

3. **2006SP-159U-03**
Fern Avenue Lofts
Map 071-14, Parcels 029, 059
Subarea 3 (2003)
Council District 2 - Jamie D. Isabel, Sr.

A request to change from CS to SP zoning properties located at 1206 Brick Church Pike and 40 Evergreen Avenue, at the northwest corner of Brick Church Pike and Fern Avenue (1.07 acres), to permit the development of 45 multi-family units, requested by Dale & Associates, applicant, for Hozell Anderson, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST -Preliminary SP

A request to change 1.07 acres from Commercial Services (CS) to Specific Plan (SP) zoning to permit the development of 45 multi-family units, located at 1206 Brick Church Pike and 40 Evergreen Avenue, at the northwest corner of Brick Church Pike and Fern Avenue.

Existing Zoning

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

Proposed Zoning

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

- 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.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

Community Center (CC) -CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An 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 to the intent of the policy.

Consistent with Policy? - Yes. This property sits at the intersection of Fern Avenue and Brick Church Pike, in close proximity to Interstate 65. The location is in the middle of an area zoned commercial and at the edge of a residential neighborhood. The multi-family development will serve as a transition and a buffer between these two uses.

RECENT REZONINGS - None.

PLAN DETAILS - The plan proposes 45 multi-family units in a 4-story building. The development crosses an unbuilt alley right-of-way that will need to be abandoned before the final development plan for the project can be approved. Additionally, the property fronts on an unbuilt street, Evergreen Avenue, which will be constructed with this development.

The building wraps around the Brick Church Pike, Fern Avenue and Evergreen Avenue street edges of the property, while parking is located interior to the site. The buildings create a strong street edge and sidewalks are proposed on all three street edges. The combination of the strong street edge and the sidewalks will help create a pedestrian friendly environment at this location. A small green is located inside the site for the enjoyment of the residents.

Sixty-eight parking spaces would be required by the Zoning Code if this were not an SP, while 80 parking spaces are provided. The majority of the parking spaces are located in tandem garages in the first floor of the building. The garage level of the building will be under grade for half of the elevation, the other half is designed not to look like a parking garage. Each two-car deep garage will be for one individual unit. The access to the parking is proposed to be gated, but pedestrians will be able to access the units from the fronting streets.

Elevations were only submitted for the Fern Avenue frontage. All elevations must be submitted for review with the final development plan. No building material information was indicated on the plan, however, the applicant has indicated the materials will be split face block, cast stone and synthetic stucco. The stairwells between the blocks of units appear to be open. Staff recommends enclosing these to emphasize that this is a residential building.

PUBLIC WORKS RECOMMENDATION -Following are review comments for the submitted Fern Avenue Lofts specific plan (2006SP-159U-03), received October 6, 2006. Public Works' comments are as follows:

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. Application required with the abandonment of alley right of way.
3. Show and label 25' minimum right of way radius of corner returns at street intersections.
4. Relocate gate to provide a vehicle queue space outside right of way. Provide egress route for vehicles that are denied access at proposed gate.
5. Garbage collection to be provided by private hauler.
6. Plan proposes double stacked parking. Confirm parking requirements with the zoning administrator to determine if proposed parking is adequate.

STORMWATER RECOMMENDATION - Approved Except as Noted

1. Discharge from headwall should not flow over sidewalk. The runoff should be piped into the Combined Sewer System at a Sewer Department approved location.

CONDITIONS

1. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. All Stormwater comments shall be addressed prior to Final Site Plan approval.
3. Correct the plans to show on Fern Avenue a dedication of right-of-way 30-feet from the centerline and a reservation of right-of-way for 12-feet beyond the dedication.

4. This development shall comply with the landscaping requirements of the Metro Zoning Ordinance for the RM60 district. A landscape plan shall be submitted with the final site plan.
5. Elevations for all street frontages, including building materials, shall be further developed and submitted for review and approval by the Planning Commission with the final development plan application. Changes, including enclosing the stairwells may be a requirement at final site plan approval.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. The requirements of the Metropolitan 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.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
10. This final approval includes conditions, which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval

Ms. Withers presented and stated that staff is recommending approval with conditions.

Mr. John Dabbs, 1202 Brick Church Pike, spoke in opposition to the zone change request.

Ms. Cummings arrived at 4:19 p.m.

Mr. Lawson suggested Mr. Dabbs speak with Councilman Isabel regarding his opposition to the proposal and to gather additional information regarding SP zoning as it relates to his property.

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously to approve with conditions Zone Change 2006SP-159U-03. **(9-0)**

Mr. Kleinfelter offered that although this zone change request was within Councilman Isabel's district, the zone change request is being sponsored by someone other than Councilman Isabel.

Resolution No. RS2006-349

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-159U-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

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3. Correct the plans to show on Fern Avenue a dedication of right-of-way 30-feet from the centerline and a reservation of right-of-way for 12-feet beyond the dedication.
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9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
10. This final approval includes conditions, which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval.

The proposed SP district is consistent with the Bordeaux/Whites Creek Community Plan's Community Center policy, which 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."