

13. **2006Z-010G-06**  
Map 143-00, Parcels 011, 030  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to change from R15 to SP zoning properties located at 6949 Highway 70 South and Highway 70 South (unnumbered), approximately 2,245 feet east of Old Hickory Boulevard (19.8 acres), to permit 16 cottages and 19 townhouses for a total of 35 dwelling units, requested by Gresham Smith & Partners, applicant, for Charles R. Brock, Trustee.

**Staff Recommendation – Approve with conditions**

**APPLICANT REQUEST** -Rezone 19.8 acres from residential single-family and duplex (R15) to Specific Plan (SP) zoning properties located at 6949 Highway 70 South and Highway 70 South (unnumbered), approximately 2,245 feet east of Old Hickory Boulevard, to permit 16 cottages and 19 townhouses for a total of 35 dwelling units.

**Existing Zoning**

R15 district R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 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 new 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.

**BELLEVUE COMMUNITY PLAN POLICY**

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

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

**Special Policy Area 7 of the Bellevue Community Plan** - Special Policy 7 applies to certain properties along Tolbert Road, Old Hickory Boulevard, and Highway 70S. The Special Policy *allows* small offices to be built on these properties under certain conditions. The purposes of this Special Policy are twofold:

- To help diversify Bellevue’s economy and support its retail sector.
- To provide a compatible *alternative to additional multifamily development* with appropriate design guidance to preserve and enhance the scenic environment that is one of Bellevue’s chief assets.

Under Special Policy Area 7, the **conditions** under which small offices may be built on these properties are:

- A Planned Unit Development is required
- The base zoning district that may be used is Office Neighborhood
- Steep slopes and unstable soils are not to be developed unless the property in question has no areas of level topography, which is true of very few of these parcels
- Lighting should be directed away from residences
- Signage should be scaled to be compatible with the residential environment that predominates along these corridors. It should be monument signage with ground lighting only
- Access to fronting roads shall be strictly limited. New development shall provide cross access easements for interconnectivity among parcels except where cross connections cannot be physically accomplished.
- Because of the scenic nature of the Tolbert Road, Highway 70S and Old Hickory Boulevard corridors and the importance of compatibility with residential development in the area, landscaping should exceed the standard requirements of the zoning code in parking areas abutting the streets and areas abutting residential development
- For the same reasons as stated in the bullet point above, tree preservation should also significantly exceed the standard requirements of the zoning code, especially along roadways and areas abutting residential development
- It is recommended that buildings be constructed of brick and stone
- It is recommended that dumpsters be completely screened with brick or stone walls, with wood only to be used for gates and that wherever possible, dumpsters shall not be visible from the street
- To the extent feasible, parking areas shall be located to the sides and rears of buildings.

**Policy Conflict** - The proposed SP district is consistent with the RM and RLM policies on this site. The district will completely preserve the rear portion of the site, which is the portion in RLM policy. The total density of this development, if portion of the property that is to remain undeveloped is counted (13.64 acres), is 1.77 units/acre. If the density is calculated using only the front 5.33-acre portion that is proposed to be disturbed, then the proposed density would be 6.5 homes per acre, which is also consistent with the RM policy.

While the Special Policy Area allows offices as an alternative to multifamily development, it does not preclude the sort of multifamily development (townhomes and attached cottages) that is being proposed with this SP. As discussed above, the multifamily residential development and number of units proposed both match the RM policy for the site.

**Preliminary Plan Details** - While the site is currently undeveloped, there is a multifamily development to the adjacent parcel to the east, and an assisted living development to the west. The proposed SP includes 35 total units, consisting of 16 cottages and 19 townhomes. As the portion of the site that is developable (i.e. between 0-10 percent slope) is small, there is only a small area of active open space provided to the east of the main driveway that accesses the units. Landscaping is also provided along the new proposed parking lot and at the fronts of the units.

*Vehicular Access* - The site is accessed via one private driveway that crosses a stream and a small piece of floodplain that runs parallel to the stream. The applicant has proposed a bridge across the stream, which must be approved by the Stormwater Division of Metro Water Services.

*Building Elevations* -The plan includes photographs of the units to be developed. These serve as the elevations (architectural renderings) for the new buildings to be constructed within the SP development. Staff has reviewed the photographs and recommends approval of them proposed elevations.

*Landscaping Plan* - The applicant has proposed new landscaping on the Specific Plan for the 5.33 acres to be disturbed with this development, and proposed to leave undisturbed the entire 13.64-acre RLM area to the rear (south) of this area, as this portion of the site is very steep (almost all over 25 percent slope). A concept plan for the new proposed landscaping to be installed is shown on this preliminary SP, and it

includes canopy and screening trees on the western side and throughout the development (including between unit driveways); a final, more detailed landscaping plan is a requirement at the final SP stage (including Tree Preservation details).

*Parking and pedestrian access* -The applicant has not agreed to provide a sidewalk along the frontage of this property of Highway 70 South as part of this SP. According to section 17.20.120 of the Zoning Ordinance, new multifamily developments are required to have sidewalks from the external boundaries to the interior, and throughout the development. There are some internal sidewalks proposed within this SP, but Planning staff recommends that the applicant construct pedestrian trails from both sides of this development to connect to adjacent properties on the east and west (to the property lines at a minimum). The pedestrian trails are a logical improvement to this SP as the adjacent developments are multifamily residential uses, consistent with this SP.

Even though the adjacent sites do not have an existing sidewalk network along the frontage of Highway 70 and this site is outside the Urban Services District, Planning staff recommends that the plans be revised to include a standard Metro sidewalk along the frontage of the this property with Highway 70 South. Highway 70 South is a collector/arterial road and the site is near to commercial areas, so a sidewalk will allow easier pedestrian access to bus routes.

*Design issues* - The applicant was advised to provide cross access driveways to both multifamily developments that abut it (to the east and west). The applicant refused, citing topographical and stream buffer/floodplain as problematic issues that inhibit such connections. The pedestrian trails as discussed above are important due to the difficulty of vehicular connections between the developments.

The applicant was also advised to invert the design of the development so that parking and driveways would be to the rears of the units, along a service lane, with the units fronting on open space. The applicant declined to make these changes, citing site-based constraints and the already-specified building type with a front-loaded design. In addition, such design changes are not necessarily mandated by the RM/RLM land use policies. Finally, the proposed development is consistent with other multi-family developments in the area.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

1. Private street drive aisles to be 24 feet wide and have PWST 200 curb and gutter.
2. Pavement detail to meet ST 251 standard.
3. Provide proof of adequate sight distance at project entrance.
4. Align project driveway with Westport Landing condos driveway.
5. Construct right turn deceleration lane on Highway 100 with 50 feet of storage and transition per AASHTO standards.

**STORMWATER RECOMMENDATION**

The following information should be shown on the plans:

- 78-840 note
- Buffer note
- Preliminary note

Accurate floodway needs to be established *prior* to final approval. The number of townhomes may be **reduced**.

**Fire Marshal Recommendation** -Fire hydrants should flow at least 1,250 GPM's at 40 psi.

**METRO SCHOOL BOARD RePORT**

**Projected student generation    2\_Elementary   1\_Middle    1\_High**

**Schools Over/Under Capacity** - Students would attend Westmeade Elementary School, Bellevue Middle School, or Hillwood High School. Hillwood High School and Westmeade Elementary School have been identified as being overcrowded by the Metro School Board. There is capacity within the adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn. With regard to Westmeade Elementary School, the fiscal liability for the projected increase in students is \$24,000.

This information is based upon data from the school board last updated August 2, 2005.

**CONDITIONS**

1. Prior to final SP approval, the applicant must revise the plans to include a standard Metro sidewalk along the frontage of this property with Highway 70 South, and show internal pedestrian trails from both sides of this development to connect to adjacent property lines on the east and west.
2. Prior to final SP approval, all units must be labeled to distinguish the cottage from the townhome units on the plans.
3. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of the final plat.
4. All Stormwater conditions as indicated above must be adequately addressed prior to, or with the final SP approval.
5. Prior to final SP approval, the applicant must specify on the SP plans an eastern setback.
6. Prior to final SP approval, the number of bedroom units in each unit type must be labeled on the plans.
7. As a part of the final SP plan approval, a separate, detailed landscaping plan must be provided.
8. 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.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM4 zoning district, which must be shown on the plan.

Approved with conditions, (7-0) *Consent Agenda*

**Resolution No. RS2006-014**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-010G-06 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

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**The requested SP district and site plan are consistent with the Bellevue Community Plan’s Residential Medium, Residential Low Medium and special policy that are for residential developments.”**