

2010SP-002-001

The Cove at Whites Creek

Map: 039-00 Parcels: 277, 320

Map: 048-00 Parcels: 159

Bordeaux/Whites Creek Community Plan

Council District 3 – Walter Hunt

Staff Reviewer: Jason Swaggart

A request to change from AR2a and CL to SP-MU zoning properties located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,350 feet north of Lloyd Road (32.15 acres), to permit up to 215 residential units, 7,500 square feet of commercial/retail use, and 7,500 square feet of office use, requested by Wamble & Associates PLLC, applicant, for Winston Templet, owner. (See also Proposal No. 2010CP-003-001)

Staff Recommendation: Approve with conditions, subject to the approval of the associated policy amendment

APPLICANT REQUEST Rezone to permit a mixed-use development permitting residential, commercial/retail and office.

Preliminary SP A request to change from Agricultural/Residential (AR2a) and Commercial Limited (CL) to Specific Plan – Mixed Use (SP-MU) zoning properties located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,350 feet north of Lloyd Road (32.15 acres), to permit up to 215 residential units, 7,500 sq. ft. of commercial use, and 7,500 sq. ft. of office use.

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

CL District - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space
- Provides a Range of Housing Choices
- Creates walkable neighborhoods.

A majority of the site contains steep hillsides. To ensure that these sensitive areas are protected, the SP requires that a majority of the steep hillsides be preserved in open space directing development to those areas more suitable for development

The SP also protects the small stream on the site. While a majority of the open space is to be left in its natural state, the plan also provides ample “active” open space such as an activity field and community green space. These “active” areas will provide opportunities for outdoor recreation.

The proposed SP provides a variety of housing options which include townhomes, flats and manor houses. It also provides opportunities for limited office and commercial uses including live/work. The layout provides well connected streets. All streets are lined with sidewalks which will allow for safe pedestrian circulation within the site. The proposed layout along with the SP guidelines including open space requirements, and architectural requirements will provide for a compact walkable community which will create a strong sense of place for future residents.

BORDAUX/WHITES CREEK COMMUNITY PLAN POLICIES

Existing Policies

Rural (R) - R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Natural Conservation (NCO) - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

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.

Proposed Policies

Natural Conservation (NCO) - See definition above.

Neighborhood Center (NC) - See definition above.

Suburban Neighborhood Evolving (T3 NE) T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Consistent with Policy? Yes. The proposed Specific Plan district is consistent with the Suburban Neighborhood Evolving, Natural Conservation and Neighborhood Center policies. The plan provides an integrated mixture of uses including a variety of housing types, small scale office and commercial uses and usable open space consistent with the land use policies. The additional rooftops will provide density needed to support the Neighborhood Center Policy along Clarksville Pike. The SP will require development that has adequate pedestrian, bicycle and vehicular connectivity. More importantly the SP will permit development on the site while recognizing the sites significant environmental constraints.

It is important to note that the proposed SP is *not* consistent with the existing Rural policy. If the associated policy amendment (2010CP-003-001) is not approved, then this SP should also not be approved.

PLAN DETAILS

Current Conditions The proposal consists of three contiguous properties that are located on the east side of Clarksville Pike. The properties do contain some development, but a majority of the land contains steep densely wooded hillsides. A small trailer park is located along Clarksville Pike, and there are also other small structures scattered across other parts of the land.

Site Plan The plan calls for 215 residential units, which is approximately seven units per acre. It will also permit a maximum of 7,500 square feet of commercial use, and 7,500 square feet of office uses along Clarksville Pike.

The plan consists of seven districts, which are based on the type of housing - Live/Work, Rowhouse, Courtyard Townhouse, Brownstone, Stacked Flats, Cottage, Manor House. Each district contains specific parking and bulk standards. A brief description of each district follows:

Live/Work District A district for residential and limited commercial services located at the entrance of the development with frontage along Clarksville Pike.

Rowhouse District A single-family dwelling attached on one or two sides that fronts a street with a rear entry garage and parking area at the back or near the unit.

Courtyard Townhouse District A single-family dwelling attached on one or two sides that fronts a landscaped courtyard with rear entry garage and parking area at the back or near the unit.

Brownstone District A single-family dwelling attached on one or two sides that front a street with front entry garages and parking area near the unit.

Stacked Flat District A multi-family dwelling with a ground level flat and with a town house unit above that fronts a street or green with surface parking near the rear of the unit or on-street parking.

Cottage District A single-family detached dwelling that fronts a street or green with surface parking or on-street parking.

Manor House District A large dwelling configured with multiple units that front a street or green with surface parking or on-street parking.

Access/Parking Access will be from Clarksville Pike. The plan also provides for future connectivity to the adjacent agriculturally zoned property to the south, and the commercially zoned property to the west. An emergency access is shown where a small private drive currently exists. Proposed streets will be designed to meet Metro Public Works' standards, but the SP would permit the streets to be either public or private. Public Works has agreed the streets may be private or public, but a decision will have to be made with the first final site plan.

Sidewalks will be provided along all streets, and along Clarksville Pike. Internal sidewalks provide good connectivity throughout the site which will allow safe pedestrian circulation within the site.

The concept plan identifies a total of 473 parking spaces; however, overall parking totals will be determined with the final site plan. Specific parking standards are as follow:

- Commercial: 1 space per 400 sq. ft.;
- Office: 1 Space per 300 sq. ft.;
- Residential: 1 space for one bedroom; 2 spaces for two or more bedrooms.

Architectural Architectural details/standards have been provided and are part of the SP. Standards address numerous elements such as orientation of buildings and exterior materials. The standards are intended to ensure that the chosen architectural styles will be cohesive while providing variety which will help create a more unique and interesting environment.

Environmental Constraints and Open Space A little over half the site contains hillsides with 25 percent and greater slopes. Development activity will be primarily located within the flatter areas more suitable for development. It will permit very limited disturbance of areas with 25 percent and greater slopes, but a majority of the steep hillsides will be undisturbed and placed in open space.

While more open space will likely be included in the final site plan, the SP requires that a minimum of 40 percent of the site be left in open space. The plan will permit some disturbance of 25 percent slopes; however, the SP limits the type and amount of disturbance. The SP does not permit slab on grade foundations in areas with steep slopes, but instead permits foundations that are built into the hillside. The SP also requires that 90 percent of all 25 percent and greater slopes be preserved.

STORMWATER RECOMMENDATION Approved except as noted:

1. Show exiting topography.

PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Parking in this development relies too heavily on garages. Therefore the streets within this development shall be designed as ST-252 Local Streets to accommodate the anticipated on-street parking demand and traffic volumes.
3. Label decorative paving as Stamped Asphalt.
4. Cart pickup is not appropriate for development of this density, dumpster pickup is required.
5. Show location of dumpster pads and mail kiosks with adequate parking.
6. Coordination with Public Works for solid waste disposal is required as a part of the construction plans approval. Recycling collection facilities are encouraged.
7. A traffic impact study is required for this proposed development prior to issuing any comments.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	29.75	0.5 D	14 L	134	11	15

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market /Gas(945)	2.4	0.063 F	6,000 SF	NA	476	582

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Attached(210)	32.15	-	215 U	2103	161	214

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	32.15	-	7,500 SF	182	24	24

Maximum Uses in Proposed Zoning District: SP-MI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	32.15	-	7,500 SF	359	14	40

Traffic changes between maximum: AR2a and CL and proposed SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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METRO SCHOOL BOARD REPORT

Projected student generation 56 Elementary 32 Middle 27 High

Schools Over/Under Capacity Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. All school has been identified as having capacity for additional students.

School Site Dedication Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions, subject to the approval of the associated policy amendment. The proposed SP is consistent with the policies proposed with the associated policy amendment. If the associated policy amendment is not approved, then staff recommends disapproval.

CONDITIONS

1. Permitted uses include residential and commercial uses permitted under the Commercial Limited (CL) zoning district. No other uses shall be permitted without Council approval.
2. All streets shall be identified as public or private with the first final site plan.
3. A traffic study shall be required with the first final site plan.
4. 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 MUN zoning district as of the date of the applicable request or application.
5. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date

of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, 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.

The requirements of the Metro 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.

Mr. Leeman presented the staff recommendation of approval with conditions.

Danny Wamble, applicant, spoke in favor of staff recommendation of approval.

Winston Templet, property owner, spoke in favor of staff recommendation of approval.

Jim Graves, 4913 Clarksville Hwy, owns property that is adjacent to this property. Has spoken with neighbors and they simply request that the developer does what he states that he will do. Spoke in favor of staff recommendation.

Sarah Todd, owner of 5026 Clarksville Hwy, spoke in favor of this if her property will be bought and used as a rural buffer.

Richard W. Hemmen, 5030 and 5034 Clarksville Hwy, just found out about this in the past few days. Stated that his only concern is making sure that these homes will be the quality that they are promised to be.

Ken Jakes, 5920, Clarksville Pike, agrees that this property is an eyesore but is not sure that he wants to trade out one problem for another. He stated that he is not against development but it needs to be the right type. He has concerns with 7.5 residential units per acre and spoke against staff recommendation.

Jerry Higgins, 4999 Clarksville Pike, spoke against staff recommendation of approval.

Georgiana Johnson, 4998 Clarksville Hwy, spoke against staff recommendation of approval.

Les Johnson, 4998 Clarksville Hwy, has concerns that this development will not turn out as promised and asked the Planning Commission to disapprove.

Harriett Higgins, 4999 Clarksville Hwy, is concerned with the lack of sewer in this area. She feels that it is too premature to ask for new zoning for this property when there isn't even sewer. Ms. Higgins feels that the community needs to be improved first and spoke against staff recommendation of approval.

Bill Thompson, 3832 Dry Fork Road, stated his support if a nice development will be put in.

Councilman Hunt stated that he does research on projects in his council district and feels that this one is a very good project.

Mr. Clifton moved and Dr. Cummings seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)

Mr. Clifton explained that he does not blame citizens for wondering what type of enforcement mechanisms will be in place and asked staff to address these concerns.

Mr. Leeman stated that this is the reason for a Specific Plan.

Mr. Clifton inquired about detention ponds.

Mr. Leeman pointed out that several are proposed within the plan and that Metro Stormwater Regulations will have to be met with the final site plan.

Dr. Cummings inquired about topography. Is recreation/trail system allowed in open space?

Dr. Cummings also asked that since it is such a large SP, that the Councilman reach out to neighbors greater than a quarter mile radius so that they can have an opportunity to be involved.

Mr. Ponder stated that he likes three things: the fact that there are no duplexes; the closeness of open area to each resident; and a great opportunity for improvements of current conditions.

Councilmember Gotto wanted to reassure everyone that whatever is in the SP is the standard that they will be held accountable to. He also wanted to address the concerns over the current lack of sewers. He stated that the developer will be required to provide sewers. He stated his support of staff recommendation.

Dr. Cummings inquired about Condition #5. Mr. Leeman clarified.

Ms. Jones expressed excitement about this project and stated her support.

Mr. Dalton stated his support.

Ms. LeQuire is in support of this development, but wanted to express concerns as to where it's located. She feels that we need to encourage people to develop below [south of] Briley Parkway closer to existing infrastructure and transportation.

Ms. LeQuire moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve Items 6 and 7 with conditions. (9-0)

Resolution No. RS2010-83

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-002-001 **is APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Permitted uses include residential and commercial uses permitted under the Commercial Limited (CL) zoning district. No other uses shall be permitted without Council approval.
2. All streets shall be identified as public or private with the first final site plan.
3. A traffic study shall be required with the first final site plan.
4. 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 MUN zoning district as of the date of the applicable request or application.
5. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in

accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, 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.

The proposed SP district is consistent with the amended Bordeaux/Whites Creek Community Plan's policy calling for T3 Suburban Neighborhood Evolving policy, Natural Conservation policy and the Neighborhood Center policy along Clarksville Pike."