



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: MDHA
From: Metropolitan Nashville Planning Department
Date: February 5, 2018
Re: Planning Commission Recommendation for PILOT Agreement

This memo fulfills the Planning Commission obligations as outlined in the MDHA Housing Tax Credit PILOT Program General Program Description which was attached as Exhibit A to BL2016-435. The memo consists of two parts.

PART I: RECOMMENDATION ON GENERAL PLAN CONSISTENCY

Project: **Biltmore Place II (320 feet east of Glastonbury Rd. on Massman Dr.)**
42 multi-family residential units - Awarded LIHTC (THDA)
All units proposed affordable to households earning below 60% AMI

Zoning: RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. This zoning district would permit a maximum of 42 multi-family residential units at this site.

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

T3 Suburban 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.

Major and Collector Street Plan: T3-R-CA2 (Suburban-Residential-Collector Avenue 2 Lane) The Major and Collector Street Plan (MCSP) calls for a planting strip 6 feet in width and a sidewalk 6 feet in width along Massman Drive adjacent to the proposed development.

Project Details: The project consists of 2, 3 and 4 bedroom multi-family residential units. Metro Zoning Code requires 63 parking spaces and the developer is providing a total of 80 parking spaces onsite including 4 ADA spaces. The 2.11 acre site is vacant and does have a line of mature vegetation along Massman Drive, most of which is proposed to be preserved. Internal sidewalks provide pedestrian access throughout the site.

Planning Department Analysis: Multi-family residential is an allowed use under the existing RM20 zoning. The T3 Suburban Neighborhood Maintenance policy supports the development of multi-family residential units within the context of the established pattern of development. The established pattern of development in this case consists primarily of multi-family residential development within the immediate area surrounding the site. This development will maintain the existing character of the neighborhood by providing a development consistent in design and layout with nearby existing multi-family residential developments. There is an existing MTA route along Massman Drive with an existing bus stop adjacent to the site which will provide site users with transportation choice. The sidewalk network within the immediate area is in need of improvement as sidewalks currently do not exist near the site along Massman Drive.

Board of Zoning Appeals: The applicant submitted a request to the Board of Zoning Appeals (BZA) for a sidewalk variance for sidewalks along Massman Drive which was heard on January 18, 2018. The Board of Zoning Appeals granted the sidewalk variance request under the condition the applicant make an in lieu of construction contribution for the required sidewalks.

Planning Determination: This proposed development will maintain the general character of the existing pattern of development which consists primarily of low to moderate density residential development. The project is consistent with the NashvilleNext adopted general plan and the community character policy for the area (T3 Suburban Neighborhood Maintenance).

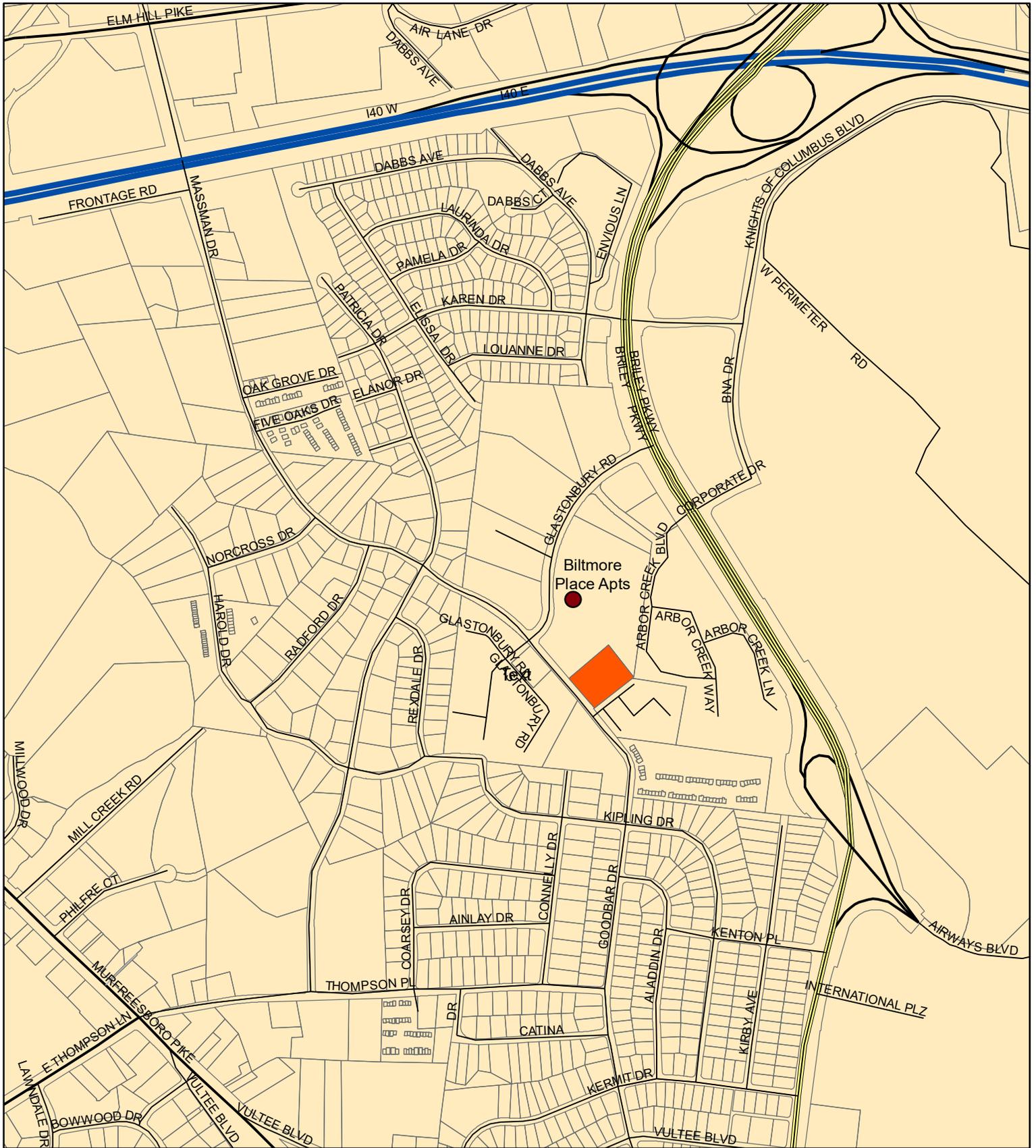
Conditions

1. Provide a sidewalk along the east side of the driveway that connects to the internal sidewalk network.
2. All internal sidewalks shall have a minimum width of 5 feet.

PART II: LIST OF FEDERALLY SUBSIDIZED MULTI-FAMILY PROPERTIES WITHIN THE CENSUS TRACT

See attached map.

Federally Subsidized Multi-Family Projects within Census Tract 047037015804



Low Income Tax Credit Project	# of Units
Biltmore Place Apts	176

- Low Income Tax Credit Project
- Parcel 10700018200
- Property with LIS
- Census Tract





Tennessee Housing Development Agency

Andrew Jackson Building Third Floor
502 Deaderick St., Nashville, TN 37243

Bill Haslam
Governor

Ralph M. Perrey
Executive Director

2017 LOW-INCOME HOUSING TAX CREDIT RESERVATION NOTICE

THDA BIN Number: **TN17-037**

The Tennessee Housing Development Agency ("THDA") hereby reserves competitive 2017 Low-Income Housing Tax Credit ("LIHTC") in the amount of **\$637,500** to **Highmark Biltmore Place II, L.P.** ("Owner") for **Biltmore Place Phase 2 Apartments** ("Development") located in **Davidson** County. This Reservation Notice is subject to Owner's full and timely compliance with the terms, conditions and requirements contained herein.

Owner shall furnish all information required by this Reservation Notice by the dates specified herein. THDA will not send reminders. This reservation of LIHTC reflected in this Reservation Notice is from the General Pool.

1. Owner must submit the following items no later than **October 9, 2017**:
 - A. This Reservation Notice, fully executed by Owner; and
 - B. Pursuant to Part XV-C of the 2017 QAP, a non-refundable Reservation Fee in the amount of **\$39,844** in the form of a check payable to THDA.
 - C. 2017 Carryover Application Phase II with all applicable documentation. Housing Credit Management System ("HCMS") data must be entered during the period from September 8, 2017, 12:00 AM Central Time through October 9, 2017, 11:59 PM Central Time.
 - D. Firm commitment letter(s) for construction financing, executed by all parties and otherwise in a form and with substance acceptable to THDA in its sole discretion.
 - E. Most recent utility allowance documents from USDA/RD, HUD, local PHA, or utility company indicating the basis for calculations of utility costs for the size and type of units proposed as indicated in the Initial Application.
 - F. IRS documentation reflecting Employer Identification Number for Owner. **This is the identification number THDA will use on the Carryover Allocation Agreement.**
2. Following full satisfaction of the requirements of this Reservation Notice and any other requirements THDA, in its sole discretion, deems necessary, a Carryover Allocation Agreement may be issued for Development. Additional Carryover Allocation Agreement requirements may apply as specified in Part X and Part XVI-B-1 of the 2017 QAP. Failure to fully satisfy the requirements of this Reservation Notice may result in cancellation of this Reservation Notice pursuant to Part IX-C-1 of the 2017 QAP.
3. By accepting this Reservation Notice, Owner understands and accepts the risk that the U.S. Department of Treasury or the Internal Revenue Service may change LIHTC requirements at any time and any such changes may negatively affect the Development and/or the LIHTC reserved hereunder. Owner further acknowledges that a tax advisor of Owner's choosing has been consulted as to any consequences related to the LIHTC, any changes thereto, or cost breakdowns per building.

4. Owner acknowledges and agrees that THDA shall have no liability for any adverse consequences to Owner if Owner chooses to proceed with Development based on this Reservation Notice. THDA shall evaluate Development prior to issuing IRS Form(s) 8609 and such evaluation may result in the denial of LIHTC or a reduction in the amount of LIHTC allocated to Development. Developments utilizing Rural Development, HUD, or other financing or credit enhancements are subject to review and recommendations by such provider and the LIHTC reservation hereunder is subject to satisfying all recommendations or issues identified by such provider.

Executed this 8th day of September, 2017

BY: Donna Duarte
Donna Duarte
Director of Multifamily Programs

Accepted this 6th day of October, 2017

Owner: Highmark Biltmore Place II, L.P.

By: Highmark BP II GP, LLC, Its sole general partner

Robert S. King
Robert S. King, managing member of Highmark BP II GP, LLC

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing
and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: Highmark Biltmore Place II, L.P.

Project Name: Biltmore Place Phase II

Location of the Project: 1136 Massman Drive, Nashville, TN 37217
Parcel Number: 10700018200

Name of the Federal Program to which the applicant is applying: 9% LIHTC

Name of Certifying Jurisdiction: MDHA

Certifying Official of the Jurisdiction Name: Angela C. Hubbard

Title: Director of Community Development

Signature: 

Date: 4/13/18