

3. **2007SP-084U-05**  
10th and Russell Street  
Map 083-09, Parcel 207  
Subarea 5 (2006)  
Council District 6 - Mike Jameson

A request to change from OR20 to SP zoning property located at 205 South 10th Street, southeast corner of Russell Street and South 10th Street and within the Lockeland Springs-East End Neighborhood Conservation Overlay district, (.89 acres), to permit a total of 54,000 square feet containing 3 retail units and 44 residential units, requested by Jim Nickle, applicant, for Anthony Cherry and Charles Ritzen, owners.

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST - Preliminary SP**

A request to change from Office/Residential (OR20) to Specific Plan (SP) zoning property located at 205 South 10th Street, southeast corner of Russell Street and South 10th Street and within the Lockeland Springs-East End Neighborhood Conservation Overlay district, (.89 acres), to permit a total of 54,000 square feet containing 3 retail units and 44 residential units.

**Existing Zoning**

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

**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 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.

**EAST NASHVILLE COMMUNITY PLAN**

**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 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.

**Special Policy Area 2** - This Special Policy applies to several Neighborhood Center policy areas in the East Nashville Community Plan for which there is no Detailed Neighborhood Design Plan. The purpose of this Special Policy is to refine the Neighborhood Center policy provisions to help guide land use decisions until more detailed planning efforts can be completed.

For all portions of Special Policy Area 2, the only applications for rezonings of residential districts to a mixed use, office, or office/residential district that should be supported, unless there are exceptional circumstances, are those that:

- Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and
- Have been presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application. In addition:

Rezonings to commercial, industrial, or lower density residential districts should not be supported, unless there are exceptional circumstances.

**Consistent with Policy?** - Yes. The plan includes one mixed-use building with 3 retail units and 44 residential units. This plan meets the Neighborhood Center policy by creating a walk-to area with small-scale office, retail, and residential uses. Special Policy Area 2 requires a community meeting before a project can be heard by the Planning Commission. The applicant had two community meetings: one with East End Neighborhood Association on May 21, 2007, and one with Edgefield Neighborhood Association on May 29, 2007.

#### **PLAN DETAILS**

**Site Plan** - The plan calls for a three-story mixed-use building totaling 54,000 square feet. There is 4,321 square feet of Retail/Office and 44 residential units.

**Sidewalks** - There are existing sidewalks on both 10<sup>th</sup> Street and Russell Street.

**Access** - There are two access points: one from 10<sup>th</sup> Street and one from the alley parallel to 10<sup>th</sup> Street.

**Parking** - The plan calls for a total of 50 parking spaces on site. The total number of proposed parking spaces is sufficient to serve the proposed uses.

**Elevations** - Elevations have been reviewed and approved by staff. Final approval is subject to approval by the Metro Historic Zoning Commission.

**Staff Recommendation** - Staff recommends approval with conditions. The development meets the intent of the Neighborhood Center policy and the technical requirements of Special Policy Area 2.

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

Show and label 25' minimum right of way radius of corner returns at the intersection of Russell Street and South 10th Street.

Public sidewalks to be located within right of way.

Planters appear to be encroaching into right of way.

Proposed solid waste collection and disposal plan does not appear adequate. Provide three dumpster pads to accommodate solid waste disposal.

Identify provisions for recycling collection.

Public Works recommendations are based upon the Solid Waste Division's policies. The policies are based upon trash generation rates for the proposed uses and the services provided on collection and disposal.

If the developer wishes to work with the Public Works staff and provide possible alternatives on receptacles and collections, the request will be considered.

Clarify / identify hatching areas located within sidewalk along Russell Street / S. 10th Street.

Provide confirmation from zoning administrator that parking as provided is adequate for proposed uses.

Russell Street:

The plan proposes to construct a "bulb-out" on the south side of Russell Street. Duplicate / mirror roadway section on opposite side of Russell Street. Provide minimum 11' travel lanes.  
 If required parking is located on-street, construct first space as ADA accessible.  
 No parking within 30' of marked crossings.

Alley #292:

Construct alley per ST-263. Dedicate right of way.  
 Remove 1st alley parking space off Russell Street to prohibit backing movements onto sidewalk.  
 Locate parking outside of right of way.  
 Construct ST-325 alley ramp at Russell Street.

S. 10th Street:

Construct driveway ramp per ST-325. Align driveway perpendicular to roadway.

**Maximum Uses in Existing Zoning District: OR20**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	.89	0.8	31,014	542	74	114

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/ Townhouse (230)	.89	N/A	39	289	25	28

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	.89	N/A	4,851	246	12	34

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-7	-37	-52

**STORMWATER RECOMMENDATION** - Preliminary SP approved.

**URBAN FORESTER RECOMMENDATION** - Must use Irrigation (Condos – no hose bibs allowed)

**FIRE MARSHAL RECOMMENDATION** -Provide water flow data on hydrant.

**METRO SCHOOL BOARD REPORT**

**Projected student generation     5 Elementary     4 Middle     3 High**

**Schools Over/Under Capacity** - Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

**CONDITIONS**

1. Sidewalks must be improved to Metro standards, if necessary.
2. The backflow preventer shall be located outside of any publicly visible areas.
3. Correct number of parking spaces in the plan.
4. Prior to the issuance of any permits, confirmation of approval of this proposal shall be forwarded to the Planning Commission by the Metro Historic Zoning Commission.
5. Except as otherwise specifically listed in the approved plan, with the submittal of the final site plan, the project must comply with all Urban Forester, Fire Marshal and Public Works conditions, excluding the condition requiring confirmation of adequate parking from the zoning administrator.
6. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations, and requirements of the MUL zoning districts at the effective date of this ordinance, which must be shown on the plan.
8. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
9. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
10. 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.
11. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, 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.
12. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final

SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (8-0) *Consent Agenda*

**Resolution No. 219**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-084U-05 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

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**Additional Conditions requested to be added by Councilmember Jameson:**

1. Pursue LEED certification, including possible use of permeable materials for the ground surfaces (i.e., parking lot).
2. Facilitate parallel parking along Russell by "bulbing out" Russell Street at the intersection with Tenth Street.
3. Use the MDHA Five Points Overlay as a guideline for this project.
4. Loft spaces will be stepped back off the facade a minimum of 15' - 0" (in compliance with Woodland Street district patterns of MDHA guidelines for the Five Points Overlay, and the Historic Commission review comments).
5. Parking lot lighting will avoid spill-off through the selection of site lighting fixtures (No "cobra heads" will be permitted".)
6. Request that Public Works re-stripe S. 10th Street between Shelby and Woodland Streets to change this four-lane commercial corridor style of street to a more neighborhood-friendly one that provides on-street parking, bicycle lanes, and a center turn lane.

**The proposed SP district is consistent with the East Nashville Community Plan's Neighborhood Center and detailed policies, which is intended for mixed use areas that act as local centers."**