

Metropolitan Planning Commission



Staff Report

August 8, 2013

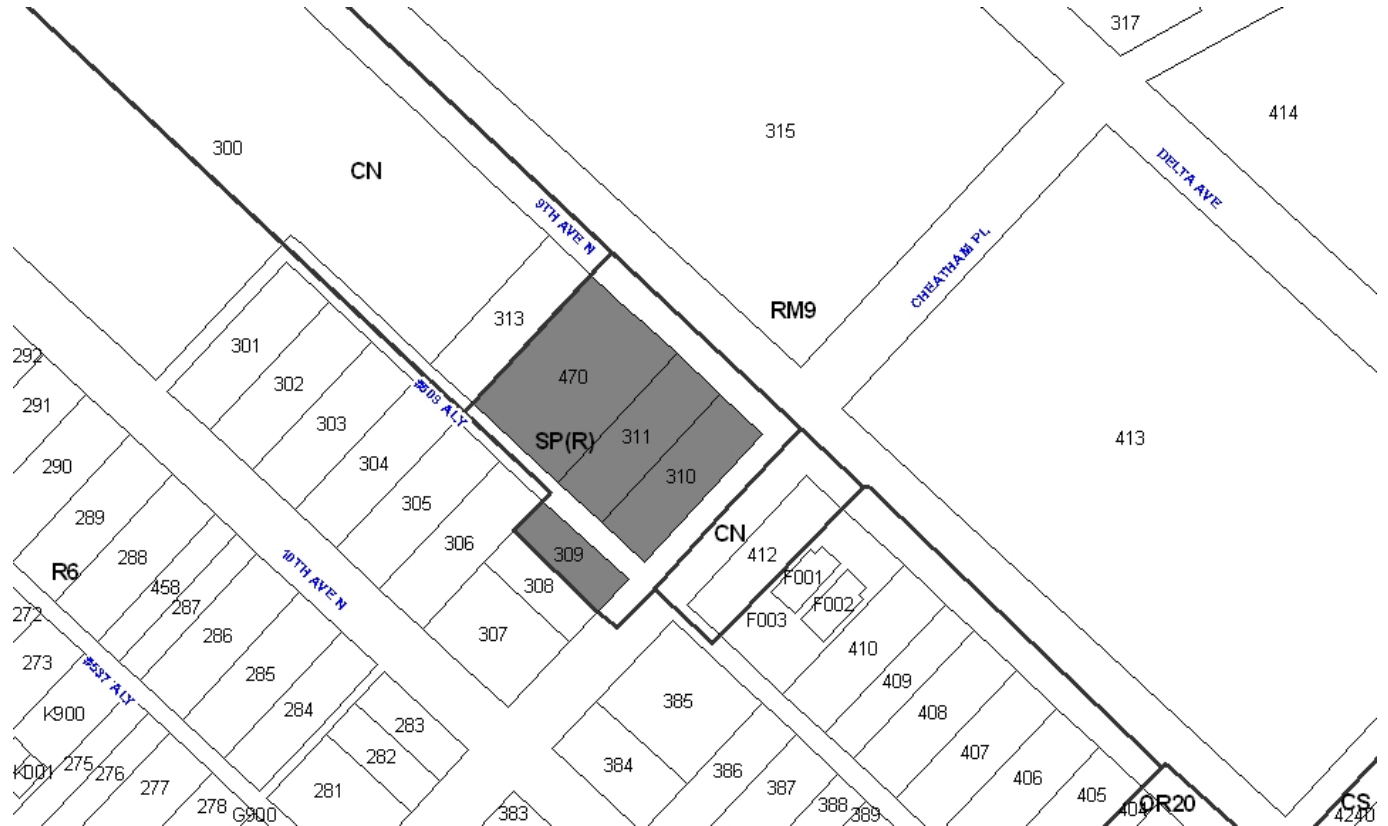


Metro Planning Commission Meeting of 8/8/2013

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.



Metro Planning Commission Meeting of 8/8/2013



2013SP-026-001
9TH & CHEATHAM COTTAGES
Map 081-12, Parcel(s) 309-311, 470
North Nashville
19 - Erica S. Gilmore



Project No. Zone Change 2013SP-026-001
Project Name Cheatham Place Cottages
Council District 19 – Gilmore
School District 1 – Gentry
Requested by Dale & Associates, applicant; Robert Pullen, owner.

Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions and disapprove without all conditions*

APPLICANT REQUEST

Permit a fourteen unit cottage development and one single-family unit.

Preliminary SP

A request to rezone from Specific Plan – Residential (SP-R) to Specific Plan – Residential (SP-R) for properties located at 906 Cheatham Place, 1501 9th Avenue North and 9th Avenue North (unnumbered), at the northwest corner of 9th Avenue North and Cheatham Place, (0.76 acres), to permit up to 15 detached residential dwelling units.

Existing Zoning

Specific Plan-Residential (SP-R) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *The existing Specific Plan includes 38 multi-family units.*

Proposed Zoning

Specific Plan-Residential (SP-R) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *The proposed Specific Plan includes 14 detached units and one single-family unit.*

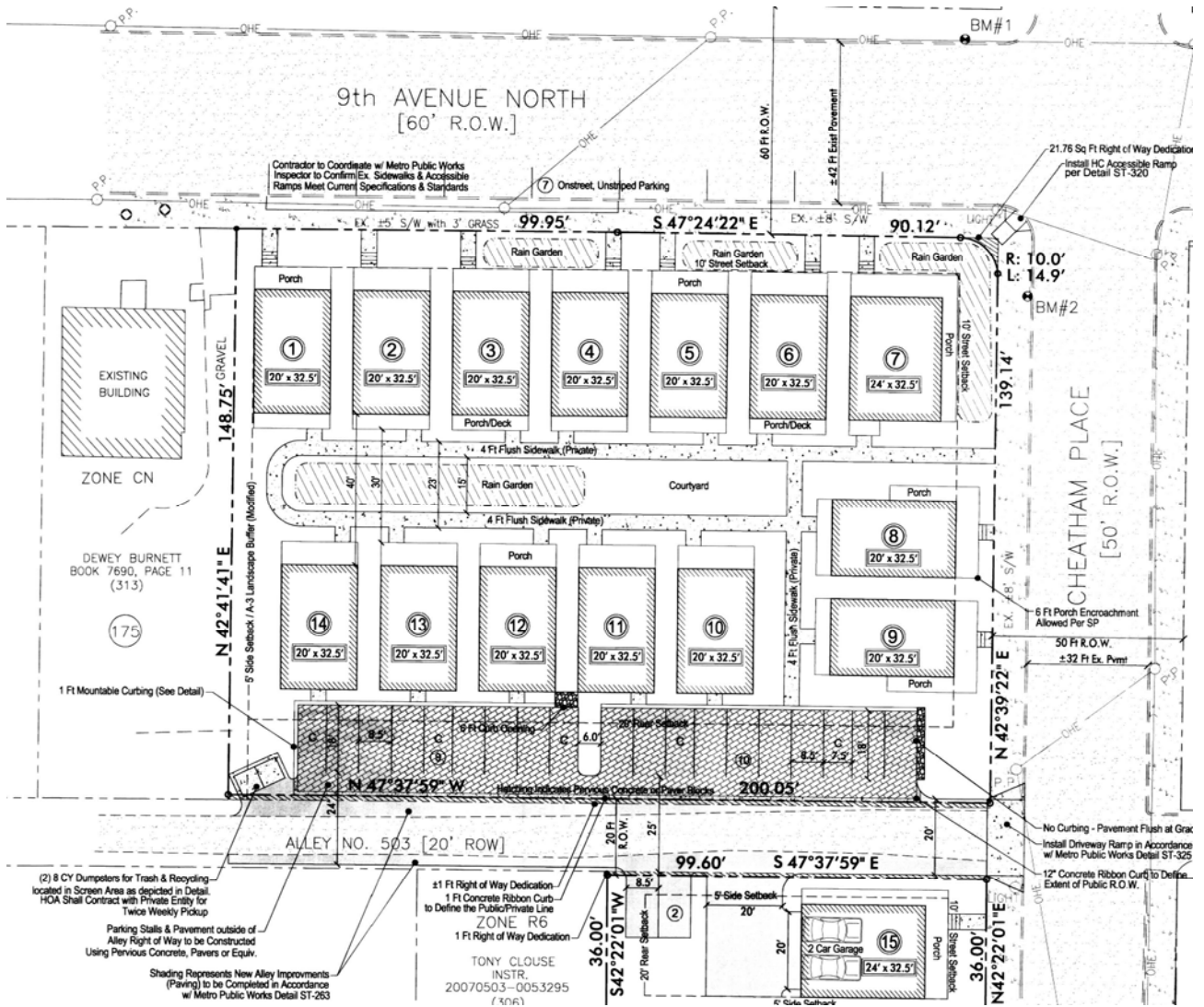
CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

The proposed SP is located in a developed area with existing public infrastructure. While the proposed density is lower than what is permitted under the current SP, it is higher than the surrounding area and provides a better transition between the more dense multi-family area northeast of the site and the single-family area to the southwest. The proposed development fosters walkable neighborhoods by providing additional density and providing a sidewalk along the frontage of Cheatham Place where no sidewalk currently exists. The proposed development also provides an additional housing option in the area.



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Proposed Specific Plan



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NORTH NASHVILLE COMMUNITY PLAN

Urban Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity. The community plan also identifies this area for infill and encourages additional housing options that maintain the existing character or provides a transition from more intense land uses to less intense land uses.

Consistent with Policy?

Yes, the request is consistent with the T4 NM land use policy, which also identifies this area as an infill area. The request provides additional density within an urban area where additional density is appropriate. The use of detached units is consistent with the single-family development pattern to the east along 9th Avenue and to the development pattern southwest of the site along Cheatham Place. The development also provides a transition from the more dense residential development to the northeast and the single-family neighborhood southwest of the site.

PLAN DETAILS

This site is located at the northwest corner of 9th Avenue North and Cheatham Place, directly across the street from MDHA's Cheatham Place and just east of Buena Vista Elementary. The site is currently vacant and contains no environmentally sensitive areas. This site is currently zoned Specific Plan (SP). The SP was approved in 2009 by Metro Council. It is approved for a three story multi-family building with 38 units.

Specific Plan Proposal

The plan identifies 15 detached residential units. Seven units front onto 9th Avenue and three units front onto Cheatham Place. Out of the three units along Cheatham Place, one will be located on the west side of the alley and will be on a separate lot. Five units front onto a central open space which is framed by the units along 9th and Cheatham Place. The units fronting on 9th Avenue and Cheatham Place have porches on the front and at the back, which front onto the open space. The plan also calls for a buffer along the western property line which is intended to buffer this development from the neighboring commercial (CL) district.

The plan provides the following bulk regulations (the plan utilized the RM20 zoning district for standards that are not specifically limited by the SP):

Max Units – 15

Max FAR – 1 (proposed: 0.89)

Max ISR – 0.7 (proposed: 0.42 and does not include pervious concrete)

Street Setback – 10 feet from right-of-way

Side Yard Setback – 5 feet from property line and 3 feet between units

Rear Yard Setback – 20 feet

Maximum Height – three stories



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Vehicular access is provided from the alley. A total of 23 parking spaces are provided, including two located in the garage for unit fifteen. The plan also calls for an additional seven on-street spaces.

ANALYSIS

This request is consistent with the T4 NM land use policy and infill area designation and meets several critical planning goals. Staff recommends approval with conditions.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- All ROW dedications must be recorded prior to building permit sign off.
- Indicate on the plans the overflow for the bio-retention ponds/ swales. Stormwater must not be designed to sheet flow over the sidewalk. Coordinate with Metro Stormwater and MPW prior to final design and SP approval.

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

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)	0.76	-	38 U	354	23	39

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

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)	0.76	-	15 U	100	8	10

Traffic changes between maximum: **SP-R** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 23	-254	-15	-29

METRO SCHOOL BOARD REPORT

This request reduces the density and the number of students generated from the existing zoning.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the site's T4- NM land use policy and infill area designation, and meets several critical planning goals.



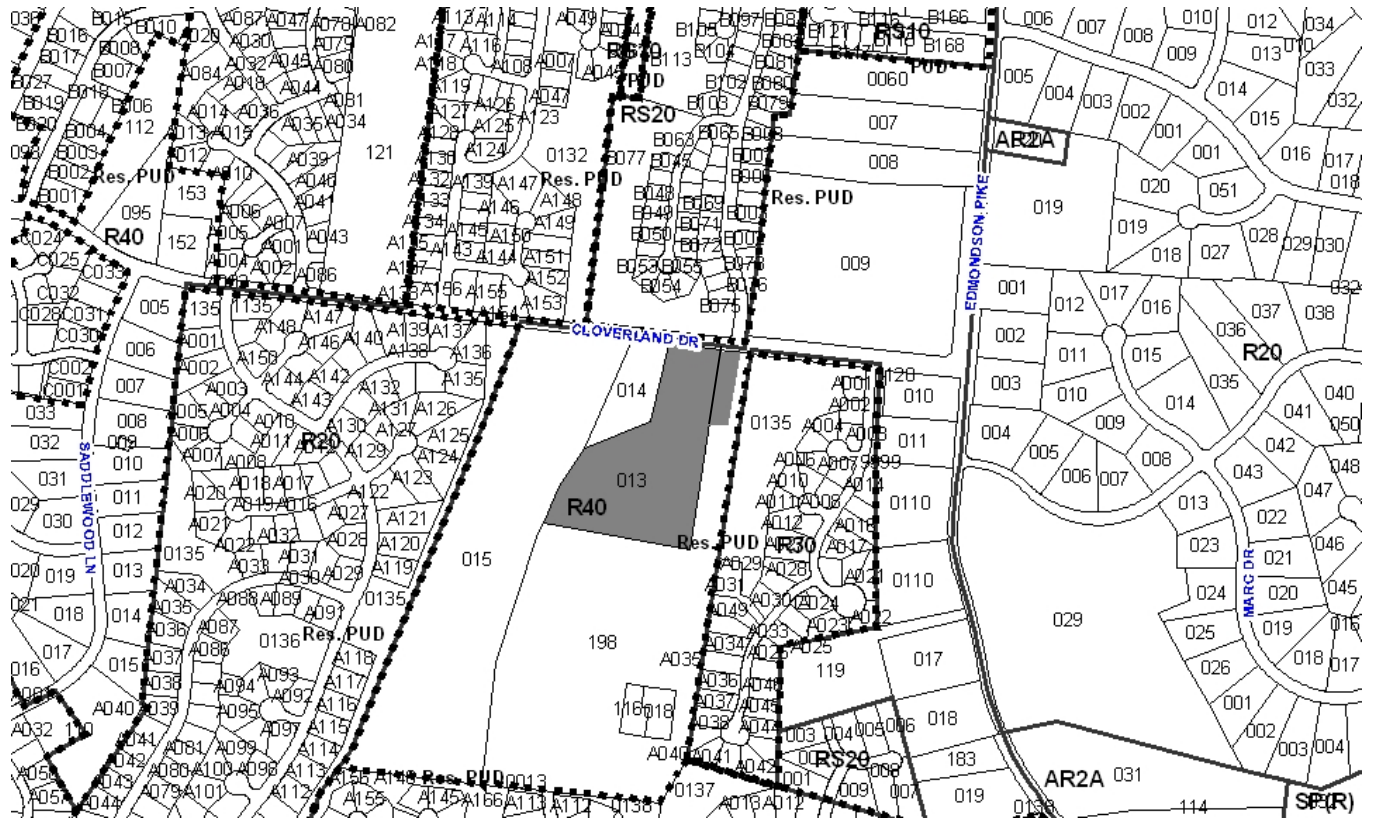
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CONDITIONS

1. Permitted land uses are limited to single-family and multi-family residential.
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 RM20 zoning district as of the date of the applicable request or application.
3. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
4. 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.
5. 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.



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2013SP-028-001

LOHAVEN

Map 172, Parcel(s) 013, part of parcel 198

Southeast

04 - Brady Banks



Project No.	Zone Change 2013SP-028-001
Project Name	Lochaven SP
Council District	4 – Banks
School District	2 – Brannon
Requested by	Anderson, Delk, Epps & Associates, Inc., applicant; W. H. Swain et ux and Montessori Academy, Inc., owners.
Staff Reviewer	Johnson
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Zone change to permit 24 single-family lots.

Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Residential (SP-R) zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 24 detached single-family residential dwelling units.

Existing Zoning

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 7 lots with 1 duplex lot for a total of 8 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

SOUTHEAST COMMUNITY PLAN

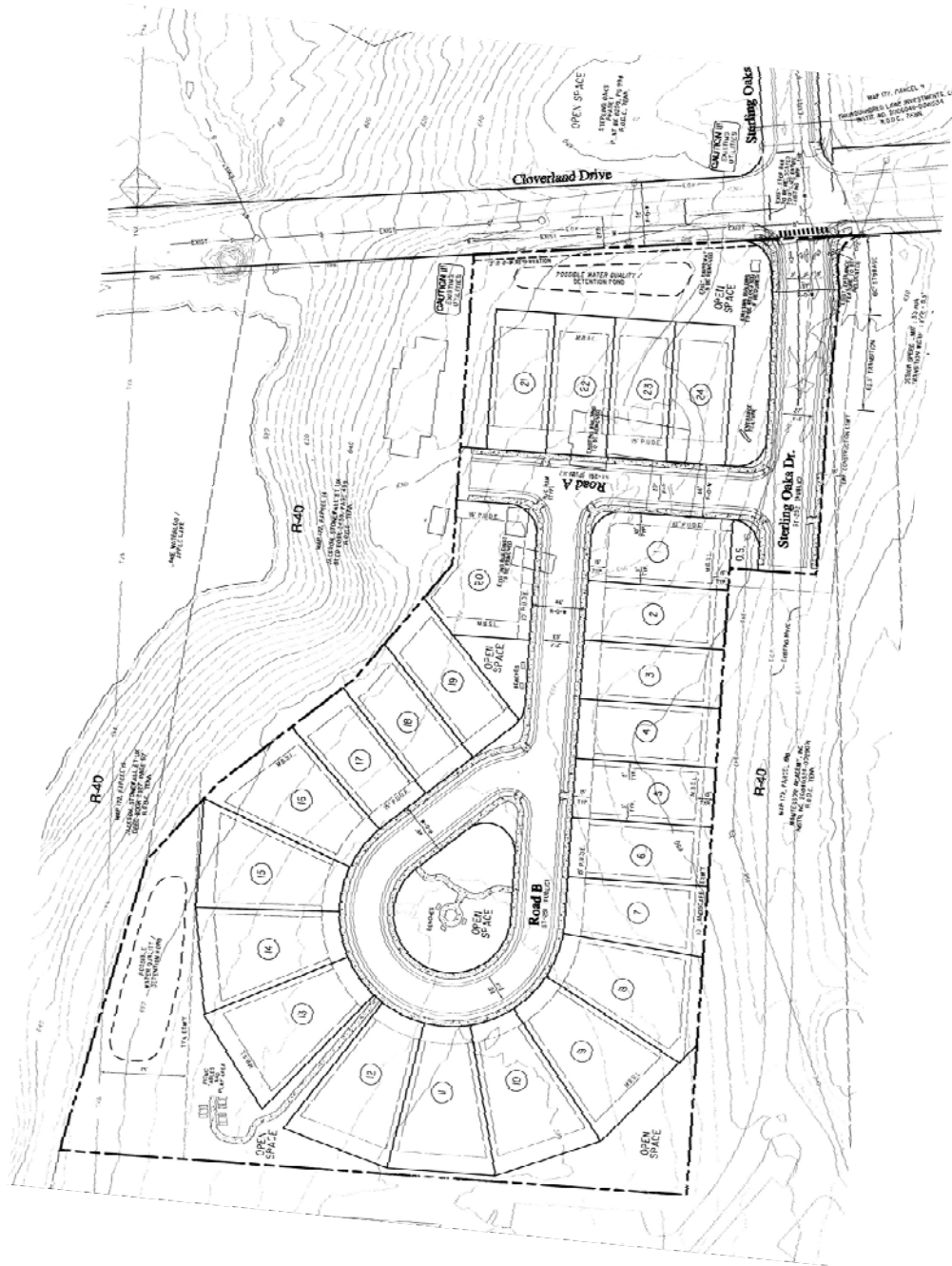
Residential Low-Medium (RLM) policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy?

No. Although the proposal is consistent with the density recommendation of the RLM policy of 2-4 dwelling units per acre, the proposal is not consistent with the design principles of the RLM policy to provide a high level of street connectivity. The proposal is also inconsistent with several portions of the Subdivision Regulations, which provide standards for the development of residential subdivisions.



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Proposed Specific Plan



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PLAN DETAILS

Normally, proposals for single-family detached subdivisions will go through base zone change and concept subdivision plan processes instead of an SP zone change. In this case, the applicant applied for an SP zone change to achieve additional density permitted within the RLM policy range of 2-4 dwelling units per acre. As proposed, the density of this subdivision is approximately 3.33 dwellings per acre. The minimum lot size within this subdivision is 5,000 square feet. Had the applicant sought a standard zone change under a base zone change and cluster-lot subdivision, the minimum lot size would likely be around 7,500 square feet, which would reduce the overall density of the proposal.

The SP proposal includes 24 single-family lots organized around an internal street system that includes a cul-de-sac. Access is provided at the intersection of Cloverland Drive and Sterling Oaks Drive. The public street extension of Sterling Oaks Drive from the Cloverland Drive intersection will utilize a portion of an adjacent parcel, which is occupied by a Montessori school.

Open spaces are provided within the SP plan. One active open space area is provided within the middle of the cul-de-sac loop. Another is provided at the southwest corner of the site and is largely within a TVA easement. An open space area is also provided along the Cloverland Drive frontage. This open space area includes a possible stormwater detention pond.

ANALYSIS

Variations or specific findings to several sections of the Subdivision Regulations would be required to implement the proposed SP. Though subdivisions are filed as separate applications from zone change applications, the Zoning Code requires SPs to follow the Subdivision Regulations. SPs are not intended to circumvent the Subdivision Regulations. Staff is required to review this SP plan against the Zoning Code and Subdivision Regulations to ensure it complies with both. The following is a list of Subdivision Regulation requirements that this SP does not meet.

Frontage onto collector and arterial streets

The Subdivision Regulations require the orientation of dwelling units toward arterial or collector streets. Because Cloverland Drive is an arterial street, the Subdivision Regulations would require building frontages to face Cloverland Drive. Instead, the SP includes 4 lots along Cloverland Drive that would face an internal street running parallel to Cloverland Drive, with the backs of the lots facing Cloverland Drive. These four proposed lots do not meet the Subdivision Regulations.

3-4.4c Preferred Approach to for Attached and Detached Single-Family Lots

Subdivisions Fronting on an Arterial or Collector. When property is subdivided along an arterial or collector street, dwelling units shall be oriented to the arterial or collector street with vehicular access via a rear or side alley. Where no rear or side alley exists, access shall be from a shared frontage road or driveway easement to minimize curb cuts on the arterial or collector. There shall be a separation area between the arterial or collector and the edge of the frontage road or shared driveway easement. The plat shall include a note requiring dwelling units to be oriented towards the arterial or collector Street.

Topographic reason for cul-de-sacs

The Subdivision Regulations permit cul-de-sacs in situations where topographic features or configuration of property would prevent street connections. The SP proposal is a cul-de-sac design. However, the applicant has not shown a topographic reason or a property configuration reason for



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the cul-de-sac based on a topographic or property configuration reason. Topography does not appear to be an issue on this site. The use of a portion of the adjacent Montessori school property for a public street entrance shows that the redevelopment of this adjacent property could be expected in the future. Staff finds that this use of a cul-de-sac does not meet the Subdivision Regulations.

3-9.4.d Arrangement of Streets:

6. *Street designs such as loop streets or closes shown in Figure 3-3, are preferred to the use of a cul-de-sac design. Cul-de-sacs shall be permitted where topographic features or configuration of property boundaries prevent street connections. These alternatives shall support the turning movements of emergency and service vehicles.*

Future subdivision of land

The SP includes all of a 6.62 acre parcel and a portion of an adjacent 23 acre parcel that is occupied by a Montessori school. The portion of the school property will be used for a public street connection to Cloverland Drive for this subdivision. Through the use of the adjacent parcel for public street access, this development is setting up the future residential development of the adjacent school property.

The Subdivision Regulations include a requirement for the planning of future streets and building locations when future subdivision of land can be anticipated. Because the proposed Sterling Oaks Drive connection to Cloverland Drive could be expected to extend farther to the south through the school property in the future, this SP should include a plan for that future development and should include a comprehensive street system that does not include the proposed double-frontage lots and cul-de-sacs that are not permitted by the Subdivision Regulations. Without a plan for future street connections on the Montessori school property, this SP plan does not comply with the Subdivision Regulations, which require a plan of resubdivision where the Planning Commission has reason to believe that land will be resubdivided into smaller building sites.

2-8 Resubdivision of Land

Procedure for Subdivision Where Future Resubdivision is Foreseen. Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for the zoning district in which the lot is located, and the Planning Commission has reason to believe that such lots shall be resubdivided into smaller building sites, the Planning Commission shall require that the subdivision and development of such parcel of land allow for the future opening of streets by restricting building locations. A plan of resubdivision shall be depicted on the concept plan drawing unless the applicant can demonstrate that the need for such future street connection is unnecessary. The Planning Commission shall require that future dedications providing for the opening and extension of such streets be so indicated on the plat.

Without a plan for development of the adjacent parcel, development of the two adjacent parcels will result in a piecemeal development pattern with unnecessary cul-de-sacs, double-frontage lots, and relatively few street connections. Because this SP does not include a plan for the development of the adjacent parcel, and does not anticipate future street connections to the adjacent parcel, this SP does not meet the design principle of the RLM policy to provide a street network with a high level of connectivity:



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RLM Design Principle

It is important that the street network have a high level of connectivity.

Variances to Subdivision Regulations

While staff suggested several different alternative designs that would allow compliance with the Subdivision Regulations, the applicant chose to not revise their plans. Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

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

Staff recommends disapproval of the SP based on non-compliance with several portions of the Subdivision Regulations. The SP design does not support necessary exemptions or variances to the regulations.

1. Subdivisions along arterial streets require lots that face the arterial street. Staff has not determined that a unique condition exists on the property that would permit lots that do not face Cloverland Drive.
2. A topographic or property configuration reason must be present to permit a cul-de-sac. There does not appear to be a reason for a cul-de-sac based on these factors.
3. Where future subdivision of land is foreseen, the Subdivision Regulations require a plan for that future subdivision. The proposal for a stub street to the adjacent Montessori school property points to the need for a conceptual street plan for its future redevelopment.

FIRE MARSHAL RECOMMENDATION

This approval is for the rezoning only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

STORMWATER RECOMMENDATION

Conditionally approved – Additional water quality / detention facilities may be required to treat the far west section of the site.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- The design and layout of all streets and/ or alleys is to be coordinated with MPW. With any change to the current layout additional comments will be forthcoming.



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Maximum Uses in Existing Zoning District: **R40**

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)	7.2	0.93 D	7 U	67	6	8

*Based on one duplex lot

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

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)	7.2	-	24 U	230	18	25

Traffic changes between maximum: **R40** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 17	+167	+12	+17

SCHOOL BOARD REPORT

Projected student generation existing R40 district: 1 Elementary 0 Middle 0 High
Projected student generation proposed SP-R district: 3 Elementary 1 Middle 1 High

The proposed SP-R zoning district could generate 4 more students than what is typically generated under the existing R40 zoning district. Students would attend Granbery Elementary School, Oliver Middle School, and Overton High School. All three schools have been identified as over capacity. There is no capacity within the cluster for additional elementary, middle, or high school students. However, there is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated September 2012.

The fiscal liability of 3 new elementary students is \$60,000 (3 X \$20,000 per student). The fiscal liability of 1 new middle school student is \$23,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends disapproval of the SP. The SP does not meet RLM policy to have a high level of street connectivity. The SP design does not support necessary exemptions or variances to the Subdivision Regulations.

CONDITIONS (if approved)

1. Uses within this SP shall be limited to single-family residential.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.

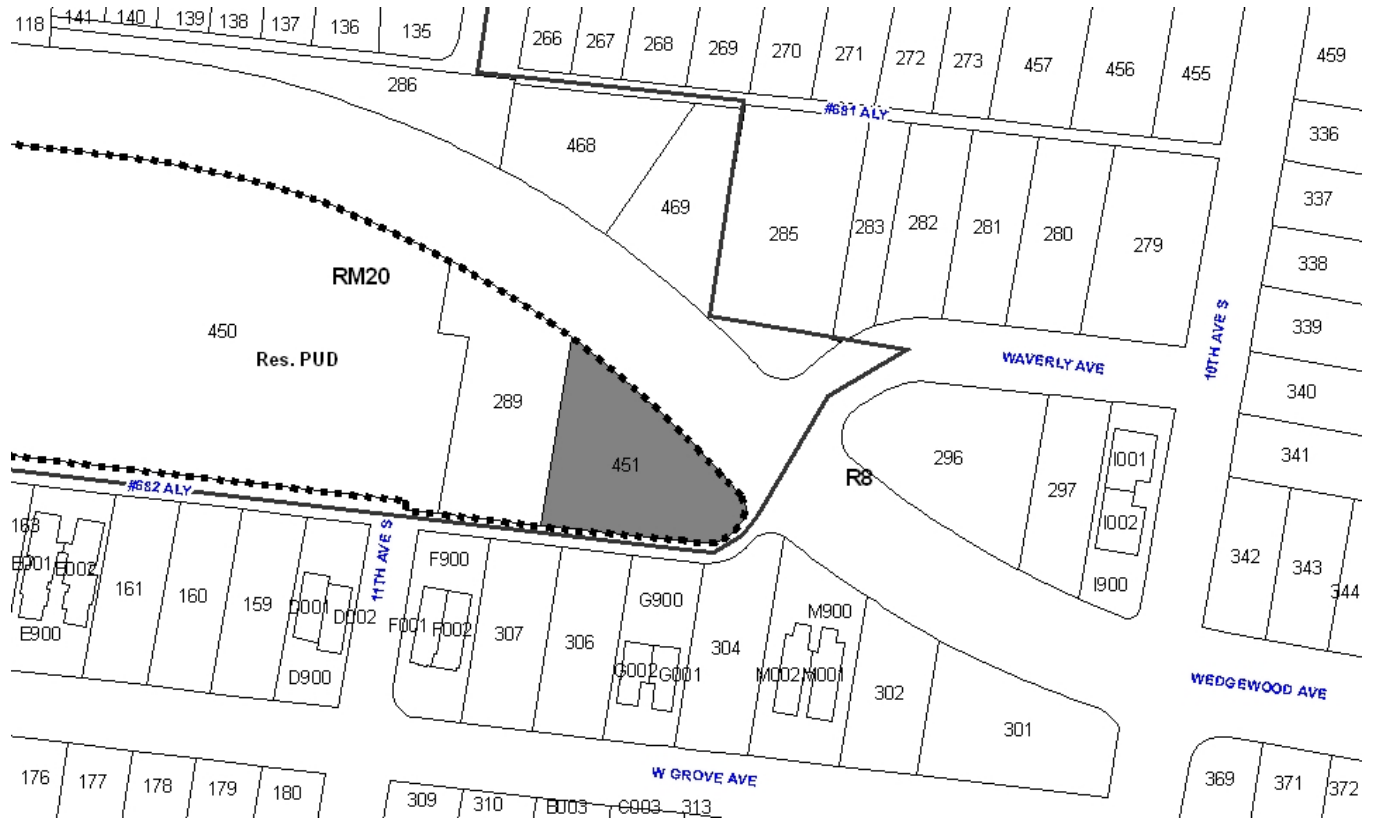


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3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
4. 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.
5. 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.



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2013Z-027PR-001 & 2013P-001-001
WEDGEWOOD AVENUE (UNNUMBERED)
Map 105-09, Parcel(s) 451
Green Hills - Midtown
17 - Sandra Moore



Project No.	Zone Change 2013Z-027PR-001
	Planned Unit Development 2013P-001-001
Project Name	Wedgewood Avenue
Council District	17 – Moore
School District	8 – Hayes
Requested by	Dean Design Group, applicant for Wedgewood Towers, L.P., owner.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve zone change and PUD cancellation</i>

APPLICANT REQUEST

Zone change to permit multi-family residential and PUD cancellation.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South (0.32 acres).

Cancel PUD

A request to cancel a portion of the Residential Planned Unit Development Overlay District located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South, zoned Multi-Family Residential (RM20) and proposed for Multi-Family Residential – Alternative (RM20-A) (0.32 acres).

Existing Zoning

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 6 units.*

Proposed Zoning

Multi-Family Residential – Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 6 units.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The proposed RM20-A requires shorter street setbacks, which are desired in urban areas of Nashville. The shorter setback requires parking to be located at the rear or side of the building which improves walkability by minimizing the prominence of surface parking adjacent to sidewalks.



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GREENHILLS - MIDTOWN COMMUNITY PLAN

Detailed Policy

Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

General Policy

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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.

Consistent with Policy?

Yes, the proposed RM20-A and PUD cancelation are consistent with the MH in NG land use policies. The proposed RM20-A district permits single-family and multi-family consistent with the polices, and the required build-to for the RM20-A district is consistent with the urban form called for by the community plan. The PUD proposed for cancelation is an older “Res – E” residential PUD. The Res – E PUDs were adopted in the early 1970’s to recognize existing public housing developments that were put in place prior to comprehensive zoning. There was never a master plan adopted with this or any other Res – E PUD.

SCHOOL BOARD REPORT

The proposed RM20-A zoning district would not generate any more students than the current RM20 zoning district.

STORMWATER RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

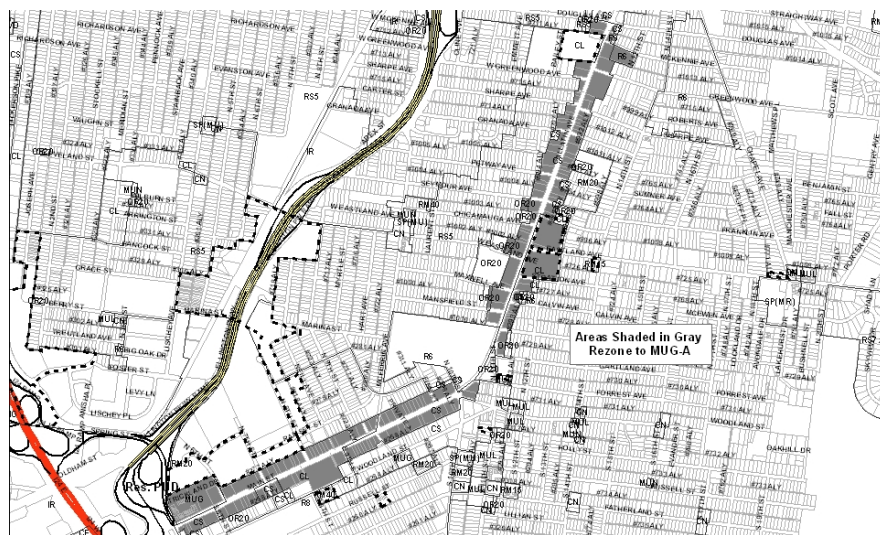
No traffic table was prepared as the proposed RM20-A district would not generate any more traffic than what would be generated by the existing RM20 district.

STAFF RECOMMENDATION

Staff recommends approval of the proposed RM20-A zone change and PUD cancellation requests. They are consistent with the sites MH in NG land use policies.



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2013Z-028PR-001

Various Properties along Gallatin Avenue, Gallatin Pike and Main Street



Project No. Zone Change 2013Z-028PR-001
Project Name Gallatin Pike Rezoning
Associated Case 2013UD-003-001
Council Bill BL2013-513
Council District 5 – S. Davis, 6 – Westerholm,
7 – A. Davis, 8 – Bennett
School District 3 – Speering, 5 – Kim
Requested by Planning Department, applicant, various owners.
Staff Reviewer Cuthbertson
Staff Recommendation *Approve with a housekeeping amendment to the Community Plan*

APPLICANT REQUEST

Zone Change from various districts to MUG-A, MUL-A and OR20-A.

Zone Change

A request to rezone from Mixed Use General (MUG), Commercial Services (CS), Commercial Limited (CL), Office/Residential (OR20), Single-Family Residential (RS5), One and Two-Family Residential (R6), Office Limited (OL), Specific Plan (SP), Single-Family Residential (RS10), and Single-Family Residential (RS7.5) to Mixed Use General – Alternative (MUG-A), Mixed Use Limited – Alternative (MUL-A), and Office Residential – Alternative (OR20-A) zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres).

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation reverted back to their zoning designation that was in place prior to July 2007.

SUMMARY

The properties along the Main Street Gallatin Pike corridor from South 5th Street north to the Inglewood rail overpass are proposed to change from various districts predominantly CS and CL, to MUG-A.

The properties along the Gallatin Pike corridor north of the Inglewood rail overpass to Briley Parkway are proposed to change from various districts, predominantly CL, OR20 and OL, to MUL-A and OR20-A. The properties proposed for OR20-A are located on the west side between Virginia Avenue and Broadmoor Drive and on the east side at the northwest corner of Gallatin Pike and Winding Way.

Descriptions of existing and proposed zoning districts are provided at the end of the report.



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CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The proposed Alternative districts will focus development along the Gallatin Pike corridor in East Nashville at a higher intensity than currently exists and permit a mix of uses within single buildings and within the corridor. The proposed zoning districts will encourage new development in a form that supports a strong pedestrian environment by reducing the number of vehicular access points, minimizing prominence of parking facilities and orienting new buildings toward the sidewalk. The Alternative districts help create an environment that allows individuals to park and walk to multiple destinations.

Supports a Variety of Transportation Choices

The proposed zone change will permit mixed use development that will support transit, walking and cycling. The proposed Alternative districts establish greater development intensity along an existing transit corridor and prioritize walking as a viable mode of transportation by regulating building placement within build-to zones to create pedestrian oriented street walls with appropriately scaled sidewalks.

Provides a Range of Housing Choices

All of the proposed zoning districts for the Main Street Gallatin Pike corridor allow residential development through a range of building types and intensities in residential only buildings and as a part of mixed-use developments.

Supports Infill Development and Promotes Compact Building Design

The proposed Alternative districts encourage infill on many of the under-performing lots located on the Main Street Gallatin Pike corridor with higher development entitlements in exchange for appropriate building and parking placement and orientation. The zone change will establish a consistency of application along the corridor and provide assurances to potential developers that future development will be compatible with, and compliment, current investments.

EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

Community Center 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. (Applies to that portion of the Main Street – Gallatin Pike corridor south of Ordway Place to South 5th Street)



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Detailed Policies associated with Community Center policy

- Mixed Use is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)
- Office is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with Policy?

Along most of the corridor, the proposed zone changes implement the bulk standards and uses envisioned in the East Nashville Community Plan Update adopted in February 2006. The plan calls for higher development intensity and mixed uses along much of the corridor.

In an attempt to concentrate and reinforce commercial development at neighborhood nodes within the northern section of the corridor, the plan establishes a policy of Office in Community Center at two intervals. The southern interval extends between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues. This area contains a predominance of commercial zoning as well as commercial uses more consistent with the proposed MUL-A zoning district. Applying an OR20-A zoning district over that segment is not suggested and would produce a down-zone on many properties.

The MUL-A district is proposed for the area between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues in order to mirror the existing commercial zoning and uses. Staff is recommending a house keeping community plan amendment to change the area's policy from Office in Community Center to one of Mixed Use in Community Center. This recognizes the fact that many of the properties are already nonconforming to the Office Land Use Policy; they are zoned for commercial and used for commercial purposes.

REQUEST DETAILS

The zone change applies to properties that were included in the Gallatin Pike SP and have frontage along Main Street, Gallatin Avenue and Gallatin Pike from South 5th Street to Briley Parkway. Properties along the corridor, but not included in the zone change, are Metro owned properties, such as schools and libraries, which are not anticipated as redevelopment sites. Properties included in the Auto-Diesel College Institutional Overlay District north of Douglas Avenue are also not included in this zone change request.

The corridor is the primary artery serving the variety of neighborhoods in East Nashville. The corridor is flanked by a diversity of residential neighborhoods. This zone change application applies Standard districts along the corridor in a manner consistent with the East Nashville



Metro Planning Commission Meeting of 8/8/2013

Community Plan in order to accomplish many of the goals targeted by the Gallatin Pike SP. The proposed zoning districts were not available as tools in 2007 when the SP was established.

ANALYSIS

The proposed zoning districts encourage a mixture of uses and redevelopment of property along the corridor in a manner consistent with the goals of the East Nashville Community Plan.

The proposed districts encourage the creation of a more walkable built environment along the corridor by locating new buildings closer to, and oriented to, the street within a built-to zone adjacent to new and existing sidewalks. Parking is required to be located behind or beside new buildings, which will enhance the pedestrian environment by minimizing, the number of vehicular curb cuts.

The proposed districts enable a higher development intensity that will support alternative modes of transit, including walking, cycling and the existing BRT-lite transit service. The proposed districts will encourage development that will better support future transit investments along the corridor.

The proposed districts encourage a mixture of commercial, office and residential uses to enliven the corridor and provide a wider variety of necessary services for the adjacent neighborhoods. The MUG-A and MUL-A zoning districts generally allow uses similar to those permitted by the existing commercial zoning, though Automotive Sales and Repair will not be permitted with the proposed zoning. The OR20-A zoning district proposed will allow uses similar to those permitted by the existing office zoning districts, though it will encourage and permit more intense residential use.

The proposed districts will allow more intense development than the current zoning districts, and provide development standards consistent with the goals of the Community Plan to create a more pedestrian oriented and transit friendly corridor. Any legal use made nonconforming by the proposed zoning districts will be permitted to continue as a legal nonconforming use. Further, any legal structure made nonconforming by the proposed zoning districts will be permitted to remain and be reused for uses allowed by the proposed district. Additions to nonconforming structures would be permitted, as long as the additions do not increase the degree of nonconformity. Buildings damaged to more than fifty percent of their total floor area would be required to comply with the new zoning standards. New buildings would be required to comply with the new zoning standards.

COMMUNITY MEETING

A community meeting was held on July 22, 2013, to discuss the zone change and urban design overlay applications for the Main Street/Gallatin Pike corridor. Approximately 60 people attended the meeting. A separate meeting was held by the Nashville Chamber of Commerce on July 31, 2013, to discuss the applications with the Historic East Nashville Merchants Association.

Based on the comments received from these meetings, several changes were made to the zone change. The zone change application was changed to extend the boundary of the proposed MUL-A zoning district on both sides of Gallatin Pike between Stratford Avenue to Virginia Avenue. OR20-A zoning was originally proposed in this area. Additionally, the proposed OR20-A zoning district boundary on the west side of Gallatin Pike was extended two blocks to the south to Virginia Avenue, replacing the originally-proposed MUL-A district.



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PUBLIC WORKS RECOMMENDATION

With the redevelopment of individual parcels a TIS may be required.

MDHA RECOMMENDATION

The zoning change to MUG-A is more in line with East Bank Redevelopment District plan than the current base zoning.

STAFF RECOMMENDATION

Staff recommends approval of the zone change. The zone change intended to further the policies of the East Nashville Community Plan. While a portion of the proposed MUL-A district is not consistent with the Community Plan, staff recommends a house-keeping community plan amendment to replace the Office in Community Center policy on Gallatin Pike from Gillock Street/Stratford Avenue to Virginia/McAlpine Avenues with a Mixed Use in Community Center policy supportive of the proposed zoning.

Descriptions of Existing and Proposed Zoning Districts

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

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

Mixed Use General (MUG) is intended for a moderately high intensity mixture of residential, retail, and office uses.

Office Limited (OL) is intended for moderate intensity office uses.

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

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.

Single Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

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.

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.



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Proposed Zoning

Mixed Use General-Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Development Standards:

Height: max - 5 stories (75 feet) at the setback; total up to 7 stories (105 feet)
Floor Area Ratio: 3.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Development Standards:

Height: max - 3 stories (45 feet) at the setback; total up to 4 stories (60 feet)
Floor Area Ratio: 1.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

Office/Residential-Alternative (OR20-A) 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.

Development Standards:

Height: max - 30 feet at the setback; total up to 45 feet
Floor Area Ratio: 0.8 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)



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2013UD-003-001
Various Properties along Gallatin Avenue, Gallatin Pike and Main Street



Project No.	Urban Design Overlay 2013UD-003-001
Project Name	Gallatin Pike Urban Design Overlay
Associated Case	2013Z-028PR-001
Council Bill	BL2013-514
Council District	5 – S. Davis , 6 – Westerholm 7 – A. Davis, 8 – Bennett
School District	3 – Speering, 5 – Kim
Requested by	Metro Planning Department, applicant; various property owners.
Staff Reviewer	Johnson
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Apply Urban Design Overlay (UDO) for signage requirements.

Urban Design Overlay

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres).

Existing Zoning

See 2013Z-028PR-001 Staff Report

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation reverted back to their zoning designation that was in place prior to July 2007.

Proposed Overlay Zoning

Gallatin Pike Urban Design Overlay (UDO) is intended to set specific sign standards consistent with the principles of the East Nashville Community Plan to promote signage that is appropriately scaled for a pedestrian environment.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The Gallatin UDO will implement the goals of the East Nashville Community Plan to create a stronger pedestrian environment along the Main Street/Gallatin Pike corridor through the use of sign standards to require signs that are appropriately sized and illuminated for a pedestrian environment.



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EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration (CMC) is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

Community Center (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. (Applies to that portion of the Main Street Gallatin Pike corridor south of Ordway Place to South 5th Street)

Detailed Policies associated with Community Center policy

- Mixed Use (MxU) is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)
- Office (O) is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with policy?

Yes. This UDO implements Development Goal 2 of the *East Nashville Community Plan: 2006 Update*. The goal recommends improving the appearance and function of the main corridors and other commercial areas. Specifically, it recommends making improvements such as “coordinated signage that is appropriately-scaled for a pedestrian environment.” The UDO also addresses concerns regarding the disproportionate size of signs along major corridors as listed within the design principles of the East Nashville Community Plan.

REQUEST DETAILS

The UDO will focus exclusively on signage standards along the corridor, with the intent of providing similar standards to the Gallatin Pike SP for ground and building signs that are appropriately scaled and illuminated for a pedestrian environment. Where there are differences



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between sign standards of the base zoning district and the UDO, the standards of the UDO will control. These sign regulations will establish reasonable and improved standards for business identification, encourage creative and innovative approaches to regulating signs consistent with the principles of the East Nashville Community Plan, promote economic vitality on Gallatin Pike, enhance the overall visual environment along Gallatin Pike by discouraging signs that contribute to the visual clutter of the streetscape, ensure signs are designed for the purpose of identifying a business in an attractive and functional manner, and ensure signs reinforce the existing and envisioned character and are complementary to the urban design of Gallatin Pike.

The UDO will address building and ground signs for commercial and residential properties along the Main Street/Gallatin Pike corridor. There are several differences related to signage requirements from the Gallatin Pike SP to the proposed Gallatin Pike UDO:

Hanging and Alley signs: The UDO includes two ground sign types that were not permitted under the SP. Hanging signs are a permitted type of ground sign that intended for relatively small properties that might not have space available for a monument sign. Alley signs are hanging signs that are permitted along alleys to the rear of properties.

Ground signs permitted for all lots: The SP permitted ground signs only under some conditions. The UDO will permit a monument or hanging sign for every lot within the SP, as long as there is room on the site to meet the required setbacks for ground signs.

Sign illumination: The SP did not permit internal illumination of a ground sign. Grounds were required to be externally-illuminated or spot-lit. The UDO will permit internal illumination of ground signs, as long as only the letters and logos of the sign are illuminated and the background is opaque. This requirement has been successful in other UDOs.

UDO ground and building sign requirements of the UDO:

Building Signs				
	Wall Sign	First Floor Projecting Sign	Upper Floor Projecting Sign	Window Sign
Overall building sign allocation	The combined size of all individual building signs shall be less than or equal to 15% of the first floor façade area of the public entry side of the building.			
Maximum size of each sign	5% of the building façade on the public entry side or a maximum of 64 square feet for single story buildings and 84 square feet for multi-story buildings, whichever is less	12 square feet	5% of the building façade on the public entry side or a maximum of 64 square feet whichever is less	15% of window area maximum
Maximum height	Below top of parapet/eave	Below 2nd Story FFE or below top of parapet/eave, whichever is less	Below top of parapet/eave	First and second stories only



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Ground Signs		
	Monument Sign	Hanging/Alley Sign
Maximum number	1 per street frontage (maximum of 1 ground sign per street frontage)	<u>Hanging Sign</u> : 1 per street frontage (maximum of 1 ground sign per street frontage) <u>Alley Sign</u> : 1 per lot width along alley
Maximum display area size	48 square feet	7 square feet
Maximum height	6 feet or 2.5 feet within 15 feet of a driveway	6 feet

The standards of the UDO apply to new signs. Section 17.40.690 of the Zoning Code outlines required compliance with the Gallatin Pike UDO for existing signs:

- A sign shall be brought into compliance with the provisions of this title if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign. If the alteration or repair is caused by involuntary damage or casualty, or is desired by the owner of the business existing on the effective date of the ordinance codified in this title, the fifty-percent standard will not apply and the sign may be altered or repaired to any extent.
- For single-tenant lots, a nonconforming sign shall be brought into compliance with this title when the principal land use on the lot is changed to a different use as described by the district land use table.
- For multi-tenant lots, each tenant may replace, alter, repair or restore an associated sign of a size not to exceed fifteen percent of the facade area of the building occupied by the tenant. Use of this provision must be noted on the overall signage plan.

COMMUNITY MEETING

A community meeting was held on July 22, 2013, to discuss the zone change and urban design overlay applications for the Main Street/Gallatin Pike corridor. Approximately 60 people attended the meeting. A separate meeting was held by the Nashville Chamber of Commerce on July 31, 2013, to discuss the applications with the Historic East Nashville Merchants Association.

Based on the comments received from these meetings, changes were made to the UDO. The proposed UDO was amended to include a new alley sign type to improve the visibility of business along rear or side alleys.

MDHA RECOMMENDATION

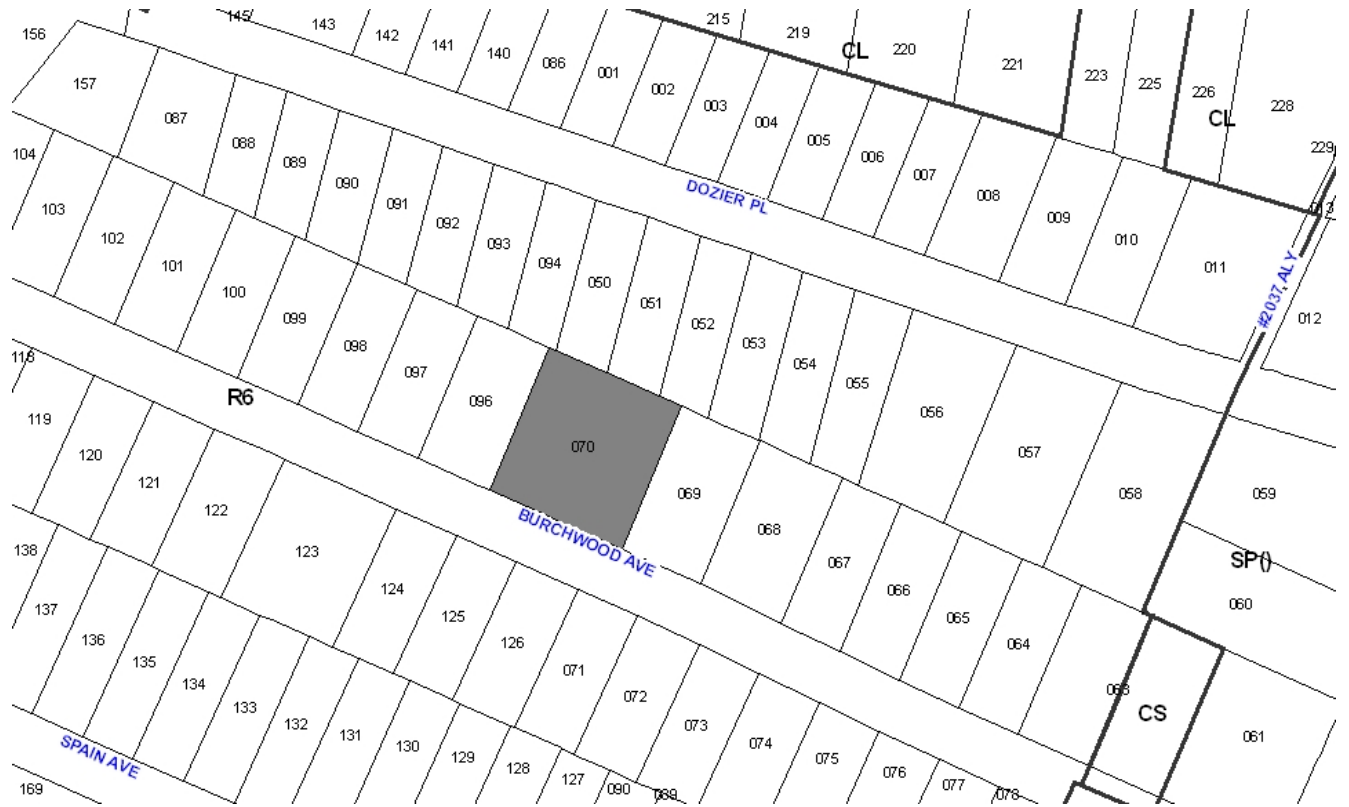
MDHA staff does not see any conflicts between the Gallatin Pike UDO and MDHA signage guidelines for Gallatin Pike.

STAFF RECOMMENDATION

Staff recommends approval. The Gallatin Pike UDO is consistent with the sign-related goals of the East Nashville Community Plan: 2006 Update.



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2013S-105-001
BURCHWOOD, RESUB LOT 28
Map 072-10, Parcel(s) 070
East Nashville
05 - Scott Davis



Project No. Subdivision 2013S-105-001
Project Name Burchwood, Resub. Lot 28
Council District 5 – S. Davis
School District 5 – Kim
Requested by Shane Stratton, owner; Patrick Coode and Company, LLC, applicant.

Staff Reviewer Johnson
Staff Recommendation *Defer to August 22, 2013. Approve with conditions if Metro Water Services recommends approval prior to the August 22, 2013, Planning Commission meeting.*

APPLICANT REQUEST

Final plat to create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 1017 Burchwood Avenue, approximately 710 feet west of Gallatin Pike, zoned R6 (0.41 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. *The R6 district would permit a maximum of 3 duplex lots for a total of 6 units.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The proposed two-lot subdivision would create two single-family lots on the site. The lots have the following land area:

- Lot 1: 0.14 Acres (6,311 SF); Frontage length: 84.75 feet
- Lot 2: 0.27 Acres (11,895 SF); Frontage length: 45.03 feet

There is an existing dwelling on the site. The subdivision request intends to keep the existing dwelling in its current location. Because of this, the proposed lots are not equal in size. The interior lot line has been placed to allow the existing dwelling to maintain its required side setbacks.

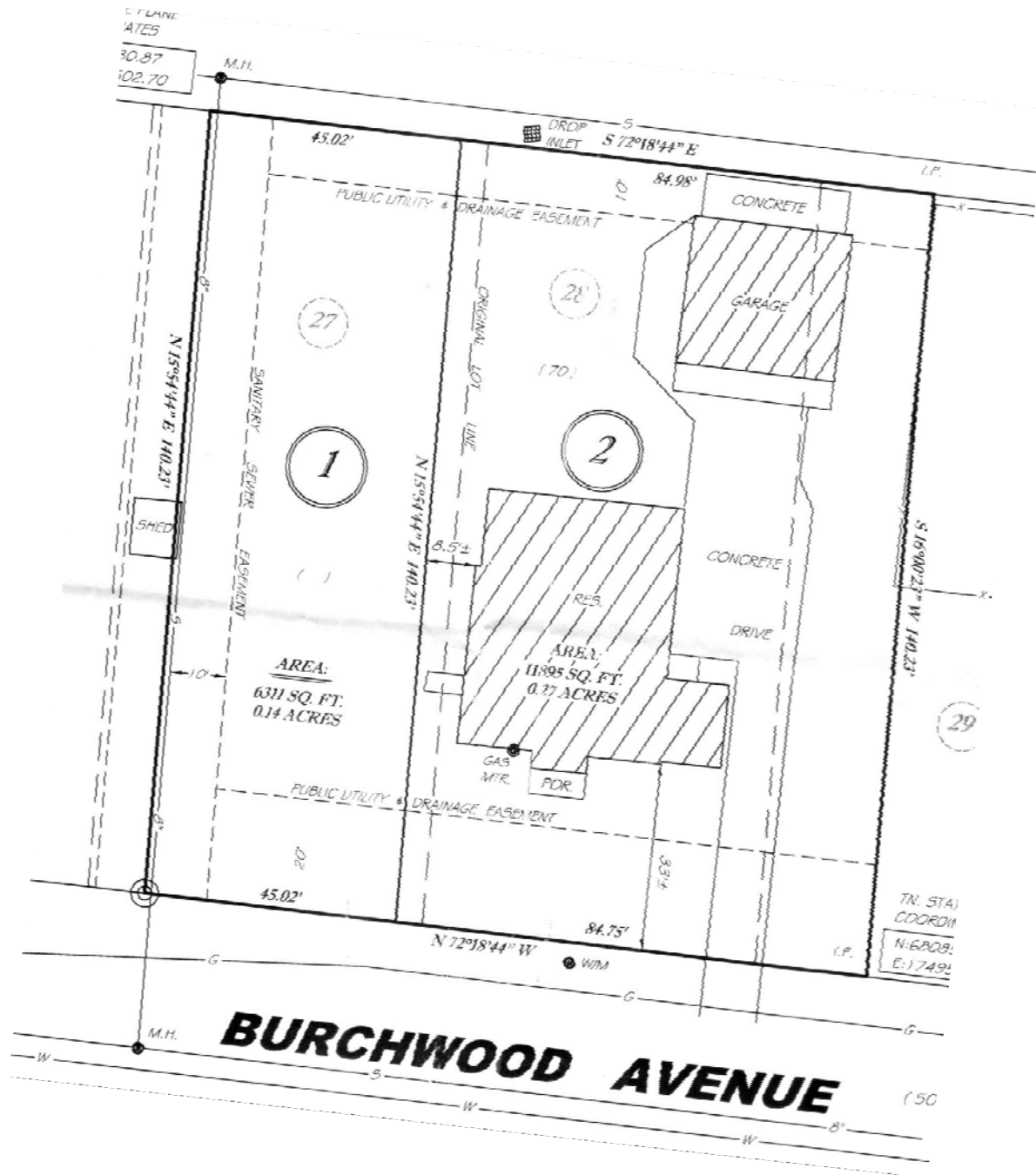
ANALYSIS

For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in Neighborhood General (NG) policy areas, the Subdivision Regulations state that the lots must be consistent in terms of community character. The definition of community character from the Subdivision Regulations is shown below:

Community Character – The image of a community or area defined by such factors as its built environment, natural features and open space elements, types of housing, infrastructure, and the



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Proposed Subdivision



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type and quality of public facilities and services. It is the intent of Neighborhood Maintenance areas to preserve the general character of the neighborhood as characterized by its development pattern, building form, land use and associated public realm. These areas will experience some change over time but efforts should be made to retain the existing character...

The proposed subdivision is consistent with the community character of the surrounding area. Lot sizes for both lots will remain above the minimum lot size required by the R6 zoning district. The current R6 zoning district would permit a duplex on the site. Because the site is outside of the Urban Zoning Overlay, the two units within the duplex can be detached, which would result in a similar layout to the proposed subdivision. Because the policy is a single-family detached policy, a note will be required on the plat to restrict development on both lots to single-family only.

Driveway access

Because one of the two lots will have a lot frontage of less than 50 feet, a shared driveway is required. However, the Subdivision Regulations allow the Planning Commission to waive this requirement when existing conditions would prevent a shared access drive. The subdivision layout anticipates keeping the existing house on the site. The current layout of the existing house, with a driveway on its east side, would not allow a shared access drive to Lot 1 because the house and backyard within the Lot 2 would not allow the extension of the access to Lot 2.

Sidewalks

Because the subdivision is located within the Urban Services District, sidewalks are required. However, because there is no sidewalk network present on Burchwood Avenue, the subdivision is eligible for a \$500 contribution to the sidewalk fund in lieu of sidewalk construction.

STORMWATER RECOMMENDATION

Final plat returned for corrections

- Cite the correct FEMA panel number to plat (228 F).

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
- Indicate and label the existing EOP.
- Label and dimension the ROW at the property corners.

WATER SERVICES RECOMMENDATION

Applicant must submit an application for an availability study.

STAFF RECOMMENDATION

Staff recommends deferral of this request to the August 22, 2013, Planning Commission meeting. Approval with a condition is recommended if the application is approved by Metro Water Services prior to the August 8, 2013, Planning Commission meeting. The subdivision meets the requirements of the Subdivision Regulations including consistency with community character.



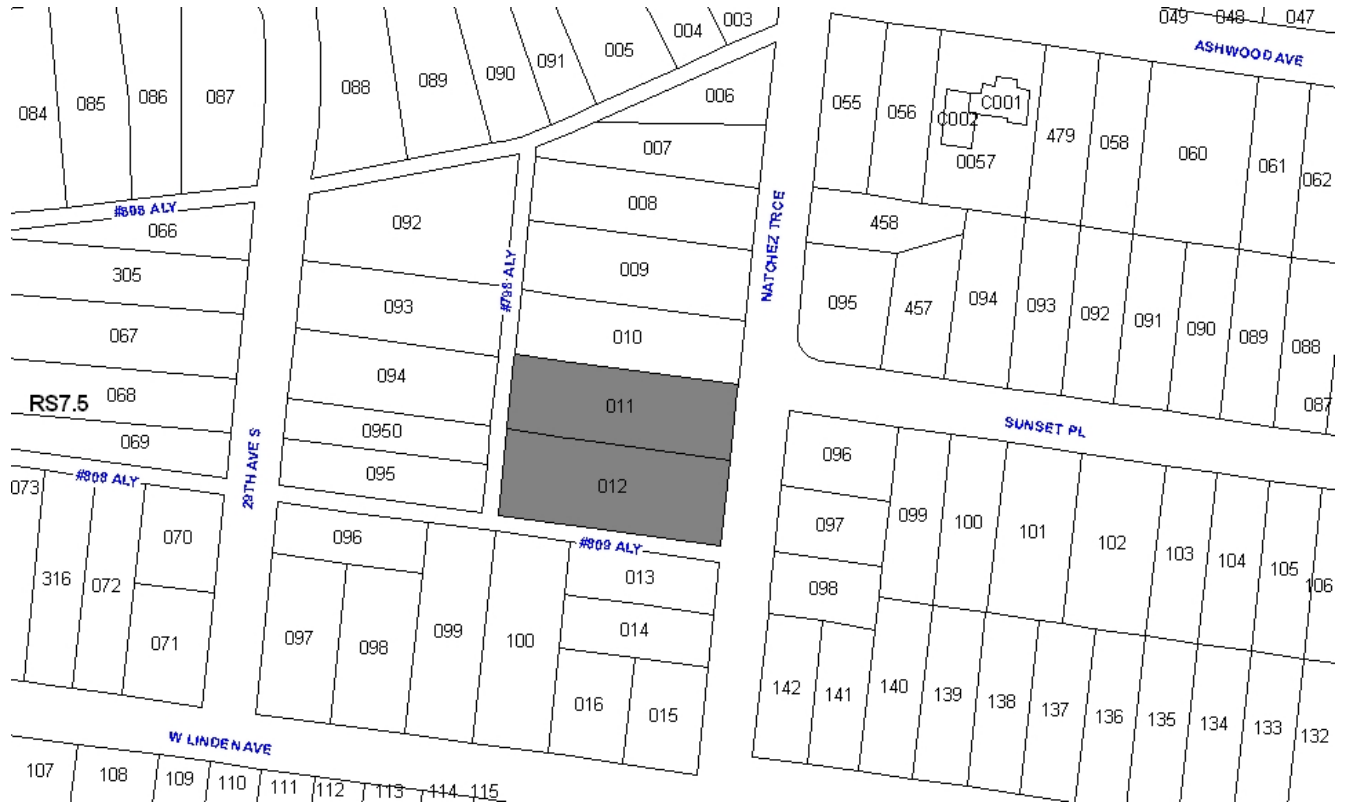
Metro Planning Commission Meeting of 8/8/2013

CONDITIONS

1. Prior to recordation of the plat, a note shall be added to the plat limiting development to single-family detached only.
2. Sidewalks are required along the Burchwood Avenue frontage of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - Construct sidewalk and have it accepted by Public Works,
 - Submit a bond application and post a bond with the Planning Department,
 - Submit payment in-lieu of construction to the Planning Department. The in-lieu contribution for this subdivision would be \$500.
 - Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department.
3. Prior to recordation, the correct FEMA panel number shall be added to the plat.
4. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
5. Prior to recordation, the plat shall be revised to indicate and label the existing edge of pavement.
6. Prior to recordation the right of way shall be labeled and dimensioned at the property corners on the plat.



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2013S-123-001

BRANSFORD REALTY COMPANY WESTMORELAND PLACE, RESUB LOTS 70-71

Map 104-15, Parcel(s) 011-012

Green Hills - Midtown

18 - Burkley Allen



Project No.	Subdivision 2013S-123-001
Project Name	Bransford Realty Company Westmoreland Place, Resub. Lots 70-71
Council District	18 – Allen
School District	8 – Hayes
Requested by	Celia Amy Hall, owner; HFR Design, Inc., applicant.
Staff Reviewer	Johnson
Staff Recommendation	Approve

APPLICANT REQUEST

Final plat to create three lots.

Final Plat

A request for final plat approval to create three lots on properties located at 2509 and 2511 Natchez Trace, approximately 375 feet south of Ashwood Avenue, zoned RS7.5 (0.7 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. *RS7.5 would permit a maximum of 4 lots.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The proposed three-lot subdivision would create three single-family lots. For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in Residential Medium (RM) density policy areas, the Subdivision Regulations state that the lots must not exceed the recommended densities of the policy areas. The RM policy recommends residential densities within the range of 4-9 dwelling units per acre. With approval of the proposed subdivision, the density of the surrounding block will remain under nine dwelling units per acre.

The subdivision is served by an alley. A note has been added to the plat requiring vehicular access from the alley and prohibiting direct driveway access to Natchez Trace. The subdivision is served by existing sidewalk along the Natchez Trace frontage.

The lots have the following land area:

- Lot 1: 0.24 Acres (10,500 SF)
- Lot 2: 0.24 Acres (10,500 SF)
- Lot 3: 0.24 Acres (10,500 SF)

STORMWATER RECOMMENDATION

Final plat approved



Metro Planning Commission Meeting of 8/8/2013

PUBLIC WORKS RECOMMENDATION

No exceptions taken

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STAFF RECOMMENDATION

Staff recommends approval of the subdivision. The request meets the requirements of the Subdivision Regulations and the Zoning Code.



Project No.	Bond Number 2013B-012-001
Project Name	Autumn Oaks, Phase 10A
Council District	31 – Bedne
School District	2 – Brannon
Requested by	Kevin Hyneman, Investment Properties, LLC, developer.
Staff Reviewer	Edwards
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

New performance bond for Autumn Oaks, Phase 10A.

Performance Bond

A request to post a new performance bond for property located at Autumn Crossing Way (unnumbered) and Oakfield Grove, east of Nolensville Pike, zoned One and Two-Family Residential (R20), to permit the developer to move forward with recording the final plat to create 21 lots associated with this performance bond.

ANALYSIS

This is a request to post a new performance bond for Autumn Oaks, Phase 10A. The property included in the performance bond is located within the Autumn Oaks Planned Unit Development (PUD) east of Nolensville Pike at Oakfield Grove.

The Planning Commission adopted a policy on May 14, 2009 requiring that the Planning Department staff not administratively approve applications, including those for bonds, for any development within the same PUD as another phase with a breached performance agreement with expired security. This applies where the breach has occurred by the same developer, or by a separate developer.

The Autumn Oaks PUD has another bonded section with a breached performance agreement. The bond for Autumn Oaks, Phase 8B (Subdivision No. 2010S-065-001) was originally posted in February 2011, by developer FAPAO, LLC. The bond for Phase 8B was called in June 2012, because the developer had not been approved for a release or an extension of the bond.

A demand letter dated June 11, 2012, was sent to American Safety Casualty Insurance Company, the surety company providing the bond for Autumn Oaks, Phase 8B. The surety company was given two weeks to submit proceeds from the bond to the Planning Department, or the case would be forwarded to the Metropolitan Department of Law. The surety company did not pay on the bond, and the case was turned over to Metro Legal on June 28, 2012.

The developer for Autumn Oaks, Phase 10A submitted a bond application in April 2013, requesting to post a new performance bond for Phase 10A. The application was reviewed and bond amounts set by Public Works, Stormwater, and Water Services. The developer submitted an executed Performance Agreement and Letter of Credit for the performance bond in July 2013. The Metropolitan Department of Law reviewed and approved the Performance Agreement and Letter of Credit in July 2013.



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Staff has determined that Phase 10A is not dependent on Phase 8B for infrastructure or roadway connections. Staff has also determined that the developer of Phase 8B is in no way connected to the developer of Phase 10A.

PUBLIC WORKS RECOMMENDATION

Approve new bond request. Bond amount is \$104,000.

STORMWATER RECOMMENDATION

Approve new bond request. Bond amount is \$41,000.

WATER SERVICES RECOMMENDATION

Approve new bond request. Bond amount for sewer is \$36,000, and bond amount for water is \$32,000.

TOTAL BOND AMOUNT: \$213,000		
<u>Dept/Agency</u>	<u>Action</u>	<u>Bond Amt.</u>
Public Works	Approve New	\$104,000
Stormwater	Approve New	\$41,000
Sewer (Metro)	Approve New	\$36,000
Water (Metro)	Approve New	\$32,000

STAFF RECOMMENDATION

Staff recommends approval of the new performance bond for Phase 10A.