garages, with some guest parking being located along each spur extending out from the central private drive. A sidewalk system extends to each unit's front door and out to the required five-foot-wide public sidewalk along Homestead Road, which is a local street. Stormwater management is handled at northeastern and southeastern corners of the site, which are downhill from the rest. A note indicates that landscaping will be per code. Parking is provided slightly above the required ratio of 2.5 per 3-bedroom unit, resulting in 84 total spaces.

A note indicates that height will be from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof, with maximum height being limited to 45 feet. STRPs are prohibited.

### **ANALYSIS**

The application proposes to rezone the property from CS to SP to permit 33 multi-family residential townhome units. The property is within the T4 Urban Community Center (T4 CC) policy area, with further guidance being given by the Dickerson North Small Area Plan. Within that plan it is part of the Ewing/Broadmoor character area, which envisions single-family areas further from Dickerson Pike transitioning in built form to heights of up to five stories along the corridor. Attached homes are given as an example of what this transitional built form could look like in the areas closer to but still off the corridor. The vicinity is identified as "medium intensity," reflecting its transitional role within this framework. A local street connection between Homestead Road and Larkspur Drive was removed from the Dickerson North Small Area Plan by a community plan amendment at the December 14, 2023, MPC meeting.

For elements not specifically contained in the supplemental policy, T4 CC policy applies. T4 CC is intended to maintain, enhance, and create urban community centers through development as intense mixed use areas that serve the larger surrounding urban area. They are pedestrian-friendly and located at or close to prominent intersections. An urban built form privileging pedestrians is promoted.

The development level intensity envisioned by these policies, however, was dependent upon provision of the essential infrastructure identified in the North Dickerson Small Area Plan. With the removal of the originally envisioned road connection (an extension of Larkspur Drive to the south up to the western terminus of Homestead Road), a marked increase in entitlements could put too much strain on the existing road network. Accordingly, NDOT has verified that additional capacity is available on Homestead Road before a traffic signal is warranted at the intersection of this road with Dickerson Pike. The 33 units proposed with this application, along with the 23 proposed under Case No. 2023SP-032-001 at 316 Homestead Road, would not exhaust the development potential along the road.

The plan proposes a reasonable increase in entitlements along a constrained ROW, which a traffic analysis has confirmed is appropriate for the current level of infrastructure. Therefore, staff recommends approval with conditions and disapproval without all conditions.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve**

- Reviewed revised plan 12272023.

### **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 ROADS RECOMMENDATION**

#### **Approve with conditions**

- Final construction plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. Any access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan (MCSP). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public

intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and adjacent drives. Provide a dumpster for site waste/recycle disposal. For areas of road pavement under 20 feet, additional pavement widening along Homestead Drive may be required up Dickerson Pike.

**NASHVILLE DOT TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- MCSP requirements shall all be met.
- Site access point(s) and loading (if applicable) shall be finalized with NDOT prior to final SP submittal.
- Parking shall be per code.
- Widening on Homestead Road may be required to satisfy NDOT standards.
- Comply with Roads comments.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.24	0.6 F	97,574 SF	3,683	92	371

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential 3-10 (221)	2.24	14.73 D	33 U	178	12	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-3,505	-80	-356

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed SP-R district: 6 Elementary 2 Middle 3 High

The proposed SP-R zoning is expected to generate 11 more students than the existing CS zoning district. Students generated by future development would attend Chadwell Elementary School, Jere Baxter Middle School, and Maplewood High School. Chadwell Elementary School is identified as being overcapacity while Jere Baxter Middle School and Maplewood High School are identified as having capacity for additional students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to 33 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. On the corrected copy, add note to the maximum height: No stepback required.
3. On the corrected copy, label the landscape plan and add a note indicating that a C3 Landscape Buffer will be provided along the southern property line.
4. On the corrected copy, change the fallback zoning to RM20-A.
5. With the final SP, coordinate with staff on providing shared vehicular access to adjacent parcels. This may require extension of the eastern and western drives to the property boundaries. Any shared access easements shall be recorded with a final plat, if platted, or prior to issuance of building permits if no plat is required.
6. No master permit/HPR shall be recorded prior to final SP approval.
7. Final plat may be required prior to permitting.
8. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. The applicant agrees to build a sidewalk connecting this property to the SP (2023SP-032-001) at 316 Homestead Road. The applicant also agrees to continue conversations with NDOT during final site plan review regarding the extension of sidewalks to Dickerson Pike.

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

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

Quan Poole spoke in opposition to the application.

Male, no name or address given, spoke in rebuttal.

**Chair Adkins closed the Public Hearing.**

Mr. Marshall said this plan has no short term rentals and asked if that is correct.

Mr. Shane stated that is correct.

Mr. Marshall asked if this is the same as the last plan and if they worked with TDOT as far as the road is concerned.

Mr. Shane answered that NDOT looked at the traffic warrant analysis and has put conditions found in the staff report about potential widening work to be done at the end of the cul-de-sac, that the applicant would be required to do.

Mr. Marshall asked if the road would be catering to a commercial company where they are bringing in big trucks.

Mr. Shane advised the property all along the road is already zoned commercial and could be developed by right with uses that would generate far more traffic than these proposals.

Mr. Henley stated it was mentioned in the staff report about future development potentially being limited and felt it was a strong point made by the opposition. He said he assumed the Planning Department collectively are taking this view of the street, as others would come to look at development, advise and direct them to take some of the same approaches, as far as widening, so over time are delivering a road that is functional for the uses that are already by right permitted.

Ms. Milligan said he is right. She stated that is what that overall capacity study was about when they were looking at updating the community plan to remove the street connection to Larkspur. Ms. Milligan advised if any redevelopment proposals came in, they would be looking at the capacity analysis to make sure they are not over what is determined to be the appropriate capacity.

Mr. Henley said he hoped there is a formalized way to inform all properties on this section of road that the intent and the recommendation is that you match or marry to the endeavor of having the road widened from Dickerson all the way to its terminus and turnaround.

Ms. Leslie asked if the sidewalk would come all the way down to Dickerson Pike and if there will be crosswalks.

Ms. Milligan answered that each development would build sidewalks along their frontage and there is a gap between the two that would be completed with sidewalks.



Vice Chair Farr said she didn't realize how much the road narrowed by the time you got to the end and pointed out that area is where the commercial is most heavily located. She asked if there was any chance the three commercial properties at the end could do something to facilitate traffic flow around them.

Ms. Milligan advised if those were to redevelop, then there would be conversations, but that is likely outside of the scope of conversations that happen with these developments.

**Vice Chair Farr moved and Mr. Smith seconded the motion to approve with conditions and disapprove without all conditions, including updated conditions in the memo. (9-0)**

**Resolution No. RS2024-20**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-041-001 is approved with conditions and disapproved without all conditions, including updated conditions in memo. (9-0)

**CONDITIONS**

1. Permitted uses shall be limited to 33 multi-family residential units. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited within the entire development.
2. On the corrected copy, add note to the maximum height: No stepback required.
3. On the corrected copy, label the landscape plan and add a note indicating that a C3 Landscape Buffer will be provided along the southern property line.
4. On the corrected copy, change the fallback zoning to RM20-A.
5. With the final SP, coordinate with staff on providing shared vehicular access to adjacent parcels. This may require extension of the eastern and western drives to the property boundaries. Any shared access easements shall be recorded with a final plat, if platted, or prior to issuance of building permits if no plat is required.
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9. The final site plan shall label all internal driveways as "Private Driveways." A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
14. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. The applicant agrees to build a sidewalk connecting this property to the SP (2023SP-032-001) at 316 Homestead Road. The applicant also agrees to continue conversations with NDOT during final site plan review regarding the extension of sidewalks to Dickerson Pike.

**6. 2023SP-086-001**

**THE COLLECTIVE**

Council District 10 (Jennifer Webb)

Staff Reviewer: Celina Konigstein

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

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023SP-086-001 to the February 22, 2024, Planning Commission meeting. (9-0)**

## 7. 2023NL-002-001

### 1085 ZOPHI STREET

Council District 05 (Sean Parker)

Staff Reviewer: Celina Konigstein

A request to apply a Neighborhood Landmark Overlay District on property located at 1085 Zophi Street, approximately 215 feet west of Gallatin Pike, zoned R6 (0.21 acres), to permit the uses of R6, religious institution and multi-media production uses, requested by Mike Price, applicant; Featherfoot, LLC, owner.

**Staff Recommendation: Approve with conditions.**

#### APPLICANT REQUEST

**Apply a Neighborhood Landmark Overlay District.**

#### Neighborhood Landmark Overlay

A request to apply a Neighborhood Landmark Overlay District (NLOD) on property located at 1085 Zophi Street, approximately 215 feet west of Gallatin Pike, zoned One and Two-Family Residential (R6) (0.21 acres), to permit the uses of R6, religious institution, and multi-media production uses.

#### **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 1 duplex lot with a total of 2 units based on the acreage only. Duplex eligibility would be reviewed by Metro Codes.*

#### **Proposed Overlay**

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

#### **EAST 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

The site is located at 1085 Zophi Street and fronts both Zophi Street and Thomas Avenue. The site is one parcel, approximately 0.21 acres, with an existing church. The church is one story and includes a basement. The site is adjacent to the border of the Gallatin Pike Urban Design Overlay though it is not included within it.

The approximately 3,030 square foot church was constructed in 1940 and has operated as a church since then. The proposal includes no alterations to the site or the structure's interior. Uses proposed on the development plan include uses of R6, religious institution, and multi-media production.

There is currently space for approximately 10 vehicles to park on site and no additional parking is proposed. As the property is located within the Urban Zoning Overlay (UZO), no parking is required per the Zoning Code. The lot fronts both Zophi Street and Thomas Avenue and access will continue to be taken from Thomas Avenue. In discussions with NDOT, it was determined that the paving of the existing gravel parking area was not required. The site plan shows the existing gravel parking area.

The trash container shown on the site plan at the rear of the building is not screened. Staff has added a condition of approval that this area be screened.

#### Analysis

The purpose and intent of the Neighborhood Landmark District (NL) is to preserve and protect features that are important to maintain and enhance neighborhood character by allowing for adaptive reuse of the feature. Applications to establish a NL district follow similar procedures as a rezoning application because the creation of an overlay district is considered an amendment to the Official Zoning Map. The NL District process includes establishment of the NL District and concurrent approval of the proposed development plan. Therefore, this request is for establishment of the Neighborhood Landmark District and approval of the development plan outlining the proposed reuse of the feature. The role of the Planning Commission for this application is to consider the criteria to establish a Neighborhood Landmark District and make a recommendation to the Metro Council.

Section 17.40.160.H. of the Metro Zoning Code provides findings for approval for the Planning Commission to consider in the review of a Neighborhood Landmark District. These include:

- a. The feature is a critical component of the neighborhood context and structure
- b. The retention of the feature is necessary to preserve and enhance the character of the neighborhood
- c. That adaptive reuse, as described in the development plan, will facilitate protection and preservation of the identified feature
- d. That the proposed use(s) in the development plan is compatible with and sensitive to abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

Staff finds that the proposed development plan meets all the above criteria. The proposal does not include any interior or exterior changes to the structure, including no expansion of the footprint. The proposed uses are limited to the existing structure. The retention of the feature is necessary to preserve the neighborhood character and the proposed reuse of the building will facilitate its preservation. Without the Neighborhood Landmark designation, the opportunity to preserve and enhance the existing structure is limited.

The proposed uses are sensitive to surrounding properties considering the use will occupy an existing structure and not expand beyond those limitations. The proposed uses are also low in intensity and not anticipated to generate heavy traffic. The Neighborhood Landmark is intended to be applied in unique circumstances, and not intended to serve as an impetus for more commercial development in the area. Staff recommends approval of the Neighborhood Landmark District and the proposed Development Plan.

**FIRE MARSHALL RECOMMENDATION**

**Approve**

**NASHVILLE DOT RECOMMENDATION**

**Approve**

**TRAFFIC & PARKING RECOMMENDATION**

**Approve with conditions**

A parking study is not required for this additional use due the property being located within the UZO.

**STORMWATER RECOMMENDATION**

**Approve**

**WATER SERVICES RECOMMENDATION**

**Approve**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Permitted uses are limited to uses of R6, religious institution, and multi-media production.
2. Dumpsters and other trash receptacles for all structures other than single-family and two-family residences shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use per 17.24.060 of the Metro Zoning Code.
3. This approval does not include any changes to the exterior of the structure. If any changes are proposed, it may require a new development plan.
4. No vehicular access from Zophi Street is permitted.
5. Signage on the property shall not exceed a total of 30 square feet. Signage shall not be internally illuminated.
6. Any changes to the NL District and/or its associated development plan are subject to the provisions of Section 17.40.160.

**Approve with conditions (9-0)**

**Resolution No. RS2024-21**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023NL-002-001 is approved with conditions.  
(9-0)

**CONDITIONS**

1. Permitted uses are limited to uses of R6, religious institution, and multi-media production.
2. Dumpsters and other trash receptacles for all structures other than single-family and two-family residences shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use per 17.24.060 of the Metro Zoning Code.

3. This approval does not include any changes to the exterior of the structure. If any changes are proposed, it may require a new development plan.
4. No vehicular access from Zophi Street is permitted.
5. Signage on the property shall not exceed a total of 30 square feet. Signage shall not be internally illuminated.
6. Any changes to the NL District and/or its associated development plan are subject to the provisions of Section 17.40.160.

## 8. 2023S-123-001

### FRANKIE LEE MOORE

Council District 01 (Joy Kimbrough)

Staff Reviewer: Amelia Gardner

A request for final plat approval to create two lots on property located at 5350 and 5390 Rawlings Road, and Rawlings Road (unnumbered), approximately 2,559 feet southwest Old Clarksville Pike, zoned AR2A (8.89 acres), requested by B2L Land Surveyors, applicant; Frankie Lee Moore, owner.

**Staff Recommendation: Approve with conditions, including variances to Sections 4.2-5.a.1.a, 4.2-5.a.1.c and 4.2-5.a.1.d.**

### APPLICANT REQUEST

**Request for final plat approval to create two lots.**

#### Final Plat

A request for final plat approval to create two lots on properties located at 5350 and 5390 Rawlings Road, and Rawlings Road (unnumbered), approximately 2,559 feet southwest of Old Clarksville Pike, zoned Agricultural/Residential (AR2A) (8.89 acres).

### SITE DATA AND CONTEXT

**Location:** The property is located on the north side of Rawlings Road, west of Clarksville Pike.

**Street type:** The site has frontage on Rawlings Road, a local street.

**Approximate Acreage:** The site is comprised of three existing parcels for an approximate total area of 8.89 acres. The first parcel (02100009300) is 7.27 acres, the second parcel is (02100033000) is 1 acre, and the third parcel (02100009200) is 0.33 acres.

**Parcel/Site History:** The three parcels have not previously been platted.

**Zoning History:** The parcels have been zoned Agricultural (AR2a) since 1974.

**Existing land use and configuration:** The three existing parcels have frontage along Rawlings Road. There is an existing single-family structure which is proposed to remain with the subdivision on parcel 02100009200, or the proposed Lot 2. The other parcels are currently vacant, with the exception of some accessory structures.

#### **Surrounding land use and zoning:**

- North: Agricultural/Residential (AR2a)
- South: Agricultural/Residential (AR2a)
- East: Agricultural/Residential (AR2a)
- West: Agricultural/Residential (AR2a)

#### **Zoning:** Agricultural/Residential (AR2a)

Min. lot size: 2 acres

Max. building coverage: 0.20

Min. rear setback: 20'

Min. side setback: 20'

Max. height: 3 stories

Min. street setback: 40 feet per zoning

### PROPOSAL DETAILS

**Number of lots:** 2

**Lot size:** Lot 1 is proposed to be 5 acres and Lot 2 is proposed to be 3.89 acres

**Access:** Both proposed lots have frontage along Rawlings Road.

#### **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 property is in a Rural Maintenance (T2 RM) policy area. For sites within the T2 Rural transect, the Rural Character Subdivision regulations found in Chapter 4 are utilized.

There are several subdivision options in the Rural Subdivision Regulations. This proposal utilizes the Countryside Character Design Open Alternative option as described in Section 4-2.5.a.1 of the subdivision regulations.

#### **4-2. Development Standards**

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

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

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

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

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

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

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

The proposed Lot 1 shows a proposed building envelope, which has been reviewed with the Metro Health Department for septic. This area is shown outside any areas that would have been required to be shown as Primary Conservation Land. The existing structure on Lot 2 is intended to remain, therefore no proposed building envelope is shown on this lot.

#### *4-2.5 Rural Character Design*

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

1. *Open Alternative – Street frontage without existing vegetative or topographical screening. For purposes of this section, “surrounding parcels” is defined as the five R, RS, AR2a, or AG parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. If there are no surrounding parcels, the screened alternative shall be used.*

The proposed lots are located along an existing street and the proposal was reviewed against below (a) through (d).

- a. *Building Setback along existing public streets.*

Does not comply. The average front setback of the abutting parcels is approximately 102 feet and greater than the 40-foot minimum setback required by the Zoning Code. A setback line is not shown on the lots. For the proposed Lot 1, the proposed building envelope would determine the building area. The proposed building envelope is shown with a setback of approximately 82 feet which is less than the required 102-foot building setback. For the proposed Lot 2,

the existing structure is intended to remain, therefore a setback was not included on the plat. The current structure is set back approximately 97 feet. If redeveloped, the setback will be determined by Codes with a future building permit.

b. *Lot Depth along existing public streets.*

Complies. The minimum depth for lots along existing public streets shall be the building setback required by Sec 4-2.5(a) plus 300 feet. This provision requires a 402-foot lot depth. The depth of the proposed Lot 1 is 836 feet and the depth of the proposed Lot 2 is 833 feet.

c. *Lot size along existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than the smallest of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot size is 220,863 square feet (5.07 acres). The proposed Lot 1 is 217,956 square feet (5 acres) and the proposed Lot 2 is 169,528 square feet (3.89 acres).

d. *Lot frontage abutting existing public streets.*

Does not comply. A compatibility analysis was conducted per this requirement. Minimum lot frontage is either equal to or greater than 70% of the frontage of the average frontage of surrounding parcels or equal to or larger than the frontage of the surrounding parcels, whichever is greater. The outcome of the analysis is that the minimum lot frontage along Rawlings Road is 220 feet. The frontage for Lot 1 is approximately 201 feet and the proposed frontage for Lot 2 is 264 feet.

e. *Street lights.*

Not applicable for this case as the property is located in the GSD.

f. *Cluster lot option.*

Not applicable for this case as the cluster lot standards are not proposed to be used.

**Subdivision Variances or Exceptions Requested:** Yes. This request requires variances from the following sections: Section 4.2-5.a.1.a. (minimum setback) on the proposed Lots 1 and 2, Section 4.2-5.a.1.c. (minimum lot size) for the proposed Lots 1 and 2, and Section 4.2-5.a.1.d. for the required minimum lot frontage for the proposed Lot 1.

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

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

**Variance Analysis**

As proposed, staff finds that the variance from the setback, lot size, and lot frontage requirements is consistent with Section 1-11 of the Subdivision Regulations. The granting of the variances will not have any impact on public safety and is not inconsistent with the long-range plan.

Setback: The plat does not include any setbacks. The proposed Lot 1 includes a proposed building envelope which shows the front setback at approximately 82 feet. There are areas of steep slopes located behind this proposed building envelope. By considering a reduced building setback, the building area is not located on the slopes. The proposed Lot 2 does not include the required 102-foot building setback as the existing structure was identified to remain by the applicant. If this lot was redeveloped in the future, it would require compliance with the setback regulations required by Codes.

Lot Size: The required lot size is 5.07 acres. The proposed Lot 1 is 5 acres, which is a negligible amount when considering the entirety of the lot. The proposed Lot 2 is 3.89 acres which exceeds the minimum 2-acre lot size of the AR2a zoning district. The Rural Subdivision Regulations call for individual lot sizes to vary in size to reflect the rural character.

Lot Frontage: The required lot frontage along Rawlings Road is 220 feet. The frontage for the proposed Lot 1 is approximately 201 feet. Given the entirety of the frontage, the difference of 19 feet would likely not even be noticed as a visual perception along the road frontage. Additionally, 200 feet or more is sufficient to provide safe ingress and egress to both lots.

**PLANNING STAFF COMMENTS**

With the exception of the setback, frontage, and lot size requirements, the proposed subdivision meets the standards of the Metro Subdivision Regulations and the standards of the Metro Zoning Code. Staff recommends approval with conditions.

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve with conditions

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

**WATER SERVICES RECOMMENDATION**

Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by planning on November 16, 2023) on which we recommend approval. W&S Capacity Fees must be paid before issuance of building permits for new lot.

**METRO HEALTH RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. The existing structure on Lot 2 shall be identified with a label that says, "Existing Structure to Remain."
2. The mylar shall be signed by the Metro Health Department prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
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. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2023S-123-001 with conditions, including variances to 4-2.5.a.1.a, 4.2-5.a.1.c. and 4.2-5.a.1.d., based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions, including variances to Sections 4.2-5.a.1.a, 4.2-5.a.1.c and 4.2-5.a.1.d (9-0)**

**Resolution No. RS2024-22**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-123-001 is approved with conditions, including variances to Sections 4.2-5.a.1.a, 4.2-5.a.1.c and 4.2-5.a.1.d. (9-0)

**CONDITIONS**

1. The existing structure on Lot 2 shall be identified with a label that says, "Existing Structure to Remain."
2. The mylar shall be signed by the Metro Health Department prior to recording.
3. Comply with all conditions and requirements of Metro reviewing agencies.
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. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**9. 2023S-197-001**

**VAUGHN SUBDIVISION**

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

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

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2023S-197-001 to the February 22, 2024, Planning Commission meeting. (9-0)**

**10. 2023Z-096PR-001**

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

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

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CS to MUN-A-NS.**

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Neighborhood-Alternative-No STRP (MUN-A-NS) zoning for property located at 117 Bridgeway Avenue, approximately 275 feet east of Keeton Avenue (0.43 acres).

**Existing Zoning**

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

**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.

**DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN**

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5-minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

**ANALYSIS**

The 0.43-acre site includes one parcel and is currently vacant. The site is located on the south side of Bridgeway Avenue, east of Keeton Avenue. Rayon Drive is located to the south and connects to Bridgeway Avenue in two locations, on either side of Keeton Avenue. The parcel is currently vacant. Surrounding land uses along Bridgeway Avenue include scattered commercial, industrial, office and residential uses. There is also a moderate concentration



of vacant parcels along the block face, including adjacent properties to the east and west. The development pattern south of this site, along Rayon Drive, is primarily residential uses with commercial at the corner of Rayon Drive and Bridgeway Avenue.

The site is located along Bridgeway Avenue, a collector-avenue designated by the Major and Collector Street Plan, which is intended to enhance and create suburban neighborhood centers in proximity to residential neighborhoods. The intent of the policy is to encourage mixed use development that can serve area residents and is compatible with the surrounding suburban residential character. The proposed MUN-A-NS district is consistent with the goals of the T3 NC policy, as it would permit a mixture of uses in an area that is intended to evolve into a suburban center. Uses permitted by MUN-A-NS will contribute to the surrounding residential area at an appropriate scale, and the Alternative district standards will provide building placement and design standards intended to enhance the pedestrian realm.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.43	0.6 F	11,238 SF	424	11	43

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 (221)	.22	0.6 F	5 U	26	1	3

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
Retail (820)	.21	0.6 F	5,488 SF	207	5	21

Traffic changes between maximum: **CS 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
-	-	-	-	-191	-5	-19

**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 Dupont Elementary School, Dupont Hadley Middle School, and McGavock High School. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

**Resolution No. RS2024-23**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-096PR-001 is approved. (9-0)

## 11. 2024Z-005PR-001

Council District 35 (Jason Spain)  
Staff Reviewer: Celina Konigstein

A request to rezone from AR2A to RS10 zoning for properties located at 7946 and 7968 McCrory Lane, approximately 98 feet north of Beautiful Valley Drive (22.93 acres), requested by Aera Systems LLC, applicant; William Travis ET UX, owners.

**Staff Recommendation: Approve.**

### APPLICANT REQUEST

**Zone change from AR2a to RS10.**

#### Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS10) zoning for properties located at 7946 and 7968 McCrory Lane, approximately 98 feet north of Beautiful Valley Drive (22.93 acres).

#### **Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and 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 11 lots with 2 duplex lots for a total of 13 units. Confirmation of duplex eligibility is provided by Codes.*

#### **Proposed 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 99 units based on acreage alone. Application of Metro's Subdivision Regulations may result in fewer units at this site.*

### **BELLEVUE COMMUNITY PLAN**

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

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

### **HISTORY**

At the January 11, 2024, Planning Commission meeting, there were concerns from the community about future development taking access from the neighboring subdivision and stormwater management. The Planning Commission deferred the case one meeting to February 8, 2024, with the intent that a community meeting be held to discuss concerns.

### **ANALYSIS**

The 22.93-acre site is located at 7946 and 7968 McCrory Lane and accessed from McCrory Lane. 7968 McCrory Lane has one house on the property while 7946 McCrory Lane is vacant rural land. Surrounding land uses consist of single-family residential, vacant land, and a cemetery. The site is surrounded by Single-Family Residential (RS10 and RS20), Agricultural Residential (AR2a), and One and Two-Family Residential (R10) zoning districts.

The proposed zoning district, RS10, is consistent with the goals of the T3 NM and CO policies. McCrory Lane is a scenic arterial boulevard able to support a modest increase in volume. Any future subdivisions would be required to comply with the zoning and subdivision regulations. The areas within Conservation policy may be subject to conservation development.

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)	22.93	0.50 D	38 U	427	32	40

\*Based on two-family lots

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)	22.93	3.7 D	84 U	886	64	86

Traffic changes between maximum: **AR2a/RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+46 U	+459	+32	+46

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing AR2a zoning districts: 1 Elementary 1 Middle 1 High  
 Projected student generation proposed RS10 district: 11 Elementary 5 Middle 8 High**

The proposed RS10 zoning is expected to generate 11 more students. Students would attend Gower Elementary School, H.G. Hill Middle School, and James Lawson High School. All three schools have been identified as having additional capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

**Resolution No. RS2024-24**

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

**12. 2024Z-009PR-001**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Celina Konigstein

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

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2024Z-009PR-001 to the February 22, 2024, Planning Commission meeting. (9-0)**

**13. 2015SP-013-005**  
**STEPHENS VALLEY (AMENDMENT)**  
Council District 35 (Jason Spain)  
Staff Reviewer: Donald Anthony

A request to amend a Specific Plan for property located at 441 Union Bridge Road, at the southeast corner of Union Bridge Road and Pasquo Road, zoned SP (23.48 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Rochford Realty & Construction Co., Inc., owner.

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015SP-013-005 to the February 22, 2024, Planning Commission meeting. (9-0)**

**14. 2024SP-005-001**  
**2907 12TH AVE S**  
Council District 18 (Tom Cash)  
Staff Reviewer: Laszlo Marton

A request to rezone from CS to SP zoning for property located at 2907 12th Ave. S., at the northwest corner of Kirkwood Ave. and 12th Ave. S. (0.26 acres), to permit a mixed use development, requested by Buchalter, applicant; The Gold Cypress Living Trust, owner.

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

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Commercial Service (CS) to Specific Plan (SP) zoning for property located at 2907 12th Ave S., at the northwest corner of Kirkwood Ave. and 12th Ave. S. to permit a mixed use development (0.26 acres).

**Existing Zoning**

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing, and small warehouse uses.

**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.

**GREEN HILLS - MIDTOWN COMMUNITY PLAN**

T4 Urban Neighborhood Center (T4 NC) is intended to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

12th Avenue South Corridor Detailed Neighborhood Design Plan DNDP

The site is within Subdistrict 9A of 12th Avenue South Corridor Detailed Neighborhood Design Plan, which is a part of the Green Hills-Midtown Community Plan. The DNDP provides planning guidance at a more detailed level than a community plan, addressing land use, transportation, and community character at the neighborhood level. The DNDP includes a detailed Land Use Plan and Building Regulation Plan which includes various subdistricts.

**Site Context and Plan Details**

The 0.26-acre site is located on the northwest corner of Kirkwood Avenue and 12th Avenue South. Sevier Park is located to the southeast. The property has been zoned CS since 1974 and consists of a two-story commercial retail building. Surrounding properties are zoned CS, OR20 and R8 and surrounding uses include retail, single-family residential, and multi-family residential.

The proposed SP would permit a mix of uses including multi-family residential, financial institution, general office, hotel/motel, full-service restaurant, retail, and more. Proposed building standards include a maximum height of 3 stories in 45 feet and a maximum floor-area-ratio of 1.00.

Setback requirements, vehicular access locations, and screening or liner uses will be determined with final site plan. Additionally, the SP outlines areas of ROW dedication with streetscape improvements along Kirkwood Avenue and 12<sup>th</sup> Avenue South per the Major and Collector Street Plan, which will be reviewed with the final SP.

#### **ANALYSIS**

The property is located within the T4 NC policy area which intends to maintain, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5-minute walk. The SP proposes a mixture of uses, limits vehicular access to side streets and alleys, and includes a maximum building height of 3 stories, all of which meet the goals of T4 NC. The property is also located within Subdistrict 9A of the 12<sup>th</sup> Avenue South Corridor Detailed Neighborhood Design Plan (DNNDP), which states a goal of guiding future development as a vibrant mixed-use with high standards of urban design that provides opportunities to live, work, and play. The SP includes additional site design and architectural guidelines which address those that are called for in the Building Regulating Plan of the DNNDP and are specific to subdistrict 9A.

The proposed SP meets the guidance of the DNNDP as well as the goals of T4 NC policy, therefore staff recommends approval.

#### **FIRE RECOMMENDATION**

##### **Approve with conditions**

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

#### **STORMWATER RECOMMENDATION**

##### **Approve with conditions**

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

#### **WATER SERVICES RECOMMENDATION**

##### **Approve with conditions**

- Approved as a Regulatory 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.

#### **WEGO RECOMMENDATION**

##### **Approve with conditions**

- Development must provide an upgrade to the southbound Granny White Pike & Kirkwood Ave bus stop to an in-lane local service bench stop with appurtenances, and an upgrade to the northbound stop to provide ADA compliance with appurtenances as feasible within constraints:
  - Development will upgrade the southbound stop to an in-lane local service bench stop as per latest WeGo Transit Design Guidelines. Waiting area must have min. 35ft of tangent curb x min. 8ft wide. Preferably, existing tree is retained.
  - Development will upgrade the northbound stop to provide an in-lane local service sign stop plus those existing appurtenances that can be retained within the existing ROW and park wall constraints. Preferably, existing tree is retained. Within those constraints, Development must upgrade bus stop to ADA compliance.
  - Development to refer to latest version of WeGo Transit Design Guidelines. Coordinate and reach agreement with WeGo Robert.Johnson@Nashville.gov prior to Final SP, MMTA (if required) and Construction permit approvals.
  - All bus stop upgrades must be shown on Final SP and thereafter.
  - All bus stop upgrades must be provided prior to first occupancy or use.

#### **NASHVILLE DOT RECOMMENDATION**

##### **Approve with conditions**

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

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- See the transit comments from WeGo.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	0.26	0.6 F	6,795 SF	257	6	25

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

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

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)	0.065	1.0 F	2,831 SF	107	3	11

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
Restaurant (932)	0.065	1.0 F	2,831 SF	318	28	28

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+194	+26	+17

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproved without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited to multi-family residential, financial institution, general office, medical office, ATM, bar or nightclub, grocery store, hotel/motel, personal care services, fast-food restaurant, full service restaurant, take-out restaurant, retail, multi-media production, and theater. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. On the corrected copy, update Note 4e as follows: Setbacks shall be determined by all agencies with the final SP.
3. Vehicular access locations shall be determined with the final SP.
4. Both street facades shall have a minimum of 20 percent glazing requirement.
5. Pedestrian entrances shall be provided from Kirkwood Avenue and 12<sup>th</sup> Avenue South.
6. No master permit/HPR shall be recorded prior to final SP approval.
7. Final plat to dedicate areas of right-of-way shall be required prior to permitting.

8. With the final SP and final plat, the minimum right-of-way dedications along 12<sup>th</sup> Avenue South and Kirkwood Avenue shall be met.
9. With the final SP and final plat, identify areas of right-of-way dedication along the rear alley needed to meet the minimum half of standard right-of-way width.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. A corrected copy of the Preliminary SP Plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements, of the MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. The final site plan/building permit site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within any required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of any required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
14. The preliminary SP is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
15. 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.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

**Resolution No. RS2024-25**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024SP-005-001 is approved with conditions and disapproved without all conditions. (9-0)

**CONDITIONS**

1. Permitted uses shall be limited to multi-family residential, financial institution, general office, medical office, ATM, bar or nightclub, grocery store, hotel/motel, personal care services, fast-food restaurant, full service restaurant, take-out restaurant, retail, multi-media production, and theater. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited.
2. On the corrected copy, update Note 4e as follows: Setbacks shall be determined by all agencies with the final SP.
3. Vehicular access locations shall be determined with the final SP.
4. Both street facades shall have a minimum of 20 percent glazing requirement.
5. Pedestrian entrances shall be provided from Kirkwood Avenue and 12<sup>th</sup> Avenue South.
6. No master permit/HPR shall be recorded prior to final SP approval.
7. Final plat to dedicate areas of right-of-way shall be required prior to permitting.
8. With the final SP and final plat, the minimum right-of-way dedications along 12<sup>th</sup> Avenue South and Kirkwood Avenue shall be met.
9. With the final SP and final plat, identify areas of right-of-way dedication along the rear alley needed to meet the minimum half of standard right-of-way width.
10. Comply with all conditions and requirements of Metro reviewing agencies.
11. A corrected copy of the Preliminary SP Plan, incorporating the conditions of approval by Metro Council, shall be provided to the Planning Department prior to or with final site plan application.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements, of the MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. The final site plan/building permit site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within any required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of any required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
14. The preliminary SP is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
15. 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.  
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**15. 2024S-016-001**

**RESUBDIVISION OF GUILL HEIGHTS**

Council District 14 (Jordan Huffman)

Staff Reviewer: Laszlo Marton

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

**Staff Recommendation: Defer to the February 22, 2024, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2024S-016-001 to the February 22, 2024, Planning Commission meeting. (9-0)**

**16. 2024S-017-001**

**PEERMAN HEIGHTS**

Council District 07 (Emily Benedict)

Staff Reviewer: Oscar Orozco

A request for final plat approval to remove the reserve status and to consolidate into one lot on properties located at 1601 and 1601A Peerman Drive, approximately 35 feet northeast of McKennell Drive and Peerman Drive, zoned R10 (0.68 acres), requested by Clint Elliott Survey, applicant; Riverside Remodeling & Construction LLC, owner..

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

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

Final Plat

A request for final plat approval to remove the reserve status and to consolidate into one lot on properties located at 1601 and 1601A Peerman Drive, approximately 35 feet northeast of McKennell Drive and Peerman Drive, zoned One and Two-Family Residential (R10) (0.68 acres).

**SITE DATA AND CONTEXT**

**Location:** The property is located on the east side of Peerman Drive, north of McKennell Drive.

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

**Approximate Acreage:** 0.68 acres or approximately 29,620 square feet.

**Parcel/Site History:** The site consists of two parcels. The northern parcel, 07216009500, was platted as Lot 14 in the Peerman Heights Subdivision. This plat was recorded in 1952 in Book 2133, Page 3. The plat also included the southern parcel, 07216009400, that was shown on the same plat as a Reserve Parcel. Due to the reserve status, no building permit can be issued on the parcel. The 1952 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 property has been zoned One and Two-Family Residential (R10) since 1974.

**Existing land use and configuration:** The northern parcel, 07216009500, has been developed with an existing single-family structure. The plat identifies the existing structure to remain. The parcel to the south, 07216009400, is vacant.

**Surrounding land use and zoning:**

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



- West: 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 size:** 29,482 square feet (0.67 acres)

**Access:** The proposed lot has frontage on Peerman Drive. The site currently has two drives, both located on Peerman Drive. Any future access conditions based on redevelopment will be determined at the time of any future building permit.

**Subdivision Variances or Exceptions Requested:** None.

**APPLICABLE SUBDIVISION REGULATIONS**

Reserve Parcel

Chapter 2-8, Miscellaneous Platting Situations, applies to this request. Section 2-8.1, pertains to converting parcels to building sites. The 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. However, because no reason was provided on this plat, action by the Commission is required.

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

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

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

Lot Consolidation

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

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

**3-1 General Requirements**

The proposal meets the requirements of 3-1.

**3-2 Monument Requirements**

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

### **3-3 Suitability of the Land**

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

### **3-4 Lot Requirements**

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R10 zoning at the time of building permit.

### **3-5 Infill Subdivisions**

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

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

### **3-6 Blocks**

Not applicable. No new blocks are being created.

### **3-7 Improvements**

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

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

For subdivisions, sidewalks are not required along existing streets. Per a recent court case, the section of the Zoning Code that requires sidewalks along existing streets has been voided, however the plan provides the necessary right-of-way dedication per the local street standards.

### **3-9 Requirements for Streets**

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

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

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

### **3-11 Inspections During Construction**

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

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

Not applicable. No new streets are proposed.

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

Not applicable. No private streets are proposed.

### **3-14 Drainage and Storm Sewers**

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

### **3-15 Public Water Facilities**

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

### **3-16 Sewerage Facilities**

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

### **3-17 Underground Utilities**

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

## **PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS**

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

**POLICY CONSIDERATIONS**

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

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

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

**PLANNING STAFF COMMENTS**

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

**COMMENTS FROM OTHER REVIEWING AGENCIES**

**FIRE MARSHAL RECOMMENDATION**

Approve

**STORMWATER RECOMMENDATION**

Approve

**NASHVILLE DOT RECOMMENDATION**

Approve

**TRAFFIC AND PARKING RECOMMENDATION**

Approve with conditions

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

**WATER SERVICES RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Update the purpose note on the plat to say: The purpose of this plat is to remove the reserve parcel status and consolidate into one lot.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**RECOMMENDED ACTION**

Motion to approve proposed subdivision Case No. 2024S-017-001 with conditions based upon finding that the subdivision complies with the applicable standards of the Metro Subdivision Regulations, Metro Zoning Code, and other applicable laws, ordinances and resolutions as noted in the staff report, subject to all of the staff recommended conditions.

**Approve with conditions. (9-0)**

**Resolution No. RS2024-26**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024S-017-001 is approved with conditions. (9-0)  
**CONDITIONS**

1. Update the purpose note on the plat to say: The purpose of this plat is to remove the reserve parcel status and consolidate into one lot.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

**17. 95P-004-001**

**ALAN ESTATES PUD (AMENDMENT)**

Council District 14 (Jordan Huffman)

Staff Reviewer: Donald Anthony

A request to amend a portion of the Residential Planned Unit Development District for property located at 8230 Eva Drive, at the southwestern corner of Tyler Drive and Andrew Jackson Parkway (3.54 acres) zoned R10, to permit 40 multi-family residential units and three detached two-family residential units, for a total of 46 units, requested by Dale & Associates, applicant; AHJ Alan Estates LLC, owner.

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

**APPLICANT REQUEST**

**Amend a Planned Unit Development.**

PUD Amendment

A request to amend a portion of a Residential Planned Unit Development district for property located at 8230 Eva Drive, at the southwestern corner of Tyler Drive and Andrew Jackson Parkway (3.54 acres), zoned One and Two-Family Residential (R10), to permit 40 multi-family residential units and three detached two-family units, for a total of 46 units.

**Existing Zoning**

One and Two-Family Residential District (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. *Permitted uses are per the approved PUD.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working, and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *This PUD permits a total of 47 residential units, 46 of which are permitted on the subject property. The 46 residential units permitted on the subject property include 40 multi-family units and 3 two-family units.*

**DONELSON – HERMITAGE – OLD HICKORY 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.

**SITE CONTEXT AND PLAN DETAILS**

The subject property consists of a 3.54-acre parcel located along the east side of Eva Drive, the south side of Tyler Drive, and the west side of Andrew Jackson Parkway. The property has frontage on all three streets. The property is zoned R10 and is part of the Allen Estates Planned Unit Development (PUD). Adjacent properties are zoned RS10 on the north and R10 on the east, south, and west. The subject property currently contains three two-family dwelling units. Adjacent properties on all sides currently contain single-family residential units.

The Allen Estates PUD was approved in 1996 and subsequently amended in 1997. The approved PUD permits 40 multi-family residential units, three two-family residential units, and one single-family residential unit for a total of 47 units. An adjacent 2.02-acre parcel currently used for a single-family residential unit is part of the Allen Estates PUD; however, the 2.02-acre parcel is not included in this proposed PUD amendment. Only the 3.54-acre parcel—which is entitled for 40 multi-family units and three two-family units—is affected by the amendment. The approved PUD shows access to the subject property from Eva Drive, a local street lying adjacent to the subject property on the west.

The proposed amendment includes changes to the approved site layout, unit types, and street connection. While the approved PUD included a mix of townhouses, flats, and existing duplexes, the proposed amendment includes only townhouses and existing duplexes. Townhouses would line the northern and eastern property boundaries and would give the development a more visible street presence on Andrew Jackson Parkway. No increase in density is proposed with the amendment; the PUD would still permit a total of 46 multi-family residential units on the subject property.

In the proposed amendment, parking for the development is broken into multiple small parking strips rather than the one large parking lot shown in the approved PUD; as shown in the proposed site layout, breaking the large parking lot into smaller parking strips would allow for the creation of an open space near the center of the site. The proposed amendment shows a ten-foot-wide landscape buffer with fence along the southern property line between the subject property and the single-family parcel on the south. Rather than providing access from Eva Drive on the west, the amendment proposes access from Tyler Drive, a collector that lies adjacent to the subject property on the north. The proposed access drive would be situated between the existing duplexes and the proposed townhouses.

#### **ANALYSIS**

Staff reviewed the proposed PUD amendment for consistency with the T3 NE policy. The T3 NE policy is characterized by: moderate-density development patterns; moderate to high levels of connectivity; a broad range of housing types including houses, flats, and townhouses; and building heights of one to three stories.

The proposed PUD amendment does not include any changes to the overall PUD density or permitted building types. The total number of permitted units on the subject property would remain 46, and the density would remain 12.99 units per acre. The site would continue to have one access point, though it would shift from Eva Drive to Tyler Drive. Finally, the amendment proposes a mix of townhouses and existing two-family dwellings. Staff finds that the changes included in the proposed amendment are consistent with the T3 NE policy.

Section 17.40.120.G of the Zoning Code establishes criteria for determining review and approval authority for PUD amendments. Subsection (e) requires Metro Council approval for any PUD amendment that includes *a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access*. The proposed amendment includes a new connection to Tyler Street; therefore, Metro Council review and approval will be necessary.

#### **FIRE MARSHAL RECOMMENDATION**

**Approve**

#### **STORMWATER RECOMMENDATION**

**Approve**

#### **METRO WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Approved as a Preliminary PUD only. Public and/or private Water and Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP/PUD approval. The approved construction plans must match the Final Site Plan/SP/PUD plans. Submittal of an availability study is required before the Final Site Plan/SP/PUD 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 Water & Sanitary Sewer Capacity must be paid before issuance of building permits.

#### **NASHVILLE DOT RECOMMENDATION**

**Approve with conditions**

- Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Provide dumpsters for waste/recycle disposal. Note: A

private hauler will be required for waste/recycle disposal. Additional 1-1/2' mill and overlay may be required to cover full extents of utility work in public ROW. Extents to be coordinated in field with NDOT inspector.

- Extend Tyler Dr. half section to intersection with Eva Dr.
- Provide ADA pedestrian ramps at the following intersections: North/South at Tyler and Andrew Jackson, South at Tyler and Eva Dr.
- Coordinate w/ NDOT traffic on additional studies, pedestrian crossing improvements and WeGo, on bus stop improvements.
- Relocate existing culvert headwall along Andrew Jackson frontage and provide new public sidewalks in the ROW.

#### **TRAFFIC & PARKING RECOMMENDATION**

##### **Approve with conditions**

- Prior to Final PUD submittal the applicant shall coordinate with NDOT on scoping a Level 1 MMTA to analyze the pedestrian crossings/connectivity within the vicinity of the project.
- The sidewalk along the frontage shall be extended to the corner of Eva Drive and Tyler Drive with an appropriate ADA pedestrian ramp.
- Parking shall be shown per metro code. Provide detailed parking calculations at Final PUD.
- Off-site improvements are anticipated and shall be determined with the Level 1 MMTA at Final PUD.

##### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

##### **CONDITIONS**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

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

Adam Seger, Dale & Associates, spoke in favor of the application.

Shawn Henry, 500 11th Avenue North, spoke in favor of the application.

Gary Ballin, 5315 Weber Road, spoke in opposition to the application.

Don Hoover, no address given, spoke in opposition to the application.

Lee Purnell, Andrew Jackson Parkway, spoke in opposition to the application.

Eric Snook, Harwell Court, spoke in opposition to the application.

Michael Brooks, 5323 Weber Road, spoke in opposition to the application.

Garyann Ford, Weber Road, spoke in opposition to the application.

Donna Brooks, 5323 Weber Road, spoke in opposition to the application.

Adam Seger spoke in rebuttal.

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

Mr. Henley identified this Item is before them to avoid demolition of a duplex in order to construct a road as designed in the current PUD, but a lot of that traffic would end up on Tyler Drive. He said it showed him that with the limited accessibility to the area, it is an improvement to what was previously there.

Chair Adkins asked about details regarding stormwater requirements.

Ms. Milligan explained Metro Stormwater Department has adopted stormwater regulations and there will be detailed construction plans where they review the generated stormwater. The requirement is that the development cannot result in an increase in flow from what is currently running off of the property, so they will have to treat any storm water on site, and those are reviewed by their professional engineers at the time of construction plans, if this were to be approved.

Ms. Dundon asked if there will be a traffic light on the ingress and egress on Tyler Drive.

Ms. Milligan stated there is not one now and that NDOT has a requirement for a limited multimodal transportation analysis for this at a later stage, but that will be generally focused on pedestrian activity. She said there has to be warrant for traffic signalization and it is unlikely this would generate traffic to warrant a traffic signal.

Ms. Dundon asked if there is a flashing school zone signal in that area.

Ms. Milligan stated she does not know the answer but can find the answer quickly.

Chair Adkins said the audience is saying that yes, there is a flashing school zone signal in that area.

Mr. Clifton said this is already there and already approved and the neighbors are thinking it is going to be more actual units and asked if he is right.

Ms. Kempf advised all land is entitled a certain zoning and that zoning confers use, number of units and things like that. In this case, there was a PUD (Planned Unit Development) that has been approved already and they want to change the configuration to address a driveway issue, but there are no more units and the density is not more than what is already approved.

Mr. Clifton said it could make it easier to build it out but it does not change what is allowed already.

Ms. Milligan agreed and stated is does not. She explained there is a bit on an odd requirement for Planned Unit Developments regarding access. If this plan were to come in with this exact layout of townhome units with the driveway shown exactly where it had been shown on the approved Planned Unit Development plan, it could be an administrative approval. The zoning code says if you are taking access for a PUD from a road that was not originally approved for an access, then it has to be an amendment, and that is why this is an amendment. The original approval had the driveway on Eva, not Tyler, and shifting the driveway is the factor that is requiring this.

**Mr. Smith moved and Councilmember Gamble seconded the motion to approve with conditions and disapprove without all conditions. (9-0)**

**Resolution No. RS2024-26**

“BE IT RESOLVED by The Metropolitan Planning Commission that 95P-004-001 is approved with conditions and disapproved without all conditions. (9-0)

**CONDITIONS**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**18. 2024Z-007PR-001**

Council District 17 (Terry Vo)

Staff Reviewer: Dustin Shane

A request to rezone from R6-A to RM20-A-NS zoning for properties located at 75, 77 and 79 Robertson Street, approximately 111 feet east of Fairfield Ave. (0.33 acres), requested by Warren A. Sawyers Living Trust, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from One and Two-Family Residential-Alternative (R6-A) to Multi-Family Residential-Alternative-No Short Term Rental (RM20-A-NS) zoning for properties located at 75, 77 and 79 Robertson Street, approximately 111 feet east of Fairfield Avenue (0.33 acres).

**Existing Zoning**

One and Two-Family Residential-Alternative (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A may permit a maximum of 2 lots with 2 duplex lots for a total of 4 units. Metro Codes provides final determinations on duplex eligibility. Application of Metro’s Subdivision Regulations may result in fewer units at this site.*

**Proposed Zoning**

Multi-Family Residential-Alternative-No Short Term Rental (RM20-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A-NS may permit a maximum of 7 units. Short term rental properties are prohibited.*

**SOUTH NASHVILLE COMMUNITY PLAN**

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

**ANALYSIS**

The application consists of three parcels (Map 093-16, Parcels 425-427) totaling 0.33 acres in size located along the southern boundary of Robertson Street, 111 feet east of Fairfield Avenue, in the Napier neighborhood. Across Robertson Street to the north is Napier Park and Napier Elementary, zoned R6-A. Along the adjacent block face to the east and west are single-family homes, duplexes, and vacant residential land also zoned R6-A. Across the alley to the south is a distribution warehouse zoned IWD.

The application proposes to rezone the property from R6-A to RM20–A–NS. The application initially requested RM20 zoning but was amended in line with staff comments based on the surrounding context. The working alley in the rear necessitated the Alternative district guidelines, which ensure good urban design that utilizes the alley while the -NS district preserves the proposed units as housing rather than short-term rentals.

The property is within the T4 Urban Neighborhood Evolving (T4 NE) policy area. T4 NE policy is intended to enhance urban neighborhoods with higher densities and/or smaller lot sizes and an integrated mixture of housing types that provide greater housing choice. The CCM lists RM20–A, which could permit up to seven units (20 units per acre), as an appropriate zoning under T4 NE policy. One of the stated goals of the policy is to create neighborhoods that feature moderate to high-density residential buildings with minimal spacing. RM20–A–NS would support this intent to a greater degree than the existing R6-A zoning.

The rezoning request is further supported by the fact that this property is a brief walk’s distance from the Murfreesboro Pike (Route 55) WeGo BRT line to the south, one of the highest ridership lines in the state. Allowing more density at this location within close proximity to transit will channel density toward centers and multi-modal corridors in accordance with the guidance of the General Plan. For these reasons, staff recommends approval of the rezoning.

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)	0.33	7.26 D	4 U	54	8	5

\*Based on two-family lots



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	0.33	20 D	7 U	36	3	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-18	-5	-2

**METRO SCHOOL BOARD REPORT**

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

Projected student generation proposed RM20-A-NS district: 1 Elementary 0 Middle 0 High

The proposed RM20-A-NS zoning is expected to generate 1 more student. Students would attend Napier Elementary School, Two Rivers Middle School, and McGavock High School. All three schools are identified as having additional capacity for students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. (9-0)**

**Resolution No. RS2024-27**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-007PR-001 is approved. (9-0)

**19. 2024Z-017PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Dustin Shane

A request to rezone from R8 to RM15 zoning for properties at 2937 and 2939 Brick Church Pike, approximately 328 feet northeast of Brick Church Park Drive (4.24 acres), requested by Awake Nashville, applicant and owner.

**Staff Recommendation: Approve and direct staff to prepare a community plan amendment.**

**APPLICANT REQUEST**

**Zone change from R8 to RM15.**

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Multi-Family Residential (RM15) zoning for properties at 2937 and 2939 Brick Church Pike, approximately 328 feet northeast of Brick Church Park Drive (4.24 acres).

**Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 may permit a maximum of 20 lots with 5 duplex lots for a total of 25 units. Metro Codes provides final determinations on duplex eligibility. Application of Metro’s Subdivision Regulations may result in fewer units at this site.*

**Proposed Zoning**

Multi-Family Residential (RM15) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. *RM15 would permit a maximum of 64 units.*

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

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

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 site is located on the east side of Brick Church Pike. The site consists of two parcels (Map 060, Parcels 034 and 035) that are currently classified as vacant residential land that Metro Government has deeded to Awake Nashville, a nonprofit specializing in affordable housing. The site is partially wooded with a few slopes in the rear. Surrounding uses include vacant industrial land, open industrial storage, multi-family, light manufacturing, vacant commercial land, and a warehouse, all zoned IWD.

The application proposes to rezone the properties from R8 to RM15. The property is within the Civic (CI) policy area. The primary intent of CI policy is to preserve and enhance existing publicly owned properties that are used for civic purposes so that they can continue to serve public purposes over time, even if the specific public purposes they serve or the manner in which they serve them change.

The secondary intent of CI policy is to provide guidance for rezoning of sites if it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public. That is the case in this situation. This property is already zoned for residential uses and there is multi-family development adjacent to the north, so rezoning at this location to allow a greater mix of housing types can support crucial affordable housing provision in this area of the county near Nashville’s core.

To reflect the reality of the development trajectory for this area and the public purposes envisioned, staff should prepare a community plan amendment for this property and several surrounding properties that reflects the existing and desired character. Staff recommends approval of the rezoning and the preparation of a community plan amendment by staff that will be considered by the Planning Commission at a future date.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
One and Two-Family Residential* (210)	4.24	6.60 D	28 U	322	25	30

\*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (221)	4.24	15 D	64 U	347	22	29

Traffic changes between maximum: **R8 and RM15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+25	-3	-1

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing R8 district: 3 Elementary 2 Middle 2 High**

**Projected student generation proposed RM15 district: 17 Elementary 6 Middle 7 High**

The proposed RM15 zoning is expected to generate 23 more students. Students would attend Alex Green Elementary School, Brick Church College Prep Middle School, and Whites Creek High School. All three schools are

identified as having capacity for additional students. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval and preparation of a community plan amendment.

Mr. Shane presented the staff recommendation to approve and direct staff to prepare a community plan amendment.

Councilmember Toombs spoke in favor of the application.

Female applicant, no name or address given, stated she is the co-founder of Awake Nashville. She spoke in favor of the application.

Female applicant, no name or address given, founder and CEO of Awake Nashville, spoke in favor of the application.

Mike Rippetoe, 3564 Brick Church Pike, spoke in opposition to the application.

Female applicant, no name or address given, spoke in rebuttal. She asked the developer to speak about the topography of the site.

Brad Kessler, Legacy South, spoke in favor of the application.

Councilmember Toombs spoke to the services in the area.

**Vice Chair Closed the Public Hearing.**

Ms. Leslie said this is an excellent idea as senior housing is needed.

Mr. Marshall asked what the community plan amendment entails.

Ms. Milligan responded that whenever property is or formerly owned by Metro, it is put in a policy of Civic, which is in recognition of Metro ownership of the property. There is language in the policy regarding if property is conveyed to a private owner, like in this case, the policy needs to be updated. Staff has recommended that the Commission approve this zoning and then direct Planning staff to look at the policy for these properties, and also to the properties to the north, so that the policy can be reflective of the multifamily development that is currently happening on that side.

Councilmember Gamble stated she understands the concerns regarding access to public transit and grocery stores and the topography concern. She said the fact this is a Barnes fund project that is supporting the development and the idea this is a senior community and not a lot of walking, and that there is a community center and supportive services on site, and connecting with access ride and senior ride, addresses the concerns of mobility.

Vice Chair Farr said since there is now the housing division within Planning, asked if they are talking about trying to make sure this property is zoned correctly before it is given to the non-profits. She asked if they do a suitability analysis to make sure the land they are granting is appropriate for housing.

Ms. Milligan said Hannah Davis, from their housing team, provided her with information to share. She advised any time there is surplus property, like these, where Metro decides they are going to dispose of the property, they are awarded through a competitive process which includes multiple reviewers analyzing plans that are proposed for feasibility and to look at long term support of the residents. This property has been through two processes; conveyance of the property and also the rewarding of Barnes funding. They look at zoning on the front end to make sure projects applying for Barnes funding have the zoning in place to achieve the projects for which they are applying.

**Vice Chair Farr moved and Mr. Marshall seconded the motion to approve and direct staff to prepare a community plan amendment. (9-0)**

**Resolution No. RS2024-28**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-017PR-001 is approved and direct staff to prepare a community plan amendment. (9-0)

**H: OTHER BUSINESS**

20. Correction Memo for Case 2023CP-005-002

**Resolution No. RS2024-29**

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

21. New Employment Contract for Harriet McSurdy, Swathi Suvarna & Jonathan Russell  
**Resolution No. RS2024-30**

"BE IT RESOLVED by The Metropolitan Planning Commission that the New Employment Contract for Harriet McSurdy, Swathi Suvarna & Jonathan Russell is approved. (9-0)

22. Historic Zoning Commission Report
23. Board of Parks and Recreation Report
24. Executive Committee Report
25. Accept the Director's Report and Approve Administrative Items  
**Resolution No. RS2024-31**

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

26. Legislative Update

## **I: MPC CALENDAR OF UPCOMING EVENTS**

**February 22, 2024**

MPC Meeting

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

**March 14, 2024**

MPC Meeting

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

## **J: ADJOURNMENT**

The meeting adjourned at 6:48 p.m.