

## 2. 2013SP-028-001

### LOHAVEN SP

Map 172, Parcel(s) 013, part of parcel 198

Council District 04 (Brady Banks)

Staff Reviewer: Bob Leeman

A request to rezone from R40 to SP-R zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 25 detached single-family residential dwelling units, requested by Anderson, Delk, Epps & Associates, Inc., applicant; W. H. Swain et ux and Montessori Academy, Inc., owners.

**Staff Recommendation: Approve with conditions, including a variance to the Subdivision Regulations for frontage along an arterial road.**

### APPLICANT REQUEST

**Zone change to permit 25 single-family lots.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Residential (SP-R) zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 25 detached single-family residential dwelling units.

### Existing Zoning

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 7 lots with 1 duplex lot for a total of 8 units.*

### 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 only one residential building type, single-family detached homes.

### CRITICAL PLANNING GOALS

N/A

### SOUTHEAST COMMUNITY PLAN

Residential Low-Medium (RLM) policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

#### Consistent with Policy?

Yes. The proposal is consistent with the density recommendation of the RLM policy of 2-4 dwelling units per acre and provides for future street connections through the Montessori School site, as recommended by the policy.

### PLAN DETAILS

Normally, proposals for single-family detached subdivisions will go through base zone change and concept subdivision plan processes instead of an SP zone change. In this case, the applicant applied for an SP zone change to achieve additional density permitted within the RLM policy range of 2-4 dwelling units per acre. As proposed, the density of this subdivision is approximately 3.5 dwellings per acre. The minimum lot size within this subdivision is 5,000 square feet. Had the applicant sought a standard zone change under a base zone change and cluster-lot subdivision, the minimum lot size would likely be around 7,500 square feet, which would have reduced the overall density of the proposal.

The SP proposal includes 25 single-family lots organized around an internal street system. Access is provided at the intersection of Cloverland Drive and Sterling Oaks Drive. The public street extension of Sterling Oaks Drive from the Cloverland Drive intersection will utilize a portion of an adjacent parcel, which is occupied by a Montessori school.

Open spaces are provided within the SP plan. One active open space area is provided within the middle of the cul-de-sac loop. Another is provided at the southwest corner of the site and is largely within a TVA easement. An open space area is also provided along the Cloverland Drive frontage. This open space area includes a possible stormwater detention pond.

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### ANALYSIS

Staff presented the following issues with the SP design in the staff report from for the August 8, 2013, meeting. These issues formed the basis for the previous disapproval recommendation.

- The SP did not show a topographic reason for proposing a cul-de-sac, as required by the Subdivision Regulations.
- The SP did not sufficiently plan for future subdivision of the remainder of the Montessori school property.
- The SP did not meet the Subdivision Regulations for orienting dwelling units toward arterial or collector streets. In this case, lots along Cloverland Drive did not face Cloverland Drive.

These issues have been addressed by the revised SP submittal. The first two issues have been addressed through the placement of a stub street connection to the Montessori school property to the south of the site. With this stub connection, the SP no longer includes a cul-de-sac. This stub connection will also provide for additional street connectivity if the Montessori school site redevelops.

The third issue is the orientation of lots along Cloverland Drive. Although the SP includes residential lots along Cloverland Drive separated from the street by an open space area, these lots do not face Cloverland Drive, as required by the Subdivision Regulations. However, the applicant has submitted information showing that the topography of the site would not allow for meaningful interaction between the street and development of these adjacent lots. The difference in grade between the street and the proposed lots is approximately 10 feet along much of the frontage. Most of the change in grade occurs abruptly at the Cloverland Drive frontage. The SP has been redesigned to include a landscaped berm to screen a possible stormwater feature along the frontage and the backyards of adjacent lots. This landscaped berm will completely screen the residential lots from the Cloverland Drive frontage. Existing development in the vicinity of this SP is suburban in nature along Cloverland Drive. Many existing subdivisions include residential lots where the backs of dwellings are visible from Cloverland Drive. Staff recommends approval of a variance to the Subdivision Regulations to permit the subdivision without lots facing Cloverland Drive.

### Variances to Subdivision Regulations

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*
- c. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*

Staff recommends approval of a variance to the Subdivision Regulations for lot frontage along an arterial road. The SP design and existing topographic conditions support necessary exemptions or variances to the regulations.

- a. Granting this variance is not detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The unique circumstance of the site is the steep grade along Cloverland Drive frontage. This slope is unique among surrounding properties.
- c. The existing slope of the site along Cloverland Drive will only permit minimal visibility of residential structures from the street frontage. The visual interaction of residential structures and street frontages is a primary intent of the frontage requirements of the Subdivision Regulations.
- d. Approval of the variance will not vary from requirements of the Zoning Code or policies of applicable community or infrastructure plans.

### **FIRE MARSHAL RECOMMENDATION**

This approval is for the rezoning only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

### **STORMWATER RECOMMENDATION**

Conditionally approved – Additional water quality / detention facilities may be required to treat the far west section of the site.

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**PUBLIC WORKS RECOMMENDATION**

Approve with conditions

- 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.
- The design and layout of all streets and/ or alleys is to be coordinated with MPW. With any change to the current layout additional comments will be forthcoming.

Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	7.2	0.93 D	7 U	67	6	8

\*Based on one duplex lot

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
Single-Family Residential (210)	7.2	-	24 U	230	18	25

Traffic changes between maximum: **R40** 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
-	-	-	+ 17	+167	+12	+17

**SCHOOL BOARD REPORT**

Projected student generation existing R40 district: 1 Elementary 0 Middle 0 High

Projected student generation proposed SP-R district: 3 Elementary 1 Middle 1 High

The proposed SP-R zoning district could generate 4 more students than what is typically generated under the existing R40 zoning district. Students would attend Granbery Elementary School, Oliver Middle School, and Overton High School. All three schools have been identified as over capacity. There is no capacity within the cluster for additional elementary or middle school students. However, there is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated September 2012.

The fiscal liability of 3 new elementary students is \$60,000 (3 X \$20,000 per student). The fiscal liability of 1 new middle school student is \$23,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions of the SP, including a variance to the Subdivision Regulations. The proposal is consistent with the density recommendation of the RLM policy of 2-4 dwelling units per acre and provides for future street connections through the Montessori School site, as recommended by the policy.

**CONDITIONS**

1. Uses within this SP shall be limited to single-family residential.
2. 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 RS5 zoning district as of the date of the applicable request or application.
3. 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

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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.

4. 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.

5. 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 with conditions and disapproved without all conditions (9-0), Consent Agenda

### **Resolution No. RS2013-159**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-028-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

**The proposal is consistent with the Residential Low-Medium (RLM) policy**

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