

9. **2007SP-103G-06**  
Harpeth Springs Village  
Map 141-00, Parcel 088  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to change from CL to SP zoning property located at 7960 Coley Davis Road, approximately 250 feet east of Somerset Farms Drive (5.78 acres), to permit 98 townhome units, requested by Wamble & Associates, applicant, for Psalms 65 Unit 2 LLC, owner. (See also PUD Cancellation, Proposal No. 151-82-G-06).

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** -A request to change from Commercial Limited (CL) to Specific Plan (SP) zoning property located at 7960 Coley Davis Road, approximately 250 feet east of Somerset Farms Drive (5.78 acres), to permit 98 townhome units.

**Existing Zoning**

CL District -Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

**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.

**BELLEVUE COMMUNITY PLAN**

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.

**Consistent with Policy?** -No. The proposed density at 17 units per acre under the SP zoning district conflicts with the Residential Low Medium policy, which encourages densities in the range of two to four dwelling units per acre. There are also several design issues relative to the building orientation, open space, landscaping, and internal streets that staff would need to work on with the applicant in order to recommend approval of this project.

**PLAN DETAILS**

Site Plan -The plan proposes 98 units on 5.78 acres. The units consist of 20 live/work units with frontage on Coley Davis Road, 21 single family attached rowhouse units with views of the Cumberland River, and 57 single family attached townhouse units that front onto greenspace.

Elevations - Elevations have not been submitted with the application.

Street Access/Parking -The street system includes a cul-de-sac that serves as the main entrance and 24 foot private service drives or alleys that provide rear access to the residential units. There are two ingress/egress points onto Coley Davis Road A total of 237 parking spaces are proposed.

Environmental -A significant portion of the site perimeter is located within the 500 year floodplain. The 100 year floodplain also traverses a smaller section of the site along its perimeter. A greenway easement is required along the Harpeth River, which is not currently proposed.

**Staff Recommendation** - Staff recommends disapproval of the Specific Plan (SP) district and preliminary plan. The basis for disapproval is the excessive density and the limited information about the proposed design of the project. Although the preliminary plan provides a mixture of housing types, the proposed density of 17 units per acre far exceeds the intended density under RLM policy which is two to four units per acre. Furthermore, the design configuration does not adequately address the environmental constraints presented by the floodplain and floodway, nor does the proposed street network support the proposed land uses. The preliminary plan includes a large cul-de-sac serving as the main entrance from Coley Davis Road, and an extensive alley system with 24 feet of right of way throughout the development. The proposed alley widths, at 24 feet, will function more as streets than private service lanes.

#### **PUBLIC WORKS RECOMMENDATION**

1. Submit construction plans
2. Provide documentation of adequate sight distance at project access. Indicate the available and required sight distance for the posted speed limit per AASHTO standards.
3. Provide dimensioned site plan. Identify parking locations, and parking for work units. Identify pavement width, and evaluate driveway location at cul-de-sac with center island in relation to traffic movements.
4. Provide useable guest parking. Identify 24' drive isles.
5. Identify alleys as public or private. No dead end alleys. Provide turnaround if alleys are greater than 150' from an intersection.
6. Identify solid waste collection and disposal plan. Identify dumpster pad location
7. Widen Coley Davis Road to provide a continuous three-lane cross section from the project access drive west to Somerset Farms Drive. Construct this left turn lane with 75 ft of storage at the project access and tapers per AASHTO/MUTCD standards.

#### **STORMWATER RECOMMENDATION** - Approved except as noted

1. Label water feature on plans as the water quality concept and area designated for detention.

**FIRE MARSHAL RECOMMENDATION** -The project Engineer needs to meet with the Fire Marshal's Office concerning fire flow requirements, which have changed as of May 1, 2007.

New buildings shall be equipped with a Class I stand pipe system installed where any of the following conditions exist:

- (1) More than three stories above grade
- (2) More than 50 ft (15 m) above grade and containing intermediate stories or balconies
- (3) More than one story below grade
- (4) More than 20 ft (6.1 m) below grade

Fire Hydrants shall be in-service before any combustible material is brought on site.

#### **METRO SCHOOL BOARD REPORT**

**Projected student generation**     6 Elementary     4 Middle     4 High

**Schools Over/Under Capacity** - Students would attend Gower Elementary School, Hill Middle School, and Hillwood High School. The Metro School Board has identified all three schools as having capacity for new students. This information is based upon data from the school board last updated April 2007.

#### **CONDITIONS**

MPC (06/28/07)

- 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 effective at the date of the building permit. This zoning district must be shown on the plan.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

*[Note: Items #9 and #10 were discussed by The Metropolitan Planning Commission together. See item #10 for actions and resolutions.]*

**10. 151-82-G-06**  
 Harpeth Springs Office Condos  
 Map 141-00, Parcel 088  
 Subarea 6 (2003)  
 Council District 22 - Eric Crafton

A request to cancel an unbuild portion of a Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, zoned CL, (5.98 acres), approved for a 175 unit motel, requested by Wamble & Associates, applicant, for Psalms 65 Unit 2, LLC, owner. (See also Zone Change Proposal No. 2007SP-103G-06).

**STAFF RECOMMENDATION: Disapprove.**

### **APPLICANT REQUEST - Cancel PUD**

A request to cancel an unbuilt portion of a Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, zoned Commercial Limited (CL), (5.98 acres), approved for a 175 unit motel.

### **BELLEVUE COMMUNITY PLAN**

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.

**PUD HISTORY** - Harpeth Springs PUD was originally approved in 1982 for residential, office, restaurant, and motel uses. The residential and commercial PUD included parcels 86, 87, and 88. The commercial PUD consisted of 8.95 acres and was approved for a 175 unit motel, a 10,000 square foot restaurant, and two office buildings totaling 55,000 square feet. In 2003, the PUD was revised to permit the development of a 24,000 square foot office complex containing four separate office buildings. Two of the buildings were constructed. In 2006, the PUD was revised to permit a 3,000 square foot daycare center, and a 4,500 square foot dance studio.

**Cancellation Request** - This request is to cancel the undeveloped commercial PUD on parcel 88 which was approved for a 175 unit motel.

**Consistent with policy?** - No. The Bellevue Community Plan has designated Residential Low Medium policy to this area. Although the approved commercial PUD is inconsistent with policy, cancellation of the PUD would put into effect the CL base zoning district which is also not in compliance with the policy.

**Staff Recommendation** - Staff recommends disapproval of the PUD cancellation because it is inconsistent with the policy. Any request to cancel the PUD at this site should be accompanied with a design oriented zoning district that complies with RLM policy. The Specific Plan (SP) district which accompanies this PUD cancellation is also recommended for disapproval on the basis of design limitations and density that far exceeds the recommended two to four units per acre.

Ms. Nedra Jones presented and stated that staff is recommending disapproval of Zone Change 2007SP-103G-06, as well as disapproval of the request to cancel a portion of Planned Unit Development 151-82-G-06.

Mr. Danny Wamble, 40 Middleton Street, spoke in favor of the proposed development.

Mr. Richard Bacon, 84 Allentown Road, spoke in favor of the proposed development. He read a letter into the record written by Don Harris, President of Somerset Farms Homeowners Association.

Mr. Jacky Allen, 7009 Waterbury Point, spoke in favor of the proposed development.

Mr. Ponder stated he was in favor of staff's recommendation to disapprove due to density issues.

Ms. Jones acknowledged the issues associated with commercial zoning and density for this area. She offered that the Commission provide additional time for alternative planning that could contain residential units, but with less density.

Mr. Loring spoke in favor of staff's recommendation.

Mr. Clifton also agreed that the proposal was too dense for the area. He questioned whether the Commission could defer the project.

Mr. Bernhardt stated that this proposal was scheduled for the July 10, 2007 Council Public Hearing and without a recommendation from the Commission, the Council would consider the project approved. He also offered that third reading would be held on July 17, 2007 which would precede the next Planning Commission meeting.

Mr. Clifton stated he was not in favor of approving the plan as submitted. However, he suggested he would be in favor of recommending that the Councilmember re-refer the project back to the Commission for additional modifications.

Mr. Tyler stated he agreed with staff's recommendation.

Ms. Beehan stated she agreed with staff's recommendation.

Ms. Beehan moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove Zone Change 2007SP-103G-06, as well as disapprove the cancellation of Planned Unit Development 151-82-G-06. **(8-0)**

**Resolution No. 225**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-103G-06 is **DISAPPROVED. (8-0)**

**The proposed SP district is not consistent with the Bellevue Community Plan's Residential Low Medium policy, which is intended for residential developments with a density between 2 and 4 dwelling units per acre."**

---

**Resolution No. 226**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 151-82-G-06 is **DISAPPROVED. (8-0)**

**Since the associated SP request (2007SP-103G-06) is not consistent with the Bellevue Community Plan's Residential Low Medium policy, which is intended for residential developments with a density between 2 and 4 dwelling units per acre the PUD should not be canceled."**