

4. **2005SP-170U-05**
Walden Specific Plan
Map 083-06, Parcel 378, 379, 413
Subarea 5 (1994)
District 6 - Mike Jameson

A request to change from R6 to SP zoning, property located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets (7.26 acres), to permit the development 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store uses, and 3 single family lots, requested by March Egerton, applicant/owner.

STAFF RECOMMENDATION – Approve with conditions

APPLICANT REQUEST - Rezone 7.26 acres from residential single family and duplex zoning (R6) to Specific Plan (SP) zoning properties located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets, to permit the development of 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store, and 3 single family lots.

Existing Zoning

R6 district -R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP district (preliminary) -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.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Center (NC) -NC is intended for small, intense areas that may contain multiple functions and are intended to act as local 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. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. 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.

Neighborhood General (NG) -NG policy 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.

Policy Conflict -The SP district proposes a mixture of uses and vertically-integrated building typologies that are consistent with the intent of the Neighborhood Center policy area that applies to a majority of parcel 379, all of parcel 378, and a small portion of 413. Uses include 17 new townhomes, seven mixed use buildings with retail/restaurant/office uses on the first floor, and mainly residential space on floors 2 and 3 (with some very minor opportunity for offices), and 3 single family lots. There are also small opportunities for a furniture store, and custom assembly uses (including activities such as jewelry-making and leather goods assembly). The SP district is not completely consistent with the Neighborhood General Policy area on the majority of parcel 413, given the nonresidential uses, but these uses can be appropriate based upon their close proximity to the NC policy. In addition, the majority of the NG policy area is where parking and townhome uses are proposed in the SP, which is consistent with NG policy. The SP design is also pedestrian-friendly, a major goal of both NC and NG policies, as discussed in detail below.

Building Heights Though the East Nashville Community Plan does not specifically address the height of buildings within a Neighborhood Center policy area, it does point to the context of the street and surrounding neighborhood in determining the range of appropriate building heights within a development. The proposed building heights in this SP plan include 2 and 3 story buildings, the latter of which are all located along Eastland, to create a more intense, mixed use, and pedestrian-scale environment that will be consistent with and complement the restaurant and residential buildings on the north side of Eastland Avenue at this location.

Preliminary Plan Details

Overview - While the site is currently zoned R6, the applicants propose the SP to allow the renovation of an existing one-story nursing home building (and an addition of one story), the new construction of five vertically-integrated mixed use buildings, two 4-unit townhome buildings, 3 single family lots, and the extension of North 18th Street to be constructed to connect with Eastland Avenue. An additional 9-unit townhome building and another mixed use building is to be constructed at the corner of the [new portion of] North 18th Street and Eastland Avenue. As the site is a fairly intense mixed use development, the only open space as provided within its boundaries is the stream/ditch area that crosses the property from the north to the south on its western side. Water quality devices have been proposed within this open area.

Mixed land uses - The proposed SP includes six mixed use buildings with retail/restaurant/office (R/R/O) uses on the first floor, and in four of these six buildings, residential uses on the second floor. The other two buildings have either retail/residential and office uses on the second floor. The three mixed use buildings to the west of the new private access driveway into the development will be built to three stories, with residential uses on this third floor. The largest of the R/R/O uses is **office** (17,500 square feet of general office, and 3,200 square feet of medical office uses). **Restaurant** uses rank second (11,400 square feet of take-out and 7,000 square feet of full service restaurant uses), and **retail** uses rank third (10,000 square feet of convenience retail and 5,600 square feet of general retail uses). Other minor nonresidential uses that are proposed within the six mixed use buildings include the following:

- 6,800 square feet of personal care services
- 3,000 square feet of furniture store uses
- 3,000 square feet of custom assembly uses

Residential land uses - As discussed above, the plan includes 99 residential units, consisting of 57 one bedroom and studio units to be located on floors two and three of the mixed use buildings. Forty-two two bedroom units are proposed as well, mainly in the townhome buildings to be located along the new portion of North 18th Street (9 units), and on the southern portion of the SP (two buildings, with 4 units each). Each townhome has a garage accommodating two vehicles.

The townhome buildings on the south side of the development (a part of phase 5) have undergone several design iterations during the review process. The applicant failed to comply with the staff's early comment to orient the townhomes to McEwen Avenue; in addition, the applicant has not been able to demonstrate a defensible building layout or orientation to the internal part of the project – as surface parking is shown to surround the buildings on all sides. Given the unresolved design issues, staff recommends that the following design issues be adequately resolved prior to final SP site plan for phase 2 of this SP. These changes can be administratively approved by Planning staff:

- Alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a parking lot area for the townhomes. This layout may be required to change with the re-design.
- The two townhome buildings in this area must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the surface parking area.
- In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
- Prior to final SP site plan for phase 2, a connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.

Vehicular Access In phase 1, the site is proposed to be accessed off of a new private driveway that will begin at Eastland Avenue, extending across from Chapel Avenue to the North. This private driveway will have parallel parking along both sides, and will function as the main entry point into the project. As mentioned above, a condition on phase 5 is for the applicant to add a connection to McEwen Avenue to the south, to provide the neighborhood to the south access to the project. Staff recommends that these access points be required with or prior to approval of the final site plan for phase 5.

Given the magnitude of this project, Public Works has included a condition that the right-of-way reserved along Eastland Avenue be to U4 standard. Because this street's classification may change in the near future, Planning has required that Eastland's right-of-way be to *either* the U4 dimension, or to another cross section approved by MPW.

Building Elevations/Illustrations - The plan includes rendered building illustrations for phase 1 for both building 1 (the existing building to be renovated), as well as building 2; there are also illustrations for phase 2, buildings 3 and 5. Staff has reviewed the illustrations and recommends approval of them. Staff will review and approve building illustrations for the latter phases at the final SP site plan stage.

Landscaping Plan - A concept plan for the proposed landscaping to be installed has not been included with this preliminary SP. Prior to approval of this preliminary SP on third reading at Council, a concept plan must be submitted by the applicant and approved by the Planning Department. A final, more detailed landscaping plan is a requirement at the final SP site plan stage(s) (including Tree Preservation details).

Pedestrian access -The intent of this project to act as a pedestrian-friendly neighborhood center and provide a relatively high intensity mixture of land uses. The applicant has shown sidewalks along the frontage of this property of Eastland Avenue, as well as along both east and west sides of the new private street within the project, and along the east side of North 18th Street (to be actually constructed/bonded in conjunction with phase 2). There are also internal sidewalks that surround buildings 2, 3, 4, 5, and 6, all of which are proposed for retail/restaurant/office uses on the first floor, and of which at least 2, 3, and 5 will have more than one front façade so that residents, shoppers, diners, and office workers may walk freely among uses.

This property is located across the street from existing restaurant uses, and the pedestrian scale of this project is consistent with those buildings. Staff recommends that prior to approval of phase 1 of the final SP site plan, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as improve the crosswalk (if necessary) from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).

Planning staff still has some reservations about the functionality of the overall pedestrian regime, especially within the area slated to be re-designed, on the southern side of this project. Prior to final SP site plan approval of phase 2, a finalized parking plan that optimizes pedestrian movement within the project must be submitted and approved by the Planning Department.

Parking A total of 292 parking spaces have been proposed with this development:

- 20 on-street spaces on the south side of Eastland Avenue
- 11 on-street spaces along the east side of N. 18th Street (to be constructed/bonded with phase 2)
- 34 garage spaces (for the 17 townhome units)
- 225 surface spaces, to be shared by the retail/restaurant/office and residential uses.

The proposed number of spaces meets the normal parking requirements of the Metro Zoning Ordinance, given the proposed intensity of land uses and location within the Urban Zoning Overlay. The applicant has also cited the 25 percent parking reduction that would normally apply to this project under any other zone district, given the development's proximity to public transportation, its pedestrian-friendly design, and inclusion of on-street parking. These considerations have led the applicant to argue that he has overparked by a total of 87 spaces.

Stream disturbance - The Stormwater Division of Metro Water Services has identified a 40-acre drain that crosses the western side of this property from Eastland Avenue on the north to McEwen Avenue on the south. The preliminary SP shows disturbance of the required stream buffer area in phases 1, 3, 4, 5, and 6. Phase 1 buffer disturbance includes water quality proposed within both sides of the bank of the stream/conveyance. Phases 3-6 show the buffer disturbed by grading and proposed surface parking lots.

While the applicant has contested the finding that this waterway and associated ditch is actually a stream/40-acre drain, Planning Staff had concerns about the disturbance of the buffer area, and worked with Stormwater to find a way for the applicant to resolve these questions and address the findings prior to proceeding beyond preliminary SP stage. Stormwater has agreed to approval of this preliminary SP plan if the following condition is made a part of the Commission's approval:

Prior to *application* for final SP site plan approval of *any* phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream **and** be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing **may require significant changes to the SP as it is currently proposed** - including the removal of grading/water quality/surface parking from within the buffer area.

Potentially historic property -Though it does not appear on the Planning Department's historic properties map, the Historical Commission has indicated that the structure at 1818 Eastland Avenue may be historically significant. Prior to third reading at Metro Council, the applicant shall provide opportunity for the Metro Historical Commission to determine if the structure at 1818 Eastland Avenue should be preserved. With the submittal of the phase 2 final site plan, the applicant shall provide a report from the MHC regarding steps to be taken in maintaining, relocating, or documenting the historic structure. If determined that the structure must be relocated, the MHC shall identify the responsible party for relocating the structure and relocation site. In addition, no demolition of the structure at 1818 Eastland Avenue shall occur prior to phase 2 final site plan approval.

Other phasing issues -The plans show building #2 as a part of phase 1, and this is a condition of approval. Prior to approval of any other phase's final SP site plan, building # 2 must be under active construction.

Planning staff also recommends that the road extension/improvement of North 18th Street be constructed, or bonded, prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION

1. 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. Final design and improvements may vary based on field conditions.
2. Prior to the preparation of construction plans, document adequate sight distance at project access locations. Indicate the amount of sight distance at the project entrances and if adequate site distance per AASHTO for the posted speed limit is provided.
3. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.
4. Identify mail service plan / kiosk location.
5. Show and dimension right of way along Eastland Avenue. Label and dedicate right of way 30 feet from centerline. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Dimension / label existing and proposed pavement along Eastland Avenue, N. 18th Street, McEwen Avenue, Alley No. 751. Label and dimension existing right of way. Dimension right of way from roadway centerline.
7. Construct N. 18th Street per Standard Drawing ST-252. Construct alley #751 per Standard Drawing ST-263.
8. Label existing bicycle lanes on Eastland Avenue.
9. Narrowing of Eastland Avenue with the use of "bulb-outs" will not be permitted. Proposed on-street parking to maintain existing street width and to be 8' wide. No parking within 30' of pedestrian crossings. If on-street parking is used to meet the required minimum parking, show one handicap space per block face.
10. Show striping plan for Eastland Avenue and N. 18th Street.
11. Per the recommendations of the TIS, provide one entering and two exiting lanes from the site onto Eastland Avenue.
12. Per the findings of the TIS, left turn lanes on Eastland Avenue at the site access/Chapel Avenue are warranted. Construct an eastbound and westbound left turn lane on Eastland Avenue at Chapel Avenue/site access with 75 feet of storage and transitions per AASHTO/MUTCD standards.
13. Modify bike lanes and signage on Eastland Avenue to accommodate the left turn lane construction.

STORMWATER RECOMMENDATION - There is a 40-acre drain buffer disturbance. Prior to application for final SP site plan approval of any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream and be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.

METRO SCHOOL BOARD REPORT

Projected student generation 18 Elementary 17 Middle 13 High

Schools Over/Under Capacity - Students would attend Ross Elementary School, Bailey Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

CONDITIONS

1. Prior to third reading at Metro Council, the applicant must provide a separate, concept landscaping plan to the Planning Department, to be approved by Planning staff. Phases must be identified on this plan.
2. Prior to third reading at Metro Council, the applicant shall provide opportunity for the Metro Historical Commission to determine if the structure at 1818 Eastland Avenue should be preserved.
 - With the submittal of the phase 2 final site plan, the applicant shall provide a report from the MHC regarding steps to be taken in maintaining, relocating, or documenting the historic structure. If determined that the structure must be relocated, the MHC shall identify the responsible party for relocating the structure and relocation site.
 - No demolition of the structure at 1818 Eastland Avenue shall occur prior to phase 2 final site plan approval.
3. Prior to the application for any phase of a final SP site plan, the SP plan shall include the appropriate stream buffer, and be labeled and dimensioned explicitly on the plans.
4. Prior to application for final SP site plan approval for any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the onsite stream and be approved for a variance from the Stormwater Management Committee for the proposed buffer disturbance. The outcome of the the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.
5. Prior to the application of any final SP site plan, the applicant must provide an updated water availability letter (from Metro Water Services).
6. The right-of-way to be reserved along Eastland Avenue must be to the collector street dimension (60' of total right-of-way).
7. Building #2 is required as a part of phase 1 of this SP. Prior to approval of any other phase's final SP site plan, building # 2 must be under active construction.
8. Prior to approval of the final SP site plan for phase 1, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as a crosswalk from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).
9. Prior to approval of the final SP site plan for phase 2, the following issues must be adequately addressed/resolved in a complete re-design of phase 5 of the SP, to be administratively approved by Planning staff:
 - Rear alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a parking lot area for the townhomes, but this layout may change with the re-design.

- The two townhome buildings in phase 5 must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the parking area.
 - In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
 - Prior to final development SP for phase 2, an enhanced pedestrian or vehicular connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.
10. Prior to final SP site plan approval for phase 2, a finalized parking plan that optimizes pedestrian movement must be submitted and approved by the Planning Department.
 11. The extension of North 18th Street must be bonded prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.
 12. All Public Works design standards for public right of way shall be met prior to any final approvals and permit issuance. Any approval within right of way is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
 13. Building footprints are conceptual. Actual building footprints shall be approved at final SP stage and shall be consistent with the urban design parameters and intent of the adopted SP.
 14. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
 15. 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 **MUN** zoning district, which must be shown on the plan.

Mr. Pereira presented and stated that staff is recommending approval with conditions.

Councilmember Jameson stated he held a community meeting regarding this proposal. He mentioned that the constituents affected by this proposal voted on and approved, additional conditions that they would like to see included in the proposal. The conditions require connectivity of the development be located on 18th Avenue and that McEwen Avenue be designated as pedestrian access only. He stated that the overall density of the proposal was a concern, but after taking a vote, the constituents were in favor of the number of units included in the development. In summary, he stated there was an overall approval for the development.

Ms. Michelle Flynn 1904 Fatherland Street, spoke in opposition to the proposal.

Mr. Dan Heller, 1411 McGavock Pike, spoke in favor of the proposal.

Mr. Ray Stewart, 415 Avondale Drive spoke in general regarding the proposal.

Mr. Scott Frasier-Masgill, 419 Lakehurst, expressed issues with the proposal, however he stated he was in favor of the proposal.

A resident of 1807 Ordway Place, expressed issues with the proposal, however stated she was in favor of the proposal.

Mr. Paul Reeves, a resident of Lakehurst, expressed issues with the proposal.

Mr. Richie Buchanan, 530 Skyview Drive, spoke in favor of the proposal.

A resident of 1809 Lakehurst Drive, spoke in opposition to the proposal.

Ms. Lindsay Fairbanks, 1209 Holly Street, spoke in favor of the proposal.

A resident of 1818 Ordway Place expressed concerns regarding the proposal.

Mr. Kevin Gangaware, 6040 Bresslyn Road, spoke in favor of the proposal.

Mr. Frank Holton, 1602 Eastland Avenue, spoke in favor of the proposal.

Mr. March Egerton, 4216 Brush Hill Road, spoke in favor of the proposal.

Mr. Gary Wolf, Lakehurst Drive, spoke in opposition to the proposal.

Ms. Jennifer Cook, 415 Bushnell Street, spoke in opposition to the proposal.

Mr. Gregg Boling 405 N. 15th Street, spoke in favor of the proposal.

Mr. Loring spoke in favor of the plan. He acknowledged the issues mentioned by the constituents, which were traffic and density. He stated the proposal would improve business for the area.

Ms. Jones said the proposal was a zone change and there was much more work before its completion. She stated that many of the issues could be addressed prior to its completion. She stated she was in favor of approving the request.

Ms. Nielson agreed that the request was a zone change and that the plan, at this time, was conceptual. She also acknowledged that the added conditions mentioned by the Councilmember would help control the development.

Ms. Cummings agreed that the request was appropriate for the area.

Mr. Clifton acknowledged the location of the parcel and the proposed development. He spoke in favor of mixed-use development. He favored the request.

Mr. Tyler acknowledged the level of density for this particular site. He requested additional information on the number of lots that could be developed on this parcel with a regular zone change and the possibilities with the SP zoning.

Mr. Bernhardt explained that with the specific plan requested, the Commission would actually be adopting a particular plan for the area and, if the added conditions suggested by the Councilmember and the constituents were included in the plan, many of the areas of concern expressed by some of the residents would be addressed. The additional conditions would prohibit vehicular access to McEwen Road, making it a pedestrian access only, and the condition to add an access on to 18th Avenue, would eliminate the vehicular impact on Avondale, Lakehurst, Bushnell, or McEwen.

Mr. Ponder stated the overall plan looked good. He questioned the number of single family and multi-family units that were included in the plan and whether it was a good ratio for the proposal.

Mr. Bernhardt explained this concept to the Commission.

Mr. Ponder requested additional information on some of the details included in the plan.

He commended the Councilmember for his work with the community and the developer. He suggested that a three or four way stop be reviewed in order to assist with traffic concerns.

Mr. Bernhardt explained that a traffic impact study was completed and it was conditioned that the developer would install a traffic signal at Chapel and Eastland, if warranted.

Mr. Loring questioned the possibility of an existing building being considered historic and how it would be handled if the proposal moves forward.

Mr. Bernhardt explained that this information would be provided to Council prior to third reading and it would be addressed before its approval.

Mr. Clifton questioned staff on whether the connectivity issue pertaining to 18th Avenue was adequate.

Mr. Bernhardt explained that the added condition of the Councilmember would move the connection to the development to 18th Avenue which would assist in filtering the traffic throughout the area.

Mr. Ponder moved, and Ms. Jones seconded the motion, which passed unanimously to approve Specific Plan 2005SP-170U-05 with the added conditions noted by the staff as well as the conditions suggested by Councilmember Jameson. **(8-0)**

Resolution No. RS2006-157

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-170U-05 is APPROVED WITH PLANNING STAFF CONDITIONS (8-0), as well as the conditions of the Councilmember, including that no vehicular access shall be allowed to McEwen Avenue, and that an additional, internal vehicular connection shall be included in the plan, between the main parking area and the parking area that accesses North 18th Street.

The proposed SP site plan is consistent with the East Nashville Community Plan’s Neighborhood Center and Neighborhood General policies. Neighborhood Center is intended for a mixture of land uses that provide a variety of opportunities for the immediate area. Neighborhood General is intended for a mixture of housing opportunities.”