

## 2b. 2013SP-030-001

### PORTER ROAD

Map 072-15, Parcel(s) 251-252, Part of Parcel 270

Council District 07 (Anthony Davis)

Staff Reviewer: Jason Swaggart

A request to rezone from Single and Two-Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 1505 and 1507 Porter Road and for a portion of properties located at 1516 and 1528 C Riverside Drive, approximately 200 feet south of Cahal Avenue, (1.89 acres), to permit up to 28 residential dwelling units and up to 6,000 square feet of commercial space, requested by Dale & Associates, applicant; Riverside Church of Christ, Ashley Samuel Land Trust, and Russell Jenkins, owners.

**Staff Recommendation: Approve with conditions and disapprove without all conditions if the Commission approves the associated policy amendment and disapprove if the associated policy amendment is not approved.**

### APPLICANT REQUEST

**Permit 28 residential units and 6,000 square feet of commercial.**

#### Preliminary SP

A request to rezone from Single and Two-Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 1505 and 1507 Porter Road and for a portion of properties located at 1516 and 1528 C Riverside Drive, approximately 200 feet south of Cahal Avenue, (1.89 acres), to permit up to 28 residential dwelling units and up to 6,000 square feet of commercial space.

#### **Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 14 lots with 3 duplex lots for a total of 17 units.*

#### **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 is limited to 28 residential units and 6,000 square feet of commercial uses.*

### CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports a Variety of Transportation Choices

This request adds additional density in an area that is served by adequate infrastructure. The proposal provides an additional housing type that is attractive to young couples and retirees. The commercial portion of the proposal will provide for additional community conveniences which will help sustain an already emerging neighborhood center. Sidewalks and bike lane are located along Porter Road and the site is also served with public transportation. The additional density and services will also support the emerging walkable and transit friendly area.

### EAST NASHVILLE COMMUNITY PLAN

#### **Existing Policy**

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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 with the intent of the policy.

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.

#### **Proposed Policy**

Neighborhood Center (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.

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### Consistent with Policy?

The existing NG policy is a residential policy; therefore, it would not support the proposed commercial uses along Porter Road. The proposed NC policy supports a mixture of uses including various types of residential, office and commercial uses. The plan provides a mixture of uses that are cohesively designed, providing for services along Porter Road and additional housing options for the area. The plan also fosters a pedestrian friendly environment by providing a sidewalk and planting strip, including street trees, along Porter Road and an integrated sidewalk within the development.

A small portion of the site, located at the back (mid-block between Riverside Drive and Porter Road) is not included within the associated policy amendment. Since the Community Plan calls for residential within this existing NG policy area, the proposed plan for this portion of the site is consistent with the policy and does not require a policy amendment.

### **PLAN DETAILS**

The site is located along the east side of Porter Road, just south of the intersection of Cahal Avenue and Porter Road. The site consists of two properties along Porter Road, unimproved right-of-way (Turner Street), a portion of a landlocked property and a portion of property which fronts onto Riverside Drive to the east. The properties contain single and two family uses and an abandoned parking lot associated with the Riverside Church of Christ, which is located at the southwest intersection of Porter Road and Riverside Drive. The adjacent property to the south consists of a multi-family development and the commercially zoned properties directly across Porter Road consist of a convenience market and fuel station, retail use and laundromat. There is also a large multi-family development near the site on the west side of Porter. Sidewalks and bike lanes are located along of Porter Road.

### Site Plan

The plan calls for 28 residential units (~14.8 units per acre) and 6,000 square feet of commercial space. The commercial space is shown on the ground floor within two separate mixed-use buildings along Porter Road. Upper floors contain six residential lofts. The SP permits all uses that are permitted by MUL. The SP limits restaurant uses to 3,000 square feet with the exception that additional floor area may be permitted if adequate parking can be provided. The remaining 22 units are located behind the mixed use buildings along Porter Road. The units are attached and are located within four separate structures. All units front onto private driveways.

Conceptual elevations for the attached residential units have been provided. Units will be two stories and are described as Craftsman-style. Exterior materials will include a variety of brick, block, James Hardie siding and architectural shakes and shingles intended to give each unit a unique appearance. Units will include front porches and balconies and end units will include a wraparound porch. Each unit contains a one car garage, which will be recessed behind the porch area.

Primary access into the site is provided from Porter Road. The plan also provides for future connections to the east and south, in order to provide future connectivity in the event that adjacent properties are redeveloped. The plan calls for the abandonment of an un-built right-of-way (ROW) for Turner Street. Public Works has indicated that the abandonment will not require a mandatory referral. A sidewalk is provided along the northern side of the private drive connecting Porter Road to the eastern property line. In addition to garage parking, surface parking is also provided and includes 37 onsite spaces and five on-street spaces along Porter. A total of 65 parking spaces are provided, which includes the five on-street spaces. The SP permits additional offsite parking, but this parking must be approved by Planning and/or Public Works.

The Major and Collector Street Plan (MCSP) calls for a 67 foot ROW along this section of Porter Road. The current ROW is 40 feet. The plan proposes a 13.5 foot ROW dedication, which is consistent with the MCSP.

### **ANALYSIS**

While the commercial area in the SP is not consistent with the existing NG land use policy, it is consistent with the proposed NC land use policy. The plan also meets several critical planning goals. If the associated policy amendment is approved, staff recommends approval of the SP with conditions and disapproval without all conditions. If the proposed NC land use policy is not approved, then staff recommends disapproval.

### **SCHOOL BOARD REPORT**

**Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High**  
**Projected student generation proposed SP district: 6 Elementary 4 Middle 3 High**

The proposed SP zoning district could generate ten more students than what is typically generated under the existing R6 zoning district. Students would attend Rosebank Elementary School, Bailey Middle School, and Stratford High School.

All three schools are identified as under capacity and will accommodate additional students. This information is based upon data from the school board last updated September 2012.

### **STORMWATER RECOMMENDATION**

#### **Approve with Conditions**

- If an adequate surface discharge location is located, then the development shall install any necessary structures (offsite improvements) to tie into an adequate system.

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**PUBLIC WORKS RECOMMENDATION**

**No Exceptions Taken**

- 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.

Maximum Uses in Existing Zoning District: **R6**

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)	1.78	7.71	17 U	154	12	17

\*Based on three duplex lot

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
Multi-Family Residential (220)	1.78	-	28 U	282	17	32

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 Retail (814)	1.78	-	4'000 SF	209	11	32

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
Restaurant (932)	1.78	-	2,000 SF	235	24	23

Traffic changes between maximum: **R6** 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
-	-	-	-	+572	+40	+70

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions if the Commission adopts the policy amendment and disapproval if the associated policy amendment is not approved.

**CONDITIONS**

1. Uses within the SP shall be limited to residential and all uses permitted by the MUL zoning district.
2. Residential uses are limited to a maximum of 28 units and non-residential uses are limited to a maximum of 6,000 square feet.
3. Restaurant uses are limited to a maximum of 3,000 square feet, unless additional parking is provided in compliance with Metro Zoning Code requirements. Additional floor area for restaurant uses shall be reviewed with final site plan and/or use and occupancy permits. Additional parking may be permitted offsite, but must be approved by Metro Planning and/or Metro Public Works.
4. Bike racks for at least six bikes shall be provided and shall be shown on the final site plan.
5. Prior to final site plan approval, the right of way for Turner Street shall be abandoned.

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6. Permitted signs shall be limited to wall mounted signs, projecting signs, awning signs, window signs and hanging signs. Freestanding ground signs, monument signs, portable signs, roof mounted signs, LED signs and billboards shall not be permitted. A signage program for shall be included with the final site plan and must be approved by Planning.
7. 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 MUL zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. 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. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 2a and 2b were heard and discussed together.

Councilmember Anthony Davis spoke in support of approval.

Chris Choate, 1824 Tamony Drive, spoke in favor of the application. He stated that he has tried to make the units smaller as well as not out pricing the neighborhood.

Roy Dale, 1657 Stokley Lane, spoke in favor of the application and expressed excitement about the project. He noted that it is very cohesive and creates a walkable community.

Brett Withers, 1113 Granada Avenue, spoke in favor of the application. He stated that this will put commercial space right along the street, which will keep eyes on the street and increase safety. The units are smaller and more affordable than other places in Nashville.

Hollis Enman, 7905 Meadowview Drive, spoke in favor of the application and noted that the developers do an excellent job; this will create cohesiveness.

Pastor Glenda Sutton, 1600 Riverside Drive, spoke in opposition to the application and asked for a deferral to allow for more community meetings. She stated that they were only invited to one of the meetings and had no knowledge of the meeting that was held across the street from her church. She also noted that they never received any informational flyers.

Margo Chambers, 3803 Princeton Avenue, spoke in opposition to the application and stated that transportation and social services discussions need to be had first.

Thomas McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and noted that people at the one community meeting he attended had no knowledge of this plan until the meeting was called.

Reverend Bailey, 1603 Porter Avenue, spoke in opposition to the application and stated that the price point is too high therefore pricing the current residents out of the neighborhood.

Laura McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and stated that Councilmember Davis was incorrect when he said the entire community was behind this effort. She noted that most of the people that will be affected had no knowledge of this.

Chris Choate stated that he was very surprised by the opposition as he has met with each of these parties separately and has gone above and beyond to reach out to everyone in the community.

**Mr. Ponder moved and Councilmember Hunt seconded the motion to close the Public Hearing. (7-0)**

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Ms. LeQuire stated that she would be interested in hearing from the other commissioners regarding the tension since we usually want the community to come together on these types of policy changes.

Mr. Dalton stated that he is not necessarily against this and would be interested in learning what the next step would be if the individuals feel that they have not been heard.

Mr. Bernhardt clarified that the rezoning requires a council bill.

Mr. Dalton stated that even if the commission passes it today, people will still have an opportunity to go before the council and voice their opinion. He pointed out that there will be change and would like all parties involved to try to come together on the front end and guide it.

Chairman McLean spoke in favor of the application and stated that he likes the infill plan and the enthusiasm of the council member and developer.

Mr. Gee stated that it seems like the developer has addressed some of the concerns regarding affordability and the size of the units. He asked Legal if price point is something that the commission could/should consider.

Ms. Jones clarified that price point is not something that should be considered by the commission given fair housing considerations.

Mr. Ponder expressed excitement about this and stated that it should definitely improve the neighborhood.

Councilmember Hunt spoke in favor of the application but noted that in the future it would be helpful for community meeting organizers to keep better records of notifications and attendance at each meeting to alleviate these types of issues.

**Mr. Ponder moved and Ms. LeQuire seconded the motion to approve with conditions and disapprove without all conditions. (7-0)**

### **Resolution No. RS2013-169**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-030-001 is APPROVED with conditions and disapproved without all conditions." (7-0)**

#### **CONDITIONS**

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**9. 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.**

**10. 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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