

2013SP-018-001

SAINT THOMAS HOSPITAL DISTRICT

Map 103-15, Parcel(s) 018 and 023
Council District 24 (Jason Holleman)
Staff Reviewer: Jason Swaggart

A request to rezone from OG and RM40 to SP-MU zoning for property located at 109 and 123 Bosley Springs Road, approximately 530 feet west of Harding Pike and located within the Harding Town Center Urban Design Overlay District and the Floodplain Overlay District (13.12 acres), to permit a mixed use development, requested by Civil Site Design Group, applicant, Saint Thomas Hospital, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Preliminary SP to permit a mixed use development.

Preliminary SP

A request to rezone from Office General (OG) and Multi-Family Residential (RM40) to Specific Plan-Mixed Use (SP – MU) zoning for property located at 109 and 123 Bosley Springs Road, approximately 530 feet west of Harding Pike and located within the Harding Town Center Urban Design Overlay District and the Floodplain Overlay District (13.12 acres), to permit a mixed use development.

Existing Zoning

Office General (OG) is intended for moderately high intensity office uses. *The existing OG district would permit a maximum of 399,880 square feet of floor space.*

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 280 units.*

Harding Town Center Urban Design Overlay (UDO) is a zoning tool that allows for a specifically designated area to have unique physical design standards in order to either protect the design character already established, or to create a design character that would otherwise not be ensured by the standard provisions of the zoning regulations.

Flood Plain Overlay District (FPO) is an overlay district which is in addition to the floodplain and floodway protection provisions of the Zoning Code. The purpose of the overlay district is to prevent the obstruction of water courses and the protection of lives and property from the hazards of flooding. Regulation of flood-prone properties further allows for the reasonable protection of the natural ecosystems and wetlands areas and qualifies Nashville for flood insurance under Public Law.

Proposed Zoning

Specific Plan-Mixed Use (SP – MU) 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, office and commercial uses.*

CRITICAL PLANNING GOALS

- Preserves/Creates Open Space
- Supports Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices

Richland Creek bisects the site. A majority of the site is encumbered by floodway and all of it is within the 100 year floodplain and within the Flood Plain Overlay District. The entire site has been previously disturbed and a portion of the site contains the Imperial House Apartments which is currently vacant and is recognized as a historic property and is National Register Eligible (NRE). Because the site has been disturbed, the Zoning Code exempts it from the stormwater buffer requirements along Richland Creek. Because of this a majority of the site, regardless of flood issues, could be redeveloped. The plan calls for close to half of the site (6.36 acres) to be reserved for greenways, park and outdoor recreation trails only and does not permit any other development. This creates additional open space which should help improve the Richland Creek water shed as well as provide outdoor recreational opportunities. Staff is also recommending that remediation work be done on this portion of the site. Remediation work may include but is not limited to removing hard surfaces and replanting, bank restoration, and tree plantings.

The area is also served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure. The request provides an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. Also, the subject site is located in an area that employs a significant amount of people and

will provide additional employment opportunities. Additional housing at this location provides opportunities for people to live near where they work. This helps create vibrant, walkable mixed-use neighborhoods. This also helps support public transit. People living in more dense mixed-use areas are more likely to use public transit because every day services are located closer by and it can be more efficient than driving oneself.

GREENHILLS-MIDTOWN COMMUNITY PLAN

Urban Mixed Use Center (T5 MU) policy is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

Conservation (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.

DRAFT Preferred Future Policy

Center Regional Center (T5 RC) policy is intended to enhance regional centers, encouraging their redevelopment as intense mixed use areas that serve multiple communities as well as the entire County with supporting land uses that create opportunities to live, work, and recreate. T5 Regional Centers are pedestrian friendly areas, generally located at the intersection of two arterial streets, and contain commercial, mixed use, residential, civic and public benefit land uses. T5 Regional Centers serve communities within a reasonable driving distance or a 5 to 10 minute walk. Intensity is generally placed within boundaries not exceeding ½ mile in diameter and transitional uses placed within boundaries not exceeding 1 mile in diameter measured from the prominent intersection.

Conservation (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?

Yes. The request is consistent with the existing (Mixed Use) and draft preferred future policy (Regional Center). As proposed the SP would permit a variety of residential, office and commercial uses that are urban in form and in keeping with the existing Harding Town Center UDO. While the SP would not necessarily be consistent with the Conservation policy, it does bring the site closer to conformance with the policy as it limits development in areas that could be developed today. Since the site has been previously disturbed then it is exempt from certain stormwater requirements. The proposed SP would provide a better balance in terms floodplain/floodway protection and development.

PLAN DETAILS

The approximately 13 acres site is located on the northwest of Harding Pike and is accessed by Bosley Springs Road that runs along the north east boundary of the property. St. Thomas Hospital is on the opposite side of Bosley Springs Road. The Imperial House Apartments, which is currently vacant and is eligible for the National Register of Historic Places, is located on the site. Richland Creek bisects the property and the entire site is encumbered by the 100 year floodplain and a large portion of the site is encumbered by floodway. The site is within the Hospital Sub District of the Harding Town Center UDO.

Site Plan

The plan is mostly regulatory in nature. While a site plan does identify building foot prints, the locations, size and shape are only conceptual. The bulk of the SP includes specific standards that would regulate any development within the site. The SP contains two building types, nonresidential/mixed use and residential only. The nonresidential uses are limited to a maximum of 441,698 square feet of floor area. The plan limits retail uses to 15% of the total permitted floor area (66,254 sq. ft.). Residential is limited to a maximum of 230 units.

The plan provides a specific list of permitted uses. The regulatory standards of the SP incorporates all the UDO requirements including but not limited to bulk, parking, landscaping, buffering, screening and architectural treatments.

ANALYSIS

The SP would permit a variety of uses that are not currently permitted under the RM40 and OG zoning districts. Most notable uses are restaurant, hotels and retail. With the exception of hotel, these uses are permitted in the OG district; however, they are only permitted as an accessory use. The proposed uses are consistent with the existing T5 MU policy and the draft preferred future T5 RC policy. While a mixed use zoning district could provide the additional uses and intensity proposed with this SP, the SP permits the ability to limit the uses from what would be otherwise permitted under a mixed use district. The SP incorporates all the objectives of the UDO, including building and lots, parks and open space and transportation. The plan

incorporates all the specific design standards of the UDO including bulk, parking, landscaping, buffering, screening and architectural treatments. This is important because it maintains the intent of the UDO and will require development in the SP to be in concert with future redevelopment inside the UDO. The SP permits more intensity for nonresidential uses than what is currently permitted by the current OG zoning. The current OG zoning would permit a maximum of approximately 400,000 square feet of floor area where the SP proposes a maximum of 441,698 square feet.

As noted above, the entire site is encumbered with floodway and floodplain associated with Richland Creek. A majority of the site can currently be developed. The SP would remove development rights from approximately half of the site (6.36 acres). This area would be limited to public benefit uses including parks, greenways, and trails. Staff is also recommending that some remediation be made to the site designated as open space. This should include but not limited to, the removal of any non-pervious surfaces. Staff finds that the additional open space to be a significant part of the proposed SP as it improves the current situation. Staff also finds that this strikes an adequate balance between development and open space.

Staff is recommending that the SP be approved with conditions because staff finds that it is consistent with the draft preferred future policy and meets several critical planning goals. It is also important to note while the Imperial House Apartments is designated as NRE, the Historic Zoning Commission staff has recommended approval of this proposal.

FIRE MARSHAL'S OFFICE

Approved with conditions

- Fire Code issues for the structures will be addressed at permit application review.

METRO HISTORIC ZONING COMMISSION

Approved

- Property is NR; however, because the lot is located in a floodplain there are construction requirements the existing building will not be able to meet if rehabbed.

PUBLIC WORKS RECOMMENDATION

Conditions 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.
- Plan submitted is regulatory in nature; with the submittal of a Final SP a detailed review will be completed. Final SP Plans must conform to MPW and ADA standards and specifications.
- Prior to Final SP indicate the location of the solid waste and recycling containers.

Traffic

The traffic expected to be generated by the proposed SP appear to be equal to or less than those that were evaluated in the Harding Town Center Transportation Plan. A traffic study(s) should be required prior to approval of any Final SP to address the implementation of proposed transportation improvements.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved

METRO SCHOOL BOARD REPORT

Projected student generation existing RM40 district: 34 Elementary 24 Middle 20 High

Projected student generation proposed SP-MU district: 28 Elementary 20 Middle 17 High

The proposed SP-MR zoning district would generate 13 fewer students than what is typically generated under the existing RM40 zoning district. Students would attend Sylvan Park Elementary, West End Middle School, and Hillsboro High School. There is no capacity for additional elementary and middle school students, but, there is additional capacity for high school students. This information is based upon data from the school board last updated October 2014.

STAFF RECOMMENDATION

Staff recommends that the proposed SP be approved with conditions and disapproved without all conditions as it is consistent with the existing policies and the proposed draft preferred future policies and it meets several critical planning goals.

CONDITIONS

1. Uses shall be limited to those uses outlined in the SP plan.
2. Prior to the issuance of any use and occupancy permit on Parcel B, impervious areas located on Parcel A shall be removed and revegetated. Other remediation work shall also be conducted as approved by Metro Stormwater and

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may include but is not limited to bank restoration, and tree plantings, and shall be completed prior to the issuance of any use and occupancy permit on Parcel B.

3. Development in the SP may precede, follow or develop concurrently with the projected transportation improvements contained in the UDO, so long as the configuration of proposed development does not preclude the implementation of the transportation recommendations outlined in the UDO.

4. A Traffic Impact Study (TIS) may be required prior to the approval of any final site plan.

5. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the Harding Town Center Urban Design Overlay district as of the date of the applicable request or application.

6. 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 or with final site plan application.

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.

8. 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. Blackshear recused herself from Item 3 and stepped out of the room at 4:54 p.m.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Jim Murphy, 1600 Division Street, spoke in favor of the application and noted they have listened very closely to the councilmember and his wishes on how to address this and make the proposal, significantly reduced the uses and the density, and agreed to preserve the Knights of Columbus property as green space.

Councilman Hunt arrived at 5:05 p.m.

Revell Michael, 3733 West End, spoke in favor of the application.

Cyril Stewart, 3813 Whitland Ave, spoke in favor of the application and noted that it will still be subject to all regulations and reviews as specific buildings and projects come up in the area.

James Bristol, 500 Oaklawn Ave, spoke in favor of the application and expressed excitement regarding the potential UT medical facility.

Grace Renshaw, 220 Mockingbird Rd, spoke in opposition to the application and requested a deferral until St. Thomas can specify what will be done on this property; would like to see a specific plan.

Steve Carnutte, 224 Carden Ave, spoke in opposition to the application and expressed concerns with raising the water table and flood risk.

Monette Rebecca, PO Box 92016, spoke in opposition to the application and requested a deferral to allow for a complete community meeting in order to get questions answered.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application and noted that it is contrary to the general plan.

Trish Bolian, 6002 Hickory Valley Rd, spoke in opposition to the application and requested a deferral until a clear and concise plan is presented.

Matt Schutz, 605 S 10th St, spoke in opposition to the application because it would require the demolition of a historic reinforced concrete structure.

Mina Johnson, 6600 Fox Hollow Rd, spoke in opposition to the application and noted that staff is recommending this plan based on the draft NashvilleNext plan which will be amended in the next few months.

Jim Murphy spoke in favor and asked for approval.

Chairman McLean closed the Public Hearing.

Mr. Adkins stated that he likes the green space and would encourage the applicant to work with the Parks Department to see if a park or greenway could be incorporated. He noted that he would feel more comfortable if a traffic study is a requirement.

Mr. Gee asked Metro Storm Water to help the commission better understand the floodway and buffer issues. He spoke in favor of the application, especially over six acres of open space.

Steve Mishu, Metro Storm Water, stated that buffers do not exist per the zoning ordinance but noted that they will still be held to cut and fill. The new buildings will be built to today's standards; everything will be regulated to the 100 year floodplain elevation. No structures are allowed in the floodway.

Councilman Hunt recused himself since he wasn't present for the entire presentation and stepped out of the room.

Mr. Haynes expressed concerns with the density of the overall SP.

Ms. Farr expressed concerns with approval before the Community Plan policy has changed and is in place and inquired if it is possible to have clarification on the actual uses.

Mr. Swaggart stated that it is up to the commission to decide the policy issue.

Ms. LeQuire noted that she wants to ensure that none of the construction is in the floodway. She also inquired if a conservation easement could be added.

Mr. Swaggart noted that the commission could make that a part of their recommendation.

Mr. Adkins asked for clarification from the applicant as to why there are not a lot of details in the current proposal.

Mr. Murphy stated that St. Thomas is very protective of the ability to use this property in the future – part of what they are looking for is flexibility as to how it can be used because they don't know what the final plans will be right now. They have spoken with University of Tennessee (UT) and UT is very interested in the property, but they also want to know what they can do on this property. UT is looking at a health-sciences type facility with some limited retail, but it is still an unknown.

Mr. Haynes stated that he isn't sure why St. Thomas needs 15% in retail space if they aren't going to sell. Parking and traffic limitations are going to end up with less square footage than applicant is asking for.

Mr. Gee suggested adding all floodway area to the open space since it can't be developed on anyway. This would address conservation and preservation of floodway.

Mr. Bernhardt noted that it could be included in open space.

Ms. LeQuire stated that she wants to add a conservation easement on the area that is protected as open space.

Mr. Haynes moved and Mr. Adkins seconded the motion to approve with conditions and disapprove without all conditions, including the requirement that a traffic study shall be required for any final site plan and for a conservation easement to be placed on all of Parcel A and on the floodway portion of Parcel B within the SP with the final site plan application. (6-0)

Mr. Clifton arrived at 6:32 p.m.

Councilman Hunt stepped back in the room at 6:32 p.m.

Ms. Blackshear stepped back in the room at 6:32 p.m.

Resolution No. RS2015-87

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-018-001 is Approved with conditions and disapproved without all conditions, including the requirement that a traffic study shall be required for any final site plan and for a conservation easement to be placed on all of Parcel A and on the floodway portion of Parcel B within the SP with the final site plan applications. (6-0)"

CONDITIONS

- 1. Uses shall be limited to those uses outlined in the SP plan.**
- 2. Prior to the issuance of any use and occupancy permit on Parcel B, impervious areas located on Parcel A shall be removed and revegetated. Other remediation work shall also be conducted as approved by Metro Stormwater and may include but is not limited to bank restoration, and tree plantings, and shall be completed prior to the issuance of any use and occupancy permit on Parcel B.**
- 3. Development in the SP may precede, follow or develop concurrently with the projected transportation improvements contained in the UDO, so long as the configuration of proposed development does not preclude the implementation of the transportation recommendations outlined in the UDO.**

- 4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the Harding Town Center Urban Design Overlay 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 Metro Council shall be provided to the Planning Department prior to or with final site plan application.**
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 - 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.**
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