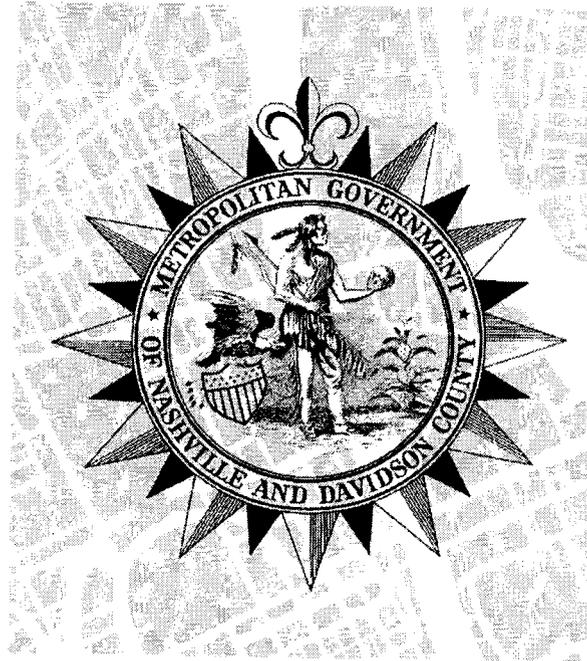


# Metropolitan Planning Commission



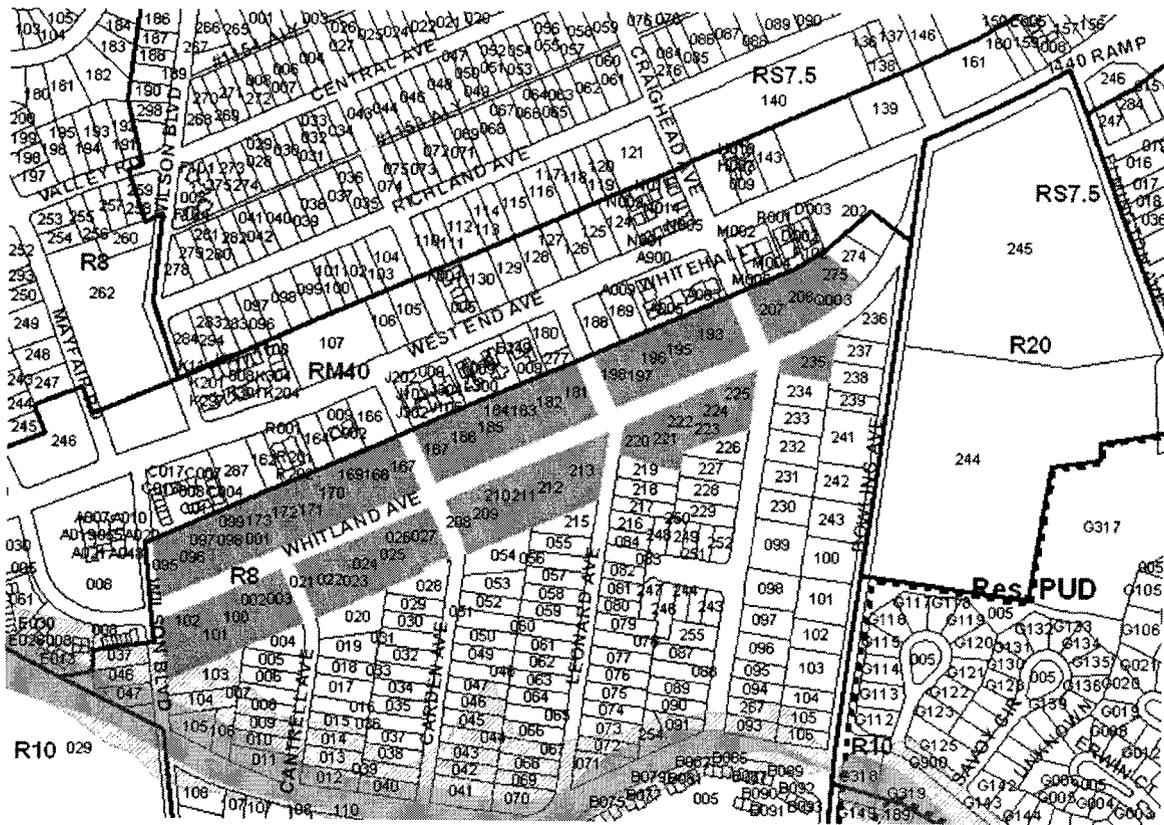
## Staff Reports

**December 11, 2008**

Deferred Items and SP- Zoning Cases  
Staff Report Part A

*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.*

# **PREVIOUSLY DEFERRED ITEMS**



**2008Z-079U-10**

Whitland Avenue

Map: 103-16 Parcels: Various

Map: 104-09, 104-09-Q Parcels: Various

Map: 104-13 Parcels: Various

Green Hills/Midtown Community Plan

Council District 24 – Jason Holleman



**Project No.**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**  
**Deferral**

**Zone Change 2008Z-079U-10**  
BL2008-319  
24 – Holleman  
8 - Fox  
Councilmember Jason Holleman  
*Deferred from the November 13, 2008, Planning Commission meeting*

**Staff Reviewer**  
**Staff Recommendation**

Logan  
*Approve*

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**APPLICANT REQUEST**

**A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned One and Two-Family Residential (R8) (19.61 acres).**

**Existing Zoning**  
R8 District

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

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**Deferral**

**This item was deferred in order to allow the residents of Whitland Avenue to discuss the proposed Neighborhood Conservation Overlay further. Councilmember Holleman held neighborhood meetings on November 5, 2008, and December 1, 2008.**

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**PROPOSED OVERLAY DISTRICT**

Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as "Historic Districts." These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or



## Metro Planning Commission Meeting of 12/11/2008

2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

The Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

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### **GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

#### **Residential Low Medium (RLM)**

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

#### **Consistent with Policy?**

Yes. The proposed Whitland Avenue Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of Whitland Avenue. This area was designated as Worthy of Conservation in the 2005 Green Hills/Midtown Community Plan. Whitland Avenue is also part of a larger area that is listed on the National Register of Historic Places.

#### **Metro Historic Zoning Commission Recommendation**

At its October 20, 2008 meeting, the Metro Historic Zoning Commission (MHZC) determined that the boundaries for the Whitland Avenue NCD are a "historically significant geographic area" in accordance



## Metro Planning Commission Meeting of 12/11/2008

with Section 17.36.120 of the Metro Code. This area was determined to be “Worthy of Conservation” by the Metro Historical Commission staff in the 1994 Sub-area 10 Community Plan, and to have at least one property eligible for individual listing on the National Register of Historic Places.

Additionally, the MHZC adopted design guidelines for the proposed conservation zoning district that were written in accordance to the “Secretary of Interior Standards for Treatment of Historic Properties”.

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### **PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

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### **METRO SCHOOL BOARD REPORT**

#### **Projected student generation**

As this request to apply a Neighborhood Conservation Overlay does not change the underlying zone district, the number of expected students to be generated is zero.

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### **STAFF RECOMMENDATION**

Staff recommends approval because the request is consistent with the applicable land use policies and the intent of Section 17.36.120.

**NO SKETCH**



**Project No.**

**Zone Change 2008Z-088T**

**Name**

**Mobile Vendors: Cleveland Street**

**Council Bill**

BL2008-325

**Council District**

5 - Murray

**School District**

N/A

**Requested by**

Councilmember Pam Murray

**Deferral**

*Deferred from the October 23, 2008, Planning Commission meeting*

**Staff Reviewer**

Regen

**Staff Recommendation**

*Disapprove*

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**APPLICANT REQUEST**

**A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue.**

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**Deferral**

**This item was deferred in order to allow staff to consider alternatives to the proposed text amendment. Staff discussed the proposed amendment internally as well as with the Zoning Administrator and Director of Codes, but could find no satisfactory text amendment alternatives.**

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**ANALYSIS**

Existing Law

The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Bill

The bill exempts Cleveland Street from the mobile vendor provisions.

Proposed Text

The bill modifies the definition of mobile vendor by adding the following underlined language:

“Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, vendors selling goods, wares or merchandise along Cleveland Street, and street vendors licensed pursuant to Section 13.080.040 of the



## Metro Planning Commission Meeting of 12/11/2008

### Analysis

Metropolitan Code of Laws shall not be considered 'mobile vendors'".

Cleveland Street is a collector street running slightly more than one mile in length between Dickerson Pike and McFerrin Avenue. The entire street is within the bill sponsor's Council District, District 5. Currently, there are six properties zoned commercial along Cleveland Street (CN, CL, and CS). Of these six properties, one is located in the historic Greenwood Neighborhood Conservation Overlay District while the another is in the historic Maxwell Neighborhood Conservation Overlay District; both Districts were adopted by the Metro Council in May 2008.

In addition to historic overlays, Cleveland Street runs through three different Detailed Neighborhood Design Plans (DNDPs) in the Subarea 5 Plan: Cleveland Park West, Cleveland Park East, and Greenwood. All three plans were adopted by the Planning Commission in 2005 after community involvement in their preparation. Each plan recognizes the existing built environment, community desire for reinvestment, and creation of neighborhood-scaled centers of activity.

By exempting Cleveland Street from the mobile vendor requirements, persons would be allowed to sell or display wares indoors or outdoors from permanent structures, temporary structures such as tents, vans, or cars, or from crates, cartons, racks, tables, etc. According to the Zoning Administrator, these vendors would be permitted by right (P) as a "retail" use on any of the six commercially zoned properties along Cleveland Street. Allowing these temporary vendors would serve to undermine efforts to bring new retail, office, and commercial investment. Temporary vendors do not support the long-term visions embraced by the community, and adopted in the DNDPs.

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### **STAFF RECOMMENDATION**

Staff recommends disapproval of this bill. The bill does not support the adopted DNDPs for Cleveland Park West, Cleveland Park East, Greenwood or the Greenwood and Maxwell Neighborhood Conservation Overlay Districts. Further, carving out exemptions for a particular street, neighborhood, or commercial area dilutes the bill's enforceability and effectiveness.

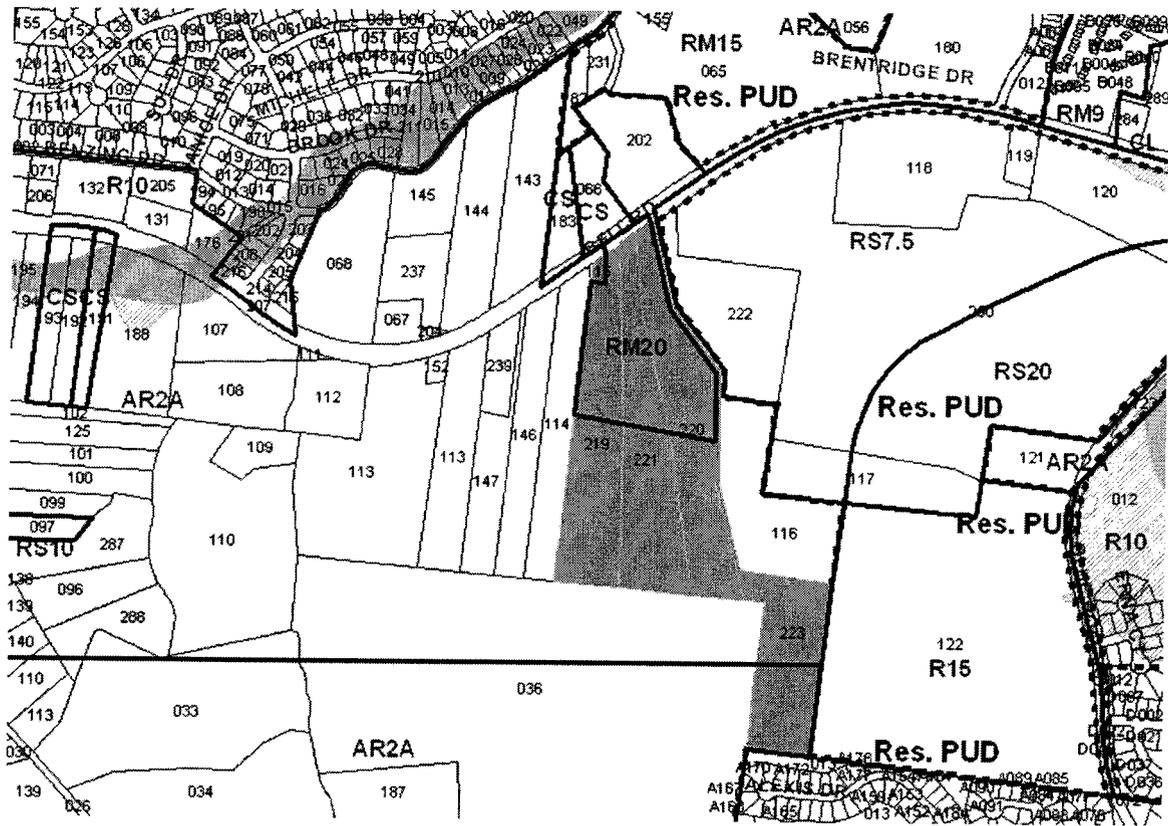


## Metro Planning Commission Meeting of 12/11/2008

Should the Planning Commission desire to find a solution that would permit vendors on Cleveland Street in a limited fashion, Specific Plan (SP) zoning may be an option for the Commission to consider. Such a zoning district could be tailored to meet the community's needs. If the Commission decides SP zoning warrants consideration, the Commission may direct staff to prepare an application and appropriate standards for its consideration at an upcoming meeting in February 2009.

**SEE NEXT PAGE**

**PREVIOUSLY DEFERRED ITEMS  
AND ITEMS ON PUBLIC HEARING**



**2007SP-037U-12**

Forest View

Map: 162-00 Parcels: 115, 219, 221, 220, 223

Southeast Community Plan

Council District 32 – Sam Coleman



**Project No.**  
**Project Name**  
**Council Districts**  
**School Districts**  
**Requested by**

**Zone Change 2007SP-037U-12**  
**Forest View SP**  
32 - Coleman  
2 - Brannon  
Dale & Associates, applicant, for Charles Leach, Ben Odom, Joanne Davis, F. West and GTZ Investments, owners

**Deferral**

*Deferred from the November 13, 2008, Planning Commission meeting at the request of the applicant.*

**Staff Reviewer**  
**Staff Recommendation**

Sexton  
*Approve with conditions*

**APPLICANT REQUEST**  
**Preliminary SP**

**A request to rezone from Agricultural/Residential (AR2A) and Multi-Family Residential (RM20) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 1452, 1450, 1448, 1446, and 1444 Bell Road, approximately, 3,515 feet west of Blue Hole Road (40.21 acres), to permit the development of multi-family dwelling units, commercial, office, and retail uses.**

**Existing Zoning**  
AR2A District

Agricultural/Residential requires a minimum lot size of 2 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 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

RM20 District

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

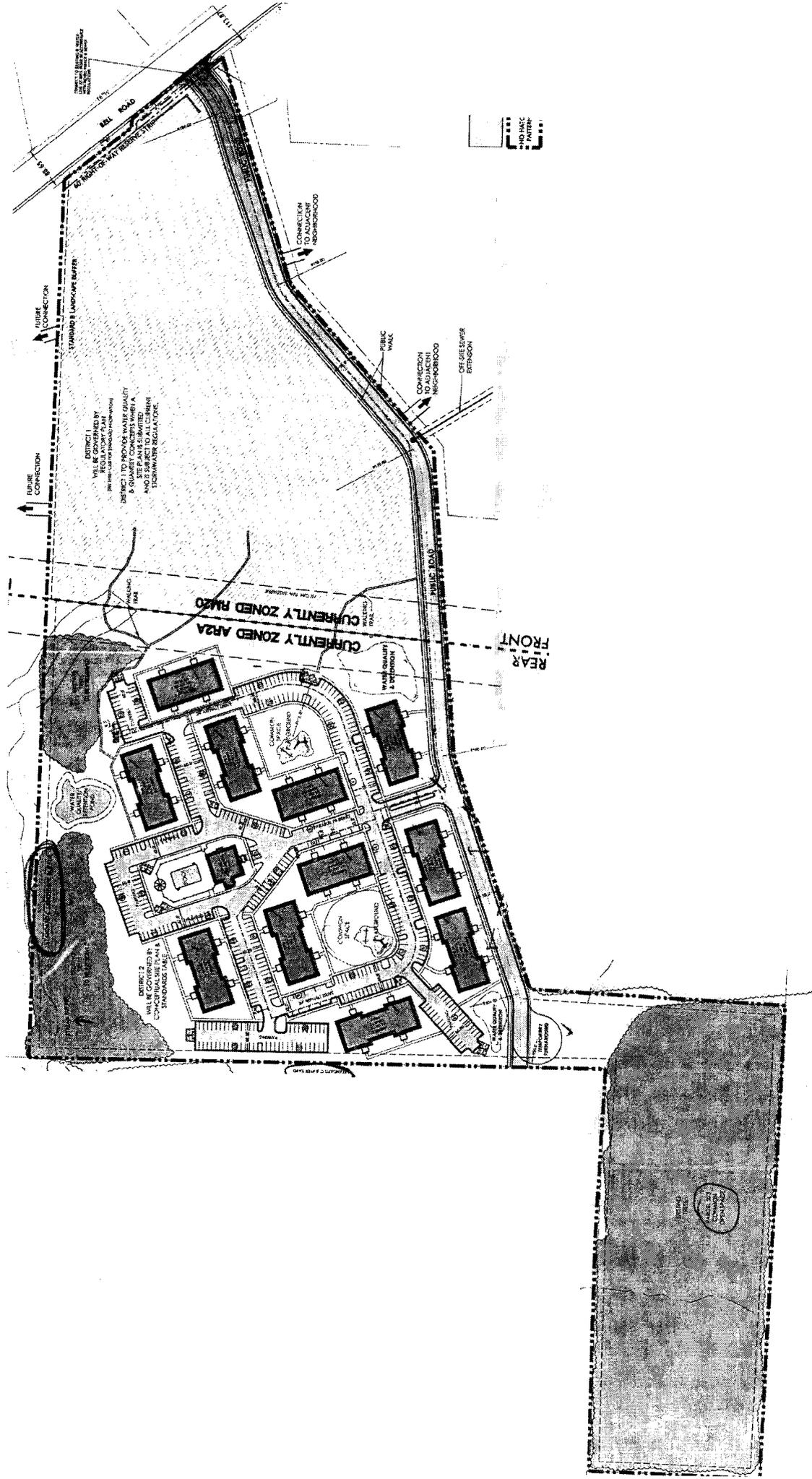
**Proposed Zoning**  
SP-MU District

Specific Plan-Mixed Use 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 retail, office, commercial, and residential uses.

**SOUTHEAST**  
**COMMUNITY PLAN**

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local



DISTRICT 1  
 WILL BE COVERED BY  
 DISTRICT TO PROVIDE WATER QUALITY  
 & GRABBER CONCEPTS WHEN A  
 AND IS SUBJECT TO LIMITED  
 STORAGE REGULATIONS.

DISTRICT 2  
 WILL BE COVERED BY  
 CONCEPTUAL SITE PLAN &  
 STANDARD TABLE



DATE: 11/11/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



## Metro Planning Commission Meeting of 12/11/2008

centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

### Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

### Consistent with Policy?

Yes. The portion of the property proposed for District One is consistent with the NC policy as the proposed uses that will function as centers of activity. The proposed residential uses in District Two and open space in District Three are consistent with NG policy.

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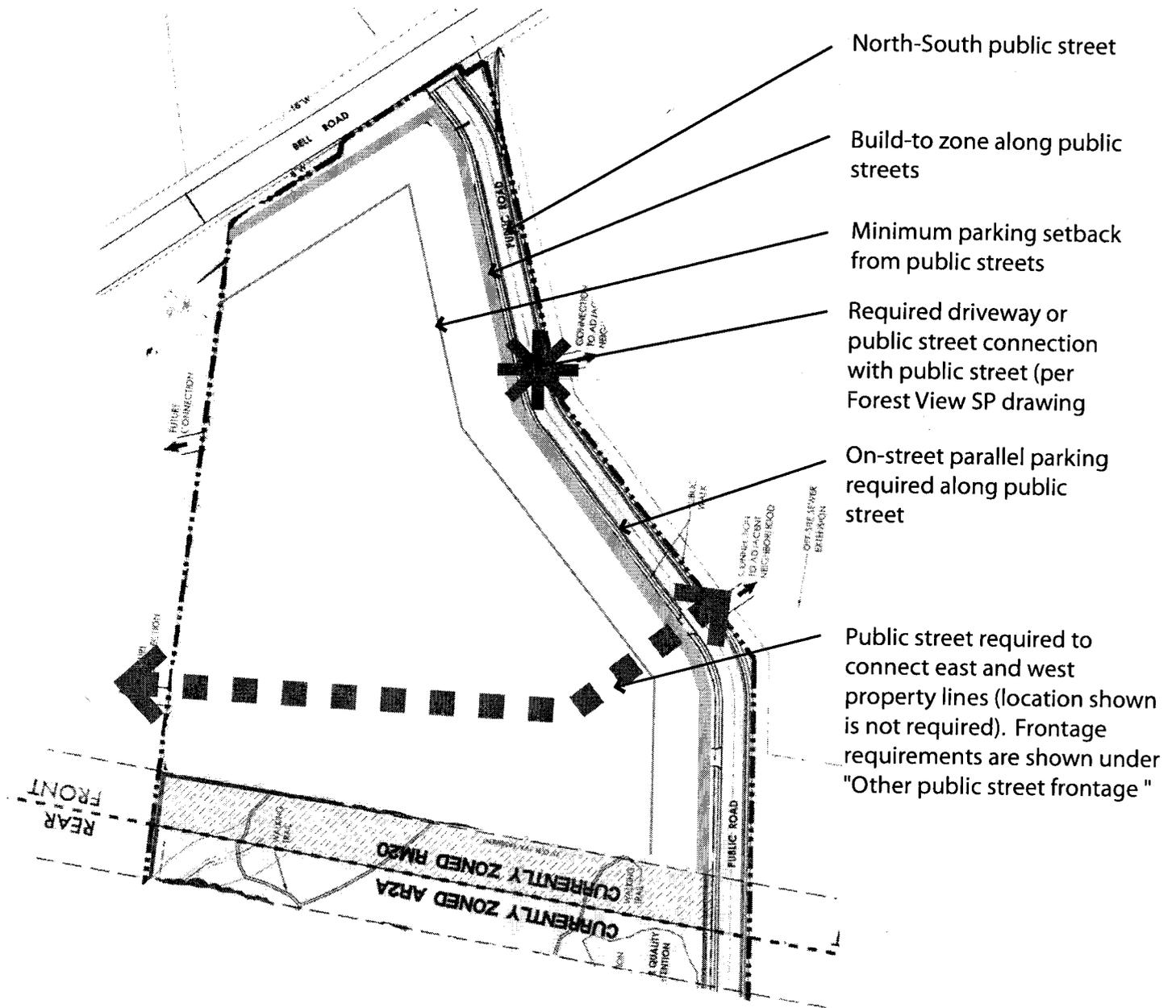
### PLAN DETAILS

The proposed SP includes three districts, each with its own land uses and bulk standards. A site plan was provided for District Two only. A set of development standards was provided for District One. While the site plan for District One shows a new public street, this is meant to be illustrative only and no specific streets are being proposed within this rezoning request. The site plan for District Two will likely require revisions in order to accommodate a stream corridor that runs through the property.

### District One

District One, approximately 12 acres in area, is proposed for 60 residential units as well as commercial, retail, and office uses fronting Bell Road from the northern property line to the TVA easement. For any development in this District, a minimum of 40% of the building square footage will be commercial and/or retail tenants. The uses and bulk standards for this district will be similar to those for the MUL zoning district with the following uses excluded: bars, night clubs, and detached single family residences. Building heights are to be three stories and the maximum floor area ratio (FAR) is proposed to be 1.00.

# Autumn Bluffs SP diagram



North-South public street

Build-to zone along public streets

Minimum parking setback from public streets

Required driveway or public street connection with public street (per Forest View SP drawing)

On-street parallel parking required along public street

Public street required to connect east and west property lines (location shown is not required). Frontage requirements are shown under "Other public street frontage"



Scale: 1"=200'



## Metro Planning Commission Meeting of 12/11/2008

### District Two

A standard B Buffer is proposed along the western property line in order to provide additional buffering for the existing residential property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forster's tree density requirement is needed.

District Two, approximately 28 acres in area, is proposed for 11 multi-family apartment buildings containing 248 units. District Two also includes an administrative office and pool house. Uses permitted within this sub-district are those allowed under the multi-family (RM15) zoning district. Building heights are limited to three stories. The bulk standards of the RM15 zoning district will apply in District Two.

A standard C buffer is identified along the west and south perimeter of District Two. As is the case for District One, details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forster's tree density requirement is needed.

### District Three

District Three is approximately 10 acres in area and is proposed for open space. Uses in this portion of the SP are limited to maintenance of the open space.

The buffers in District One and Two, and the open space in District Three, will be managed and maintained through an association set up for this purpose. No details of this association have been provided and will be required prior to Final Site Plan approval for the first phase of this proposed development.

### Streets Network and Sidewalks

Development Standards were provided for the street network in District One. Parallel parking will be provided along all public streets (excluding Bell Rd.) in front of buildings with frontage on the public street. An east-west public street will be constructed within the mixed-use portion of this SP to provide connection opportunities to adjacent parcels to the east and west. The plan includes multi-use paths with a minimum width of 12 feet in District One to serve pedestrians and bicyclists. The multi-use paths will penetrate the property perimeters in several places to accommodate pedestrian accessibility to adjacent sites. In addition, a



## Metro Planning Commission Meeting of 12/11/2008

### Access Management

network of walking trails, connecting the District One with District Two are proposed.

Development standards were provided for access management within District One. The plan proposes the following requirements:

- Driveway connections to the new public streets on the east side of the property shall be provided at approximately 400 feet south of the Bell Road property line and shall be consistent with the alignment shown on drawings dated September 9, 2008 for the Forest View SP.
- The northern portion of this SP shall provide a minimum of two street and/or driveway connections to both the east and west property lines for a total of four connection points.

In District Two, the plan shows a 30 foot wide vehicular entrance from a public road.

### Parking

The number of parking spaces required for each use will be governed by the standards of the Zoning Code. Development standards were provided for the location of parking within District One and will meet the following requirements:

- Parking shall be set back a minimum 100 feet from northern-most Bell Road property line
- There shall be a minimum parking setback of 70 feet from the property line designated along the north/south Public Street.
- All surface parking lots shall be sited behind buildings for screening purposes from Bell Road and all Public Streets.
- Additional parking in the interior of District One shall have a minimum 15 foot setback along all proposed public street frontages.
- Parking spaces within driveways along building frontages shall be parallel to the driveway.

The plan does not provide the number of proposed bedrooms per unit for any of the multi-family buildings. As parking in multi-family developments is determined by the number of bedrooms, this detail is required prior to Final Site Plan approval in order to determine if sufficient parking is provided. All parking in District Two shall satisfy parking requirements as required by



## Metro Planning Commission Meeting of 12/11/2008

### Building Orientation

the Zoning Code. The plan shows perpendicular parking spaces within the driveways along building frontages. These parking spaces need to be parallel to the driveway.

The development standards submitted by the applicant provide setbacks and building orientation for District One. The plan proposes the following standards:

- Buildings shall have a build-to zone of 30 to 40 feet from the northern-most Bell Road property line extended along Bell Road.
- Front building facades must occupy a minimum of 60% of the length of the build-to zone along public streets.
- Build-to zones for public streets north and south shall be 0 to 15 feet from the property line designated along new public streets.

In District Two, the plan shows apartment buildings facing common internal parking areas, common space and a public road.

### Building Form Requirements

The proposed plan provides detail regarding building form in District One. The plan proposes the following standards:

- In District One, minimum ground floor height on commercial and mixed use buildings shall be 14 feet.
- Maximum impervious surface ratio shall be 90%.
- All buildings with frontage along a public street shall provide fenestration for a minimum of 40% of the first floor facade, measured from grade to the 2nd floor FFE.
- All buildings with frontage along a public street shall provide a public entrance facing the public street. Awnings shall be the only type of encroachments allowed.

### Signs

Sign details were included in this SP. Signs for District One shall be based on the standards of the MUL Zoning District and signs for District Two shall be based on the RM15 zoning district standards. There are no signage standards proposed for District Three. Signs in District Three will also be based on the RM15 zoning district standards but limited to what are necessary to support



## Metro Planning Commission Meeting of 12/11/2008

the open space functions only. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs in District One include building signs only and freestanding ground signs are permitted in District Two. Building signs are attached directly to, or supported by brackets attached directly to a principal building. Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height. Wall mounted building signs shall have a maximum sign area of 30 square feet.

Signs shall be externally lit with steady, stationary, down directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds shall be opaque, only letters and logos may be internally illuminated. Free standing ground signs may be lit from a ground lighting source. All signs in District One and Two shall be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved.

Any phase of development in District One that will include multiple stories and/or tenants shall submit an overall sign program with the final site plan.

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### **STORMWATER RECOMMENDATIONS**

Preliminary SP approved except as noted:  
Offsite runoff traverses the property. This runoff should be located within an easement with no building encroachments.

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### **FIRE MARSHAL RECOMMENDATION**

Reviewed: Conditional Approval  
Approved based on earlier and current comments being met. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle



## Metro Planning Commission Meeting of 12/11/2008

congestion, condition of terrain, climatic conditions, or other factors that could limit access.

### NES RECOMMENDATION

NES requires a 20' Public Utility Easement parallel to "Public Road."

No NES overhead electric utility equipment shall be permitted in the TVA easement.

Developer shall provide a drawing showing any existing utility easements and utility equipment/facilities on property.

Public Utility Easement required adjacent to all public rights of way and all NES conduits shall lie inside a PUE (width to be determined).

20-foot wide PUE centered on NES underground conduit system and pad-mounted equipment. In some cases, additional easements may be required

NES Engineering staff can meet with developer/engineer upon request to determine electrical service options.

Developer to provide to NES all plans for road improvements required by Metro Public Works.

NES follows the National Fire Protection Association (NFPA) rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules See [www.nespower.com](http://www.nespower.com) to reference The "Builders and Contractors Section" of the NES web site has the Guidelines and Manuals tab for the developer's Engineers to reference for their site planning.

Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval.

Developer to provide construction drawings and a digital .dwg file in State Plane coordinates (TN83F) containing the civil site information when requesting service from NES.



## Metro Planning Commission Meeting of 12/11/2008

Civil site plans shall be provided with approved revisions requested by Metro Planning with all changes from other departments (i.e., road, drainage, etc).

Any 3-phase transformer locations must be indicated on preliminary layout drawings (i.e. pump services, office buildings, etc).

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### **PUBLIC WORKS RECOMMENDATION**

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- No direct access will be allowed to Bell Road other than from the single proposed public road.
- All references to future roadway or driveway connections should be removed from the submitted sketch.
- The proposed public road should align with the existing commercial driveway on the north side of Bell Road.

With the construction of District One:

- In the absence of a proposed development plan and prior to any approvals in District One, a comprehensive development plan and traffic study must be submitted and approved by the Department of Public Works to determine the number and location of access points, the number of required parking spaces, and any off-site improvements that may be required.
- Construct all improvements as identified for District Two, including any additional off-site improvements as determined by the Department of Public Works.

With the construction of District Two:

- Construct the site access road at Bell Road with one entering and two exiting lanes (LT and RT) each with a minimum of 150 ft of storage and transitions per AASHTO/MUTCD standards.
- Construct an eastbound right turn lane on Bell Road at the site access road with 150 ft of storage and transitions per AASHTO/MUTCD standards.



## Metro Planning Commission Meeting of 12/11/2008

- Prior to the preparation of construction plans, document adequate sight distance at project access locations. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.
- Developer shall conduct a signal warrant analysis on Bell Road at the intersection of the proposed public road, with the submittal of any and all final SP plans or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.

### Maximum Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	13	20	260	1447	111	132

### Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	27	0.5	13	125	10	14

### Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	40	N/A	45,000	1963	43	130

### Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Density	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	40	N/A	460	2349	176	211

\*Assumes a 1,200 square foot dwelling unit

### Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	40	N/A	64,000	5082	120	467

### Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+7822	+218	+662



## Metro Planning Commission Meeting of 12/11/2008

### **METRO SCHOOL BOARD REPORT**

#### **Projected student generation**

**44** Elementary   **25** Middle   **25** High

#### **Schools Over/Under Capacity**

Students would attend Maxwell Elementary School, Marshall Middle School, or Cane Ridge High School. Maxwell Elementary School has been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within this cluster.

#### **Fiscal Liability**

The fiscal liability for 44 elementary students is \$880,000. This is for informational purposes to show the potential impact of this proposal. It is not a staff condition of approval. This information is based upon data from the school board last updated June 2008.

### **STAFF RECOMMENDATION**

The proposed SP plan is consistent with the NC and NG policies and staff is recommending approval with conditions.

### **CONDITIONS**

1. This SP is limited to retail, office, and residential uses in District One, residential in District Two, and open space in District Three.
2. Commercial and/or retail tenants shall be a minimum of 40% of the built square footage in District 1.
3. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list for Districts One and Two to be approved by the Urban Forester
4. Prior to final site plan approval of the first phase of this development, an association to manage and maintain the landscape buffer yards shall be established and a management plan shall be prepared by the applicant and approved by the Urban Forester.
5. Any Final Site Plan for any phase of the SP containing multi-family units shall include the number of proposed bedrooms per units in order to determine if sufficient parking is provided.



## Metro Planning Commission Meeting of 12/11/2008

6. The requirements of the Public Works Department shall be completed, bonded or satisfied as specifically required by Public Works.
7. All Final Site Plans for any phase of development shall located offsite runoff within an easement with no building encroachments.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, District One shall be subject to the standards, regulations and requirements of the MUL zoning district, District Two shall be subject to the standards, regulations and requirements of the RM15 zoning district. District Three shall be subject to the standards, regulations and requirements of the AR2A zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. 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

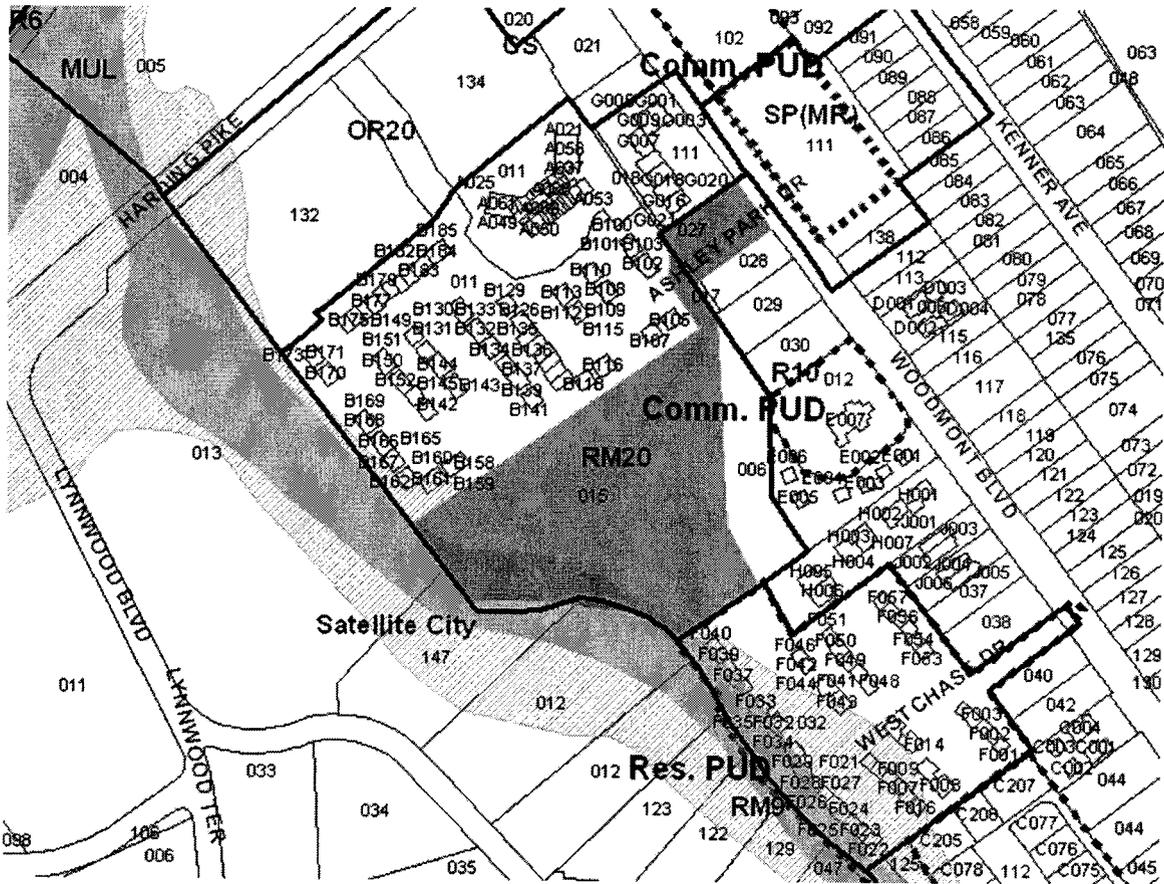


## Metro Planning Commission Meeting of 12/11/2008

adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

11. 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.

# **SPECIFIC PLANS**



2008SP-030U-10

Abe's Garden at Park Manor

Map: 116-03 Parcels: 015, 027

Green Hills/Midtown Community Plan

Council District 24 – Jason Holleman



**Project No.**  
**Project Name**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008SP-030U-10**  
**Abe's Garden at Park Manor**  
BL2008-364  
24 - Holleman  
8 - Fox  
Barge Cauthen & Associates, applicant, for Abe's Garden, owner

**Staff Reviewer**  
**Staff Recommendation**

Jones  
*Approve with conditions*

**APPLICANT REQUEST**  
**Preliminary SP**

A request to change from One and Two-Family Residential (R10) and Multi-Family Residential (RM20) to Specific Plan-Mixed Residential (SP-MR) zoning properties located at 115 Woodmont Boulevard, approximately 775 feet south of Harding Pike (7.41 acres), to permit an independent living, assisted-care and nursing home facility comprised of 400,000 square feet within a proposed 2-story south tower containing a senior day-care facility and 80 beds, an existing 7-story central tower containing 32 beds and 85 units, a proposed 12-story west tower containing 128 units and a 3-story multi-purpose building.

**Existing Zoning**  
R10 District

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

RM20 District

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

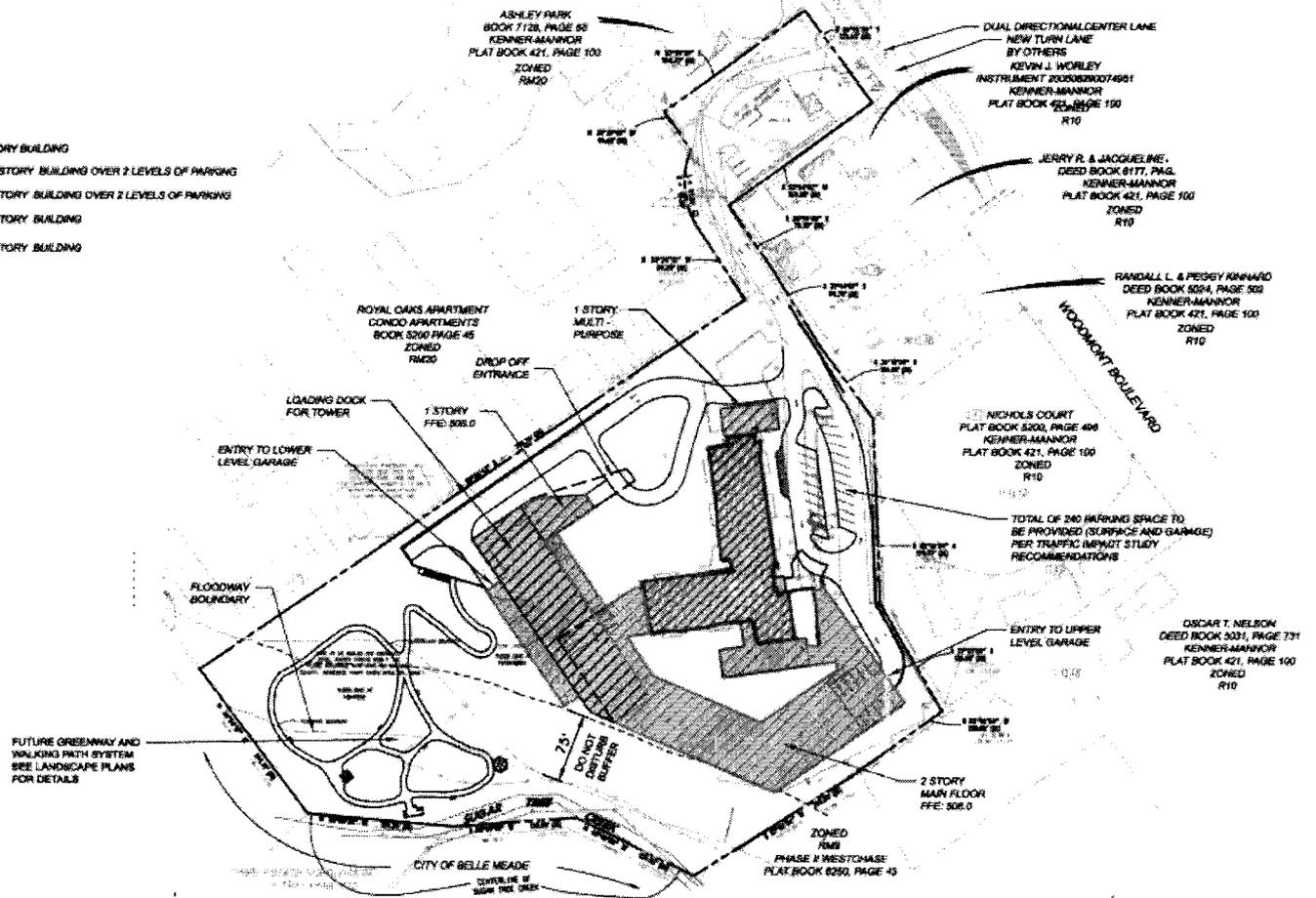
**Proposed Zoning**  
SP-MR District

Specific Plan-Mixed Residential 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.

# Abe's Garden at Park Manor

**LEGEND:**

-  EXISTING 1 STORY BUILDING
-  PROPOSED 12 STORY BUILDING OVER 2 LEVELS OF PARKING
-  PROPOSED 2 STORY BUILDING OVER 2 LEVELS OF PARKING
-  PROPOSED 1 STORY BUILDING
-  PROPOSED 3 STORY BUILDING





## Metro Planning Commission Meeting of 12/11/2008

### GREEN HILLS MIDTOWN COMMUNITY PLAN

#### Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

#### Residential High (RH)

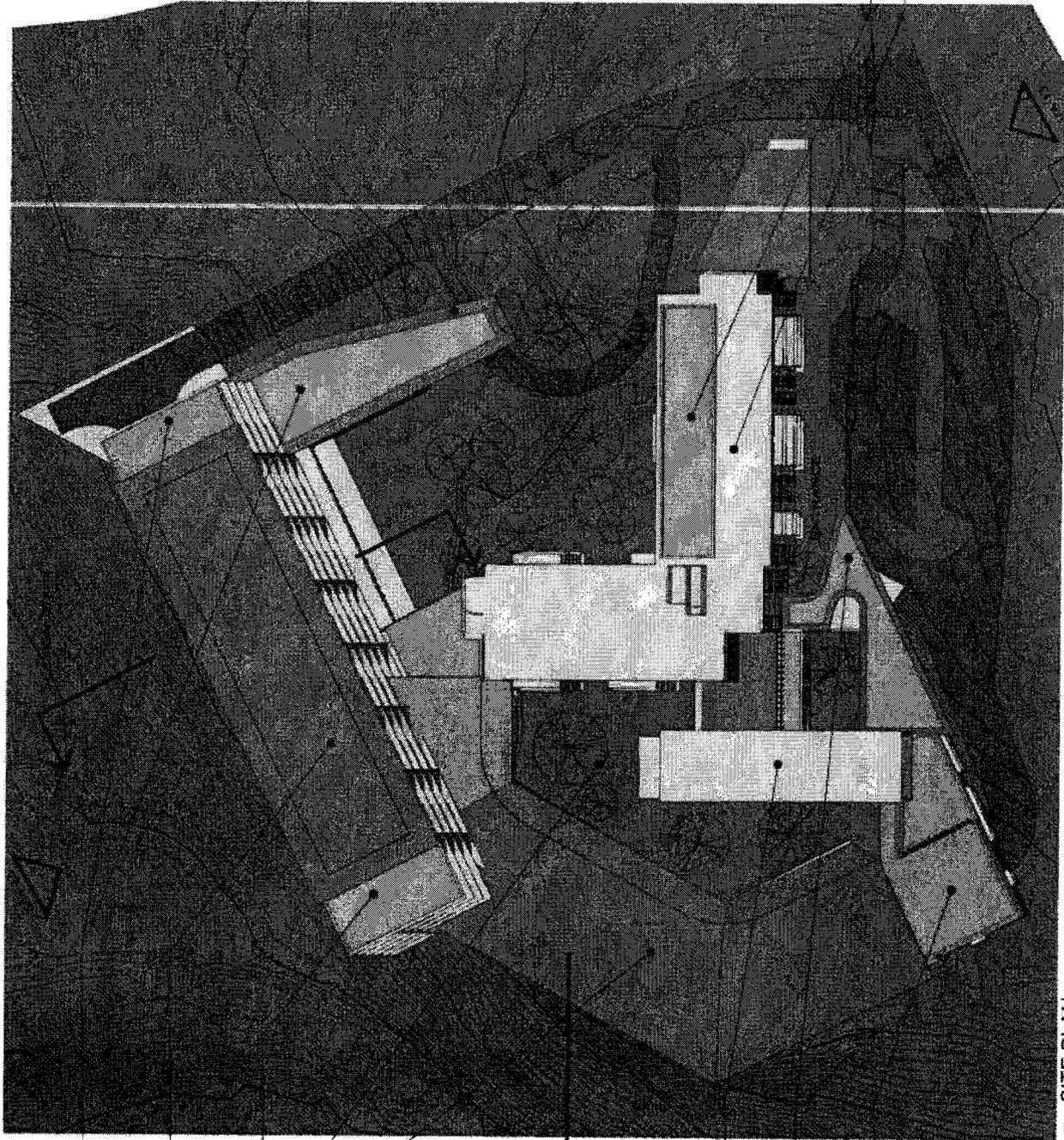
RH policy is intended for new and existing residential development with densities above twenty dwelling units per acre. Any multi-family housing type is generally appropriate to achieve this density. The most common residential type will generally be mid or high-rise structures.

#### Consistent with Policy?

Yes. The proposed plan is consistent with both the Residential Medium (RM) and Residential High (RH) land use policies. The RM land use policy applies to parcel 027 which currently serves as a parking area and as the main entrance to the existing multi-family use. There are no proposed new uses within this area of the site that would conflict with the RM policy. The proposed plan is also consistent with the Residential High land use policy which encourages densities above 20 units per acre in the form of mid or high-rise structures. The RH policy applies to parcel 015 which is planned to accommodate two new multi-family structures, a one-story multi-purpose building and a 3-story dining hall planned as an addition to an existing 7-story tower. The overall development will accommodate a maximum density of 34 units per acre.

#### PLAN DETAILS

The preliminary site plan proposes three new buildings in addition to two existing buildings. Currently, the site contains a 7-story independent senior living facility and a utility building located near the entrance of the site. The proposed structures include a 2-story building totaling 70,106 square feet designated for a senior day care and nursing home; a 12-story building totaling 205,191 square feet designed for independent living units as well as an assisted care and nursing home; a one-story multi-purpose building and a 3-story dining hall planned as an extension of the existing 7-story



PROPOSED GREEN ROOF

PROPOSED WEST BUILDING INDEPENDENT LIVING UNITS

PROPOSED GREEN ROOF

PROPOSED SOUTH BUILDING COURTYARD

PROPOSED SOUTH BUILDING ABE'S GARDEN



1/A-13

SECTION: 1/A-14



PROPOSED THREE STORY DINING PAVILION

PROPOSED SOUTH BUILDING ENTRY CANOPY (GREEN ROOF)

PROPOSED GREEN ROOF TERRACE

4/A-13

PROPOSED WEST BUILDING ENTRANCE

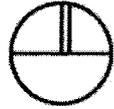
PROPOSED ENTRY DRIVE

SECTION: 1/A-14



PROPOSED GREEN ROOF

EXISTING CENTRAL BUILDING



NORTH

1 SITE PLAN



## Metro Planning Commission Meeting of 12/11/2008

tower, which totals 119,788 square feet. A total of 112 beds and 213 units will be provided within the three residential structures.

The development standards include a 30 foot minimum side setback, a 100 foot minimum rear setback, a maximum building height of 150 feet, a maximum floor area ratio of 1.3 and a maximum impervious surface ratio of 0.50.

### Access/Parking

Access to the site is provided by an existing private driveway that connects to Woodmont Boulevard. The driveway extends throughout the site providing access to the parking garage in the proposed new buildings. The Metro Zoning Ordinance requires a minimum of 224 parking spaces to accommodate the proposed uses. The plan proposes a total of 240 parking spaces; 22 surface parking spaces and 218 garage parking spaces.

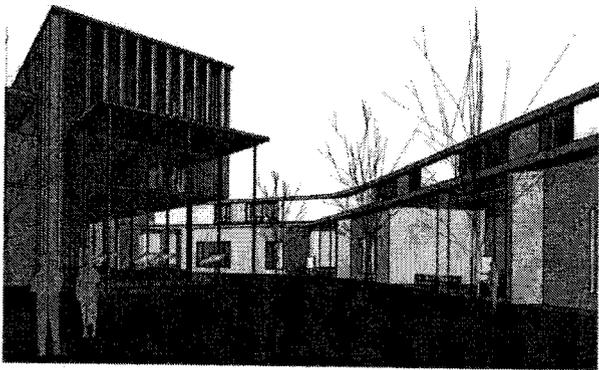
### Landscaping/Open Space

The plan proposes to preserve a significant portion of the site for open space. The open space area includes a walking trail and dedicated public access for a greenway trail easement. Sugar Tree Creek runs along the southern property boundary and a 75 foot buffer is provided to preserve the natural state of the creek. The plan proposes new plantings around the eastern and western perimeter of the site to augment the existing vegetation and to meet the minimum requirements of the standard B and the standard C landscaping buffers. A green roof is also proposed on portions of the existing building and the two-story building.

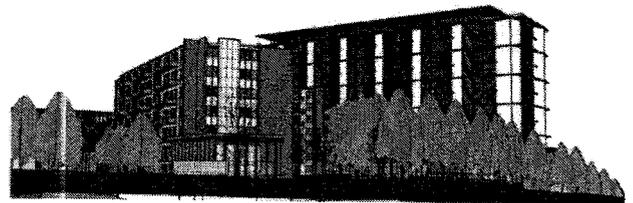
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### **PUBLIC WORKS RECOMMENDATION**

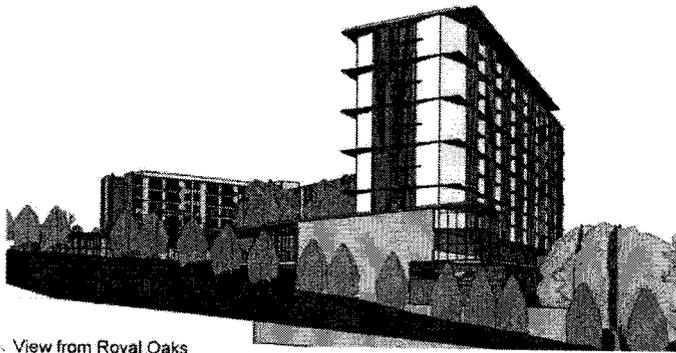
1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Identify plans for recycling collection and solid waste disposal. Provide turning templates for truck routes. Solid waste plan must be approved by the Department of Public Works Solid Waste Division.



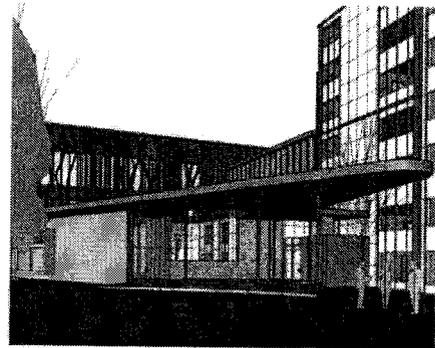
① Proposed South Building courtyard view  
ABE'S GARDEN COURTYARD



② Entry Drive View  
INDEPENDENT LIVING



③ View from Royal Oaks



④ Entry view of Proposed South Building  
ABE'S GARDEN AND LEGACY LIVING UNITS ENTRY



# Metro Planning Commission Meeting of 12/11/2008

**Typical/Maximum Uses in Existing Zoning District: R10/RM20**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	7.41	20	148	868	66	77

**Typical Uses in Proposed Zoning District: SP-M**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Senior/Independent Living (252)	7.41	N/A	184 beds	640	15	20

**Typical Uses in Proposed Zoning District: SP-M**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Assisted Living (254)	7.41	N/A	16 beds	44	3	5

**Typical Uses in Proposed Zoning District: SP-M**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Nursing (620)	7.41	N/A	120 beds	284	20	26

**Change in Traffic Between Typical/Maximum Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+100	-28	-26

**STORM WATER RECOMMENDATION**

Preliminary SP approved.

**FIRE MARSHAL RECOMMENDATION**

1. The turning radius of a fire department access road shall be 25' inside and 50' outside.
2. More than one story below grade, Class I standpipe system shall be installed.
3. More than three stories above grade, Class I standpipe system shall be installed.

**NES RECOMMENDATION**

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that



## Metro Planning Commission Meeting of 12/11/2008

contains the civil site information (after approval by Metro Planning w/ any changes from other departments).

2. Developer drawing should show any and all existing utilities easements on property.
3. 20-foot easement required adjacent to all public rights of way and 20' PUE centered on all NES conduits. (Developer may consider recording all open space as a PUE).
4. Developer must maintain all Overhead Clearances required by NESC from new proposed 10 story building and existing Overhead Power Line at North Corner of property.
5. Developer must maintain access to existing NES pad-mounted transformer serving current 7 story building or show plans for relocating the existing power equipment. NES can meet with developer/engineer upon request to determine electrical service options for the existing buildings as well as the future load requirements of the new buildings. Developer will need to show plans on where the existing overhead power lines on the east side of the property can be relocated due to the new parking lot structure.
6. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules.

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### **METRO SCHOOL BOARD REPORT**

#### **Schools Over/Under Capacity**

Projected student population is not applicable to this zone change request because the development is planned for senior living exclusively.

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### **STAFF RECOMMENDATION**

Staff recommends approval with conditions of the request to rezone 7.41 acres from R10 and RM20 to SP-MR. The proposed use and density are consistent with the intent of the Residential Medium and Residential High land use policies.



## Metro Planning Commission Meeting of 12/11/2008

### CONDITIONS

1. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. The requirements of NES must be met prior to or in conjunction with final site plan approval.
4. The SP uses shall be limited to independent living, assisted-care and nursing home facilities.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district as of the date of the applicable request or application.
6. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
7. 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.



## Metro Planning Commission Meeting of 12/11/2008

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.

**SEE NEXT PAGE**



**2008SP-031U-11**

Mercury North

Map: 106-01 Parcels: 055, 057

South Nashville Community Plan

Council District 17 – Sandra Moore



<b>Project No.</b>	<b>Zone Change 2008SP-031U-11</b>
<b>Project Name</b>	<b>Mercury North</b>
<b>Council Bill</b>	BL2008-363
<b>Council District</b>	17 - Moore
<b>School Board District</b>	7 - Kindall
<b>Requested By</b>	Urban Housing Solutions, Inc., owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**  
**Preliminary SP and Final Site Plan**

A request to change from Commercial Service (CS) to Specific Plan-Residential (SP-R) zoning and for final site plan approval for properties located at 416 Murfreesboro Pike and 811 Elm Hill Pike, approximately 1,135 feet west of Fessler's Lane (0.37 acres), to permit a boarding house with 32 living units with kitchens in an existing 32 room motel facility.

**Existing Zoning**  
CS District

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

**Proposed Zoning**  
SP-R District

Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan. This SP includes residential uses.

**SOUTH NASHVILLE**  
**COMMUNITY PLAN**

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.





## Metro Planning Commission Meeting of 12/11/2008

### Consistent with Policy?

Yes. The proposed use is consistent with the area's land use policy. The use will go from hotel/motel to a multi-family type use which is a use intended in the policy. Since the plan does not propose any significant change to the existing structure, no significant improvements are required.

### PLAN DETAILS

The two properties within the proposed SP-R district are located between Murfreesboro Pike and Elm Hill Pike across from Trevecca Nazarene University. The existing motel building on the site was formerly part of the Drake Motel. The Drake Motel is located immediately to the east and is a historical structure that the Historic Zoning Commission has determined to be worthy of conservation.

The applicant, Urban Housing Solutions, provides affordable housing to people in need of adequate housing. According to the applicant, the proposed apartment units will be temporary housing for the homeless. While the proposed use is similar to a Boarding House as defined in the Metro Zoning Code, the proposed units will have kitchens which are not allowed under the Boarding House use. Since this will be a SP district there is flexibility in defining the use. The use in this SP will be classified as a *Boarding house with Kitchen*. This is a residential facility or dwelling unit for the temporary accommodation of persons or families in a dwelling unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services.

### Site Plan

The site plan identifies the existing building and related facilities. The plan calls for the existing 32 motel units to be converted into 32 small apartments.

Primary access to the site will be from the existing drive along Murfreesboro Road. A secondary access point is also provided onto Elm Hill Pike to provide adequate access for emergency vehicles and equipment. Access to the site will be restricted and both access points will have gates.

### Parking

The site plan identifies a total of 13 parking spaces. The proposed use most closely resembles multi-family, and would require a total of 32 parking spaces under Zoning



## Metro Planning Commission Meeting of 12/11/2008

Code. While there is some flexibility in the number of parking spaces required in an SP, the plan must demonstrate adequate parking. Because of the nature of the proposed use, a majority of the occupants will not drive or have access to independent travel. Since most of the occupants will be dependent on public transit or other means of transportation the 13 proposed parking spaces are sufficient.

### Sidewalks

A sidewalk exists along Murfreesboro Pike but there is no sidewalk along Elm Hill Pike. An open ditch runs between Elm Hill Pike and the property. The ditch would not hinder the construction of a sidewalk, however it does pose a challenge. Within the general area there are no sidewalks along Elm Hill Pike. Since there are no sidewalks within the general area along Elm Hill Pike then Planning Staff recommends that the applicants make a contribution to the pedestrian network as specified in Section 17.20.120.D of the Metro Zoning Code rather than constructing a sidewalk.

### Analysis

The SP proposes no significant change to the existing structure. Since no major changes are proposed, then staff has not required any significant improvements to the site. While 13 parking spaces are adequate for this specific proposal, that number would not be adequate if this were a typical multi-family development. If the nature of this use were to change then additional parking would be needed. There is not room for additional parking on the site so any new use would require significant changes and may require additional land. Any change in use would require Council approval.

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### **FIRE MARSHAL RECOMMENDATION**

1. A sprinkler system for fire protection may be required to be installed with building permits.
2. A fire hydrant shall be provided within 100' of the fire department connection.
3. Actual or projected fire hydrant flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
4. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.



# Metro Planning Commission Meeting of 12/11/2008

## STORMWATER RECOMMENDATION

Approved

## PUBLIC WORKS RECOMMENDATION

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

### Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.37	0.06	967	NA	30	34

### Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: Low Rise (221)	0.37	N/A	32	522	22	25

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					-8	-9

### Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.37	0.60	9,670	NA	300	335

### Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: Low Rise (221)	0.37	N/A	32	522	22	25

### Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					-278	-310



## Metro Planning Commission Meeting of 12/11/2008

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### METRO SCHOOL BOARD REPORT

Projected student generation

3 Elementary    1 Middle    1 High

Schools Over/Under Capacity

*The above figures are derived from a typical multi-family development. Due to the nature of this SP no new students are anticipated. Students would attend McGavock Elementary School, Two Rivers Middle School and McGavock High School. All three schools are over capacity. There is additional capacity within the cluster for elementary and middle school students. There is capacity within an adjacent high school cluster. This information is based upon data from the school board last updated June 2008.*

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### STAFF RECOMMENDATION

Staff recommends that the proposed SP be approved. The SP does not propose any significant change to the property and the use is consistent with the area's land use policy.

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### CONDITIONS

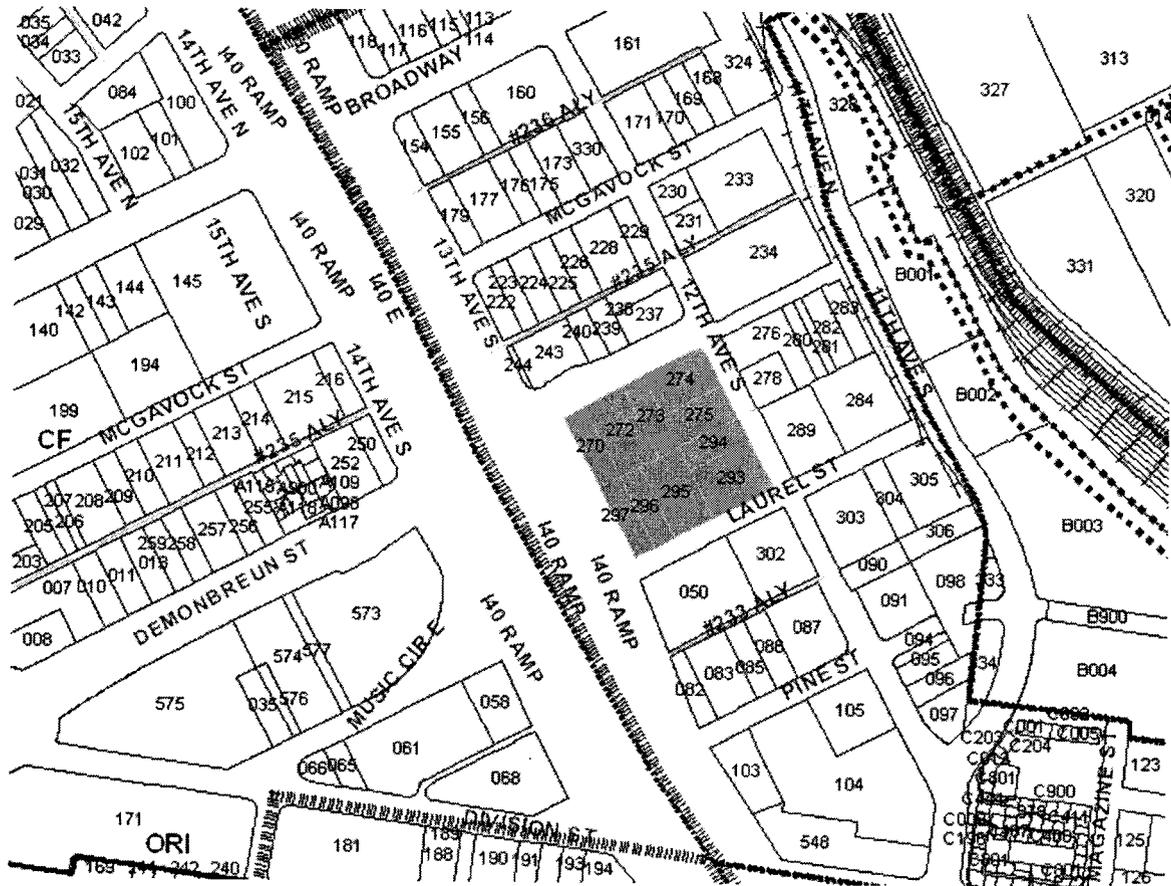
1. Applicants shall make a contribution to the pedestrian network as specified in Section 17.20.120.D of the Metro Zoning Code. A use and occupancy permit shall not be issued until the payment has been received by Metro in accordance with the requirement.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP and final site plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the



## Metro Planning Commission Meeting of 12/11/2008

corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

4. Minor adjustments to the preliminary SP and final site plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments 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.
5. The preliminary SP and final site plan as approved by the Planning Commission and Metro Council will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
6. 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.



**2008SP-035U-09**  
 1201 Demonbreun  
 Map: 093-09 Parcels: Various  
 Downtown Community Plan  
 Council District 19 – Erica Gilmore



**Project No.**  
**Project Name**  
**Council Districts**  
**School Districts**  
**Requested by**

**Zone Change 2008SP-035-09**  
**1201 Demonbreun SP**  
19 - Gilmore  
7 - Kindall  
Hastings Architecture Associates, applicant, for  
Demonbreun Gateway Partners, owner

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*Approve with conditions*

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**APPLICANT REQUEST**  
**Preliminary SP**

A request to change from Core Frame (CF) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 1205, 1207, and 1211 Demonbreun Street, 201, 203, 205, and 207 12th Avenue South, and 1206, 1212, and 1214A Laurel Street, at the southwest corner of Demonbreun Street and 12th Avenue South (2.93 acres), to permit the development of a maximum 24-story mixed-use building.

**Existing Zoning**  
CF District

Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

**Proposed Zoning**  
SP-MU District

Specific Plan-Mixed Use 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.

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**DOWNTOWN**  
**COMMUNITY PLAN**

*Gulch DNDP* - Mixed Use  
in Downtown Neighborhood

Mixed Use (MxU)

MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level with office and/or residential above.





## Metro Planning Commission Meeting of 12/11/2008

### Downtown Neighborhood (DN)

Downtown Neighborhood policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhood's Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

### Consistent with Policy?

Yes, the proposed mixed-use buildings are consistent with the land use policy.

### PLAN DETAILS

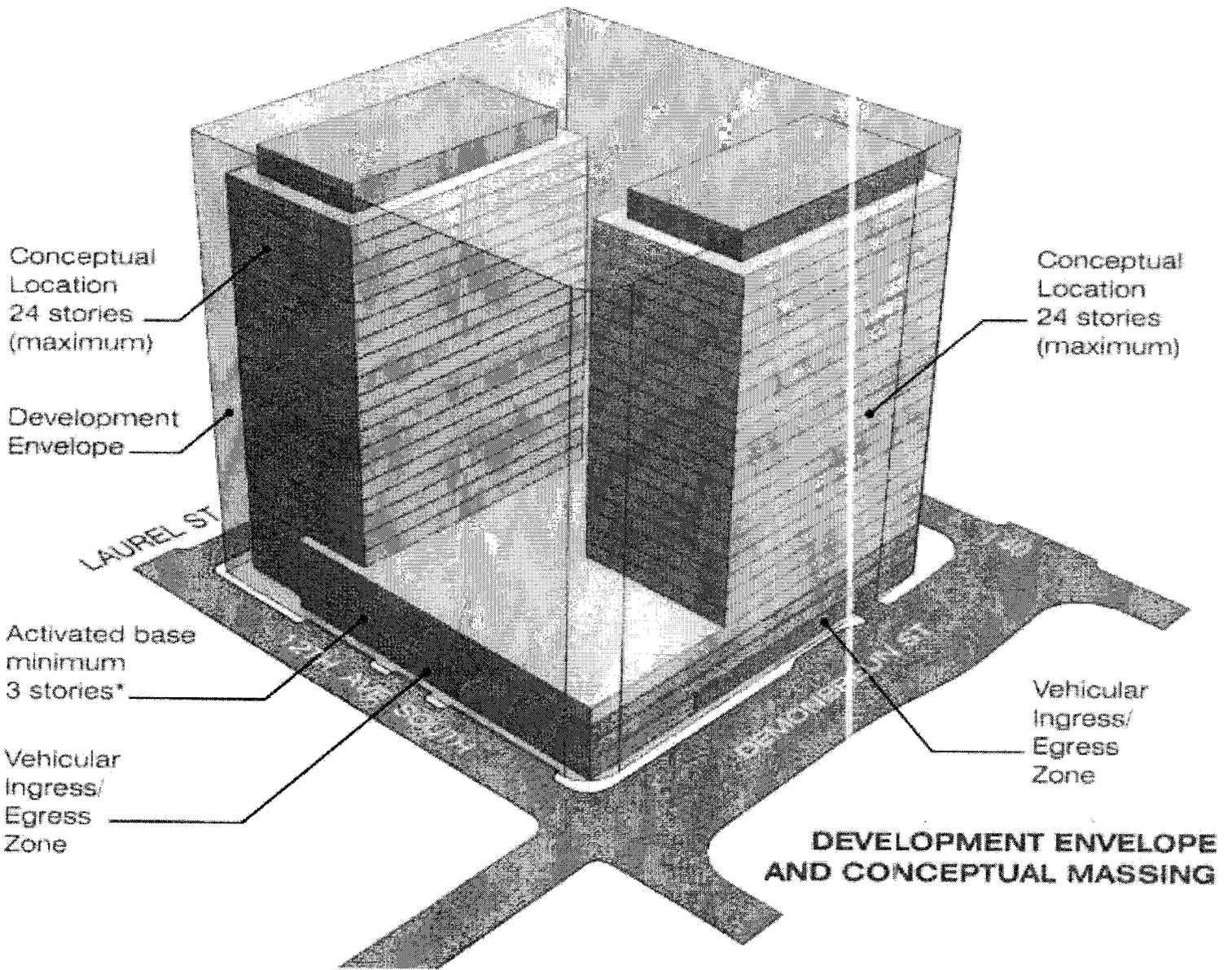
The proposed 1201 Demonbreun SP includes a mixed-use development in one building with a base of a minimum of three stories and up to two, 24 story towers. The project is located on a full block between Demonbreun Street, 12th Avenue South, Laurel Street and the 1-40 on-ramp.

### Uses

The SP includes a mix of retail, residential and office uses. In order to ensure a mix of uses occurs, the applicant is proposing at least 2% of the building will be retail. The retail will primarily be on the ground floor to provide active uses. While the applicant's intent develop one tower develop with office and the second with residential/hotel, both towers could be developed as either office or residential/hotel.

This proposal is within the Metro Development and Housing Agency (MDHA) Arts Center Redevelopment District. MDHA has reviewed and approved the SP Plan. Modifications to the SP Plan, particularly design related, may require review and approval from MDHA.

The SP bulk standards provide for a minimum of 3 stories and a maximum of 24 stories within an identified building envelope. The SP includes setback requirements, identifies the appropriate frontage type such as forecourt, stoop, arcade for the Demonbreun Street, 12th Avenue and Laurel Street frontages. A list



\* Activated liner not required at parking levels above the 3rd floor



## Metro Planning Commission Meeting of 12/11/2008

of appropriate materials is provided. As this is within a redevelopment district, MDHA will need to approve all building materials.

Signage will be required to meet the CF standards of the Metro Zoning Code and must be consistent with the MDHA Redevelopment District guidelines. This will require review and approval by MDHA prior to the issuance of any sign permits.

### Pedestrian Environment

In order to ensure the design meets the policy intent to create a pedestrian oriented streetscape, a build-to line has been specified with a minimum frontage. The building will be lined with active uses and there are minimum requirements for ground level exterior windows. New sidewalks are proposed along Demonbreun Street and 12th Avenue South.

Landscaping, street furnishings and related details will be included in the final site plan and shall meet the requirements of the Downtown Streetscape Guidelines and any requirements of the MDHA Art Center Redevelopment District.

### Parking

Parking will meet the UZO standards of the Zoning Code and will be accommodated within a parking structure. The structure will be lined with active uses on Demonbreun Street and 12th Avenue South. While, three access points are proposed, the Public Works Department has recommended that the access on Demonbreun Street be limited to an entrance only.

### Consolidation of Lots

The site is made up of ten parcels which will need to be consolidated into one lot in order for this project to be built. There is an 8 inch sewer line and easement that traverses the property. Due to the proposed building location, the line and easement must to be abandoned. The applicant has initiated this process and the was approved on third reading at the December 3, 2008, Council meeting.

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### **STORMWATER RECOMMENDATIONS**

Preliminary SP Approved with conditions:

- Increased flow (to each basin) is not permissible.
- If site discharges to the combined sewer, then 50% TSS is required. Otherwise, 80% TSS is required.



## Metro Planning Commission Meeting of 12/11/2008

These issues can be addressed during construction drawing phase.

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### **WATER SERVICES RECOMMENDATION**

- Private water and private sewer extensions will be required for the proposed development
- Abandonment of an existing 8 inch public sewer line traversing the site will be required due to the proposed building footprint
- Pressure regulating devices will be required when pressure exceeds 100 psi
- The engineer must contact the Fire Marshal's Office regarding adequate fire protection

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### **FIRE MARSHAL RECOMMENDATION**

#### Conditional Approval

- Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Show all fire hydrant(s) flow data or the proposed fire hydrant(s) flow data on plans or the fire hydrant with the highest elevation and the most remote in the development,
- New or existing fire hydrant flow shall be adequate to protect the new construction as per NFPA
- More than three stories above grade, Class I standpipe system shall be installed.
- More than one story below grade, Class I standpipe system shall be installed.

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### **NES RECOMMENDATION**

- 1) Overhead utility lines exist on three sides of the property, excluding only the Interstate 40 side. Ample clearance (8' for NES final clearance, 10' OSHA clearance during construction) must be provided from these lines during construction and after construction is complete for final clearance from the structure. This includes scaffolding, awnings, balconies and other protrusions that may extend from the face of the bldg.
- 2) If proper clearance cannot be met, these lines must be rebuilt and/or relocated at no cost to NES.



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- 3) Developer shall provide switchgear and transformer locations that may include space inside the structure in the form of a transformer vault. Proposed locations should be provided by the developer for review and approval by NES.
- 4) Developer's desired location for service should be provided to NES for review and approval.
- 5) Any underground infrastructure that must be installed will be done so by the developer to meet NES specifications. This may include manholes, duct runs, transformer and/or switchgear vaults.
- 6) Some talks have been had with the developer regarding removal of lines along 12<sup>th</sup> Ave. S. and Demonbreun St. These talks are still ongoing at this time.
- 7) NES can meet with developer/engineer upon request to determine electrical service options
- 8) NES needs any drawings that will cover road improvements to Metro r-o-w that Public Works will require.
- 9) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).

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### **PUBLIC WORKS RECOMMENDATION**

There is not enough information provided within the submitted SP Development Standards packet to provide detailed engineering comments. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' review and approval of the final design plans.

- All existing roadway widths shall not be reduced.
- Identify the ADA path of travel. Obstructions shall not be located within the travel area, or any encroachments into the pedestrian easement.
- Along property frontage, modify the curb line on west side of 12th Avenue (north of Laurel Street) to align with existing curb line south of Laurel Street.
- Provide adequate truck turning radius at 12th/Demonbreun and 12th/Laurel and driveways.
- Identify loading zones and valet/drop off or transit loading areas.
- Align access points with existing driveways if feasible.



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- All three of the proposed driveways should be located in the approximate locations shown on the plans.
- As a minimum, the proposed driveway onto Laurel Street shall be designed with one entering and one exiting lane.
- As a minimum, the proposed driveway onto 12th Avenue shall be designed with one entering and two exiting lanes. The exiting lanes shall be marked as a left turn lane and a right turn lane and shall provide a minimum of 50 ft. of storage in each.
- The proposed driveway onto Demonbreun Street shall be an entrance only.
- On-street parking will be allowed on 12th Avenue and Laurel Street; however, this parking shall not require encroachment by parked vehicles into the existing travel way.

### Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.93	2.578	329,032	3338	487	448

### Maximum Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.93	5	638,154	5559	827	794

### Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.93	N/A	625,000*	5471	813	779

\*Assumes 50% of the building is for General Office

### Typical Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	2.93	N/A	62,000*	2691	57	171

\*Assumes 5% of the building is General Retail



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## Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: High Rise (222)	2.93	N/A	437*	1894	132	153

\*Assumes 35% of the square footage of the building is for residential with 1,000 square foot units

## Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	2.93	N/A	125,000* (250)	2230	166	161

\*Assumes 10% of the square footage of the building is for Hotel

## METRO SCHOOL BOARD REPORT

### Projected student generation

**4** Elementary    **0** Middle    **4** High

### Schools Over/Under Capacity

As this project is located in the downtown, the urban infill factor was used to calculate capacity. Students would attend Eakin Elementary School, West End Middle School or Hillsboro High School. Hillsboro High School has been identified as being over capacity by the Metro School Board. There are High Schools in adjacent clusters with capacity. This information is based upon data from the school board last updated June 2008.

## STAFF RECOMMENDATION

The proposed SP is consistent with the mixed-use policy and staff recommends approval with conditions.

## CONDITIONS

1. Landscaping plans shall be include with the submission of a final site plan. Plans shall meet the Zoning Code requirements for CF zoning and the Downtown Streetscape Guidelines.
2. Prior to the issuance of any sign permits, signage plans shall be reviewed and approved by the MDHA Design Review Committee for compliance with the Redevelopment district standards. Signage must also be consistent with the CF standards of the Metro Zoning Code.
3. The Stormwater issues shall be addressed during construction drawing phase of the final site plan.



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4. The requirements of the Public Works Department shall be met at the final site plan.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.
8. 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.