

21. **2007SP-162U-05**
Winberry Place
Map 082-03, Parcels 461, 462, 463, 464
Subarea 5 (2006)
Council District 5 - Pam Murray

A request to change from CN and RS5 to SP zoning properties located at 927, 929, 1001, and 1003 Lischey Avenue, on the east side of Lischey Avenue (0.74 acres), to permit 6 single-family homes, 3 townhome units, and a 2-story mixed-use building, requested by Barge Cauthen & Associates, applicant, for B & V Development and Vernon Winfrey, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request to change from Commercial Neighborhood (CN) and Single-Family Residential (RS5) to Specific Plan (Mixed Use) (SP(MU)) zoning properties located at 927, 929, 1001, and 1003 Lischey Avenue, on the east side of Lischey Avenue at Vernon Winfrey Avenue (0.74 acres), to permit 6 single-family homes, 3 townhome units, and a 2-story mixed-use building.

Existing Zoning

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

RS5 District - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 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 base zoning district, not an overlay. It will be labeled on zoning maps as “SP-MU.”
- 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 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 is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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 with the intent of the policy.

Cleveland Park East Detailed Neighborhood Design Plan

Mixed Use (MxU)- MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Mixed Housing (MH) - MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Single Family Detached (SFD) - SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Consistent with Policy? Yes. The portion of the property designated as MxU is proposed for a two-story, mixed-use building with ground floor retail and three apartment above and one single family residential unit. A three unit townhouse project and one single family residential unit are proposed for the portion of the property designated as MH. Two single family residential units are proposed for the portion of the property designated as SFD and for the portion of the property designated NG. The single family residential units provide a transition to the adjacent single family units.

PLAN DETAILS

Site Plan - The proposed SP plan calls for a two-story mixed use building, a three unit townhouse development and six single family residential units. Exterior materials include masonry foundations, fiber-cement board siding and fiberglass roofing shingles. Commercial signage will consist of one sign per occupant illuminated by overhanging lights.

Access - Vehicular access to the properties will be from alleys to the rear. The sidewalks adjacent to the property are generally in poor condition. These will need to be upgraded with the development of Winberry Place.

Parking - The properties are located within the Urban Zoning Overlay. The first 2,000 sq. ft. of retail uses are exempt from parking requirements. In addition, the proposed development qualifies for a full 25% reduction provided for in Section 17.20.040 for the Zoning Code based on proximity to transit, pedestrian access, and contextual front setbacks. The project requires 18 parking spaces. Sixteen spaces are provided on site with the remaining 2 spaces to be provided on street. Immediately adjacent to the development, there are 15 on street parking spaces.

Staff Recommendation - The proposed SP is consistent with the land use policies. Staff recommends approval with conditions.

RECENT REZONINGS - None

STORMWATER RECOMMENDATIONS - The following note shall be included on the final plat: "All common area outside building footprints to be Open Space / Public Utility and Drainage Easement."

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.

Along Lischey Avenue, label and dedicate right of way 30 feet from centerline to property boundary, consistent with the approved major street/collector plan.

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Sq. Ft.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.37	0.25	4,029	113	15	15

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.37	7.42	2	20	2	3

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail/Restaurant (814)	0.74	n/a	3,800	201	11	31

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	0.74	n/a	6	58	5	7

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	density	Total units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	0.74	n/a	3	26	3	3

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.74			152	2	23

METRO SCHOOL BOARD REPORT

Projected student generation 4 Elementary 2 Middle 2 High

Schools Over/Under Capacity - Students would attend Glenn Elementary School, Jere Baxter Middle School, or Maplewood 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. The following note shall be included on the final plat: "All common area outside building footprints to be Open Space / Public Utility and Drainage Easement."
2. Articles of Incorporation and Bylaws for a homeowners' association to provide for improvement and maintenance of common areas shall be required with the Final Site Plan.

3. The back flow preventer shall not be visible from the street.
4. Sidewalks shall be upgraded to meet the design standards of the Public Works Department.
5. Along Lischey Avenue, label and dedicate right of way 30 feet from centerline to property boundary, consistent with the approved major street/collector plan.
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 in the review of the final site plan, final plat, 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 district for the Residential District 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, (7-0) *Consent Agenda*

Resolution No. BL2007-315

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-162U-05 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. The following note shall be included on the final plat: "All common area outside building footprints to be Open Space / Public Utility and Drainage Easement."
2. Articles of Incorporation and Bylaws for a homeowners' association to provide for improvement and maintenance of common areas shall be required with the Final Site Plan.
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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.
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The proposed SP district is consistent with the East Nashville Community Plan's Neighborhood Center policy, which is intended for mixed use areas that act as local centers and include residential

development, and Neighborhood General policy which is intended to meet a spectrum of housing needs with a variety of housing types that are carefully arranged, as well as its Mixed Housing detailed policy which is intended for a variety of single and multi-family housing.”