

March 13, 2014, Planning Commission meeting.

5. 2014SP-015-001

MUSIC SQUARE FLATS

Map 092-16, Parcel(s) 420-422 Map 104-04, Parcel(s) 079-081

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Jason Swaggart

A request to rezone from ORI to SP-MU zoning for properties located at 54, 56, 58, 60, 62 and 64 Music Square West, at the northeast corner of Music Square West and Music Square South (1.43 Acres), to permit a mixture of uses and up to 230 multifamily residential units or redevelopment under the ORI-A zoning district, requested by Civil Site Design Group, applicant; 66 MSW Partnership, BB & L Enterprises, LLC, and Melrose Properties Partners, owners.

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

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development with up to 230 multi-family dwellings or for redevelopment under the ORI-A zoning district requirements.

Preliminary SP

A request to rezone from Office/Residential Intensive (ORI) to Specific Plan – Mixed-Use (SP-MU) zoning for properties located at 54, 56, 58, 60, 62 and 64 Music Square West, at the northeast corner of Music Square West and Music Square South (1.43 Acres), to permit a mixture of uses and up to 230 multifamily residential units or redevelopment under the ORI-A zoning district.

Existing Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities. *The maximum number of residential units is limited by the maximum floor area permitted under the ORI district. Assuming 600 square foot units, a maximum of 311 units would be permitted.*

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 uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

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

This area is located in Midtown and is 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. 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

Office Concentration (OC) The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

Consistent with Policy?

Yes. The policy supports higher density residential above what is supported by the RMH policy (9 to 20 dwelling units per acre). While residential is the current focus of the site plan, the SP also allows for some non-residential uses which are also supported by the policy. The additional density is appropriate for the area and will help support nearby mixed-use corridors such as 21st Avenue to the west. The development would also provide additional housing for office workers and students. Any non-residential would also support the already existing office area by providing additional services for workers, students and residence.

PLAN DETAILS

The approximately 1.43 acres site is located at the northeast corner of Music Square West and Music Square South in the Midtown area. The site consists of six properties. All six properties are currently occupied with office buildings.

Site Plan

As proposed the plan calls for a five story multi-family residential building over two floors of parking. The first level of parking is below grade and the second row of parking is above grade on the ground floor. A majority of the ground level of parking is lined

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with residential units along Music Square West and along Music Square South. The plan also identifies a bike shop as a liner space. The bike shop is intended for residents of the development and will provide a space for bicycle as well as work space. The plan also permits a variety of non-residential uses. These uses include general and medical office, ATM, personal care services, restaurant and retail.

The building occupies the entire frontage along Music Square West and Music Square South. The plan provides the following bulk standards:

- Max Density: 230 Residential Units
- Max FAR: 4
- Max ISR: 1
- Max Height: 7 Stories in 85 Feet;
- Minimum Front Setback: 0 Feet;
- Minimum Side Setback: 10 Feet;
- Minimum Rear (Alley): 5 Feet.

The level above the ground level includes a separate pool terrace located closer to the southern side of the building and a courtyard closer to the north side of the building. As proposed the plan will also require an aerial encroachment for an upper level pedestrian walkway over the sidewalk along Music Square West. The walkway connects the pool terrace with the courtyard.

As proposed the development will be parked at one space per one bedroom unit and one and a half spaces for each two bedroom unit. Primary vehicular access into the parking garage will be located along Music Square West. Access into the parking garage is also shown along Music Square South. Loading and utility access is shown along the alley.

The plan calls for a nine foot right-of-way dedication along Music Square West and a five foot right-of-way dedication along Music Square South. A two foot right-of-way dedication is shown along the alley. A four foot planting strip, eight foot sidewalk and four foot furnishing zone are shown along Music Square West and a four foot planting strip and six foot sidewalk are shown along Music Square South.

Conceptual elevations have been provided identifying some of the above details. The plan also provides a list of allowable materials for residences and secondary structures. This includes brick, cast stone, stone, cultured stone, stucco, wood, metal and cementitious siding. It prohibits vinyl siding.

The proposed SP would also permit properties within the SP boundary to develop under the ORI-A zoning district. Under this scenario individual properties in the SP boundary would be permitted to develop utilizing the bulk standards of the ORI-A zoning district. This would also permit the range of uses permitted by the ORI-A district

ANALYSIS

The plan meets several critical planning goals, is consistent with the Office Concentration land use policy and the Major and Collector Street Plan. While the present plan calls for residential only, the SP would permit other non-residential uses. This provides for greater flexibility and also helps implement the land use policy.

This project site is located in a vibrant urban mixed-use area and is within close proximity to Music Row, Vanderbilt and 21st Avenue. It is important that redevelopment at such a significant location does not detract from but enhances the urban experience. As proposed, the plan engages the street, provides wider sidewalks and street trees. All these elements should enhance the experience along both Music Square West and Music Square South. Additional density and the flexibility to provide non-residential uses will also help support the areas growing business climate.

The SP also provides additional flexibility for the properties to develop under the ORI-A zoning district. The property is currently zoned ORI and while the ORI district is a zoning district supported by the Office Concentration policy, the ORI-A district would better implement the policy. This is because it requires development to take a more urban form.

FIRE MARSHAL'S OFFICE

N/A

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.
- Comply with the conditions of the MPW Traffic Engineer.
- Dedicate ROW to the back of the proposed sidewalk. All ROW dedications must be recorded prior to building permit signoff.

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

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)	1.38	20 D	27 U	288	17	33

Maximum Uses in Proposed 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)	1.38	-	230 U	1518	117	145

Traffic changes between maximum: **ORI** 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
-	-	-	+ 203	+1230	+100	+112

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved

Approved as Preliminary SP only. Applicant must submit Construction plans and pay Capacity Fees before Final SP is approved.

METRO SCHOOL BOARD REPORT

Projected student generation existing IR district: 1 Elementary 1 Middle 1 High

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

The proposed SP-R zoning district would not generate any additional students. This information is based upon data from the school board last updated September 2013.

STAFF RECOMMENDATION

Approve with conditions and disapprove without all staff conditions.

CONDITIONS

- Uses shall be limited to the uses shown on the plan or the uses permitted under ORI-A if not developed under the plan.
- Properties within the SP may develop under the ORI-A zoning district. If a property or properties develop under the ORI-A zoning district, then all properties within the SP must develop under the ORI-A zoning district.
- Each ground level residential unit shall have access on to the sidewalk. Any nonresidential use shall have primary access on to the sidewalk.
- A TIS may be required for any development/use and occupancy permit as deemed necessary by the Metro Traffic Engineer and may be subject to improvements/requirements as deemed necessary by the Metro Traffic Engineer.
- In association with final site plan approval architectural design elements shall be consistent with the overall concept and approved by the Metro Planning Department.
- 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 ORI-A zoning district as of the date of the applicable request or application.
- 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.
- 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

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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.

9. 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.

Jim Murphy, 1600 Division Street, spoke in favor of the application and stated that it is consistent with the community plan and with other developments in the area. He also noted that any change that would convert this to a commercial development would have to come back before the commission.

Kevin Gangaware, Civil Site Design Group, spoke in favor of the application. He stated that a traffic study was conducted and there will be no changes to the level of service for the intersections that were studied.

David Shearon, 1016 16th Ave South, spoke in favor of the application.

Martha Davis, 1000 17th Ave South, spoke in opposition to the application due to traffic and safety concerns as well as concerns with adequate visitor parking.

Ronald Miller, 905 Villa Place, spoke in opposition to the application due to concerns with SP zoning. He requested deferral for further communications.

Rick Shedd, 65 Music Square West, spoke in opposition to the application due to parking concerns.

Bill Gatzimos, 51 Music Square East, spoke in opposition to the application due to density, parking, and traffic concerns.

Benny Brown, 65 Music Square West, spoke in opposition to the application and stated that Nashville needs to protect Music Row.

Kevin Gangaware clarified that the density is allowed, building height is allowed, and the rules were followed in regard to mailing out the public notices.

Chairman McLean closed the Public Hearing.

Ms. LeQuire expressed concerns regarding communication with the neighborhood and the historical value of the area. She suggested that the community's input might help this project be better received and recommended another community meeting.

Mr. Ponder expressed agreement with Ms. LeQuire regarding another community meeting.

Ms. LeQuire asked the applicant if they would be willing to defer.

Kevin Gangaware requested a vote, not a deferral, but with the understanding that there will be a community meeting held before it goes to council.

Mr. Ponder moved and Mr. Dalton seconded the motion to approve with conditions. (5-1) Ms. LeQuire voted against.

Resolution No. RS2014-68

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-015-001 is **Approved with conditions and disapproved without all conditions. (5-1)**

CONDITIONS

- 1. Uses shall be limited to the uses shown on the plan or the uses permitted under ORI-A if not developed under the plan.**
- 2. Properties within the SP may be redeveloped under the ORI-A zoning district standards. If a property or properties develop under the ORI-A zoning district, then all properties within the SP must develop under the ORI-A zoning district.**
- 3. Each ground level residential unit shall have access on to the sidewalk. Any nonresidential use shall have primary access on to the sidewalk.**

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- 4. A TIS may be required for any development/use and occupancy permit as deemed necessary by the Metro Traffic Engineer and may be subject to improvements/requirements as deemed necessary by the Metro Traffic Engineer.**
 - 5. In association with final site plan approval architectural design elements shall be consistent with the overall concept and approved by the Metro Planning Department.**
 - 6. 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 ORI-A zoning district as of the date of the applicable request or application.**
 - 7. 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.**
 - 8. 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.**
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