

5a. 2012SP-011-001

WESTMONT APARTMENTS SP

Map 104-02, Parcel(s) 413

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Joni Priest

A request to rezone from RM40 to SP-R zoning for "Westmont Apartments" located at 111 Acklen Park Drive, approximately 625 feet north of West End Avenue, and within the 31st Avenue and Long Boulevard Urban Design and I-440 Impact Overlay Districts, to permit up to 347 multi-family units and parking structure (3.57 acres), requested by Civil Site Design Group, applicant, Westmont Property Holdings LLC, owner.

Staff Recommendation: Approve with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapprove without all conditions.

APPLICANT REQUEST

A request to rezone from residential to SP

Preliminary SP

A request to rezone from Multi-Family Residential (RM40) to Specific Plan – Residential (SP-R) zoning for "Westmont Apartments" located at 111 Acklen Park Drive, approximately 625 feet north of West End Avenue, and within the 31st Avenue and Long Boulevard Urban Design and I-440 Impact Overlay Districts, to permit up to 347 multi-family units, an amenity area, and parking structure (3.57 acres).

Existing Zoning

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

31st Avenue and Long Boulevard Urban Design Overlay – The design intent of the UDO concept plan are as follows:

- Encourage and maintain a pedestrian friendly environment while minimizing the impact of the automobile.
- Encourage an appropriate mix of compatible uses consistent with the location, access, and amenity characteristics of the area in relation to the West End Corridor.
- Maintain and enhance current public spaces and provide new public spaces for recreational use by area residents.
- Encourage an appropriate mix of compatible housing types that work together to create a harmonious streetscape.

I-440 Impact Overlay – The property is within subarea 1-B of the overlay district. Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440.

Proposed Zoning

Specific Plan-Residential (SP-R) 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 multi-family residential uses.

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The Midtown community has some of the best streetscape in the city; a well-connected street network, and appropriately-scaled sidewalks. This system is deficient on some streets in the West End Park neighborhood. With the redevelopment of this site, a curb, gutter, and new sidewalks will be added on Fairmont Drive. The proposed building will be closer to street than the existing building, with stoops near the sidewalk, creating an interesting streetscape. Parking will be located interior to the site and will not be visible from streets. The streetscape created by this building and others in the neighborhood create safety by adding more "eyes on the street" and providing a defined façade wall along the street.

Supports a Variety of Transportation Choices

There are currently initiatives underway to create a dedicated bus rapid transit on West End Avenue. The redevelopment of this site will support transit, walking and cycling by adding housing near employment centers, retail, services and parks. The plan also includes bicycle parking into the parking garage for residents and at the corner entrance for visitors.

Provides a Range of Housing Choices

The Midtown Community continues to experience residential growth in low and mid-rise residential buildings. As interest in city living continues to grow, many of the nearby historic neighborhoods are thriving. In an effort to provide housing choice in the community and the region at-large, infill sites are important opportunities to integrate stacked-flats, townhouses, and other multi-family housing types into the city's overall housing stock.

Supports Infill Development

Situated inside the I-440 loop, the proposed SP is an infill site, with access to transit, parks, employment, education, retail and services.

Promotes Compact Building Design

By utilizing structured parking, the proposed SP increases the amount of "useable" ground and reduces land consumption.

GREEN HILLS MIDTOWN COMMUNITY PLAN

T4 – Urban Neighborhood Evolving (T4-NE) is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots 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.

The Midtown Study states that "residential density in this area may be higher than is typical for T4 NE areas because of the area's Midtown location and support role in providing a planned high level of public and private mass transit service."

Consistent with Policy?

The requested SP is consistent with Policy. The West End Park neighborhood continues to evolve into one of Nashville's premier urban neighborhoods. Transportation improvements, such as the 28th/31st Avenue Connector and the East West transit line, are improving mobility in the area. The requested SP continues to improve vehicular connectivity by extending Long Boulevard to Fairmont Drive, and improves pedestrian connectivity by adding sidewalks on Fairmont.

PLAN DETAILS

In 2003, Planning staff worked with the councilmember and the community to create urban design standards and bulk regulations for an Urban Design Overlay (UDO) for the West End Park neighborhood. The 31st and Long UDO was adopted in March 2004, with an accompanying zone change. Much of the area was rezoned to RM40 – allowing 40 units per acre. The requested SP complies with the majority of the UDO standards (modification requests are included in a separate application) while adjusting the density and impervious surface ratio (ISR) of the current RM40 zoning.

The requested SP shows a residential structure – 4 stories and 5 stories – surrounding a 6 story parking structure. The parking structure will be equal to or shorter in height than the residential structure and will not be visible from the streets or from the adjacent properties.

The requested SP shows a new street connection from Long Boulevard to Fairmont Drive. This connection was illustrated in the 31st and Long UDO. The street connection allows service access to the rear of the property while providing much needed connectivity in the area. The parking structure will have two ingress/egress points; one on Acklen Park Drive and one on the new service drive.

Landscaping/Sidewalks

The requested SP shows widening the sidewalk on Acklen Park Drive to 8 feet and adding street trees to the existing planting strip, and construction of a new curb, gutter, and sidewalk on Fairmont Drive. These improvements contribute to pedestrian safety and encourage walking as a form of transportation.

Signage

No signage is included in the SP request. Signage will follow the standards of the UDO.

I-440 Impact Overlay

Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440. The property is located within subarea 1-B of the overlay district. For residential projects proposed within the overlay, the general policies of the overlay indicate the need for design-based zoning to address site design. The existing UDO and the proposed SP fulfill this expectation. The general policies of the overlay and the specific policies of subarea 1-B focus on the need for sufficient traffic access to accommodate higher residential densities. In this subarea, greater densities are appropriate only if “accessibility is substantially improved to major arterial streets other than West End Avenue, such as Charlotte Pike.” The 28th/31st Avenue Connector is currently under construction and will give this neighborhood direct access to Charlotte Avenue – a T5 mixed-use, multi-modal, arterial boulevard – and 28th Avenue – a T4 residential, multi-modal, arterial boulevard – which gives direct access to I-40. A traffic impact study has been submitted and is currently under review by Metro Public Works.

Due to the use of SP zoning to ensure compatibility of the project with its surroundings, and the improved traffic access within the vicinity of the project due to the 28th/31st Avenue Connector, the proposal satisfies the policies of the I-440 Impact Overlay. Therefore, the overlay is no longer applicable. The zone change can be considered in the same manner that zone change proposals outside of the I-440 Impact Overlay are considered.

Design Review Committee

The 31st and Long Design Review Committee met on April 10, 2012 to discuss the SP proposal. Comments, questions and concerns were given to the applicant at that time. Efforts have been made by the applicant to address the issues brought to light at that meeting; many of which have been addressed in the revised site plan.

Community Meeting

At the request of Council Lady Langster, the applicant met with the community on May 16, 2012, to discuss the SP proposal. Comments, questions and concerns were given to the applicant at that time and in subsequent emails. Based on community feedback, staff strongly encourages the applicant to increase the interior side setback to the greatest dimension possible; to include a detailed landscaping plan along the interior side setback including a fence and/or vegetation that provides privacy; to provide a substantial amount of guest parking within the parking structure in addition to the parking required by the zoning code; and to maintain a 4-story building height along all streets and property lines and consolidate the requested 5-story portions to the center of the building/property.

PUBLIC WORKS RECOMMENDATION

- 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.
- All trees and/ or plantings located within the public ROW shall be approved by MPW.
- With final SP provide MPW with full civil site plans and all associated details.
- A TIS is required to determine Roadway improvements.

[The applicant submitted a traffic impact study to Public Works for review to determine necessary improvements associated with the proposal. This study was submitted on May 16, 2012, one day prior to the completion of this staff report. Due to the short amount of time, Public Works will attempt to review the report and provide a recommendation prior to the May 24th Planning Commission meeting.]

Maximum Uses in Existing Zoning District: **RM40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.57	40 D	142 U	985	74	96

Maximum Uses in Existing Zoning District: **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.57	-	347 U	2227	174	209

Traffic changes between maximum: **RM40** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+205	+1242	+100	+113

STORMWATER RECOMMENDATION

- Site outfall will need to be discharged to either a dedicated storm line or a combination line 18" or larger.

NES RECOMMENDATION

- NES Pole and anchors located on south side of Acklen Park Drive at West End Circle are in conflict with the new entrance into the parking garage and underground water detention system.
- NES Overhead high voltage line located on south side of Acklen Park Drive from West End Circle to Fairmont Drive has possible NESC clearance issues with new building. NESC Clearance issues will depend on the setback of the building.
- NES Pole located at intersection of Fairmont Drive and access drive on south side of site is in conflict with new access drive entrance.
- NES Overhead high voltage line located on west side of Fairmont Drive from Acklen Park Drive has possible NESC clearance issues with new building. NESC Clearance issues will depend on the setback of the building.
- NES Overhead high voltage line located along access drive on south side of site has possible NESC clearance issues with new building. NESC Clearance issues depend on building setback. This NES pole line will need to remain because it serves customers at 3308 Long Bv, Longview Condos.
- NES Overhead high voltage line located along west property line from access drive to Acklen Park Drive has NESC clearance issues with new building. This line also will have no truck access to maintain line in the future if building is built as shown on conceptual site plan. This line also serves customers at 3306 Long Bv and 119 Acklen Park Drive which if new building is built as shown in conceptual site plan the line will have to be relocated and these customers would have to be re-fed from possibly Long Bv or Acklen Park Drive. Developer would be required to obtain easements from the property owners to accommodate this line relocation.
- There will be a cost incurred to the developer to relocate any NES pole line on this project.
- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments)
- Developer drawing should show any and all existing utilities easements on property.
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- NES needs load information and future plans or options to buy other property (over all plans).
- The location for the permanent transformers at the loading dock is close to the building and a fire wall might have to be built around them depending on the transformer size.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary SP including any requirements from the traffic impact study or additional requirements from Public Works, and disapproval without all conditions.

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Eakin Elementary has been identified as being over capacity by the Metro School Board. There

is capacity for elementary school students within the cluster. This information is based upon data from the school board last updated October 2011.

CONDITIONS

1. The SP shall comply with comments listed above from Metro Public Works and Stormwater departments.
2. Permitted uses are single-family, duplex, and multi-family dwellings.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district as of the date of the applicable request or application. The 31st Avenue and Long Boulevard UDO standards also apply.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro 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.
5. 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.
6. 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.

Ms. Priest presented the staff recommendation of approval with conditions.

Items 5a and 5b were heard and discussed together.

Tom White, 36 Old Club Court, spoke in support of staff recommendation and noted that this project will create walkable neighborhoods, will support a variety of transportation choices, will provide a range of housing choice, will support infill development, and will promote compact building design.

Kevin Gangaware, Civil Engineer for the project, spoke in support of staff recommendation and noted that all storm water runoff will be collected, treated, and connected to the catch basin. He also noted that the results of the traffic study showed a negligible effect on traffic.

Nelson Crowe, Developer, spoke in support of staff recommendation.

Jeff Zeitlin, 201 Acklen Park Drive, spoke in support of staff recommendation.

Christina Varallo, 111 Acklen Park Drive, spoke in support of staff recommendation.

Ted Kromer, Design Review Committee, spoke in support of staff recommendation and stated that the project meets the spirit of the UDO.

Amy Anstey, 3323 Long Blvd, stated that she is not opposed to development but does have concerns regarding increased traffic in the area.

Vladimir Enlow, 111 Acklen Park Drive, spoke against staff recommendation and expressed concern with increased traffic in the area.

Mr. Gee left at 5:58 p.m.

Josh Dearth, 209 Fairmont Court, asked for a deferral and expressed concern regarding increased traffic.

Charlie Bailey, 3225 West End Circle, stated that he is not opposed to the development but does have concerns regarding increased traffic.

Darlene Hamilton, 3306 Long Blvd, spoke against staff recommendation and stated concern regarding increased traffic.

Greg Tidwell, 3306 Long Blvd, stated that he is not in opposition to the project but does have increased traffic concerns. He also suggested adding privacy fencing along common property lines.

Mr. Haynes stepped out at 6:05 p.m.

Mr. Haynes back in at 6:07 p.m.

Tom White asked for approval of staff recommendation, noting approval of both the Council Lady as well as the Design Review Committee.

Mr. Ponder moved and Dr. Cummings seconded the motion to close the Public Hearing. (7-0)

Dr. Cummings stated support of the project and asked applicant if they would be willing to install a privacy fence as mentioned by a community member.

The applicant stated that they would have no problem with that.

Mr. Haynes spoke in support of the project.

Mr. Adkins spoke in support of the project.

Councilmember Claiborne left at 6:11 p.m.

Ms. LeQuire spoke in support of the project.

Mr. Ponder moved and Mr. Adkins seconded the motion to approve with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapprove without all conditions. (6-0)

Resolution No. RS2012-105

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-011-001 is **APPROVED with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapproved without all conditions. (8-0)"**

CONDITIONS

- 1. The SP shall comply with comments listed above from Metro Public Works and Stormwater departments.**
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