

10b. 2014SP-074-001

M RESIDENCES

Map 092-16, Parcel(s) 303-304, 306-308

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Jason Swaggart

A request to rezone from ORI-A to SP-MU zoning for properties located at 814, 816, 818, 822 and 824 19th Avenue South, at the northeast corner of 19th Avenue South and Chet Atkins Place, (1.02 acres), to permit a mixed-use development, requested by Kimley-Horn and Associates, Inc., applicant; Dale C. Morris, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions if the associated policy amendment is approved; disapprove if the associated policy amendment is disapproved.

APPLICANT REQUEST

Preliminary SP to permit a mixed-use development.

Preliminary SP

A request to rezone from Office and Residential Intensive - A (ORI-A) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 814, 816, 818, 822 and 824 19th Avenue South, at the northeast corner of 19th Avenue South and Chet Atkins Place, (1.02 acres), to permit a mixed-use development.

Existing Zoning

Office/Residential Intensive-A (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

1. Supports Infill Development
2. Promotes Compact Building Design
3. Creates Walkable Neighborhoods
4. Provides a Range of Housing Choices
5. Supports a Variety of Transportation Choices

This proposal meets several critical planning goals. The site is located in an area that is served with existing infrastructure. Development in areas with existing infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The proposal calls for a mixture of uses that are all integrated into a 19 story building and also provides parking within the building footprint. The development will have building entrances along both street frontages and also includes wider sidewalks, furnishing zones and areas for outdoor dining. This fosters a more pedestrian friendly environment and improves walkability for the surrounding area. The proposed multi-family units will provide additional housing choice within the surrounding community. Bus service is located in the nearby area, and the development will add residents to use public transportation and non-residential uses to provide a destination for public transportation users.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

Existing Policy

Urban Mixed Use (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.

The policy for this site also includes a special policy. The special policy provides additional guidance for land uses, building form, density/intensity and parking. The special policy for the subject site supports buildings up to eight stories.

Proposed Policy

Urban Mixed Use (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.

The proposed policy amendment would amend language within the special policy that applies to the subject site.

Consistent with Policy?

The request is consistent with the T5 MU land use policy; however, it is not consistent with the current special policy that applies to the site. The proposed building is 19 stories in height, but the special policy only supports eight stories. The proposed land use policy would support the proposed 19 story building.

PLAN DETAILS

The site is located on the east side of 19th Avenue, south of Division Street. The site is approximately 1.02 acres (44,431 SF) and is made up of six separate parcels. A majority of the properties contain a residential structure that has been converted to office space.

Site Plan

The proposed plan calls for a 19 story (~210') mixed-use building. Uses include residential, commercial and office. More specifically, permitted uses include the following:

Residential Uses

Multi-Family

Commercial Uses

Restaurant, Bar or Nightclub, Retail, Business Service, Personal Care Service, ATM, Automobile Parking, Nano Brewery, Multi-Media Production, Research Services

Office Uses

General Office, Leasing and Sales Office, Financial Institution, Medical Office

The current concept provides 340 residential units; however, the SP would permit a maximum of 360 residential units. The current concept includes 13,000 square feet of ground floor nonresidential (commercial and/or office) space along the entire frontage of Chet Atkins Place and wraps the corner and extends along a portion of 19th Avenue. The SP would permit a maximum of 15,000 square feet of nonresidential uses.

Primary pedestrian access points are shown along both Chet Atkins Place and 19th Avenue. The plan shows an eight foot sidewalk, four foot furnishing zone and four foot frontage zone along Chet Atkins Place and 19th Avenue. Street trees are shown along both streets. Landscape areas are also shown along 19th Avenue, the alley and the northern property boundary.

Vehicular access/egress points are shown on 19th Avenue and the alley. Structured parking is proposed and consists of seven floors of parking along the alley side of the building and five floors along the opposite side of the building. As shown on the concept plan 548 spaces are being provided. The plan would require that the total number of parking spaces be consistent with Metro Zoning Code. The plan also calls for 50 bike parking spaces.

ANALYSIS

If the proposed land use policy amendment is approved, then staff recommends that this SP be approved with conditions. The SP is consistent with the proposed community character policy and meets several critical planning goals. Metro Historic Zoning staff is recommending disapproval because the property contains buildings that are worthy of conservation which will be removed with the proposed development. Currently the buildings on the site are not protected by a historic overlay and could be demolished to permit new development consistent with the existing ORI-A zoning district.

The current ROW along Chet Atkins Place and 19th Avenue would not accommodate adequate width to create a desirable pedestrian environment. The proposed sidewalk, furnishing zone along both streets will greatly improve the pedestrian environment. The additional space needed to provide the improvements will require a ROW dedication, which must be made prior to approval of a final site plan.

FIRE MARSHAL'S OFFICE

N/A

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

Disapprove

The project will result in the demolition of 3-4 WOC properties.

PUBLIC WORKS RECOMMENDATION

Approved with conditions

1. 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.
2. Dedicate ROW to the back of the proposed sidewalk. Dedications must be recorded prior to building permit sign off.
3. ADA compliant ramps will be required along the property frontage at the intersection of 19th and Chet Atkins and the Alley.
4. Prior to Final SP design the applicant should coordinate with MPW and Metro Planning Staff regarding streetscape design and all elements proposed within the ROW.

TRAFFIC AND PARKING

Approved with conditions

Comply with TIS conditions:

1. Removal of on-street parking on 19th Ave. at Division St. may require approval by T&P commission.
2. Final SP plan shall include pavement striping plans for 19th Ave. S at Division and ped improvements at 19th Ave. and Chet Atkins Place.
3. Provide truck turning template for functional loading zone operation.
4. Provide adequate sight distance at access drives.
5. Provide parking per Metro code as a minimum. Any gated parking or loading area shall be an appropriate distance to prevent queueing into the public ROW.
6. Provide a direct pedestrian connection between the parking structure and restaurant/retail land uses internal to the site, such that utilizing the public sidewalk along 19th Avenue South is feasible but not necessary.
7. Prior to final SP plan, Identify on-site valet loading and taxi loading area unless on-street loading /valet is approved by T & P. Any valet plan using on-street valet or taxi loading along 19th Ave frontage utilizing proposed on-street parking shall require an application to the T&P operations department for approval and installation of appropriate signage. Chet Atkins Place frontage may also require no parking/loading signage installation and application to T&P operations department.
8. Develop a valet circulation plan for the drop-off and pick-up for customers patronizing the restaurant/retail land uses. Apply Transportation Demand Management (TDM) measures for customers patronizing the restaurant/retail land uses. The tenants for the non-commercial businesses should publicize details pertaining to the parking and valet operation. This information should be located on the businesses' website to prepare customers with the intent of preventing duplicate trips on the transportation network.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved with conditions

- By Final SP stage, applicant must address all concerns over the existing large sewer through the site, as discussed with Metro Water.

METRO SCHOOL BOARD REPORT

Projected student generation existing ORI-A district: 0 Elementary 0 Middle 1 High

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

The proposed SP-MU zoning district could generate 3 more students than what is typically generated under the existing ORI-A zoning district (based on the urban infill factor). Students would attend Eakin Elementary, West End Middle School, and Hillsboro High School. All three schools are over capacity. There is additional capacity within the cluster for additional middle school students and high school students, but there is no additional capacity in the cluster for elementary students. This information is based upon data from the school board last updated September 2013.

Fiscal Liability

The fiscal liability of 1 new elementary student is \$21,500 (\$21,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Approve with conditions and disapprove without all conditions if the associated policy amendment is approved; disapprove if the associated policy amendment is disapproved.

CONDITIONS (if approved)

1. Uses shall be limited to those specified on the SP plan.
2. At a minimum bicycle parking shall be provided as required by Metro Zoning Code.
3. 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 MUI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

October 9, 2014, Planning Commission Minutes

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. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions if the associated policy amendment is approved; disapproval if the associated policy amendment is disapproved.

Item 10a and Item 10b were heard and discussed together.

Tom White, 36 Old Club Court, spoke in favor of the application and noted that it meets all five critical planning goals.

Chris Cassidy, 390 Mallory Station Road, spoke in favor of the application and noted that it will make a positive impact on the community.

Brendan Boles, 1256 Buckingham Circle, spoke in favor of the application and noted that a lot of community benefits are associated with this project such as the widening of 19th Avenue.

Dale Morris, 818 19th Ave S, spoke in favor of the application.

Lance Bloom, 900 20th Ave S, spoke in favor of the application due to adding retail and widening 19th Avenue.

Elaine Blake, 900 20th Ave S, spoke in opposition to the application and noted that it's too much, too fast.

Matt Schutz, 605 S 10th St, spoke in opposition to the application and noted that density can be achieved without a height increase.

Walter Perry, 900 2nd Ave S, spoke in opposition to the application and expressed concern that this is too much for this area and also that we would be changing the plan two years after it was put in place.

Drew Delamonica, 900 19th Ave S, spoke in opposition to the application due to parking concerns and noted that 100 extra spaces won't do much good.

Tom White noted that his client has done everything possible to incorporate community ideas.

Chairman McLean closed the Public Hearing.

Councilman Hunt spoke in favor of the application and stated that he feels that staff has correctly analyzed this.

Ms. Blackshear spoke in favor of the application and noted that she is happy to hear that the developer has worked with the neighbors' concerns by adding additional parking and widening 19th Avenue.

Mr. Gee spoke in favor and noted that he is generally in support of increasing density in appropriate areas.

Ms. Farr expressed concerns with doing something that goes against the wishes of neighbors that are in this area and were there two years ago when the plan was put in place.

Ms. LeQuire noted that this is a big change and inquired about the capacity of the elementary schools.

Mr. Swaggart noted that the School Board has accounted for the reduced number of students in developments in this part of the city through the student generation calculator that they worked to create with planning staff. The student generation rate is lower in this part of the city than in other parts of the city in more suburban areas.

Mr. Gee noted that this is a limited expansion of the policy area.

Councilman Hunt moved and Ms. Blackshear seconded the motion to approve with conditions and disapprove without all conditions. (6-0)

Resolution No. RS2014-262

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-074-001 is Approved with conditions and disapproved without all conditions. (6-0)"

CONDITIONS

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 - 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.**
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