

## 12. 2014SP-037-001

1, 7, 9 & 11 MUSIC SQUARE WEST  
Map 092-16, Parcel(s) 391-394

Council District 19 (Erica S. Gilmore)  
Staff Reviewer: Carrie Logan

A request to rezone from CF and ORI to SP-MU zoning for properties located at 1, 7, 9 and 11 Music Square West, at the corner of Division Street and 17th Avenue South, (1.04 acres), to permit a mixed use development, requested by NV Music Row, LLC, 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 CF and ORI to SP-MU zoning for properties located at 1, 7, 9 and 11 Music Square West, at the corner of Division Street and 17th Avenue South, (1.04 acres), to permit a mixed-use development.

#### **Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

Office/Residential Intensive (ORI) is intended for high intensity office and/or multifamily residential uses with limited retail opportunities.

#### **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

- Promotes Compact Building Design
- Supports Infill Development
- Supports a Variety of Transportation Choices

This rezoning will allow a mixture of uses and a development that builds up rather than out. Compact building design encourages development with a small physical footprint, which will efficiently use land. This development is in an existing community, but at a higher intensity than before. Development is added where existing infrastructure is available. This property is located one block from a bus route and permits a variety of uses that would generate bus riders. Additionally, it will be required to provide bicycle parking at Zoning Code standards.

### GREEN HILLS – MIDTOWN COMMUNITY PLAN

T5 Center Mixed Use Neighborhood (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 nonresidential 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.

District Office Concentration (D OC) policy is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities as characterized by development patterns, building form, land use, and associated public realm.

#### Consistent with Policy?

Yes. The proposed mixture of uses at this intensity is appropriate at this site. Development under modified MUI-A standards will provide a focal point when approaching from Demonbreun Street or Division Street and is consistent with the policies.

### PLAN DETAILS

This is a regulatory SP that is largely based on MUI-A standards. Only FAR and height, both in the build-to and overall height, have been varied, providing for an increase in both to allow for a more intense development in a prominent location.

### ANALYSIS

The proposed SP is consistent with policy and consistent with other rezonings that have taken place in Midtown.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
Ignore

**WATER SERVICES RECOMMENDATION**  
N/A

**PUBLIC WORKS RECOMMENDATION**  
N/A

- A complete review for the project will be completed with the submittal of the Final SP.

- 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: **CF**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.52	5 F	113,256 SF	1469	208	206

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
General Office (710)	0.52	3 F	67,953 SF	991	138	155

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 Office (710)	1.04	6 F	271,814 SF	2882	418	384

Traffic changes between maximum: **CF** and **ORI** 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
-	-	-	+ 90,605 SF	+422	+72	+23

**SCHOOL BOARD REPORT**

Projected student generation existing **CF/ORI** district: **1 Elementary 1 Middle 1 High**

Projected student generation proposed **SP-MU** district: **2 Elementary 1 Middle 1 High**

These numbers are based on the Urban Infill Factor (UIF). The UIF takes into account that urban development's typically do not generate as many new students because the units tend to be very small. Students would attend Eakin Elementary, West End Middle School and Hillsboro High School. Eakin Elementary is over capacity. There is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses within this SP shall be limited to uses permitted by MUI-A
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 MUI-A 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 or with final site plan application.

May 22, 2014, Planning Commission meeting

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.

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

**Ms. LeQuire recused herself and stepped out of the room at 8:00 p.m.**

Tom White, 36 Old Club Court, spoke in favor of the application and stated they will continue to meet with anyone that has issues to be addressed; this is consistent with policy.

Joni Priest, Hastings Architecture, spoke in favor of the application and noted that new zoning would harmonize and require consistent regulations on the entire site.

David Chase, developer, spoke in favor of the application and noted that they are very conscious of neighbors and the people they work around.

Felice Apolinsky, 1707 Division Street, spoke in opposition to the application due to the disruption of Gilda's Club guests; easy access is a necessity.

Mark Carver, 1009 Greenwich Park, spoke in opposition to the application and noted that people will try to use the alley as if it's a major roadway.

Sheri Jacobs, 511 Union Street, spoke in opposition to the application due to increased traffic concerns and also noted that it is imperative that Gilda's Club guests have uninterrupted access.

Tom White clarified that the plans will mandate an alley improvement according to Public Works requirements.

**Chairman McLean closed the Public Hearing.**

Mr. Clifton stated that this improvement, with close attention to detail, will result in a better situation than what is there now.

**Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions and disapprove without all conditions. (6-0-1) Ms. LeQuire recused herself.**

**Resolution No. RS2014-143**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-037-001 is Approved with conditions and disapproved without all conditions. (6-0)**

**CONDITIONS**

- 1. Uses within this SP shall be limited to uses permitted by MUI-A.**
  - 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 MUI-A zoning district as of the date of the applicable request or application.**
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