

2010SP-018-001

HARDING ACADEMY

Map 130-01-0-C, Parcel(s) 001-015

Council District 23 (Emily Evans)

Staff Reviewer: Jason Swaggart

A request to rezone approximately 0.87 acres from Multi-Family Residential (RM40) and within the Floodplain Overlay District to Specific Plan – Institutional (SP - INS) to construct 60 parking spaces for Harding Academy on property located at 112 Harding Place, east of Harding Road, requested by Barge Cauthen & Assoc., applicant, for Harding Academy, owner. (See also PUD Cancellation Proposal No. 2005P-005-001).

Staff Recommendation: APPROVE WITH CONDITIONS

Approved with Conditions (7-0), Consent Agenda

[Note: Items #6a and #6b were discussed by The Metropolitan Planning Commission together. See Item #6b for staff report, actions and resolutions.]

2005P-005-001

HARDING PLACE CONDOS

Map 130-01-0-C, Parcel(s) 001-015

Council District 23 (Emily Evans)

Staff Reviewer: Jason Swaggart

A request to cancel the Harding Place Condos Residential Planned Unit Development located at 112 Harding Place, east of Harding Pike, zoned Multi-Family Residential (RM40) and within the Floodplain Overlay District (0.87 acres), approved for 14 condominium units, by Barge Cauthen & Associates, applicant, for Harding Academy, owner (see also Specific Plan Proposal No. 2010SP-018-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST -Rezone and cancel Residential PUD Overlay.

Zone Change A request to rezone approximately 0.87 acres from Multi-Family Residential (RM40) and within the Floodplain Overlay District to Specific Plan – Institutional (SP - INS) to construct 60 parking spaces for Harding Academy on property located at 112 Harding Place, east of Harding Road.

Cancel PUD A request to cancel the Harding Place Condos Residential Planned Unit Development located at 112 Harding Place, east of Harding Pike, zoned Multi-Family Residential (RM40) and within the Floodplain Overlay District (0.87 acres), approved for 14 condominium units.

Existing Zoning

RM40 District - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

FO District -Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

Proposed Zoning

SP-INS District -Specific Plan-Institutional 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 institutional uses.

CRITICAL PLANNING GOALS N/A

WEST NASHVILLE COMMUNITY PLAN

Conservation (CO) CO policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

Consistent with Policy? While the policy would call for a site of this nature to remain undeveloped due to the fact that it is completely within the floodway for Richland Creek, the proposal is more in keeping with the policy than the currently approved condominium development. The proposed parking lot is designed to minimize runoff utilizing porous pavement in the parking areas to increase the rate of water absorption, and will restore a portion of the natural stream bank.

REQUEST DETAILS The request is to cancel the Planned Unit Development (PUD), and to rezone the property from RM40 to SP-INS, to permit the property to be used for a parking lot for Harding Academy. The site is located on Harding Place just west of Harding Pike. Richland Creek runs along the properties northern boundary. The property is completely within the floodway for Richland Creek, and is, therefore, within the Floodplain Overlay District.

In 2005, the Planning Commission approved the Harding Place Condominiums PUD for 14 residential units. The PUD has final site plan approval. The site is currently vacant; however, prior to the approval of the PUD, the site was occupied by a large structure which housed the Nashville Humane Society.

Since the site has been disturbed in the past, then the Metro Code requirements for building in the floodplain and floodway, the "50 percent rule," does not apply. Metro Code requires that undisturbed property encumbered by floodplain or floodway preserve a minimum of 50 percent of the floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater. A grading permit has been issued for this site in the past so it is considered disturbed and is exempt from this requirement.

While the floodplain code requirements do not apply, the Stormwater Management Division's buffer requirements do apply. Since this property is completely within the floodway, then it is required to be within a buffer. The proposal will require variances from the Metro's Stormwater regulations, which must be approved by the Stormwater Management Committee (SMC). If the preliminary plan is approved by the Metro Council, then the final site plan should not be approved until the SMC has approved all the necessary variances.

Site Plan The development plan calls for a parking lot which will accommodate 60 automobiles. Ten percent (6) of the parking spaces provided are designated for compact cars. The drive isles will be asphalt; however, the parking spaces will be paved with pervious concrete. Access to the lot will be from Harding Place from a single drive.

Analysis While the SP is not completely consistent with the area's CO policy, the proposed use is more appropriate than the uses currently approved in the PUD. The plan utilizes some Low Impact Development techniques which will improve water infiltration on the site. The plan also calls for portions of the natural stream bank to be restored, removing invasive plant species, clearing debris, and planting native species. Since this request will require that the SMC approve variances from the Stormwater Regulations, then the final site plan should not be approved until all the required stormwater variances have been granted.

PUBLIC WORKS RECOMMENDATION

If approved 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

STORMWATER RECOMMENDATION Approve Except as Noted:

Provide an approved variance from the Stormwater Management Committee for the buffer disturbances. If the variance is not granted prior to third reading at Council, then the Preliminary SP shall be re-referred to the Planning Commission.

STAFF RECOMMENDATION Staff recommends that the request to rezone from RM40 to Specific Plan be approved with conditions and that the request to cancel the PUD be approved. The proposed SP is more appropriate for the site than the currently approved PUD plan.

CONDITIONS

1. All required stormwater variances shall be approved prior to approval of the final site plan.
2. Uses permitted in this SP Zoning District include automobile parking and Greenway; no other uses shall be permitted.
3. Provide an approved variance from the Stormwater Management Committee for the buffer disturbances. If the variance is not granted prior to third reading at Council, then the Preliminary SP shall be re-referred to the Planning Commission.
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 CL zoning district as of the date of the applicable request or application.
5. 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.
6. 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.
7. 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.

Approved (7-0), Consent Agenda

Resolution No. RS2010-147

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-018-001 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. All required stormwater variances shall be approved prior to approval of the final site plan.
2. Uses permitted in this SP Zoning District include automobile parking and Greenway; no other uses shall be permitted.
3. Provide an approved variance from the Stormwater Management Committee for the buffer disturbances. If the variance is not granted prior to third reading at Council, then the Preliminary SP shall be re-referred

to the Planning Commission.

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 CL zoning district as of the date of the applicable request or application.
5. 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.
6. 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.
7. 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.

While the proposed SP is not fully in compliance with the West Nashville Community Plan's Conservation land use policy, it is more appropriate than the currently associated PUD, and will utilize low impact development techniques and repair some existing stream bank disturbances along Richland Creek."

Resolution No. RS2010-148

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-005-001 is **APPROVED. (7-0)**

The associated SP district which is to replace the PUD overlay is more consistent with the West Nashville Community Plan's Conservation land use policy."