



METROPOLITAN PLANNING COMMISSION REVISED DRAFT MINUTES

January 11, 2024
4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Greg Adkins, Chair
Jessica Farr, Vice Chair
Edward Henley
Kathy Leslie
Dennie Marshall
Matt Smith
Brian Tibbs
Councilmember Jennifer Gamble

Staff Present:

Lucy Kempf, Executive Director
Todd Okolichany, Deputy Executive Director
Tara Ladd, Legal
Lisa Milligan, Assistant Director of Land Management
Amelia Lewis, Planner II
Logan Elliott, Planner II
Donald Anthony, Planner II
Celina Konigstein, Planner I

Commissioners Absent:

Stewart Clifton

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
800 President Ronald Reagan Way, P.O. Box 196300 Nashville, TN 37219-6300
p: (615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of 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 3pm 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

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.



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Randi Semrick, ADA Compliance Coordinator, at (615) 880-7230 or e-mail her at randi.semrick@nashville.gov. For Title VI inquiries, contact Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

MEETING AGENDA

A: CALL TO ORDER

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

B: ADOPTION OF AGENDA

Mr. Tibbs moved and Mr. Smith seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF DECEMBER 14, 2023 MINUTES

Mr. Henley moved and Councilmember Gamble seconded the motion to approve the meeting minutes of December 14, 2023. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

Vice Chair Farr joined the meeting.

Councilmember Spain spoke in favor of Item 21.

Councilmember Toombs spoke in favor of Items 10, 11, 22 and 24.

Councilmember Gadd spoke in favor of Item 3.

E: ITEMS FOR DEFERRAL / WITHDRAWAL 1, 4, 5, 6, 8, 12, 13, 14, 18, 23

Mr. Tibbs moved and Ms. Leslie seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

F: CONSENT AGENDA ITEMS 26, 30

Vice Chair Farr moved and Mr. Henley seconded the motion to approve the Consent Agenda. (8-0)

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

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

G: ITEMS TO BE CONSIDERED

1. 2023CP-008-003

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 19 (Jacob Kupin)

Staff Reviewer: Cory Clark

A request to amend the North Nashville Community Plan to remove the supplemental policy on property located at Pearl Street (unnumbered), approximately 220 feet northwest of Charlotte Avenue, zoned SP (0.76 acres), requested by Hawkins Partners, Inc.; applicant; Pearl Street Apartments, LLC, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred 2023CP-008-003 indefinitely. (8-0)

2. 2023SP-020-001

SOLLEY DRIVE

Council District 07 (Emily Benedict)

Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to SP on property located at 1009 Solley Drive, west of the corner of Gallatin Pike and Solley Drive (2.31 acres), to permit 24 multi-family residential units, requested by Lose Design, applicant; Chris Harris, owner.

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

APPLICANT REQUEST

SP to permit 24 multi-family residential units.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan (SP) on property located at 1009 Solley Drive, west of the corner of Gallatin Pike and Solley Drive (2.31 acres), to permit 24 multi-family residential units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 13 residential units, based on the acreage only.*

Proposed Zoning

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

SITE CONTEXT AND PLAN DETAILS

The approximately 2.31 (100,623 sq. ft.) subject site is located on the north side of Solley Drive, approximately 150 feet west of Gallatin Pike. The site is vacant and consist of mostly open field. Metro records identify adjacent land uses as single-family, retail, general office, medical office, small service shop (tombstone manufacture) and church. There is also an electric substation on the opposite side of Solley Drive. Adjacent zoning includes RS7.5 and MUL-A. An Urban Design Overlay (UDO) applies to properties along Gallatin Pike.

Site Plan

The plan includes 24 multi-family residential units with a density of approximately ten units an acre. Eight units are oriented to Solley Drive. The remaining 16 units front internal drives or open space. Units oriented to Solley Drive are limited to a maximum height of 35 feet. All other units are limited to a maximum of 40 feet. Access is provided from Solley Drive by a single private drive The plan includes a five-foot sidewalk and four-foot grass strip along Solley Drive. An internal sidewalk system connects all units to the proposed public sidewalk along Solley Drive. Surface and one and two car garages provide all required parking.

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.

ANALYSIS

Staff finds that the proposed SP is consistent with the T4 NM land use policy due to the site's location and project design. The northern and eastern site boundaries are flanked by properties that front Gallatin Pike. These properties are currently developed with nonresidential uses, zoned for mixed-use (MUL-A) and the land use policy is Urban Community Center (T4 CC). The MUL-A zoning district permits a wide variety of moderate intensity nonresidential and residential uses. The vacant site sits within an appropriate transition zone between Gallatin Pike and the established single-family neighborhood west of the site. The plan provides an appropriate stepdown in intensity from the properties along Gallatin Pike to the west, and the proposed layout and requirements adequately maintain some characteristics of the existing neighborhood in terms of massing and spacing along Solley Drive.

Additionally, Gallatin Pike was identified as an Immediate Need High-Capacity Transit Corridor by NashvilleNext, recognizing its importance in the existing transit network. The property was included in a Transition area in the Growth and Preservation Concept Map because of its proximity to Gallatin Pike. Transition areas are appropriate for

additional housing. Additional density within close proximity of the bus route may increase ridership, supporting public transit.

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approved as a Preliminary SP only. Public and/or private Sanitary Sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% Sewer Capacity must be paid before issuance of building permits. See sewer capacity fee Permit number T2022084740. Water provided by the Madison Suburban Utility District.

NASHVILLE DOT RECOMMENDATION

Approved 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. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Provide a dumpster onsite for disposal. Additional 1-1/2' mill and overlay may be required to cover full extents of utility work in public ROW. (cont.) Extents to be coordinated in field with NDOT inspector.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Tandem parking shall be prohibited for units 14 & 15 as to not restrict the ability to access either unit.
- If it is determined feasible by NDOT, the applicant shall install a pedestrian landing with detectable warning mat(s) on the Northwest Corner of the Solley Drive & Gallatin Pike intersection. If feasible, these improvements are to be installed with the construction of this development and shall be completed prior to the issuance of a Use and Occupancy Permit. Further coordination with NDOT will be required at Final SP.
- Comply with NDOT Roads Conditions.
- The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Single-Family Residential (210) | 2.31 | 4.94 D | 13 U | 136 | 12 | 13 |

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 (220) | - | - | 24 U | 198 | 14 | 19 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | +11 U | +62 | +2 | +6 |

METRO SCHOOL BOARD REPORT

**Projected student generation existing RS7.5 districts: 1 Elementary 1 Middle 1 High
Projected student generation proposed SP district: 4 Elementary 2 Middle 2 High**

The proposed SP zoning district is expected to generate five more students than the existing RS7.5 zoning district. Students would attend Hattie Cotton Elementary, 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 Utilization Report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to a maximum of 24 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro Reviewing Agencies.
3. On the final site plan, patios for units 7-9 shall not be enclosed or covered.
4. An access easement from Solley Drive to the adjacent parcel to the west may be required across all private drives. The easement will be evaluated with any final site plan.
5. No master permit/HPR shall be recorded prior to final SP approval.
6. Final plat may be required prior to permitting.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM15-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. The final 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 the required grass strip or frontage zone.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. 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 of any building permits.

Approve with conditions and disapprove without all conditions. (8-0)

Resolution No. RS2024-1

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-020-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to a maximum of 24 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.
2. Comply with all conditions and requirements of Metro Reviewing Agencies.
3. On the final site plan, patios for units 7-9 shall not be enclosed or covered.
4. An access easement from Solley Drive to the adjacent parcel to the west may be required across all private drives. The easement will be evaluated with any final site plan.
5. No master permit/HPR shall be recorded prior to final SP approval.
6. Final plat may be required prior to permitting.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with the final site plan application.
8. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the RM15-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. The final 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 the required grass strip or frontage zone.

10. 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.

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

12. 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 of any building permits.

3 2023SP-054-001

CHARLOTTE PIKE MIXED USE

Council District 24 (Brenda Gadd)

Staff Reviewer: Donald Anthony

A request to rezone from IR to SP zoning for properties located at 3900, 3906, and 3914 Charlotte Avenue, 3905, 3907, 3909, 3911, 3913, and 3915 Alabama Avenue, 411 39th Ave. N., and 406 40th Ave. N., at the northwest corner of Charlotte Avenue and 39th Ave N (2.7 acres), to permit a mixed use development with 249 multi-family residential units, requested by Thomas & Hutton, applicant; Zary & Mohammad Rahimi, 3905 Alabama Ave, LLC, and The Ragan Family Revocable Living Trust, owners.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) to Specific Plan (SP) for properties located at 3900, 3906, and 3914 Charlotte Avenue, 3905, 3907, 3909, 3911, 3913, and 3915 Alabama Avenue, 411 39th Avenue North, and 406 40th Avenue North, at the northwest corner of Charlotte Avenue and 39th Avenue North (2.7 acres), to permit a mixed use development with 249 multi-family residential units.

Existing Zoning

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

Proposed Zoning

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

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

SUPPLEMENTAL POLICY

The site is located in the Charlotte Avenue Corridor Study supplemental policy area. The site lies within subdistrict 5, the Industrial Heritage Character Area, which is characterized as paying homage to its industrial roots through adaptive reuse of quality historic buildings and redevelopment of a similar character. The supplemental policy restricts height to four stories; up to six stories are permitted beyond 150 feet north of Charlotte Avenue with provision for publicly accessible open space or adaptive reuse. Additionally, the policy supports mixed use buildings with residential or office on upper floors and ground floor commercial uses. The policy emphasizes preservation of existing structures where possible; the scale, massing, and street orientation of infill and redevelopment should be compatible with the surroundings.

SITE CONTEXT

The preliminary SP application is for eleven parcels totaling 2.7 acres, bounded by Charlotte Avenue on the south, Alabama Avenue on the north, 39th Avenue North on the east, and 40th Avenue North on the west. The subject site is sloped; the west side of the property has an elevation approximately 20 feet higher than that of the east side. All parcels on the site are currently zoned IR and are in the Urban Zoning Overlay. A variety of commercial uses—including auto-oriented uses—are present on the site. Adjacent zoning includes: IR on the north and east; CS and SP on the south; and SP and IR on the west. Adjacent land uses include: commercial and multi-family residential on the north; commercial on the east; commercial and residential on the south; and commercial and mixed use (under construction) on the west.

PLAN DETAILS

The preliminary SP is for a mixed use building with frontage on Charlotte Avenue, Alabama Avenue, 39th Avenue North, and 40th Avenue North. The proposed building would include approximately 42,000 square feet of commercial use (identified on the plan as a grocery store), 249 multi-family residential units, and a five-level internal parking garage.

Site Layout

The site is surrounded by public right-of-way on all four sides. The proposed building would be oriented primarily toward Charlotte Avenue on the south and 40th Avenue North on the west. The proposed commercial anchor, a grocery store, would have its primary entrance near the corner of Charlotte Avenue and 40th Avenue North. The entrance would be recessed to accommodate an open space area with plantings and outdoor furnishings such as benches. Other open space areas would be located along the eastern side of the site; the SP application packet indicates that meandering sidewalks, raised boardwalks, and dog park could be incorporated into these open spaces. Open space would make up ten percent of the site.

The proposed building would be built to the back edge of the sidewalk on Charlotte Avenue, 40th Avenue North, and Alabama Avenue; sidewalks and landscape strips would be incorporated on all four streets. The plan shows approximately 12 feet of right-of-way dedication on Charlotte Avenue. Street trees would be planted along all four adjacent public streets. The proposed floor area ratio is 2.84, and the proposed impervious surface ratio is 0.90.

Parking and Access

The proposed internal parking garage would be accessed from multiple points along Alabama Avenue on the northern side of the site. Customer parking for the grocery store, residential parking, and the loading area for the grocery store would all have separate garage access points. The proposed four-story garage would be located internally to the building and would include 446 vehicular parking spaces. Additionally, the SP application indicates that 50 bicycle parking spaces would be provided on the site.

The site is currently served by WeGo route 50, which runs east-west along the Charlotte Avenue corridor. An existing bus stop is located at the northeastern corner of Charlotte Avenue and 39th Avenue North, adjacent to the subject site. An existing bus shelter is located along the southern side of Charlotte Avenue, approximately 350 feet southwest of the subject site.

Building Design and Height

The building elevations included in the SP application show a mix of building materials including brick, limestone, and cementitious siding. Glazing would constitute at least 20 percent of all four facades and would be most prominent on the ground floors on Charlotte Avenue and 40th Avenue North. The proposed parking garage would not be visible from public right-of-way, except on Alabama Avenue, where garage entrances would be located. Service areas would be situated on the eastern side of the building, adjacent to 39th Avenue North; all ground-mounted service structures would be screened per the Zoning Code. To soften the appearance of the western side of the building, the application proposes placing open space between the building and the street and incorporating decorative features such as a mural and spandrel glass.

The proposed maximum building height is six stories in approximately 95 feet. Consistent with the supplemental policy, the building would have a height of four stories along Charlotte Avenue to a minimum depth of 150 feet. Beyond 150 feet, building height would increase to six stories. Note that a combination of grade change and a first floor height of 30 feet may make the building appear higher than six stories.

The following images show proposed building elevations from each of the four adjacent public rights-of-way.

ANALYSIS

The site is subject to both a character policy and a supplemental policy. The applicable character policy is T4 Urban Mixed Use Corridor (T4 CM). The applicable supplemental policy is the Charlotte Avenue Corridor Study, Subdistrict 5, Industrial Heritage Character Area.

Consistency with T4 CM Policy

The T4 CM policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher-density residential and mixed use development. The policy prioritizes mixed use and commercial development at intersections and residential development between intersections. Multi-modal transportation, high levels of pedestrian and vehicular connectivity, shallow setbacks, and structured and rear-of-building parking are emphasized in T4 CM policy areas.

Buildings in the T4 CM policy area are generally three to five stories in height, though greater height may be permitted at major intersections, in tiered centers, and along priority corridors. First floor tenant spaces typically do not exceed 10,000 square feet, though additional square footage may be warranted when certain standards are met. These standards include: strong façade articulation; parking that breaks up large expanses of pavement and encourages safe pedestrian and vehicular movement; the use of smaller buildings to frame larger buildings and create a town center environment; and the incorporation of usable, inviting open space into the development.

A mix of commercial and residential land uses is included in the proposed SP. A grocery store would be the development's commercial component, while the residential component would consist of 249-unit multi-family residential units. The proposed density of 92 residential units per acre is consistent with the T4 CM policy guidance. Likewise, the placement of the commercial component at the intersection of Charlotte Avenue and 40th Avenue North is consistent with the policy.

The proposed SP adheres to the Major and Collector Street Plan by including broad sidewalks along both Charlotte Avenue and 40th Avenue North. Both a crosswalk across 40th Avenue North and a bicycle lane on 39th Avenue North are shown on the plan. The proposed improvements to pedestrian and bicycle infrastructure along with the close proximity to a bus route and bus stops are consistent with the T4 CM policy's emphases on multi-modal transportation and connectivity.

The proposed building would be built to the back edge of the sidewalk on Charlotte Avenue, 40th Avenue North, and Alabama Avenue. Parking would be available in a parking structure, which would be located internally to the building. The proposed building placement, building orientation, and parking location are consistent with the T4 CM policy. The proposed height of six stories in 91 feet appears to satisfy the T4 CM policy's guidance for buildings exceeding five stories. The site is located at a major intersection, within a third tier center, and along a priority corridor. Additionally, the building incorporates a wide stepback from four to six stories, the site has quick access to public transit, and the site has topographical challenges due to an approximate 20-foot grade change.

The proposed 41,950 square foot grocery store exceeds the T4 CM policy's 10,000 square foot maximum for individual first floor tenant spaces. As previously noted, the policy makes exceptions for exceptional development design that meets certain standards. The proposed SP appears to satisfy multiple standards by incorporating strong façade articulation, placing parking in a manner that supports safe pedestrian and vehicular movement, and providing publicly-accessible, usable, and inviting open spaces.

Consistency with Charlotte Avenue Corridor Study

The site is located in Subdistrict 5, Industrial Heritage Character Area, of the Charlotte Avenue Corridor Study area. This supplemental policy emphasizes character and design, mobility, and open space. The policy supports mixed use buildings with residential or office on upper floors and commercial uses on the ground floor and emphasizes compatible infill development. The policy restricts building height to four stories along the Charlotte Avenue corridor with an allowance of up to six stories beyond 150 feet north of Charlotte Avenue. To qualify for the six story allowance, a development should designate a minimum of ten percent of the site as publicly-accessible open space.

The proposed SP includes a building height of four stories along the Charlotte Avenue frontage. Consistent with the supplemental policy, the plan shows a height of six stories beyond 150 feet north of Charlotte Avenue. To qualify for the additional height, the plan includes three open space areas, which constitute approximately ten percent of the entire site. As shown on the plan, the open spaces will be publicly-accessible and will include amenities such as plantings, benches, sidewalks, and boardwalks.

Because the proposed SP is consistent with the T4 CM policy and the Charlotte Avenue Corridor Study, staff recommends approval with conditions and disapproval without all conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Limited building details provided for review.

STORMWATER RECOMMENDATION

Approve with conditions

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

METRO WATER SERVICES RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Generally with a final: Callout the following per NDOT ST- detail sections: access and ADA ramps, sidewalks, curb & gutter. All ROW frontages shall adhere to the Major Collector Street Plan(MCSP). Dedicate ROW along all frontages to accommodate MCSP requirements. Provide call outs on final site plan for MCSP requirements. Show 'Now Entering Private Drive' signage where applicable off public roads into site. Provide internal stop control at private or public intersections. Where there may be potential vehicular or pedestrian sight distance issues, provide stopping sight distance exhibits at any relevant intersections and accesses. Provide adequate sight distance spacing at all access ramps and public streets with on-street parking. Dimension ROW pavement widths for clarity. Provide a loading/unloading and waste plan for each aspect/phase of the total development. Provide any truck turning movements relevant to loading/unloading waste plan activities.
- Due to longevity of departmental review process (including council readings) for Mandatory referral applications of encroachments and/or abandonments, applications should be submitted concurrently with (or before) the final SP.
- Note: A private hauler will be required for site waste/recycle disposal.
- Comply w/ NDOT traffic comments.
- Case specific approval conditions: Be aware that any additional easements needed to accommodate semi-truck turning movements for unloading/unloading off Alabama will be required for final approval. Additional paving within Alabama ROW may also be required (shown on final) to accommodate semi-truck turning movements for loading/unloading events off Alabama ROW.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- The current parking total exceeds the amount of spaces permitted within the UZO by metro code. A parking study shall be submitted at Final SP to justify the necessity for the additional spaces. If the submitted parking study is not approved by NDOT or Planning, the parking for this development shall be limited to the UZO parking maximums outlined in the metro code.
- Per the MCSP the 40th Ave pavement shall include; three 10' travel lanes, a 2' bike buffer, and a 6' bike lane (gutter plan included). Dedicated ride-share spaces along the frontage of 40th Ave will not be permitted. The MCSP requirements shall be met on all public road frontages.
- All driveway ramps, with exception to the loading access, shall not exceed 35' in width. Special exceptions maybe granted for the loading access with giving that the truck turning exhibit supports the proposed access width.
- The abandonment of Alley 934 will require a mandatory referral.
- Comply with NDOT Roads comments.
- Per review of the TIS:
 - At the intersection of Charlotte Pike & 40th Ave N/Sylvan Heights Way, extend the SB Left-turn lane to 250ft of storage. Restripe the deficient cross-walks on the Northern and Southern legs of the intersection of Charlotte Pike & 40th Ave N/Sylvan Heights Way.
 - Install a cross-walk on the SB approach at the intersection of 39th Ave N & Charlotte Pike (Northern Leg) and the NB approach (southern Leg), ped ramps and warning mats shall also be included.
 - Install the appropriate pedestrian infrastructure for the sidewalks at the existing railroad crossing on Charlotte Pike.
 - Provide an enhanced pedestrian crossing at the mid-point between the 39th Ave N & Charlotte Pike intersections, or other appropriate location, to improve the pedestrian access to the transit stops. The enhanced pedestrian crossing may include but is not limited to, a hybrid beacon, a refuge island, and MUTCD signage & pavement markings. Coordinate with NDOT and WeGo on any transit improvements to accommodate the enhanced pedestrian crossing in this area.
- Prior to building permit approval, the applicant's traffic engineer shall submit a Traffic Demand Management plan to NDOT for the future residents of this development. Further coordination with NDOT's TDM coordinator (Meghan.Mathson@nashville.gov) will be required.
- The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Warehousing (150) | 2.7 | 0.6 F | 70,567 SF | 157 | 12 | 14 |

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) | - | - | 249 U | 1,355 | 84 | 106 |

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 |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Supermarket (850) | - | - | 41,950 SF | 4,186 | 160 | 408 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +5,384 | +232 | +500 |

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP district: 9 Elementary 4 Middle 5 High

The proposed SP zoning district is anticipated to generate 18 more students than what would be generated under the current IR zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools are identified as being exceedingly under capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses permitted in the MUL-A-NS zoning district, 249 multi-family residential units, and other uses identified on the preliminary SP. Live/work use shall be limited to 6 of the 249 multi-family units and shall be located along 40th Avenue North frontage as shown on the floor plan exhibit included in the preliminary SP. Short-term rental property, owner-occupied and non-owner occupied, shall be prohibited in the entire SP.
2. On corrected copy, clearly define the use "live/work unit" and provide proposed standards for this use.
3. Mandatory referral for alley abandonment shall be approved prior to approval of Final SP.
4. With Final SP submittal, clearly indicate the location(s) of bicycle parking spaces, including all publicly-accessible spaces (25 percent of all bicycle spaces).
5. On the corrected copy, add the following note: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed elevations included with the preliminary SP.
6. On corrected copy, revise note 3 on cover sheet to indicate that landscaping shall be provided per Metro Zoning Code.
7. Parking calculations shall be reviewed with Final SP submittal and shall meet Zoning Code standards. Parking shall not exceed the UZO maximum unless a study is submitted and approved by NDOT and Planning.
8. On the corrected copy, add the following to the maximum building height: 4 stories within the first 150 feet of Charlotte Pike, and 6 stories beyond 150 feet of Charlotte Pike with the provision of open space.
9. On corrected copy, provide revised elevations and revised site plan that clearly show where the transition from four to six stories occurs. Height transition shall be consistent with Charlotte Avenue Corridor Study height standards.
10. No master permit/HPR shall be recorded prior to final SP approval.
11. Final plat may be required prior to permitting.

12. Comply with all conditions and requirements of Metro reviewing agencies.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
15. 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
16. Revise note 10 on the cover sheet to the following: The final 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 the required grass strip or frontage zone.
17. 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.
18. 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.
19. 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. (8-0)

Resolution No. RS2024-2

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023SP-054-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to all uses permitted in the MUL-A-NS zoning district, 249 multi-family residential units, and other uses identified on the preliminary SP. Live/work use shall be limited to 6 of the 249 multi-family units and shall be located along 40th Avenue North frontage as shown on the floor plan exhibit included in the preliminary SP. Short-term rental property, owner-occupied and non-owner occupied, shall be prohibited in the entire SP.
2. On corrected copy, clearly define the use "live/work unit" and provide proposed standards for this use.
3. Mandatory referral for alley abandonment shall be approved prior to approval of Final SP.
4. With Final SP submittal, clearly indicate the location(s) of bicycle parking spaces, including all publicly-accessible spaces (25 percent of all bicycle spaces).
5. On the corrected copy, add the following note: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed elevations included with the preliminary SP.
6. On corrected copy, revise note 3 on cover sheet to indicate that landscaping shall be provided per Metro Zoning Code.
7. Parking calculations shall be reviewed with Final SP submittal and shall meet Zoning Code standards. Parking shall not exceed the UZO maximum unless a study is submitted and approved by NDOT and Planning.
8. On the corrected copy, add the following to the maximum building height: 4 stories within the first 150 feet of Charlotte Pike, and 6 stories beyond 150 feet of Charlotte Pike with the provision of open space.
9. On corrected copy, provide revised elevations and revised site plan that clearly show where the transition from four to six stories occurs. Height transition shall be consistent with Charlotte Avenue Corridor Study height standards.
10. No master permit/HPR shall be recorded prior to final SP approval.
11. Final plat may be required prior to permitting.
12. Comply with all conditions and requirements of Metro reviewing agencies.
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. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
15. 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
16. Revise note 10 on the cover sheet to the following: The final 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 the required grass strip or frontage zone.

17. 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.

18. 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.

19. 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.

4 2023SP-086-001

THE COLLECTIVE

Council District 10 (Jennifer Webb)

Staff Reviewer: Logan Elliott

A request to rezone from R10 to SP zoning for property located at 252 Liberty Lane, approximately 530 feet north of Peoples 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 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023SP-086-001 to the February 8, 2024, Planning Commission meeting. (8-0)

5. 2023S-123-001

FRANKIE LEE MOORE

Council District 01 (Joy Kimbrough)

Staff Reviewer: Amelia Lewis

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: Defer to the February 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-123-001 to the February 8, 2024, Planning Commission meeting. (8-0)

6. 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 a portion of property located at 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 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023S-197-001 to the February 8, 2024, Planning Commission meeting. (8-0)

7. 2023Z-111PR-001

Council District 14 (Jordan Huffman)

Staff Reviewer: Logan Elliott

A request to rezone 1.77 acres from AR2a to CS zoning and 0.07 acres from CS to AR2a on a portion of property located at 4000 Andrew Jackson Parkway, at the northwest corner of Andrew Jackson Parkway and Old Hickory Boulevard (1.84 acres being rezoned of 13.06 total acres), requested by Dale & Associates, applicant; Susan A. Basham, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to CS and from CS to AR2a.

Zone Change

A request to rezone 1.77 acres from Agricultural/Residential (AR2a) to Commercial Service (CS) zoning and 0.07 acres from Commercial Service (CS) to Agricultural/Residential (AR2a) on a portion of property located at 4000 Andrew Jackson Parkway, at the northwest corner of Andrew Jackson Parkway and Old Hickory Boulevard (1.84 acres being rezoned of 13.06 total 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 1 lot.*

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

Proposed 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 1 lot.*

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

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

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

SITE

The application consists of two separate areas to be rezoned within a single split-zoned parcel that comprises 13.06 total acres. The smaller area to be rezoned is approximately 0.07 acres and the application proposes to rezone from CS to AR2a. The larger area is approximately 1.77 acres and the application proposes to rezone from AR2a to CS. This would result in approximately 8.66 acres of the property zoned AR2a and 4.45 acres zoned CS. The parcel is located at the intersection of Old Hickory Boulevard and Andrew Jackson Parkway. This portion of Old Hickory Boulevard is classified as a Scenic Arterial Boulevard and this portion of Andrew Jackson Boulevard is classified as an Arterial Boulevard in the Major and Collector Street Plan.

The site is currently used as a golf range and the majority of the site has been disturbed for this land use. The site is bounded by an active railroad to the north and Dry Fork Creek to the east. Associated with Dry Fork Creek, floodway

and/or 100-year floodplain cover a majority of the site. The site is identified as a Second Tier Center in the NashvilleNext Growth and Preservation Plan.

The surrounding area primarily contains a mixture of commercial and non-residential land uses with some multi-family residential land uses nearby. The properties along this section of Old Hickory Boulevard are primarily commercial. As Andrew Jackson Parkway extends further out from the property, the character becomes residential. The majority of the property, approximately 10 acres, is within the CO policy area as a result of the floodplain on the northern portion of the site. The area proposed for CS zoning is entirely in CO policy. The remaining portion of the site proposed for AR2a zoning is within the T3 CC policy area.

HISTORY

A 3.24-acre portion of this site was rezoned in October 2020 from AR2a to CS. The majority of the area that was rezoned was outside of the floodplain and primarily within the T3 CC policy.

ANALYSIS

Staff previously published a disapproval recommendation at the December 14, 2023, Planning Commission agenda in response to the Conservation policy. After further consideration, staff finds the proposed CS zoning and AR2a zoning to be more consistent with the intent of the CO policy to remediate environmentally sensitive areas like the floodplain than the existing land use and development conditions on the site. The proposed zoning district would permit commercial development on the site limited to the CS zoned areas while the current land use disturbs the entire site and associated floodplain. The limited CS area could be developed and the Stormwater Management Manual permits the disturbance and manipulation of the floodplain boundary so long as the overall volume of floodplain is not reduced on the site, along with other requirements. Staff finds the proposed CS and AR2a zoning district to likely result in less overall disturbance of environmental features on the site and to otherwise be consistent with the T3 CC policy guidance to provide a suburban commercial center.

FIRE RECOMMENDATION
Approve

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| One and Two-Family Residential* (210) | 10.31 | 0.50 D | 10 U | 125 | 12 | 11 |

*Based on two-family lots

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) | 2.75 | 0.6 F | 71,874 SF | 2,713 | 68 | 273 |

Maximum Uses in Proposed 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) | 8.66 | 0.50 D | 8 U | 102 | 11 | 9 |

*Based on two-family lots

Maximum Uses in Proposed 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) | 4.45 | 0.6 F | 116,305 SF | 4,391 | 110 | 443 |

Traffic changes between maximum: **AR2a/CS and AR2a/CS**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +1,655 | +41 | +168 |

METRO SCHOOL BOARD REPORT

The proposed AR2a/CS zoning is not anticipated to generate any additional students than the existing AR2a/CS zoning district. Students would attend Dodson Elementary School, Dupont Tyler Middle School, and McGavock High School.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Elliott presented the staff recommendation to approve.

Roy Dale, Dale & Associates, spoke in favor of the application.

Steven Cisco, no address given, said he runs the driving range. He spoke in opposition to the application.

Sandy Cisco, no address given, said she and Steven run the driving range. She spoke in opposition to the application.

Roy Dale spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Vice Chair Farr said she struggles with the idea that a gas station is more consistent with the conservation policy than a driving range and is sympathetic to the owners of the driving range. She thought the driving range preserve needed recreational space in that area but does not have a reason to disapprove it based on the applicant's request.

Councilmember Gamble asked for an explanation on the initial recommendation and why it was changed based on the conservation policy.

Mr. Elliott responded staff published a disapproval recommendation on the December 14th agenda packet and after that was made the applicant reached out to staff to share additional information. He said, after that, it was deferred and they continued to have discussions with the applicant. Mr. Elliott explained they have now recommended approval based on that the proposal would likely result in the majority of the flood plane returning to its natural state, where it is currently not, and the disturbance would be more limited.

Mr. Henley asked if there is information relating to the plan return for the area to become more naturalized and how it will be mandated.

Mr. Elliott answered that because this is a straight rezone, the details are not worked out at this point. He said going forward with the redevelopment of the site, any grading permit application would be reviewed in process by the Storm Water Department and they would look for the flood plane to be treated as described in the manual.

Mr. Henley moved and Councilmember Gamble seconded the motion to approve. (7-1) Vice Chair Far voted against.

Resolution No. RS2024-3

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-111PR-001 is approved. (7-1)

8. 2023CP-003-005

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN AMEND

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Cory 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 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023CP-003-005 to the February 8, 2024, Planning Commission meeting. (8-0)

9a. 2024CP-000-001

MCSP Amendment (Harvest Grove Drive Extension Removal)

Council District 08 (Deonté Harrell)

Staff Reviewer: Jafar Ware

A request to amend the Major and Collector Street Plan to remove a portion of a future collector street on various properties located between Mt. View Road and the current terminus of Harvest Grove Drive, zoned AR2A, requested by Rhythm Development GP, applicant; various property owners. (See Associated Case 2023Z-110PR-001)

Staff Recommendation: Approve.

APPLICANT REQUEST

A request to amend a portion of the Major and Collector Street Plan.

MCSP Amendment

A request to amend the Major and Collector Street Plan to remove a portion of a future collector street on various properties located between Mt. View Road and the current terminus of Harvest Grove Drive, zoned Agricultural/Residential (AR2a).

BACKGROUND

NashvilleNext was adopted in June 2015, and the Update 2017 was adopted in August 2017. The Major and Collector Street Plan (MCSP) implements the NashvilleNext transportation element, known as the Access Nashville 2040 Transportation Plan ("Access Nashville"). This road was added with the readoption of the NashvilleNext Update on August 24, 2017.

Requested Amendment

The request is to remove a portion of a planned collector (Harvest Grove Drive Extension) from Mt. View Road, eastward and terminating at Harvest Grove Drive. *It is important to note that no changes are proposed to the overall structure of NashvilleNext with this MCSP amendment.*

COMMUNITY PARTICIPATION

On December 6, 2023, the applicant met with Councilmember Harrell and local residents. The meeting was held virtually and there were approximately 30 people on-line. The meeting was advertised via email, social media, and the council events website. This was a joint meeting to discuss both the MCSP amendment and the associated rezone at this site, case 2023Z-110PR-001. There was no opposition at this meeting from the community to remove this planned Collector.

ANTIOCH – PRIEST LAKE 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.

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

SITE AND CONTEXT

The 5.03-acre site (Map 164, Parcel 69) is located just east of Mt. View Road, an Arterial Boulevard, and west of the Townhomes of Bradburn Village. A single-family structure is currently situated on the site. The properties north of the site are zoned AR2A, with single family structures; to the west, the properties are zoned AR2A, RM9, and RM20, with a single-family structure occupying the parcel zoned AR2A, while the Cascades Apartments occupy the RM9 and RM20-zoned properties; to the south, the properties are zoned CS and SCC and are mixed with commercial and vacant uses; and the development to the east, zoned RM9, Townhomes of Bradburn Village, has included a south to north planned Collector which has not been constructed. East of the Townhomes of Bradburn Village, there are additional multi-family developments, all with private drives.

ANALYSIS

The application to amend the MCSP was filed for 5932 Mt View Road. Upon further review of the application and considering the surrounding context, Metro staff expanded the scope of the amendment area to consider additional properties that have previously developed. In particular, there are several larger sites to the east that have developed with multi-family residential uses served by a network of private drives. The feasibility of constructing a collector street through these properties would be very difficult, given the established built form.

While the Neighborhood Evolving policy calls for improved connectivity with public streets, the existing context of the built form makes achieving this goal through the MCSP not possible. In the future, the local street network on the east side of Mt View Road should be expanded and connected as possible with new development.

STAFF RECOMMENDATION

Staff recommends approval of the request to remove of portion of a planned Collector (Harvest Grove Drive Extension from Mt. View Road to Harvest Grove Drive) within the Major and Collector Street Plan, as referenced in the above exhibit.

Approve. (8-0)

Resolution No. RS2024-4

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024CP-000-001 is approved. (8-0)

9b. 2023Z-110PR-001

Council District 08 (Deonte Harrell)

Staff Reviewer: Celina Konigstein

A request to rezone from AR2a to RM9-NS zoning for property located at 5932 Mt. View Road, approximately 700 feet northeast of Murfreesboro Pike (5.03 acres), and located in the Murfreesboro Pike Urban Design Overlay, requested by Rhythm Development GP, applicant; Mohammad Reza Shams, owner. (See Associated Case 2024CP-000-001)

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from AR2a to RM9-NS.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Multi-Family Residential-No Short-Term Rental (RM9-NS) zoning for property located at 5932 Mt. View Road, approximately 700 feet northeast of Murfreesboro Pike (5.03 acres), and located in the Murfreesboro Pike Urban Design Overlay.

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 2 lots.

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

Proposed Zoning

Multi-Family Residential-No Short-Term Rental (RM9-NS) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. The – NS designation prohibits Short-Term Rental Property – Owner Occupied and Short-Term Rental Property – Not Owner Occupied uses from the district. RM9 would permit a maximum of 45 units based on acreage alone.

ANTIOCH – PRIEST LAKE NASHVILLE PLAN

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

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

ANALYSIS

The 5.03-acre site, located at 5932 Mt. View Road, is approximately 700 feet northeast of the intersection of Murfreesboro Pike and Mt. View Road. The site is accessible from Mt. View Road and there is one house on the property.

Surrounding land uses vary, including vacant parcels, single-family and multi-family residential, commercial, and institutional. The site is also within the Murfreesboro Pike Urban Design Overlay. Surrounding zoning districts include Agricultural/Residential (AR2a), Single-Family Residential (RS40), Multi-Family Residential (RM9 and RM20) and Commercial Service (CS).

T3 Suburban Neighborhood Evolving policy allows for increased levels of housing choice and a moderate increase in density while addressing aspects of active transportation. The proposed zoning district at this site, multi-family residential (RM9-NS), is consistent with the goals of the policy by allowing for a moderate increase in density. As this is one of the larger parcels in the area, it could support additional housing density characteristic of evolving suburban neighborhoods. The -NS designation would prohibit short-term rental units, owner-occupied and non-owner occupied.

The associated case, 2024CP-000-001, seeks to remove a portion of a future collector outlined in the Major and Collector Street Plan (MCSP) that runs from Mt. View Road through the property and continuing to the east. The portion that is recommended to be removed is likely not feasible considering several existing multi-family residential developments and associated private drives that exist east of this site.

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) | 5.03 | 0.50 D | 4 U | 54 | 8 | 5 |

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM9**

| 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) | 5.03 | 9 D | 45 U | 244 | 16 | 21 |

Traffic changes between maximum: **AR2a and RM9**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | +41 U | +190 | +8 | +16 |

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a zoning districts: 1 Elementary 0 Middle 0 High
 Projected student generation proposed RM9-NS district: 8 Elementary 3 Middle 5 High

The proposed RM9-NS zoning is expected to generate 15 more students than the existing zoning. Students would attend Thomas A. Edison Elementary School, John F. Kennedy Middle School, and Antioch High School. Edison Elementary School and Kennedy Middle School are at capacity while Antioch High School is over capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0)

Resolution No. RS2024-5

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-110PR-001 is approved. (8-0)

10. 2024Z-001TX-001

BL2023-138/Countywide

Staff Reviewer: Logan Elliott

An ordinance amending Section 17.40.010 of the Metropolitan Code, Zoning Regulations to require notice to the district council member for reasonable accommodations to the Zoning Ordinance granted by the zoning administrator.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code regarding the noticing requirement for reasonable accommodations to the Zoning Code granted by the zoning administrator.

PROPOSED AMENDMENTS TO TITLE 17

The bill as filed would amend title 17 of the Metropolitan Code of Laws by amending section 17.40.010.I.1. and adding new language in that section that requires written notice of the zoning administrator's decision to grant or deny a reasonable accommodation request to the council member whose district contains the parcel containing the reasonable accommodation. This noticing requirement is in addition to the existing requirement of notifying all property owners within one thousand feet of the subject property within five business days of the decision.

The proposed changes of bill are shown below (new text in underline):

Section 1. That Section 17.40.010 of the Metropolitan Code, Subsection I.1, is hereby amended by deleting it in its entirety and replacing it with the following:

1. For purposes of this section "person" shall mean an individual, group or institution. Any person who has a handicap or disability recognized by federal law, provides housing for such a person or whose religious exercise is burdened by

a provision of this title, or a representative of any such person, may request in writing a reasonable accommodation as contemplated in this section. The right to request a reasonable accommodation shall be prominently displayed in the public area under the supervision of the zoning administrator and on the publicly accessible portion of any Internet website maintained by the metropolitan government and devoted to local codes enforcement and zoning matters. The zoning administrator shall make, and document in writing, specific findings of fact in support of every decision to grant or deny an accommodation sought under this paragraph and issue a determination within thirty days of the request being made. The zoning administrator's decision shall be reviewable by the board of zoning appeals upon the filing of a notice of appeal by any person or entity aggrieved by the decision. In addition, written notice of the zoning administrator's decision to grant or deny a reasonable accommodation shall be given to the council member whose district contains the parcel containing the reasonable accommodation and be mailed to all property owners within one thousand feet of the subject property within five business days of the zoning administrator's decision, and such notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Any appeal brought under this subsection must be in writing and filed with the board of zoning appeals not more than thirty days after issuance of the zoning administrator's decision. Documents comprising the record of any determination made with respect to the grant or denial of a request for an accommodation by the zoning administrator or the board of zoning appeals shall be kept on file for not less than three years from the date of final decision and available for public inspection upon reasonable notice.

BACKGROUND

The Zoning Code establishes a right to request a reasonable accommodation to the standards set forth in the Code. Parties permitted to seek reasonable accommodation are a person or person's representative: who has a disability recognized by federal law; who provides housing for a person with a disability recognized by federal law; or whose religious exercise is burdened by a provision of the Code. "Person" is defined broadly to include an individual, group, or institution. The Zoning Code regulates where the right to reasonable accommodation is to be displayed, the manner in which the Zoning Administrator must make a determination on a reasonable accommodation, and the process for appealing the Zoning Administrator's decision to the Board of Zoning Appeals.

The Zoning Code was amended in 2022 to require mailed notice of the zoning administrator's decision to grant or deny a reasonable accommodation.

ANALYSIS

The proposed noticing requirement would enable council members to be aware of reasonable accommodation requests made in their district as their constituents are also made aware via mailed notice. Similar to how rezoning applications have a requirement that the subject district council member be notified, this requirement would enable council members to be abreast of notices that are being mailed in their district concerning potential public processes.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

FISCAL IMPACT RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed change to Title 17.

Approve. (8-0)

Resolution No. RS2024-6

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-001TX-001 is approved. (8-0)

11. 2018SP-082-003

VILLAGE WEST SP (AMENDMENT)

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Jason Swaggart

A request to amend a Specific Plan for various properties located along Limestone Place, River Pearl Place and W. Trinity Lane, approximately 215 feet west of Youngs Lane, zoned SP (5.15 acres), to permit short term rental properties – not owner occupied, and modify building height and sidewalk conditions, requested by Dale & Associates, applicant; 1207B BCP LLC O.I.C., New Cumberland Lot C, D&M Development LLC, Guardian Investments, GP and McCoy Construction LLC, owners.

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

APPLICANT REQUEST

Amend SP to permit short-term rental properties – not owner occupied and modify building height and sidewalk requirements.

Amend SP

A request to amend a Specific Plan (SP) for various properties located along Limestone Place, River Pearl Place and W. Trinity Lane, approximately 215 feet west of Youngs Lane, zoned SP (5.15 acres), to permit short term rental properties – not owner occupied and modify building height and sidewalk conditions.

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.

SITE CONTEXT AND REQUEST DETAILS

The SP is located on the south side of West Trinity Lane, approximately 700 feet west of Old Buena Vista Road. The SP includes property west of Old Buena Vista and as along Limestone Place.

The preliminary SP, 2018SP-082-001, was approved by the Planning Commission in January of 2019. Council subsequently approved the SP in August of 2019 (BL2019-1611). The Council approved plan includes three districts (referred to as Lots A, B and C). Each district includes its own set of development standards and permitted uses. In terms of uses, Lots A and C currently permit only multi-family residential. Lot B currently permits multi-family residential and all uses permitted by MUL-A. MUL-A uses are limited to a certain square footage on Lot B. A final site plan (2018SP-082-002) for Lot C, located at the southeast corner of Limestone Place and River Pearl Place, was approved with 42 multi-family residential units in 2021 and is under construction.

The application includes three requests:

1. To permit short term rental properties – not owner occupied on Lot C.
2. To permit a fourth level on Lot A.
3. Remove a public sidewalk requirement on one side of proposed road C, which spans the western side of Lot A. The proposed amendment would allow all units in Lot C to be short term rental properties – not owner occupied. The existing SP limits the building height on Lot A to a maximum of three stories (above street). The proposed amendment would allow for an active rooftop. Specifically, the proposed amendment would allow “rooftop uses with associated cabanas, elevated access points for elevators and covered stairways, and other rooftop amenities”. The proposed amendment refers to the rooftop as a “fourth level”. Staff is including conditions to address this request.

The approved preliminary SP includes a new public road (Road C) along the western development footprint of Lot A. The approved road includes public sidewalks on both sides. The proposed amendment would allow the road to be constructed without the sidewalk along the western side of the road. As proposed, the sidewalk would be constructed with any development that would occur adjacent to the west side of the road.

BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN

The site is located in the T4 Mixed Use Corridor, T4 Residential Corridor, and Conservation policies, and is also guided by a Mobility Supplemental Policy, which focuses on establishing street networks for increased connectivity. Conservation policy is identified on portions of the northernmost parcel, located along W. Trinity Lane, identifying potential steep slopes, areas encumbered by the floodplain, and stormwater regulation buffers associated with the Cumberland River.

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at

intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

T4 Urban Residential Corridor (T4 RC) is intended to maintain, enhance and create urban residential corridors. T4 RC areas are located along prominent arterial-boulevard or 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. T4 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

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.

Mobility Supplemental Policy

The site is within the Haynes Trinity Small Area Plan, which was approved and adopted by the Planning Commission on January 11, 2018. The Plan was completed after an extensive community engagement process and resulted in updates to the community character policies for the area, as well as the establishment of supplemental policies to address mobility, parks, and open space. The mobility supplemental policy contains guidance for increasing connectivity in developed areas and establishing a network of proposed street connectivity throughout Haynes Trinity that would provide a strong and cohesive block structure.

ANALYSIS

Overall, the three request do not conflict with the applicable policies. In regard to the STRP request, Lot C is within a T4 CM policy. The policy supports a mixture of uses, including residential as well as commercial. The Metro Zoning Code classifies short term rental properties – not owner occupied as a commercial use and is consistent with the policy.

The standards related to rooftop amenity space as drafted are not specific enough. The approved preliminary SP permits a maximum height of three stores on Lot A. The proposed amendment states that, “The buildings constructed on Lot A shall allow rooftop uses with associated cabanas, elevated access points for elevators and covered stairways, and other rooftop amenities, thus constituting a 4th level.” The Metro Zoning Code would classify any structure above the third floor with a ceiling as a story. Staff has determined that a fourth story is not appropriate. Since it has been determined that a fourth story is not appropriate, staff recommends that the wording be amended as follows:

- Non enclosed cabanas, similar structures, elevated access points and other rooftop amenities are permitted on Lot A provided that any structure does not exceed 14 feet in height.

Given the approved site plan, removing the sidewalk requirement from the western side of Road C is acceptable. Any new development on Lot A will be required to construct the sidewalk on the east side of Road C. There are no residential units fronting on the west side of Road C to access the sidewalk.

FIRE MARSHAL RECOMMENDATION

Approved

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

Approved with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Proposed road C shall be built out to ST-251 road section, w/o sidewalk required along West side of proposed roadway. ADA ped ramps will be required at the corners of intersections of road C and other existing public roadways-West Trinity & Limestone Place. Lot A development and roadway 'C' plans to be reviewed under final SP.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- MCSP requirements shall be met along all property frontages on the public ROW.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

- Uses within this SP shall be limited to all uses permitted by the approved preliminary SP, 2018SP-082-001 (BL2019-1611) for Lots A & B. Lot C is permitted to have 42 multi-family residential units and Short Term Rental Property Not-Owner Occupied is a permitted use within those 42 units. Per the previous bill (BL2019-1611), Short Term Rental Property, Owner and Not-Owner Occupied, are prohibited on Lot A.
- Non enclosed cabanas, similar structures, elevated access points and other rooftop amenities are permitted on Lot A provided that any structure does not exceed 14 feet in height.
- Proposed Road C as shown on the approved preliminary plan shall be constructed to the ST-251 road section without a sidewalk along the west side of proposed roadway.
- Final plat may be required prior to permitting.
- 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.
- For Lots A & B, no Master Deed (HPR) shall be recorded prior to approval of final site plans.
- All conditions/requirements of the approved preliminary SP, 2018SP-082-001 and BL2019-1611, not pertaining to this amendment shall remain in effect.

Approve with conditions and disapprove without all conditions. (8-0)

Resolution No. RS2024-6

"BE IT RESOLVED by The Metropolitan Planning Commission that 2018SP-082-003 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

- Uses within this SP shall be limited to all uses permitted by the approved preliminary SP, 2018SP-082-001 (BL2019-1611) for Lots A & B. Lot C is permitted to have 42 multi-family residential units and Short Term Rental Property Not-Owner Occupied is a permitted use within those 42 units. Per the previous bill (BL2019-1611), Short Term Rental Property, Owner and Not-Owner Occupied, are prohibited on Lot A.
- Non enclosed cabanas, similar structures, elevated access points and other rooftop amenities are permitted on Lot A provided that any structure does not exceed 14 feet in height.
- Proposed Road C as shown on the approved preliminary plan shall be constructed to the ST-251 road section without a sidewalk along the west side of proposed roadway.
- Final plat may be required prior to permitting.
- 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.
- For Lots A & B, no Master Deed (HPR) shall be recorded prior to approval of final site plans.
- All conditions/requirements of the approved preliminary SP, 2018SP-082-001 and BL2019-1611, not pertaining to this amendment shall remain in effect.

12. 2020SP-039-003

6001 & 6003 OBRIEN AVE (AMENDMENT)

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 & Howard Schneider and Ryan & Jeffrey Matthew, owners.

Staff Recommendation: Defer to the February 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2020SP-039-003 to the February 8, 2024, Planning Commission meeting. (8-0)

13. 2024SP-003-001

BURKITT CORNER

Council District 33 (Antoinette Lee)

Staff Reviewer: Celina Konigstein

A request to rezone from AR2A to SP zoning for properties located at 433 and 13240 Old Hickory Blvd., at the northern corner of Old Hickory Blvd. and Burkitt Road (9.44 acres), to permit 85 multi-family residential units, requested by Dale & Associates, applicant; Paul Tune, Trustee, owner.

Staff Recommendation: Defer to the March 14, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024SP-003-001 to the March 14, 2024, Planning Commission meeting. (8-0)

14. 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: Defer to the February 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2023NL-002-001 to the February 8, 2024, Planning Commission meeting. (8-0)

15. 2023S-180-001

RIVERSIDE TRACE, SECTION TWO

Council District 06 (Clay Capp)

Staff Reviewer: Laszlo Marton

A request for concept plan approval on property located at Riverside Drive (unnumbered), approximately 900 feet south of Barclay Drive, zoned R6 (4.51 acres) to permit 10 lots, requested by CSDGTN, applicant; RSDG LLC, owner.

Staff Recommendation: Approve with conditions including exceptions to Sections 3-5.2.d.1 and 3-5.2.d.2..

APPLICANT REQUEST

Request for concept plan approval to create 10 lots.

Concept Plan

A request for concept plan approval on property located at Riverside Drive (unnumbered), approximately 900 feet south of Barclay Drive, zoned One and Two-Family Residential (R6) (4.51 acres) to permit 10 lots.

SITE DATA AND CONTEXT

Location: The site consists of one property located along the western side of Riverside Drive, east of the Shelby Golf Course.

Street Type: The site has frontage on Riverside Drive. The Major Collector Street Plan (MCSP) classifies this portion of Riverside Drive as a residential Collector Avenue.

Approximate Acreage: 4.51 acres or approximately 196,455 square feet.

Parcel/Site History: The site consists of one parcel that was created by plat in 2000.

Zoning History: The property was recently rezoned to One and Two Family Residential (R6) in July of 2023. The site had previously been zoned R10 since 1974.

Existing Land Use: The property is currently vacant residential land.

Surrounding Land Use and Zoning:

- North: Two-family Residential/R10
- South: Single-Family Residential and Telecommunications Tower/R10
- East: One and Two-family Residential/R10
- West: Open Space/R6

Zoning: One and Two-Family Residential (R6)

Min. lot size: 6,000 square feet

Max. building coverage: 0.35

Min. rear setback: 20'

Min. side setback: 5'

Max. height: 2 stories and 30 feet

Min. street setback: Contextual per Zoning Code

PROPOSAL DETAILS

Number of lots: 10

Lot sizes: Proposed lots 1 and 2 are 8,193 square feet and proposed lots 3-10 are 7,376 square feet.

Access: Access to Lots 1-10 is provided by two 24' wide shared access easements from Riverside Drive. Shared drives are required for the lots as Riverside Drive is identified as a Collector Avenue by the MCSP.

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

APPLICABLE SUBDIVISION REGULATIONS

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

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

3-1 General Requirements

The proposal meets the requirements of 3-1.

3-2 Monument Requirements

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

3-3 Suitability of the Land

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

3-4 Lot Requirements

All lots comply with the minimum standards of the zoning code. Any development proposed on the resulting lots will be required to meet the bulk standards and all other applicable regulations of R6 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.

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

- a. *All minimum standards of the zoning code are met.*
Complies. All lots meet the minimum standards of the zoning code.
- b. *Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.*
Complies. All lots front Riverside Drive.
- c. *The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.*
The T3 NM policy that applies to the site does not specifically identify an appropriate density; however, the policy supports the underlying R6 zoning district and its prescribed density.
- d. *The proposed lots are consistent with the community character of surrounding parcels as determined below:*
 1. *Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do not meet the minimum lot frontage requirement. The minimum frontage width requirement per this section is 72.45 feet. The proposed frontage width for lots 1 and 2 is 56.2 feet while the proposed frontage for lots 3-11 is both lots is 50.6 feet.
 2. *Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and*
The proposed lots do not meet the minimum lot size requirement. The minimum lot size requirement per this section is approximately 0.25 acres, or 11,119 square feet. The proposed lots 1 and 2 are approximately 8,193 square feet (0.19 acres) and the proposed lots 3-10 are approximately 7,376 square feet (0.17 acres). These lots still exceed the minimum 6,000 square feet required by zoning.
 3. *Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and*
New homes will be required to meet the contextual setback standards per the Metro Zoning Code to be determined at the time of building permit.
 4. *Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.*
All lots are oriented to Riverside Drive, consistent with surrounding lots.
- e. *The current standards of all reviewing agencies are met.*
All agencies have recommended approval or approval with conditions.
- f. *If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).*
The proposed lots do not meet the minimum lot size and lot frontage requirements for compatibility. The site is uniquely situated between CSX right-of-way to the west, and the property directly to the south is a telecommunications tower. There are several factors that limit the developable area on the site including a TVA easement that bisects the site and a sinkhole on the northern half of the property which is shown as dedicated open

space. Often a difference in lot frontages can be perceived in the rhythm along the street, impacted by the number of drives and access points as a result of limited frontage and more lots. In this case, only two vehicular drives are proposed and there is a large front setback due to the TVA easement. The proposed lots will have compatible setbacks to the other properties, as the TVA easement runs along the adjacent properties to the north and south. Due to the environmental factor of the sinkhole on the northern portion of the site as well as the telecommunications tower to the south, the block has a break in the continuity of the existing development pattern, making a deviation in the pattern less noticeable. A note has been added to the plan to keep the building height limited to 2 stories and 30 feet which would allow for compatible massing with the existing structures along Riverside.

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

Not applicable to this case.

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

Not applicable to this case.

3-5.5 *Infill Subdivision Frontage*

Not applicable to this case.

3-5.6 *Reasonable Conditions*

Not applicable to this case.

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 shows a 6' sidewalk, 6' planting strip, and the existing 6' bike lane on the west side of Riverside Drive.

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

Riverside Drive is classified by the MCSP as a collector avenue. The plat proposes to dedicate 3.7 feet of right-of-way for a total half right-of-way width of 43.7 feet.

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 concept plan and found it to comply with all applicable standards of this section. Stormwater recommends approval with conditions.

3-15 Public Water Facilities

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

3-16 Sewerage Facilities

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

3-17 Underground Utilities

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

PLANNING STAFF COMMENTS – SUBDIVISION REGULATIONS

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

POLICY CONSIDERATIONS

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

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

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

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- The access drives have been increased to 24 ft. The buildings will not exceed 30' in height.

STORMWATER RECOMMENDATION

Approve with conditions

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

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Final construction plan to have the following NDOT construction notes:
Nashville Department of Transportation Construction Notes
 - All work within the Public right-of-way requires an Excavation Permit from the Nashville Department of Transportation.
 - Proof-rolling of ALL street sub-grades is required in the presence of the Nashville Department of Transportation Inspector, request to be made 24 hours in advance.
 - Stop signs to be 30 inch by 30 inch.
 - Street name signs are to have six inch white letters in Highway Gothic font on a nine inch green aluminum blade, and be mounted vertically staggered. Street name signs shall be assembled using extruded sign blades.
 - All signs to have 3M high intensity retro-reflective coating.
 - All striping within ROW is to be 80 mil thermoplastic striping at the time of acceptance. Paint striping should be used in the interim until final striping has been placed.
 - The development/ contractor shall have a NDOT stamped set of plans on site to be produced upon request during any site visit.
- There is to be no vertical obstructions (poles, signs, guys, etc.) within the designated sidewalk area. All sewer clean outs, valve/ meter boxes extending to private service lines are to be placed behind the sidewalk.
- With additional pavement - mill pave may be required along existing travel lane for overall continuity of pavement to prevent excess longitudinal joints in pavement.

- Additional striping/ alteration of existing striping may need to occur at the widening of the intersection, and should be accounted for on final plan. Refreshing of lane striping may be required with the project dependent on condition of striping along frontage prior to final acceptance/ U&O approval of the project. This will be determined by the NDOT inspection representative.
- Currently shown vehicles leaving site to go east or north bound will have to angle into the intersection. Intersection opening crossing the divided street should be widened further to allow vehicles to travel straight out of site ~6-8' additional widening to what is shown on concept. Southern access to align well with intersection and Fortland Drive on final plan.
- Concept plan/ plat is generally approved with condition by NDOT and is subject to further additional review and modifications at the time of final construction plan review.

TRAFFIC AND PARKING RECOMMENDATION
Approve

WATER SERVICES RECOMMENDATION
Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends approval with conditions, including exceptions to Sections 3-5.2.d.1 for lot frontage and Section 3-5.2.d.2 for lot size.

CONDITIONS

1. Vehicular access to all lots is limited to the shared access easement identified on the plan.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-180-001 with conditions including exceptions to Sections 3-5.2.d.1 and 3-5.2.d.2 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 exceptions to Sections 3-5.2.d.1 and 3-5.2.d.2. (8-0)

Resolution No. RS2024-7

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-180-001 is approved with conditions including exceptions to Section 3-5.2.d.1 and 3-5.2.d.2. (8-0)

CONDITIONS

1. Vehicular access to all lots is limited to the shared access easement identified on the plan.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Pursuant to 2-2.5.f of the Metro Subdivision Regulations, the approval a of concept plan shall be effective for four years from the date of Planning Commission approval to the recording of the final plat or a phase of the plat as described in Section 2-2.5.g.

16. 2023S-189-001

OVERLOOK AT AARON'S CRESS

Council District 12 (Erin Evans)

Staff Reviewer: Logan Elliott

A request for final plat approval to create 40 lots on a portion of property located at Kemp Drive (unnumbered), at the current terminus of Kemp Drive, zoned SP (14.35 acres), requested by Dale & Associates, applicant; Beazer Homes, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Request for final plat approval to create 40 lots.

Final plat

A request for final plat approval to create 40 lots on a portion of property located at Kemp Drive (unnumbered), at the current terminus of Kemp Drive, zoned Specific Plan (SP) (14.35 acres).

CASE HISTORY

The site is located within a Specific Plan zoning district, case 2019SP-031-001. The preliminary plan, named 4307 Central Pike, was granted approval by Metro Council in 2019 for a mixed use development. The final site plan for this phase, case 2019SP-031-002, received administrative approval for 40 lots, including 39 single-family lots and one multi-family lot consisting of 6 residential units for a total of 45 units, in January 2024. The proposed plat includes 40 lots with public roads that will tie into the adjacent Aaron's Cress subdivision to the west.

SITE DATA AND CONTEXT

Location: The site is located east of N. New Hope Road at the current terminus of Kemp Drive.

Approximate Acreage: 14.35 acres or approximately 625,086 square feet.

PROPOSAL DETAILS

Number of lots: 40 total; 39 single-family and one multi-family lot consisting of 6 residential units.

Subdivision Variances or Exceptions Requested: None.

UPDATED FINAL PLAT RULES AND PROCEDURES

At its March 9, 2023, meeting, the Planning Commission approved an amendment to the Rules and Procedures, following Metro Council adoption of RS2023-2047, reflecting recent changes to TN State law regarding administrative approval of final plats. The amended State law allows staff to approve final plats that create no more than 5 lots, if certain criteria is met, and final plats of up to 25 lots for subdivisions that received preliminary/concept plan approval. Prior to this change, staff was delegated authority to approve final plats that created no more than 2 lots, if certain criteria are met, and all final plats for subdivisions that received preliminary/concept plan approval.

The subject site received preliminary approval in 2019 and final site plan approval in 2024. Approval by the MPC is now required because the plat contains more than 25 lots, requiring consideration by the MPC per amended TCA Sections 13-3-402 and 13-4-302 under Public Chapter 994.

APPLICABLE SUBDIVISION REGULATIONS

Staff previously determined that all requirements of the Subdivision Regulations applicable to this site had been met during review of the MPC-approved preliminary/concept plan. The proposed plat is consistent with the MPC-approved preliminary/concept plan and all requirements of Chapter 3.

COMMENTS FROM OTHER REVIEWING AGENCIES

FIRE MARSHAL RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

METRO PARKS GREENWAYS RECOMMENDATION

Approve with conditions

- The Conservation Greenway Easement must be dedicated and memorialized in a Metro Parks' Conservation Greenway Easement Agreement, with two exhibits: a legal description and a boundary survey of the easement, that must be recorded with the Davidson County Register of Deed's Office prior to any use and occupancy or issuance of the first Use and Occupancy letter.
- Coordinate with Metro Parks Greenways staff regarding Park Board and Metro Council approval processes for these Agreements.
- Conservation Greenway Easement will be maintained by property owner until such time as Metro constructs and opens a greenway trail.
- No dumpsters, loading zones, HVAC units, or similar to front the greenway area and must be screened from greenway view.
- Any access from the private development onto the greenway easement area shall be approved by Metro Parks at Final plat approval.
- No obstructions will be in a greenway easement area, unless approved by Metro Parks staff, including, but not limited to site furniture, signage, and lighting.

NASHVILLE DOT RECOMMENDATION

Approve with conditions

- Bond will be required for public infrastructure prior to recording plat.
- Plat is not to be recorded until new roads have been constructed to binder layer.
- Approved road plans on file with NDOT under 'Overlook at Aarons Cress - 2019SP-031-002 - 4307 Central pike ph 1'

TRAFFIC AND PARKING RECOMMENDATION

Approve

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Attached is a copy of the above-referenced subdivision (uploaded by Planning on November 3, 2023) on which we have noted our comments and recommend approval. Approval is contingent on construction and completion of MWS Project #'s 22SL0169 and 22WL0079. A bond amount of \$390,000.00 is assigned to 22SL0169, and an amount of \$260,000.00 is assigned to 22WL0079.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

RECOMMENDED ACTION

Motion to approve proposed subdivision Case No. 2023S-189-001 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.

Mr. Elliott presented the staff recommendation to approve with conditions.

Roy Dale, Dale & Associates, spoke in favor of the application.

Tim Temple, 852 Regimental Drive, spoke in opposition to the application.

Bryan Schorg, 800 Regimental Drive, spoke in opposition to the application.

Roy Dale spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Attorney Ladd advised there has been a recent state law change that basically prohibited the Commission from delegating the authority to Planning staff for plats over 25, so those approvals have to go to the Planning Commission and now that they come to the Planning Commission, they already have received approval from staff and they have vested in the Tennessee Vested Rights Act. She said once they are vested, the Commission cannot remove those rights from them.

Ms. Kempf stated she always wants the public to feel their feedback is productive and well received. She said because of the vesting law, the plan is too far developed for there to be meaningful feedback, but because of the law, they need to hear the case.

Ms. Milligan explained when there is a specific plan (SP), the preliminary SP acts as a subdivision concept plan and in this case, it was a specific plan that featured individual lots as a subdivision. She said the preliminary SP was recommended for approval by the Planning Commission on May 9, 2019 and acts as the subdivision concept plan, which was on consent. Ms. Milligan stated notice would have been sent to all property owners in advance and that was the step in the process where entitlements were placed on the property and rezoned and she indicated that it would permit a certain number of single family lots and a certain number of multi family units. She pointed out the development is in two pieces or phases, divided by the creek, and each piece have their own access. Ms. Milligan explained once a preliminary SP is approved, the next step is a final site plan and those are the construction documents for the project. The final site plans are administrative reviews and technical reviews of all construction documents of which all of the Metro agencies review. She further explained each step is a trigger point for the State Vesting Law; once a concept plan is approved, it is vested for a certain number of years and when final site plan is approved, it adds more years. Final plat, which is this piece, is the last step, which typically are administrative approvals as they are technical and they are reviewing them against that which the Council and the Commission have already approved.

Mr. Henley recognized they had additional recommendations from their Parks and Greenways and felt it is a benefit to them to have their input on potential improvements.

Ms. Leslie said the gentleman spoke that the only ingress was on Aarons Cress Boulevard and asked for clarification on other ingresses.

Ms. Milligan stated the northern part is accessed through Aarons Cress Boulevard and the part south of the creek is accessed from a different street, not Aarons Cress.

Vice Chair Farr moved and Mr. Henley seconded the motion to approve with conditions, including conditions in memo. (8-0)

Approve with conditions, including conditions in memo. (8-0)

Resolution No. RS2024-8

"BE IT RESOLVED by The Metropolitan Planning Commission that 2023S-180-001 is approved with conditions including conditions in memo. (8-0)

CONDITIONS

1. All public infrastructure shall be constructed and accepted by Metro or infrastructure shall be bonded according to Metro standards.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. Owner's signature must be shown with name printed under signature. If the property is owned by a corporation, LLC, LLP, company, etc. then the authorized individual's printed name and signature must be provided underneath the company's name in the Owner's Certificate. You'll also need to submit a letter(s) on each company's letterhead or documentation that the individual is authorized on behalf of the entity.
4. Pursuant to 2-4.7 of the Metro Subdivision Regulations, the approval shall expire if the plat is not recorded with the Register of Deeds within one year of the Planning Commission's approval.

17. 2023Z-104PR-001

Council District 21 (Brandon Taylor)

Staff Reviewer: Logan Elliott

A request to rezone from R6 to OR20 zoning for property located at 601 21st Ave. N., approximately 410 feet west of Spruce Street (0.24 acres), requested by Kim A. Smiley, applicant and owner.

Staff Recommendation: Disapprove OR20 and approve OR20-A.

APPLICANT REQUEST

Zone change from R6 to OR20.

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Office/Residential (OR20) zoning for property located at 601 21st Avenue N., approximately 410 feet west of Spruce Street (0.24 acres).

Existing Zoning

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

would permit a maximum of 1 duplex lots for a total of 2 units, based on acreage only. Codes provides final determination on duplex eligibility.

Proposed Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. OR20 would permit a maximum of 5 units.

NORTH NASHVILLE

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

SITE

The application consists of a single parcel that comprises approximately 0.24 acres or 10,000 square feet. The parcel is located on the eastern side of 21st Avenue North. 21st Avenue North splits and forms a “y” shape in front of this site and the western portion is a Collector Avenue and the remainder is a local street. An alleyway exists at the rear of the site. The site is surrounded by a mixture of residential land uses, non-residential land uses, civic, and industrial land uses.

ANALYSIS

Staff finds the proposed OR20 zoning district to be inappropriate because of the urban policy designation for this area. Staff does find OR20-A zoning to be consistent with the intent of the T4 MU policy to encourage mixed use urban neighborhoods. The alternative zoning designation will require a more urban form to be provided with access limited to the alleyway and the building placed near the sidewalk. The permitted land uses and development form permitted by the OR20-A zoning district is consistent with the T4 MU policy in this location.

FIRE RECOMMENDATION

Approve

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| One and Two-Family Residential* (210) | 0.24 | 7.71 D | 2 U | 28 | 7 | 2 |

*Based on two-family lots

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

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

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Office (710) | 0.12 | 0.8 | 4,529 SF | 53 | 30 | 6 |

Traffic changes between maximum: **R6 and OR20**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +34 | +24 | +5 |

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 district: 0 Elementary 0 Middle 0 High
Projected student generation proposed OR20 district: 0 Elementary 0 Middle 0 High

The proposed OR20 zoning district is expected to generate no more students than the existing R6 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn 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 of OR20 and approval of OR20-A.

Disapprove OR20 and approve OR20-A. (8-0)

Resolution No. RS2024-9

“BE IT RESOLVED by The Metropolitan Planning Commission that 2023Z-104PR-001 was disapproved for OR20 and approved OR20-A. (8-0)

18. 2024Z-001PR-001

BL2023-128

Council District 32 (Joy Styles)

Staff Reviewer: Logan Elliott

A request to rezone from MUL to AR2A zoning for property located at Mt. View Road (unnumbered) at the southeastern intersection of Mt. View Rd. and Crossings Blvd. (2.13 acres), requested by Councilmember Joy Styles, applicant; Rajendra Bhakta, owner.

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

The Metropolitan Planning Commission deferred 2024Z-001PR-001 to the February 8, 2024, Planning Commission meeting. (8-0)

19. 2024Z-002PR-001

Council District 16 (Ginny Welsch)

Staff Reviewer: Donald Anthony

A request to rezone from R10 to OR20-A-NS zoning for property located at 99 Thompson Lane, at the corner of Thompson Lane and Dobbs Avenue, (2.2 acres), requested by Mehmet Alatas, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R10 to OR20-A-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Office/Residential-Alternative-No Short-Term Rental (OR20-A-NS) zoning for property located at 99 Thompson Lane, at the corner of Thompson Lane and Dobbs Avenue (2.2 acres).

Existing Zoning

One and Two Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *Based on acreage only, R10 may permit a maximum of 10 lots with 2 duplex lots for a total of 12 units. Metro Codes provides final determination on duplex eligibility.*

Proposed Zoning

Office/Residential-Alternative-No Short-Term Rental (OR20-A-NS) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. Short-term rental property, owner-occupied and non-owner occupied, is prohibited. *OR20-A would permit a maximum of 44 units.*

SOUTH NASHVILLE COMMUNITY PLAN

Transition (TR) is intended to enhance and create areas that can serve as transitions between higher-intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small- to medium-sized footprints.

SITE AND CONTEXT

The rezoning application is for a 2.2-acre parcel located along the south side of Thompson Lane between Dobbs Avenue and Wingate Avenue. The property has been zoned R10 since 1984. The property is also located in the Airport Impact Overlay District, the I-440 Impact Overlay District, and the Urban Zoning Overlay. A church, accessory building, and associated parking lot are currently located on the property. The property has frontage on Thompson Lane, Dobbs Avenue, and Wingate Avenue.

Adjacent zoning includes: SP and RS10 on the north; RS10 on the south and east; and OL and RS10 on the west. A mix of land uses—including single-family residential, multi-family residential, office, and commercial—are present in the immediate vicinity. The properties lying adjacent to the subject property on the south are both currently used for single-family residential.

ANALYSIS

The application proposes to rezone the subject property from R10 to OR20-A-NS. The property lies in the Transition (TR) policy area, which is intended to provide transitions in scale, intensity, and use at locations between high-intensity and low-intensity policy categories or development. In this particular area, the TR policy applies to properties along both sides of the Thompson Lane corridor. Properties to the north and south of the corridor lie within the T3 Suburban Neighborhood Maintenance (T3 NM) policy area; the predominant land use in this area is single-family residential.

Planning staff evaluated the rezoning request in relation to the TR policy’s focus on minimizing land use conflicts while providing opportunities for small-scale offices and a mixture of moderate to high-density housing types. Staff determined that the proposed OR20-A-NS zoning would be consistent with the policy. The OR20-A-NS zoning district permits a moderate residential density of up to 20 units per acre, while also permitting a variety of office, institutional, and educational uses. The Alternative designation in the OR20-A-NS zoning district will require that future development on the site have an urban form with buildings constructed near the sidewalk. Additionally, the No Short-Term Rental designation will prohibit short-term rentals, both owner-occupied and non-owner occupied.

Because the proposed OR20-A-NS zoning is supported by the TR policy, staff recommends approval of the rezoning request.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| One and Two-Family Residential* (210) | 2.2 | 4.63 D | 12 U | 148 | 13 | 13 |

*Based on two-family lots

Maximum Uses in Proposed Zoning District: **OR20-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) | 1.1 | 20 D | 22 U | 118 | 8 | 10 |

Maximum Uses in Proposed Zoning District: **OR20-A-NS**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Office (710) | 1.1 | 0.8 | 38,322 SF | 418 | 63 | 45 |

Traffic changes between maximum: **R10 and OR20-A-NS**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +388 | +58 | +42 |

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 2 Elementary 1 Middle 1 High

Projected student generation proposed OR20-A-NS district: 7 Elementary 3 Middle 4 High

The proposed OR20-A-NS zoning district is expected to generate 10 more students than the existing R10 zoning district. Students would attend Glenclyff Elementary School, Wright Middle School, and Glenclyff High School. Glenclyff Elementary School is at capacity. Wright Middle School is under capacity. Glenclyff High School is over capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Anthony presented the staff recommendation to approve.

Richard Conners, 6323 East Valley Road, stated he has been helping the owner since he purchased the property. He spoke in favor of the application.

Claude Coke, 124 Neese Drive, spoke in opposition to the application.

Diane Wilson stated she lives in the area. She spoke in opposition to the application.

Ken Wilson, 101 Vaden Drive, spoke in opposition to the application.

Daniel Cremin, 2905 Dobbs Avenue, spoke in opposition to the application.

Sherri McCall stated she is the Glenclyff Neighborhood Group President and lives in the neighborhood. She spoke in opposition to the application.

Tony Zavitsou, 128 McCall Street, spoke in opposition to the application.

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

Laura Kelley, 3001 Dobbs Avenue, spoke in opposition to the application.

William McInturff, 92 Jay Street, spoke in opposition to the application.

Mehmet Alatas, owner and applicant, spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Tibbs asked what can be allowed as they heard the sensitivity of a car lot.

Mr. Anthony explained OR20 zoning is designed for office and residential use. Vehicular sales, service and rental are not on the list of permitted uses and very few, if any, commercial type uses would be permitted at all in the OR20 zone.

Mr. Tibbs said he would still like to consider a potential deferral so neighbors would have a chance to discuss this further. He asked about the Council date.

Ms. Milligan said no legislation has been filed and pointed out once the Planning Commission makes a recommendation, there is a good bit of time between the recommendation time and when it gets to Council.

Vice Chair Farr thought this is a good candidate for a specific plan, and when they talk about transition, some careful planning would make sense.

Councilmember Gamble asked if the requested zoning would allow any storage of cars or anything on that lot.

Ms. Milligan answered that it does not permit auto oriented uses such as car rental, sales, repair or servicing. She stated automobile parking is generally a permitted use in most office and commercial zoning.

Ms. Leslie said there was concern about whether that was done illegally and asked if it could be grandfathered in.

Ms. Milligan responded illegal uses cannot be grandfathered in. Grandfathering laws are for non-conforming use laws and are for legal uses that are made illegal by a zoning action.

Mr. Marshall asked if they moved for a deferral, would it get approved through Council before the neighborhood meetings could happen.

Chair Adkins said the Commission has to act first and give a recommendation and then it goes to Council.

Mr. Tibbs moved and Mr. Marshall seconded the motion to defer to the February 22, 2024, Planning Commission meeting. (8-0)

Resolution No. RS2024-10

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-002PR-001 is deferred to the February 22, 2024, Planning Commission meeting. (8-0)

20. 2024Z-004PR-001

BL2023-133

Council District 08 (Deonté Harrell)

Staff Reviewer: Logan Elliott

A request to rezone from CS and AR2A to SP zoning for property located at 3332 Murfreesboro Pike, north of the intersection of Murfreesboro Pike and Mt. View Road. (4.86 acres), requested by Councilmember Joy Styles, applicant; OV 07 Mt. View, LLC, owner.

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

APPLICANT REQUEST

Zone change from CS and AR2a to SP.

Zone Change

A request to rezone from Commercial Service (CS) and Agricultural/Residential (AR2a) to Specific Plan (SP) zoning for property located at 3332 Murfreesboro Pike, north of the intersection of Murfreesboro Pike and Mt. View Road, to permit all uses of CS zoning (4.86 acres), and within the Murfreesboro Pike Urban Design Overlay and Hamilton Hills Urban Design Overlay.

Existing Zoning

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

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 2 lots.*

Murfreesboro Pike Urban Design Overlay (UDO) is intended to foster suburban development that is pedestrian friendly while still accommodating for the market needs of suburban development. This UDO focuses on broad design standards while emphasizing best practices for quality suburban design.

Hamilton Hills Urban Design Overlay (UDO) is a zoning tool that allows for a specifically designated area to have unique physical design standards in order to either protect the design character already established, or to create a design character that would otherwise not be ensured by the standard provisions of the zoning regulations. The Hamilton Hills UDO specifically intends:

- To match the location, extent, and timing of transportation facilities with the type and intensity of proposed development.
- To connect neighborhoods to schools, shopping areas, places of work, recreation areas, open spaces and other points of activity through a system of sidewalks, bike lanes, and greenways.
- To encourage the use of public transit in the area by making transit convenient, safe, and comfortable.

- To provide parking for those who live, work, and shop in the study area in a manner that does not dominate the street and is sensitive to the pedestrian environment.
- To soften the visual impact of new development and provide a greater level of comfort for pedestrians.
- To let motorists, pedestrians, and bicyclists know where they are and assist them in finding their destinations.
- To preserve important and sensitive features of the natural environment such as trees, cedar glade plant communities, hills, sinkholes, and open spaces.
- Promote a high quality of life by offering a wide range of housing opportunities in response to the residents' needs.
- To provide for the daily needs of individual neighborhoods within pedestrian-friendly neighborhood centers.

Proposed Zoning (Hamilton Hills and Murfreesboro Pike UDO remain)

Specific Plan-Commercial (SP-C) 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 commercial uses.

ANTIOCH - PRIEST LAKE 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.

PLAN – From the filed council ordinance

Section 3. Be it further enacted, that the uses of this SP shall be limited to those permitted by the CS zoning district.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. 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.
2. All requirements of the Murfreesboro Pike Urban Design Overlay shall be met.
3. The developer shall complete a level 2 multi-modal transportation analysis as outlined in Section 17.20.140 of the Metropolitan Code as part of the Final SP approval process and implement all recommendations of the analysis.

SITE

The application consists of a single parcel that comprises approximately 4.86 acres. The parcel is located at the north-western corner of the intersection of Mt. View Road and Murfreesboro Pike. Both of these roadways are classified as Arterial Boulevards in the Major and Collector Street Plan. The surrounding area primarily contains a mixture of residential land uses, commercial land uses, and other non-residential land uses.

ANALYSIS

The application was originally filed to rezone the property to MUL-A. The applicant, Councilmember Styles, subsequently modified the request to rezone to CS. The district Councilmember, Councilmember Harrell, then filed a substitute to convert to an SP that primarily allows the uses of CS and requires a Multi Modal Transportation Analysis.

Staff finds the proposed SP zoning to be consistent with the intent of the T3 CM policy to encourage commercial uses at intersections in a suburban form. The proposed SP relies on CS zoning with the additional requirements that the Murfreesboro Pike Urban Design Overlay (UDO) are met and that a level 2 multi-modal transportation analysis is completed. The proposed CS zoning standards are consistent with the policy and the additional requirements are appropriate for this site and context. The Murfreesboro Pike UDO intends to foster suburban development that is pedestrian friendly while accommodating market needs. The Hamilton Hills UDO guidance for the site is limited and staff finds the proposed SP to be consistent with the intent to provide commercial use at this location. Staff finds the proposed SP zoning district to be appropriate given the policy and context of the site and recommends approval. Because the ordinance as filed only requires compliance with the Murfreesboro Pike UDO, staff recommends the district councilmember to submit an application to cancel the Hamilton Hills UDO from this property.

FIRE RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve with conditions

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

WATER SERVICES RECOMMENDATION

Approve with conditions

- Application 2024Z-004PR-001 originally proposed to rezone property to CS. Now, the Council has introduced a substitute bill to rezone to SP with the requirements limited to the following 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.

NDOT – ROADS RECOMMENDATION

Approve with conditions

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

NDOT – TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Prior to Final SP submittal the applicant's traffic engineer shall coordinate with NDOT on scoping a MMTA. The scoping, MMTA submittal, and finalization of the study with NDOT shall all be completed prior to Final SP submittal.
- Site access point(s) and loading (if applicable) shall be finalized with NDOT prior to final SP submittal.
- Off-site improvements are anticipated and shall be determined with the MMTA.
- Parking shall be per code.
- Comply with NDOT Roads Conditions.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| One and Two-Family Residential* (210) | 2.76 | 0.50 D | 2 U | 28 | 7 | 2 |

*Based on two-family lots

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) | 2.1 | 0.6 F | 54,885 SF | 2,072 | 52 | 209 |

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) | 4.86 | 0.6 F | 127,020 SF | 4,795 | 119 | 484 |

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| - | - | - | - | +2,695 | +60 | +273 |

METRO SCHOOL BOARD REPORT

The proposed SP zoning is not anticipated to generate any additional students than the existing AR2a/CS zoning district. Students would attend Thomas A. Edison Elementary School, J. F. Kennedy Middle School, and Antioch High School.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions.

CONDITIONS

1. Permitted uses shall be limited to all uses in the CS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. 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.
4. 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 CS zoning district as of the date of the applicable request or application.
5. 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
6. The final 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 the required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
7. 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.
8. Minor modifications to the Preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. 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. (8-0)

Resolution No. RS2024-11

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-004PR-001 is approved with conditions and disapproved without all conditions. (8-0)

CONDITIONS

1. Permitted uses shall be limited to all uses in the CS zoning district.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. 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.
4. 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 CS zoning district as of the date of the applicable request or application.
5. 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
6. The final 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 the required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
7. 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.

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

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

21. 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.*

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 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.

ANALYSIS

The 22.93-acre site is located at 7946 and 7968 McCrory Lane and accessed off of 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 of 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.

Ms. Konigstein presented the staff recommendation to approve.

Justin Koziol spoke in favor of the application.

Andres Victoria, 8508 Beautiful Valley Drive, spoke in opposition to the application.

Kimberly Reichard, 1213 Beautiful Valley Court, spoke in opposition to the application.

Johnny Vanderpool, 1616 Lampwick Court, spoke in opposition to the application.

Donna Peeler Balentine, 8524 Beautiful Valley Drive, spoke in opposition to the application.

Janet Rowenczak, 8556 Beautiful Valley Drive, spoke in opposition to the application.

Justin Koziol spoke in rebuttal.

Chair Adkins closed the Public Hearing.

Mr. Henley asked for clarification around the process for determining the entry point and working with NDOT.

Ms. Milligan explained that the process to develop a subdivision has multiple steps and what the Commission is being asked to do is look at and consider a rezoning and said they are not reviewing any sort of any plan for the property that shows where the ingress and egress takes place. She further explained if this was to be rezoned then there would be a subdivision process where a concept plan is created and there would be another public hearing, at which time NDOT would be involved at looking where the access is, how lots are laid out and where the streets are located.

Ms. Kempf stated the decision before the Commission is not being weighed against the sub regulations, it is being weighed against the policy and that is what their advice would be in terms of how to weigh this application.

Ms. Milligan agreed and added this is an entitlement process and is a request to get the zoning to be consistent with other zonings in the area.

Mr. Henley asked since this is along the river and directly across from a cemetery, would ecological and archaeological concerns be considered during that process.

Ms. Milligan said it is likely that this property would be subject to the conservation subdivision standards given the amount of tree cover and sensitive features if there are any archaeological finds on the site.

Councilmember Gamble said she is comfortable moving forward as it sounds like there was a community meeting and the developer and Councilmember intend to have additional community meetings to address concerns and questions.

Vice Chair Farr asked if the Council Bill has already been filed.

Ms. Milligan responded in the negative.

Vice Chair Farr said she was contemplating whether a deferral made sense to allow time for another community meeting.

Chair Adkins said the Bill has not been filed and felt there needs to be more information and suggested a deferral to allow more time for community meetings.

Vice Chair Farr moved and Mr. Tibbs seconded the motion to defer to the February 8, 2024, Planning Commission meeting. (8-0)

Resolution No. RS2024-12

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-005PR-001 is deferred to the February 8, 2024 Planning Commission meeting. (8-0)

22. 2024Z-006PR-001

Council District 02 (Kyonzté Toombs)
Staff Reviewer: Logan Elliott

A request to rezone from R10 to RM15-A-NS zoning for property located at 2126 Bellefield Ave., approximately 166 feet northwest of Courtney Ave. (0.45 acres), requested by Shawn Jackson, applicant; 2126 Bellefield Ave Trust, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST
Zone change from R10 to RM15-A-NS.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Multi-Family Residential (RM15-A-NS) zoning for property located at 2126 Bellefield Ave., approximately 166 feet northwest of Courtney Ave. (0.45 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 2 duplex lots for a total of 4 units.*

Proposed Zoning

RM15-Alternative-No Short Term Rentals (RM15-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM15-A would permit a maximum of 7 units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY

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

The application consists of a single parcel that comprises approximately 0.45 acres or 19,600 square feet. The parcel is located at the north-eastern side of Bellefield Avenue. Bellefield Avenue is a substandard local street in its current condition. The adjacent Clarksville Pike Mixed Use SP (2019SP-066-001/BL2020-124) has received final site plan approval to construct phase 1 of the development and this phase 1 includes the improvement and extension of Bellefield Avenue from Courtney Avenue to a new street to the north, that connects back to Clarksville Pike. The subject site gently slopes up as you move away from the street and is relatively flat. The surrounding area contains single-family and two-family residential uses with more intense multi-family residential approved adjacent to the site on Bellefield Avenue.

ANALYSIS

Staff finds the proposed RM15-A-NS zoning to be consistent with the intent of the T3 NE policy to encourage diversity of housing types in a suburban form. The improvement of Bellefield Avenue from Courtney Avenue to the new mixed-use development that is already underway will provide a more dense context for the subject site than what currently exist. Given the right-of-way improvements to Bellefield Avenue as well as the development pattern planned for this roadway, staff supports the proposed zoning district as being appropriate for this T3 NE area.

FIRE RECOMMENDATION

Approve

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed RM15-A-NS district: 1 Elementary 1 Middle 0 High

The proposed RM15-A-NS zoning district is expected to generate 2 more students than the existing R10 zoning district. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek 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.

Approve. (8-0)

Resolution No. RS2024-13

“BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-006PR-001 is approved. (8-0)

23. 2024Z-009PR-001

Council District 03 (Jennifer Gamble)

Staff Reviewer: Celina Konigstein

A request to rezone from OG to MUG 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 8, 2024, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2024Z-009PR-001 to the February 8, 2024, Planning Commission meeting. (8-0)

24. 2024Z-011PR-001

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Donald Anthony

A request to rezone from RS7.5 to RM9-A-NS zoning for properties located at 2232, 2236, 2240 and 2244 Monticello Drive, approximately 334 feet southeast of Monticello Drive and Monticello Street (0.8 acres), requested by RJX Partners, LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS7.5 to RM9-A-NS.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Multi-Family Residential-Alternative-No Short-Term Rental (RM9-A-NS) zoning for properties located at 2232, 2236, 2240, and 2244 Monticello Drive, approximately 334 feet southeast of Monticello Drive and Monticello Street (0.8 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *Based on the 4 existing lots, RS7.5 would permit a maximum of 4 units.*

Proposed Zoning

Multi-Family Residential-Alternative-No Short-Term Rental (RM9-A-NS) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. Short-term rental property, owner-occupied and non-owner occupied, is prohibited. *RM9-A-NS would permit a maximum of 7 units.*

BORDEAUX – WHITES CREEK – HAYNES TRINITY 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.

SUPPLEMENTAL POLICY

The subject site lies within the Haynes Trinity Mobility Supplemental Policy area. The supplemental policy emphasizes street connectivity and prescribes improvements to the transportation network in the Haynes Trinity area. The supplemental policy does not recommend any specific transportation-related improvements on the subject site.

SITE AND CONTEXT

The rezoning application is for four parcels totaling 0.80 acres located along the west side of Monticello Drive. The subject site is part of the five-lot 411 W. Trinity Lane subdivision, which was platted in 2021. The site has been zoned RS7.5 since 1999. All four lots included in the subject site are currently vacant. The site has approximately 280 linear feet of frontage on Monticello Drive, which is classified as a collector-avenue in the Major and Collector Street Plan.

Adjacent zoning includes CL on the west and RS7.5 on the north, south, and east. Adjacent land uses include: day care center on the west; vacant property on the north and south; and vacant property and single-family residential across Monticello Drive on the east. Single-family uses are prominent in the vicinity; there are also two-family residential units, multi-family residential units, and commercial uses in close proximity to the subject site.

ANALYSIS

The application proposes to rezone the subject site from RS7.5 to RM9-A-NS. The site lies in the T4 Urban Neighborhood Maintenance (T4 NM) policy area. The site also lies in the Haynes Trinity Mobility Supplemental Policy area. The properties directly across Monticello Drive from the subject site are in the T4 Urban Neighborhood Evolving (T4 NE) policy area.

The T4 NM policy is intended to maintain urban neighborhoods as characterized by their moderate to high-density residential development pattern, building form/types, setbacks, and building rhythm along the street. Most of the lots

in the area surrounding the subject site are developed with single-family residential units. However, the adjacent lots on both the north and south are currently vacant, while the adjacent lot on the west is used for a day care center. Two-family and multi-family residential uses are present in the larger area, including along Monticello Drive and North Avondale Circle.

The T4 NM policy supports multi-family residential zoning where warranted by neighborhood context. Planning staff evaluated multiple factors including surrounding land uses, proximity to other policy areas, and location of the site in relation to arterials and collectors. Staff determined that the mix of land uses in the area, the subject site's proximity to the higher-intensity T4 NE policy area, and the site's location along a collector-avenue warrant multi-family residential zoning per the T4 NM policy's guidance. Therefore, staff recommends approval of the rezoning request.

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

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Single-Family Residential (210) | 0.8 | 5 D | 4 U | 54 | 8 | 5 |

Maximum Uses in Proposed Zoning District: **RM9-A-NS**

| Land Use (ITE Code) | Acres | FAR/Density | Total Floor Area/Lots/Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------------|-------|-------------|-----------------------------|-----------------------|--------------|--------------|
| Multi-Family Residential 3-10 (221) | 0.8 | 9 D | 7 U | 36 | 3 | 3 |

Traffic changes between maximum: **RS7.5 and RM9-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 RS7.5 district: 1 Elementary 0 Middle 0 High
Projected student generation proposed RM9-A-NS district: 2 Elementary 1 Middle 1 High

The proposed RM9-A-NS zoning district is expected to generate 3 more students than the existing RS7.5 zoning district. Students would attend Alex Green Elementary School, Brick Church College Preparatory Middle School, and Whites Creek High School. Alex Green Elementary School is over capacity, while Brick Church College Preparatory Middle School and Whites Creek High School are under capacity. This information is based upon the 2022-2023 MNPS School Enrollment and Utilization report provided by Metro Schools.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0)

Resolution No. RS2024-14

"BE IT RESOLVED by The Metropolitan Planning Commission that 2024Z-011PR-001 is approved. (8-0)

H: OTHER BUSINESS

25. Election of Historic Commission Representative

Resolution No. RS2024-15

"BE IT RESOLVED by The Metropolitan Planning Commission that the Election of Historic Commission Representative is approved. (8-0)

26. Employment Contract Renewal for Anita McCaig and Bob Murphy, and Employee Contract Amendment for Greg Claxton

Resolution No. RS2024-16

“BE IT RESOLVED by The Metropolitan Planning Commission that the Employment Contract Renewal for Anita McCaig and Bob Murphy and Employee Contract Amendment for Greg Claxton is approved. (8-0)

27. Historic Zoning Commission Report
28. Board of Parks and Recreation Report
29. Executive Committee Report
30. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2024-17

“BE IT RESOLVED by The Metropolitan Planning Commission that the director’s report is approved. (8-0)

31. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

February 8, 2024

MPC Meeting

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

February 22, 2024

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 6:07 p.m.