

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT

STEVEN SNYDER, H. ANDREW DECKER,)
and R. GREGORY BREETZ,)
)
Petitioners,)
)
vs.)
)
THE METROPOLITAN NASHVILLE)
PLANNING COMMISSION, and SECOND)
AVENUE NASHVILLE PROPERTY, LLC,)
)
Respondents.)

F.O-6
Docket No. 21-1077-II
II

STEVEN SNYDER, H. ANDREW DECKER,)
and R. GREGORY BREETZ,)
)
Petitioners,)
)
vs.)
)
THE METROPOLITAN NASHVILLE)
PLANNING COMMISSION, CENTRUM)
REALTY AND DEVELOPMENT, and)
CRD 2ND AVENUE OWNER, LLC,)
)
Respondents.)

Docket No. 22-0017-II

MEMORANDUM AND ORDER

These two matters, consolidated for all purposes, were heard on March 24, 2022, on writs of certiorari filed by Petitioners Steven Snyder, H. Andrew Decker and R. Gregory Breetz (the "Petitioners") seeking review and repeal of two decisions by the Respondent The Metropolitan Nashville Planning Commission (generally "Metro", and specifically the "Planning Commission") approving two concept plans for developments. The first was for a three-building project to be located at 2nd Avenue and Peabody Street, approved at the Planning Commission's September 9, 2021 meeting, to be developed by Respondent Second Avenue Nashville Property, LLC (the "2nd

and Peabody Property” and the “2nd and Peabody Project” and the “2nd and Peabody Developer”). The second was also for a three-building project, this one located at 506 2nd Avenue South in the Rutledge Hill neighborhood, approved at the Planning Commission’s December 9, 2021 meeting, to be developed by Respondents Centrum Realty and Development and CRD Second Avenue Owner, LLC (the “Rutledge Hill Property” and “Rutledge Hill Project” and the “Rutledge Hill Developers”). Both decisions involved exceptions to the applicable height restrictions for the subject neighborhoods, as set out in the Downtown Code, created in 2010 and modified six times since then, including a modification prior to the Rutledge Hill Project, to establish standards for fifteen (15) downtown subdistricts.

Upon consideration of the pleadings, the arguments of counsel at the hearing of this matter, and the entire record, this Court is prepared to rule.

FINDINGS OF FACT

The Parties

Petitioners are owners and residents of units at the City Lights Condominiums at 20 Rutledge Street in Nashville (“City Lights”). City Lights is one block away from the 2nd and Peabody Property and directly across Rutledge Street from the Rutledge Hill Property. They have an interest in these projects as neighbors who would be directly affected by the proposed construction.

The 2nd and Peabody Project is proposed for a set of adjacent lots known as 507, 509, 511, 519 and 521 2nd Avenue North, and 203 Peabody Street. The Rutledge Hill Project is proposed for a lot known as 506 2nd Avenue South, next door to the 2nd and Peabody Property. The illustration below shows the 2nd and Peabody Project outlined in blue and the Rutledge Hill Project outlined in red.

